

ORDINANCE NO. 5 - 1939

An ordinance zoning the Village of Centerville, Montgomery County, Ohio pending the creation of a City Planning Commission and the adoption of a permanent zoning ordinance for said village.

Be It Ordained by the Council of the Village of Centerville, Montgomery County, Ohio:

Sec. 1. That no building or premises shall be used and no building shall be erected to be used, in whole or in part, for business purposes except as follows:

A. ON Main Street between the south line of the first street north of and parallel to Franklin Street and the north line of the first street south of and parallel to Franklin Street.

B. ON Franklin Street from the west line of the first street east of and parallel to Main Street to a point five hundred feet (500') west of the intersection of Main and Franklin Streets.

Sec. 2. That any building or use existing at the time of the enactment of this ordinance may be continued even though such building or use does not conform with the provisions of this ordinance.

Sec. 3. That this ordinance shall be an emergency ordinance and shall go into immediate effect because of threatened usage of buildings and property located in said village in conflict with a comprehensive zoning ordinance now being prepared for said village and therefore necessary for the immediate preservation of the public peace, health and safety in said village.

Passed this 6th day of February, 1939.

Luella Brown CLERK

MAYOR

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ORDINANCE NO. 6 - 1939

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOTES BY THE VILLAGE OF CENTERVILLE, MONTGOMERY COUNTY, OHIO IN ANTICIPATION OF THE ISSUE OF BONDS FOR THE PURPOSE OF COMPLETING THE CONSTRUCTION OF A GENERAL WATER WORKS SYSTEM FOR SAID VILLAGE, DECLARING THE NECESSITY FOR THE ISSUANCE OF BONDS FOR SUCH PURPOSES AND REPEALING ORDINANCE NUMBER 61 PASSED BY THE COUNCIL ON THE 21st DAY OF JUNE, 1938, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has requested the Village Clerk to issue his certificate as to the estimated life of the improvement to be constructed from the proceeds of the bonds, hereinafter referred to, and said Village Clerk has certified to said Council such estimated life as at least five (5) years and has further certified the maximum maturity of such bonds as forty (40) years.

NOW, THEREFORE, Be It Ordained by the Council of the Village of Centerville, Montgomery County, Ohio, three-fourths (3/4) of the members elected thereto concurring:

Sec. 1. That it is deemed necessary to issue the bonds of the Village

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of Centerville, Montgomery County, Ohio in the principal amount of \$2,100.00, for the purpose of completing the construction of a general water works system for said Village.

Sec. 2. That said bonds of the Village of Centerville shall be issued in said principal sum of \$2,100.00, for the purpose aforesaid, under authority of the General Laws of Ohio and the Uniform Bond Act. Said bonds shall be dated March 1, 1939; shall bear interest at the rate of five per cent (5%) per annum payable semi-annually on the first day of March and the first day of September of each year commencing September 1, 1939 until the principal sum is paid. They shall be numbered from 1 to 21, both inclusive; shall be of the denomination of \$100.00 each and shall mature in their consecutive serial order as follows: \$100.00 on the first day of September in each of the years from 1940 to 1960, both inclusive, which maturities are hereby determined to be in substantially equal annual installments.

Sec. 3. That it is necessary and said Council hereby determines that a note shall be issued in anticipation of the issue of said bonds.

Sec. 4. That such note be issued in the principal sum of \$2,100.00, which sum does not exceed the amount of the bond issue, bearing interest at the rate of five (5%) per cent per annum payable at maturity. Said note shall be dated March 1, 1939 and shall mature September 1, 1939 and shall be numbered 1.

Sec. 5. Said note shall be executed by the Mayor and Village Clerk and bear the seal of the corporation and shall have a coupon attached bearing the signature of the Village Clerk; it shall be designated "General Water works System Notes" and shall be payable at the Office of the Village Treasurer in Centerville, Montgomery County, Ohio; it shall express upon its face the purpose for which it is issued, and that it is issued pursuant to this ordinance.

Sec. 6. Said note shall be first offered to the Treasurer of the Village of Centerville, Ohio in his official capacity and if not taken by said officer, shall be sold at private sale to J. A. White and Company of Cincinnati, Ohio, upon their bid of par and accrued interest, and the proceeds from such sale, except any premium and accrued interest thereon shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal and interest of said note in the manner provided by law.

Sec. 7. Said note shall be a full general obligation of the Village of Centerville, and the full faith, credit and revenue of said Village are hereby pledged for the prompt payment of the same; the par value to be received from the sale of the bonds anticipated by said note and any excess fund resulting from the issuance of said note shall, to the extent necessary, be used only for the retirement of said note at maturity together with interest thereon, and is hereby pledged for such purpose.

Sec. 8. During the period such note shall run or be outstanding, there shall be levied and collected on all the taxable property in the Village of Centerville, Montgomery County, Ohio, in addition to all other taxes, a direct tax annually, which tax shall not be less than that which would have been levied if bonds had been issued without the prior issue of such note.

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Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected.

Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which together with the interest collected on the same shall be irrevocably pledged for the payment of the principal and interest of said note or the bonds in anticipation of which it is issued, when and as the same fall due.

Sec. 9. That Ordinance Number 61, duly passed by the Council on the 20th day of June, 1938 for the same purpose be, and the same hereby is repealed.

Sec. 10. The Village Clerk is hereby directed to forward a certified copy of this ordinance to the County Auditor of Montgomery County, Ohio.

Sec. 11. This ordinance is declared to be an emergency measure for the reason that the public peace, health and safety of the Village of Centerville require the immediate issue of said note in order to provide funds to proceed with the improvement contemplated and shall take effect upon its passage.

Passed this 21st day of February, 1939.

Lulla Brown CLERK

MAYOR

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ORDINANCE NO. 7 - 1939

AN ORDINANCE PROVIDING FOR THE BORROWING OF MONEY AND THE ISSUANCE OF NOTES THEREFOR IN ANTICIPATION OF THE COLLECTION OF CURRENT REVENUES IN AND FOR THE FISCAL YEAR 1939 AND DECLARING AN EMERGENCY.

NOW, THEREFORE, Be It Ordained by the Council of the Village of Centerville, Montgomery County, Ohio:

Sec. 1. That it is deemed necessary in order to meet the payment of the obligations of the Village payable from its General Fund, the appropriations therefor having previously been made, to borrow the sum of Six Hundred and Fifty (\$650.00) Dollars in anticipation of the collection of current revenues for this fiscal year and to issue the note of the Village therefor.

Sec. 2. That the sum of \$650.00 be borrowed from The Winters National Bank and Trust Company of Dayton, Ohio for a period of four (4) months from the 25th day of February, 1939 in pursuance of Section 2293-4 of the General Code of Ohio, bearing four (4%) per cent interest per annum.

Sec. 3. Said note shall be executed by the Mayor, the Village Clerk and bear the seal of the corporation and shall be payable at the office of the Village Treasurer in Centerville, Montgomery County, Ohio. It shall express upon its face the purpose for which it is issued and that it is issued pursuant to this Ordinance.