

IN THE MATTER OF Adoption of an immediate moratorium on the acceptance of applications for use permits, right-of-way use permits and franchises for telecommunications facilities, to be effective for a period of six months

WHEREAS, the Federal Telecommunications Act of 1996 (Pub. L. No. 104-104, 110 Stat.56, 31-136, hereinafter the "Act"), was designed to remove regulatory barriers and encourage competition among all types of communications companies, and

WHEREAS, the Act ratifies the authority of local governments to regulate telecommunications services and carriers, but also limits local governments' authority in certain respects, and

WHEREAS, the Act allows the Federal Communications Commission to preempt any local governmental regulations which prohibits, or has the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications services (Public Law No. 104-104, 11-Stat.70, Section 253(a), and

WHEREAS, the Village of Amanda needs to review its codes and ordinances in a comprehensive fashion to determine whether its existing regulations are consistent with the Act and to adopt new regulations, and

WHEREAS, the Village of Amanda should impose a moratorium barring the acceptance of applications relating to franchises, use of the public roads by either franchise or right-of-way use permits, building permits and Zoning Code permits for antennas (conditional use permits) for telecommunications services, until the necessary code revisions are complete,

---

**NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE OF**  
Amanda, FAIRFIELD COUNTY, OHIO:

---

**SECTION 1:** for this purpose of this ordinance, the following definitions shall apply:

- A. Cable Services: for the purpose of this ordinance, cable service shall have the same meaning as provided for in the Cable Act, 47 U.S.C. Sec. 532, et seq., as it now exists or is hereafter amended.
- B. Overhead Facilities means utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.
- C. Public Street: means any highway, street, alley or other public right-of-way for motor vehicle travel under the jurisdiction of the Village of Amanda, which has been acquired, established, dedicated or devoted to highway purposes not inconsistent with telecommunications facilities.
- D. Telecommunications Carrier: means and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the Village, used or to be used for the purpose of offering telecommunications services.

- E. Telecommunications Facilities: means the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennae, electronic and other appurtenances uses or to be used to transmit receive, distribute, provide or offer telecommunications services.
- F. Telecommunications Service: means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, image, graphic, data and video programming information between or among points by wire, cable, fiber optics, laser microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.
- G. Underground facilities: means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within the roads or right-of-ways of the Village, and used or to be used for the purpose of providing utility or Telecommunications Services.

**SECTION 2:** the purpose of this moratorium is to allow the Village adequate time to comprehensively study the new Telecommunications Act, determine whether the Village's existing ordinances and codes are consistent with the Act, and develop new ordinances to amend inconsistencies and/or cover situations not addressed by existing regulations.

**SECTION 3:** the Village of Amanda hereby imposes a moratorium on the establishment, location, permitting or franchising of telecommunications carriers/facilities within the Village, by telecommunications carriers or cable operators, whether on, through, over or under private or public property of the public roadways, through the use of overhead or underground telecommunications or utility facilities. During the term of this moratorium (unless earlier terminated by ordinance of the Village of Amanda), the Village will not accept any right-of-way use permit applications or consider any franchise for telecommunications or cable services/facilities, nor will the Village accept any building permit or use permit (Zoning Code) applications for the location, establishment or siting of any telecommunications facilities in the Village.

**SECTION 4:** the moratorium imposed by this ordinance shall be in effect for a period of six months beginning on the date of the adoption of this ordinance. During this period, the Fairfield County Regional Planning Commission is directed to develop a work plan to study the issue as it relates to applications approved under the Zoning Code. The Planning Commission shall return its work plan to the Village Council at least two weeks prior to the date of the public hearing scheduled in Section 5 of this ordinance. In addition, the Planning Commission shall return its final recommendations to the Village Council within 120 days of the effective date of this ordinance.

**SECTION 5:** a public hearing is hereby scheduled for \_\_\_\_\_, 1998, to review the comprehensive plan developed by the Regional Planning Commission, and if acceptable, to adopt the same.

