

AN ORDINANCE APPROVING AND ENACTING
AMERICAN LEGAL PUBLISHER'S OHIO BASIC CODE, 2023 EDITION, AS THE CODE OF
ORDINANCES FOR THE MUNICIPALITY OF BEAVERDAM, OHIO, AND DECLARING AN
EMERGENCY

WHEREAS, the present general and permanent ordinances of the municipality are inadequately arranged and classified, and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality, and for the proper conduct of its affairs; and

WHEREAS, American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this Ordinance take effect at an early date.

NOW THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE MUNICIPALITY OF BEAVERDAM, OHIO:

Section 1: American Legal Publishing's Ohio Basic Code, 2023 Edition, as reviewed and approved by the Legislative Authority, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the municipality, is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2023 Edition.

Section 2: One copy of American Legal Publishing's Ohio Basic Code, 2023 Edition, certified as correct by the Mayor and Fiscal Officer, as required by *Ohio Revised Code §731.23*, shall be kept in its initial form on file in the office of the Fiscal Officer of the municipality and retained as a permanent ordinance record of the municipality. The Fiscal Officer is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances, as required by *Ohio Revised Code §731.23*. Such summary is attached hereto and marked as "Exhibit A".

Section 3: All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of the Ohio Basic Code, 2023 Edition, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this Ordinance, except as follows:

- A. The enactment of the Ohio Basic Code, 2023 Edition, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution thereof. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.
- B. The repeal provided above shall not affect:
 - 1. The grant or creation of a franchise, license, right, easement or privilege;
 - 2. The purchase, sale, lease or transfer of property;
 - 3. The appropriation or expenditure of money or promise or guarantee of payment;
 - 4. The assumption of any contract or obligation;
 - 5. The issuance and delivery of any bonds, obligations, or other instruments of indebtedness

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- 6. The levy or imposition of taxes, assessments or charges;
 - 7. The establishment, naming, vacating, or grade level of any street public way;
 - 8. The dedication of property or plat approval;
 - 9. The annexation or detachment of territory;

 - 10. Any legislation enacted subsequent to the adoption of this ordinance;
 - 11. Any legislation specifically superseding the provision of the *Ohio Revised Code*.
- C. To the extent any portion of Chapter 95 addressing Abandoned, and Junk Motor Vehicles is inconsistent with the Village's current ordinance on Abandoned and Junk Motor Vehicles, those sections or provisions of the 2023 edition are not adopted, and the previously existing ordinances shall remain in effect.
- D. Section 93.40(8)(4) of the Model Code shall be amended to provide: *Any weed, grass or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding eight (8) inches.*
- E. Section 93.41(B) of the Model Code shall be amended to require removal of litter within seventy-two (72) hours of notice. Hence, said section shall read: *Upon a finding by the Legislative Authority that litter has been placed on lands in a municipality, and has not been removed, and constitutes a detriment to public health, the Legislative Authority shall cause a written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him or her that litter is on the land, and that it must be collected and removed within seventy-two {72} hours after service of the notice.*

Section 4: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, **safety** and general welfare of the people of this municipality and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED BY THE VILLAGE OF BEAVERDAM COUNCIL ON THIS 7TH DAY OF FEBRUARY 2023.

ATTEST:


Pamela LePine, Mayor


Anthony Myers, Council President


Shelby Hutchinson, Fiscal Officer