

ORDINANCE NO. 1998-5

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 1998 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF HAMERSVILLE, 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.

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

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 HAMERSVILLE, OHIO:

- Section 1. American Legal Publishing's Ohio Basic Code, 1998 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 Any prior version of the Ohio Basic Code which may have been previously adopted by the municipality is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 1998 Edition.
- Section 2. One copy of American Legal Publishing's Ohio Basic Code, 1998 Edition, certified as correct by the Mayor and Clerk of the Legislative Authority, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Clerk of the municipality and retained as a permanent ordinance record of the municipality. The Clerk of the municipality 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.
- Section 3. 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.

Date

Passed: May 11, 1998

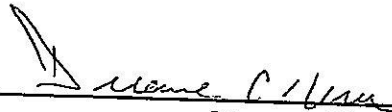
Attest:

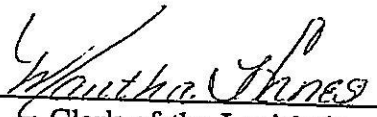
Duane C. Neu
Mayor DUANE C. NEU

Martha Hanes
Clerk of the Legislative Authority MARTHA HANES

CERTIFICATION OF CODIFIED ORDINANCES

We, DUANE C. NEU, Mayor, and MARTHA HANES, Clerk of the Legislative Authority, of the Municipality of HAMERSVILLE, Ohio, pursuant to Ohio Revised Code §§ 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Municipality, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes and titles are correct as and constitute the Code of Ordinances for the Municipality of HAMERSVILLE, Ohio, 1998.


Mayor DUANE C. NEU


Clerk of the Legislative Authority

MARTHA HANES

OHIO BASIC CODE, 1998 EDITION — SUMMARY OF CONTENTS

Notice is hereby given that on the 11th day of MAY, 1998, there was enacted by the Legislative Authority of the Municipality of HAMERSVILLE, Ohio, an ordinance entitled "An Ordinance Approving, Adopting and Enacting American Legal Publishing's Ohio Basic Code, 1998 Edition, as the Code of Ordinances for the Municipality of HAMERSVILLE, Ohio."

A summary of the subjects, including all new matters contained in the Code of Ordinances, as adopted, are as follows. Itemized lists of provisions within the following chapter summaries are not meant to be inclusive of all legislation contained in a chapter; rather, these lists are merely intended to be illustrative of the types of legislation found within each chapter. The majority of Basic Code provisions are based directly on state law.

TITLE I: GENERAL PROVISIONS

Chapter 10: General Provisions. Contains provisions applicable to the entire Code of Ordinances, including rules of construction, severability clause, effect of and on ordinances, the preservation of penalties, offenses, rights and liabilities, and a general penalty.

TITLE III: ADMINISTRATION

Chapter 30: General Provisions. Contains provisions concerning the application of Title III, qualifications of officers, oaths, bonds, vacancies, public records and open meetings.

Chapter 31: Executive Authority. Contains provisions concerning the Executive Authority, including provisions on the Mayor, Clerk, Treasurer, Street Commissioner, Legal Counsel, and the Administrator, if applicable.

Chapter 32: Legislative Authority. Contains provisions concerning the Legislative Authority, including elections, vacancies, qualifications, compensation, rules, powers, contracting, and bidding.

Chapter 33: Judicial Authority. Contains provisions concerning the Judicial Authority, including jurisdiction and powers and duties of the Mayor and Mayor's Court Magistrate, and provisions concerning contempt of court.

Chapter 34: Police Department. Contains provisions concerning the Police Department, including appointment, officers, effect of criminal conviction on employment, probationary period, suspension, removal, powers, and disposition of fines, penalties and property.

Chapter 35: Fire Department. Contains provisions concerning the Fire Department, including provisions on firefighters, schooling, buildings, equipment, records, right to examine buildings, and impersonating a fire safety inspector.

Chapter 36: Civil Actions Against the Municipality. Contains provisions concerning the nonliability of the Municipality, defenses, limitations, damages, judgments, insurance, and exceptions.

TITLE VII: TRAFFIC CODE

Chapter 70: General Provisions. Contains provisions applicable to Title VII, including definitions, compliance with lawful orders, emergency vehicles, use of vehicle on private property, limited access highways, names of persons damaging real property, traffic-control devices, and a general penalty for Title VII.

Chapter 71: Licensing Provisions. Contains provisions concerning motor vehicle licensing, driver's licenses, and commercial driver's licenses, including forfeiture for operating a motor vehicle which has been ordered immobilized.

Chapter 72: Traffic Rules. Contains provisions concerning rules of the road and the operation of motor vehicles such as driving regulations, right-of-way, pedestrians, grade crossings, through highways, prohibitions, and school buses.

Chapter 73: Motor Vehicle Crimes. Contains provisions concerning prohibitions relating to the use of vehicles such as driving while intoxicated or drugged, implied consent, driving while impaired, reckless operation, speed regulations, resisting officers, stopping after accidents, certificate of registration, use of unauthorized plates, and removing ignition keys by officers.

Chapter 74: Equipment and Loads. Contains provisions concerning required equipment on vehicles such as lights, brakes, fenders, mirrors and glass, and also contains provisions concerning loads on vehicles such as permits, limitations, towing, and liability for damages

Chapter 75: Bicycles and Motorcycles. Contains provisions concerning bicycles and motorcycles such as the application of Title VII, operating regulations, and equipment.

Chapter 76: Parking Regulations. Contains provisions concerning parking such as prohibited parking areas, removal of illegally parked vehicles, parking for persons with disabilities, and parking on private property in violation of posted prohibition.