ORDINANCE NO. 98-1

**SECTION 6:** if any section, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

MOTION BY Moore SECONDED BY Folk

THAT THE ORDINANCE BE ADOPTED WAS CARRIED BY THE FOLLOWING VOTE:

YEAS: 4 MESSRS: \_\_\_\_\_

NAYS: 0 CC: \_\_\_\_\_

Donald Simpson

\_\_\_\_\_

VILLAGE OF Amanda

ADOPTED 2-2-98

Cheri L. Norman

CLERK

Section 7. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this ordinance take effect immediately upon passage by a unanimous vote of the members of the City Council, and that the same not be subject to a referendum. Without an immediate moratorium on the City's acceptance of permit applications under the Building and Zoning Codes, processing of such applications by the City could occur under regulations that are inconsistent with the Telecommunications Act of 1996 and regulations that could possibly be preempted by the Federal Communications Commission. Therefore, the City's moratorium must be imposed immediately to prevent any development rights from vesting and the City's ability to process applications under valid codes preserved.

Section 8. Publication/Effective Date.

APPROVED: 2-2-98

MAYOR, Donald Simpson

ATTEST/AUTHENTICATED:

Village  
CITY CLERK, Cheri L. Norman

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY: \_\_\_\_\_

FILED WITH THE CITY CLERK: \_\_\_\_\_

PASSED BY THE CITY COUNCIL: \_\_\_\_\_

PUBLISHED \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

ORDINANCE NO. 98-1



**OFFICE OF THE PROSECUTING ATTORNEY  
FAIRFIELD COUNTY, OHIO**

323 East Main Street, Lancaster, Ohio 43130  
(614) 653-4259 • (614) 837-2699 • Fax (614) 653-4708

**PROSECUTOR**

David L. Landefeld

**Assistant  
Prosecutors**

Gregg Marx

Roy E. Hart

Judith L. Edwards

James A. Edwards

Paul D. Morehart

Julie S. Blaisdell

Andrea G. Woods

**Investigator**

Norman E. Ream

**Victim/Witness  
Administrator**

Jennifer Boggs  
108 North High Street  
Lancaster, OH 43130  
(614) 687-6882

To the Village Mayors, Clerks and  
Councils of Fairfield County, Ohio

Re: Adoption of ordinance to declare immediate moratorium on the acceptance of applications for use permits, building permits, right-of-way use permits, and franchises for telecommunications facilities

Dear Ladies and Gentlemen:

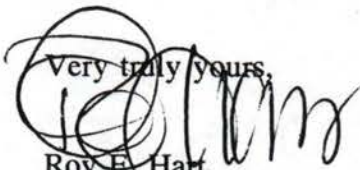
As you are aware, the Federal Telecommunications Act of 1996 impacts upon local governments in significant ways. The Act allows the Federal Communications Commission to preempt local government regulations which have the effect of prohibiting interstate or intrastate telecommunications services. In an effort to design and adopt a uniform plan of telecommunication regulations, our office has drawn a sample ordinance for your board to adopt. This ordinance will declare a six month moratorium for the establishment, permitting, or franchising of telecommunications carriers and facilities within your village so that a uniform regulatory plan can be designed and implemented.

**IT IS OUR UNDERSTANDING THAT FEBRUARY 16, 1998 IS THE TARGET DATE FOR THE IMPLEMENTATION OF THE MORATORIUM.** Thereafter, the Fairfield County Regional Planning Commission will work with Telecom Planners, the County's consultant, in drawing a plan to be adopted by the villages, cities, townships, and the county.

By creating and implementing a uniform regulatory plan, all political subdivisions in Fairfield County will benefit.

We are also enclosing a sample Section 7 and Section 8 to add to the sample ordinance in the event that your legislative body is required to adopt emergency legislation in order that the moratorium may take effect on February 16, 1998.

Should you have any questions, you may contact our office or the office of the Board of Commissioners.

Very truly yours,  
  
Roy E. Hart  
Assistant Prosecuting Attorney

REH:lkb  
Enclosure

ORDINANCE NO. 98-2

AN ORDINANCE TO ADOPT THE 1998 REPLACEMENT PAGES FOR THE MODEL OHIO MUNICIPAL CODE PUBLISHED BY THE JUSTINIAN PUBLISHING COMPANY; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND TO DECLARE AN EMERGENCY.

WHEREAS, during the period January 1, 1997, through July 1, 1998, the General Assembly enacted numerous State laws that affect the Model Ohio Municipal Code, previously adopted by the Municipality;

WHEREAS, the Municipality is in need of having an up to date Code, one which is consistent with the latest State law, as required by Article XVIII, Section 3, of the Ohio Constitution, so that prosecutions can continue to be made under Municipal ordinance rather than State statute; and

WHEREAS, The Justinian Publishing Company has published a set of 1998 Replacement Pages for the Model Ohio Municipal Code, which Replacement Pages incorporate the latest State law through July 1, 1998, and, pursuant to authority previously given by the Municipality, has furnished the Municipality with sets of such Replacement Pages equal in number to the number of copies of the Model Code previously ordered by the Municipality;

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF AMANDA, OHIO:

SECTION 1. Pursuant to Ohio R.C. 731.23, the 1998 Replacement Pages for the Model Ohio Municipal Code, prepared and promulgated by The Justinian Publishing Company of Cleveland, Ohio, are hereby adopted by and for the Municipality.

SECTION 2. All ordinances, resolutions and parts of ordinances and resolutions which are in conflict with any of the provisions of the 1998 Replacement Pages for the Model Ohio Municipal Code, adopted in Section 1 hereof, are hereby repealed. Those ordinances, resolutions and parts of ordinances and resolutions which are not in conflict with any provision of the 1998 Replacement Pages for the Model Ohio Municipal Code are hereby expressly excepted from repeal by this ordinance and shall continue in full force and effect until otherwise amended or repealed by Council.

SECTION 3. The enactment of this ordinance, including the 1998 Replacement Pages for the Model Ohio Municipal Code adopted herein and the repeal provided for in Section 2 hereof, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the date of such enactment, or any 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 the violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of adoption of the 1998 Replacement Pages for the Model Ohio Municipal Code provided for herein.

SECTION 4. Pursuant to Ohio R.C. 731.21, 731.22 and 731.23, the Clerk of Council shall cause to be published a notice of the enactment of this ordinance, containing the title of the ordinance and a summary of the new matter covered by it, which summary is attached hereto and marked Exhibit "A."

SECTION 5. The following sections in the Model Ohio Municipal Code are hereby repealed:

252.06 EXEMPTION OF VOLUNTEER FIRE-FIGHTERS FROM JURY SERVICE.  
636.08 CHILD STEALING.

SECTION 6. This ordinance is hereby declared to be an emergency measure, the reason for the emergency being the necessity of having an up to date Code, one which is consistent with the latest State law, as required by the Ohio Constitution, and this ordinance, therefore, and the 1998 Replacement Pages for the Model Ohio Municipal Code hereby adopted, shall become effective immediately upon its passage by at least two-thirds of the members of Council; otherwise, from and after the earliest period allowed by law.

Neal E. Haubel

Betty J. Clark

Shonda L. Adcock

Mark A. Moore

Aaron J. W. Miller

Donald Simpson

# VILLAGE OF AMANDA

Property Maintenance Code  
(Effective Date: November 5, 2003)

CLIENT COPY

## .01 INTENT AND DEFINITIONS

- (a) These regulations are intended to govern the exterior condition of premises and of structures throughout the Village, specifically to see that they are maintained according to the minimum standard set forth herein, all consistent with the Village interest in furtherance of the public health, safety, and welfare.
- (b) **Infestation** means the presence, within or contiguous to a structure or premise, of insects, rats, vermin or other pests.
- (c) **Motor Vehicle** means every vehicle intended to be propelled or drawn by power other than muscle power including, but not limited to, automobiles, trucks, trailers, boats, construction equipment, buses and tractors.
- (d) **Occupant** means any person living or sleeping in a building; or having possession of a space within a building.
- (e) **Property Maintenance Officer** means that person designated by the Village legislative authority to enforce the standards set forth in these regulations.
- (f) **Property Maintenance Committee** means that group of persons who have the jurisdictional authority to hear and decide appeals from the decisions of the property maintenance officer, and/or to vary the strict application of these regulations.
- (g) **Owner** means any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- (h) **Premises** means the open space of a lot, plot, or parcel of land.
- (i) **Structure** means that which is built or constructed or a portion thereof, and that which constitutes a man-made improvement to the premises.
- (j) **Workmanlike** means executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.



## **.02 EXISTING REMEDIES**

These provisions shall not be construed to abolish or impair existing remedies relating to the condition of premises.

## **.03 SEVERABILITY**

Each portion of this chapter stands on its own. If any section, subsection, or portion thereof is found by the courts to be invalid or unconstitutional, only that portion shall be affected by that decision. The remainder of this chapter shall remain intact and in force. If for any reason a section is found in conflict with any previous ordinance the present ordinance shall supersede the previous ordinance.