TITLE IX: GENERAL REGULATIONS

Chapter 90: Animals. Contains provisions concerning animals running at large, confinement, quarantine, escape, and offenses relating to animals such as cruelty to animals, trapshooting, dog tags, rights of persons with handicapped assistance animals, and coloring baby rabbits or poultry.

Chapter 91: Fireworks, Explosives, Fire Prevention. Contains provisions concerning possession, sale and use of fireworks, storage of explosives and blasting permits, and fire prevention regulations such as protective appliances, fire suppression systems, posting arson notices, and burning regulations.

Chapter 92: Intoxicating Liquors. Contains provisions concerning alcoholic beverages such as restrictions on sale, possession, adulteration, transportation and consumption, and actions to prohibit nuisance liquor businesses.

Chapter 93: Nuisances. Contains provisions concerning nuisances, including maintaining a nuisance, abatement, unclean habitations, septic tanks, cesspools, littering, dumping, weeds, and obscenity as a nuisance.

Chapter 94: Streets and Sidewalks. Contains provisions concerning streets and sidewalks such as excavations, construction and repair, and change of name, vacating or narrowing streets.

Chapter 95: Unclaimed and Abandoned Vehicles. Contains provisions concerning impounding motor vehicles left on public and private property, disposition of such vehicles, and regulations concerning junk motor vehicles.

TITLE XI: BUSINESS REGULATIONS

Chapter 110: General Provisions. Contains provisions concerning licensing of certain businesses, exceptions, appeal and review, and also contains a general penalty applicable to Title XI

Chapter 111: Taxicabs. Contains provisions concerning the regulation of taxicabs, including certificates of convenience and necessity, licensing, taximeters, fares, stands, manifests, and duty of Police Department to enforce the chapter.

Chapter 112: Peddlers, Itinerant Merchants, and Solicitors. Contains provisions concerning peddlers such as license requirements, revocation, appeal, municipal policy on soliciting, notice regulating soliciting, duty of solicitors, uninvited soliciting, and time limit on soliciting.

Chapter 113: Commercial Amusements. Contains provisions concerning bowling, billiards, pool, circuses, carnivals, shows and other such entertainment, and licensing for public entertainment or exhibition.

Chapter 114: Tattooing and Body Piercing Services. Contains provisions concerning tattooing and body piercing services such as prohibitions, licensing requirements, inspections, consent for minors, training standards, records, safety and sanitation, equipment, application to additional local regulations, and a penalty provision.

TITLE XIII: GENERAL OFFENSES

Chapter 130: General Provisions. Contains provisions applicable to Title XII, including definitions, classification of offenses, rules of construction, organizational conduct, attempt, complicity, presumption of innocence, proof of an offense, affirmative defenses, battered woman syndrome, effect of delinquency adjudications, criminal law jurisdiction, and a general penalty for Title XIII.

Chapter 131: Offenses Against Property. Contains provisions concerning offenses against property such as arson, criminal damaging, theft, tampering with records, fraud offenses, forgery and trademark counterfeiting.

Chapter 132: Offenses Against Public Peace. Contains provisions concerning offenses against public peace such as riot, failure to disperse, disorderly conduct, telephone harassment, inducing panic, making false alarms, inciting to violence, and impersonating an officer.

Chapter 133: Sex Offenses. Contains provisions concerning sex crimes such as corrupting a minor, sexual imposition, importuning, voyeurism, public indecency, procuring, soliciting, prostitution, and matter harmful to juveniles.

Chapter 134: Gambling Offenses. Contains provisions concerning gambling such as prohibitions on gambling, operating a gambling house, public gaming, cheating, and bingo regulations.

Chapter 135: Offenses Against Persons. Contains provisions concerning offenses against persons such as homicide, assault, menacing, criminal child enticement, unlawful restraint, coercion, bigamy, nonsupport of dependents, endangering children, domestic violence, hazing, contributing to the delinquency of a minor, patient abuse, interference with housing, ethnic intimidation, violating a protection order, consent agreement or anti-stalking protection order, and adulteration of food.

Chapter 136: Offenses Against Justice and Administration. Contains provisions concerning offenses against justice and administration such as falsification, compounding a crime, failure to report a crime, obstructing justice, resisting arrest, dereliction of duty, interfering with civil rights, assault on a police dog, horse or handicapped assistance dog, disclosure of confidential information, intimidation of a crime victim or witness, and the use of sham legal process.

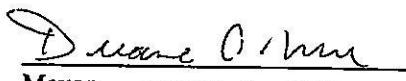
Chapter 137: Weapons Control. Contains provisions concerning weapons control such as carrying concealed weapons, using weapons while intoxicated, improperly handling a firearm, dangerous ordnance, possession of criminal tools, unlawful transactions, discharging firearms, and license or permit to possess a dangerous ordnance.

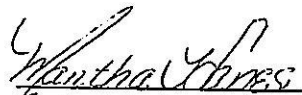
Chapter 138: Drug Offenses. Contains provisions concerning drug related offenses such as trafficking, gift or cultivation of marihuana, drug abuse, improper dispensing or distribution of nitrous oxide and the possession of nitrous oxide in a motor vehicle, illegal dispensing of drug samples, counterfeit controlled substances, and use, possession or sale of drug paraphernalia.

Chapter 139: Miscellaneous Offenses. Contains provisions concerning miscellaneous offenses including abuse of a corpse, spreading contagion, prohibition on jacklighting, and illegal distribution of cigarettes or other tobacco products, including regulations concerning vending machines.

This summary of contents has been verified and authorized for publication by the Legislative Authority of the Municipality of HAMERSVILLE, Ohio.

Signed:


Mayor DUANE C. NEU


MARTHA HANES
Clerk of the Legislative Authority