## **.04 ENFORCEMENT**

- (a) Powers of the Property Maintenance Officer. The Property Maintenance Officer is responsible for administering and enforcing these regulations. The Property Maintenance Officer is hereby authorized and directed to make inspections to determine the condition of all structures and premises within the Village.
- (b) Order for removal of a violation. If violations are found, the Property Maintenance Officer shall order, in writing, the remedying of the violations. Each order issued under this section shall be served on the owner and occupant of the premises where the violation is found. Each such order shall also provide a reasonable time, not to exceed 60 days, to remedy the violation. The order shall set out the date it was issued and the date by which the violation shall be remedied. The penalties set forth in Section .08, hereinbelow, shall be assessed for each day the violation continues beyond the deadline set for the remedying of the violation.
- (c) Public nuisance. Any lot, premises, structure, or building, which is in violation of this chapter is declared to be a public nuisance. In addition to all other remedies, the Property Maintenance Officer may, in the name of the Village of Amanda, file a civil action to abate the nuisance and for any other appropriate relief.
- (d) Certificate of Compliance. Upon the issuance of a notice of violation, said violation shall be deemed to exist until such time that the Property Maintenance Officer issues a Certificate of Compliance.

## **.05 GENERAL MAINTENANCE REGULATIONS**

- (a) Responsibility. All premises, and structures, throughout the Village, shall be maintained in accordance with these regulations.
- (b) Sanitation. All premises shall be maintained in a clean, safe and sanitary condition.

- (c) Grading and drainage. All premises shall be graded and maintained to prevent to accumulation of stagnant water thereon, or within any structure located thereon.
- (d) Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- (e) Motor vehicles:
  - (1) No motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled except as within a wholly enclosed structure approved for such purposes.
  - (2) No motor vehicle for which the State of Ohio requires a license for it to operate on a public street, shall be parked or stored outside a wholly enclosed structure without proper registration and a valid license.
  - (3) For each residential unit no more than three motor vehicles shall be parked upon the said residential premises, or in the vicinity thereof, with the exception of motor vehicles belonging to temporary guests, and excepting vehicles which are enclosed in a structure in such a way as to be hidden from view.
- (f) Rank vegetation. Lawns and landscaping on private property and as well as within a public right-of-way shall be kept from becoming overgrown and unsightly and shall be maintained so as not to constitute a blighting or deteriorating effect on the surrounding neighborhood.
- (g) Dead trees and branches. No owner or occupant of any premises shall permit a dead tree to stand so near to a public sidewalk or roadway as to endanger users thereof, should all or part of it fall. No such owner or occupant shall permit a dead branch to overhang a public sidewalk or roadway.
- (h) Parking lots.
  - (1) Parking lots shall be kept in a safe condition, free from chuckholes, depressions, large cracks, and disintegrated or deteriorated areas. Parking lots which are not hard surfaced shall also be kept free from dust.
  - (2) Driveways and driveway aprons shall be kept in good repair and safe condition.
- (i) General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare.

- (j) Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.
- (k) Foundation walls. All foundation walls shall be maintained plumb and free from cracks and breaks and shall be kept in such condition so as to prevent the entry of rats or water.
- (l) Exterior walls. All exterior walls shall be free from holes, breaks, loose or rotting material; and maintained weatherproof and properly surface coated, such as paint or similar surface treatment, to prevent deterioration.
- (m) Roof and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall be discharged in accordance with dictates and requirements of the Amanda Village Council.
- (n) Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (o) Chimneys and towers. All chimneys, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces or metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (p) Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed load and shall be maintained in good condition.
- (q) Any awning or marquee and its accompanying structural members shall be maintained in good repair, and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event such awning or marquees are made of cloth, plastic or similar materials, such cloth or plastic shall be maintained in good condition.
- (r) Infestation. All structures shall be kept free from insect, rat and other animal infestations. All structures in which insects, rats and other non-domestic animals are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

## **.06 REPAIRS**

Any repairs, additions or alterations which are caused directly or indirectly by the enforcement of this code shall be done in a workmanlike manner. Any repairs, additions or alterations to a structure, or change of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing, and mechanical codes as may be adopted from time to time by the Village of Amanda.

## **.07 PROHIBITIONS**

It shall be unlawful and no person shall do any of the following:

- (a) Permit any violations of this chapter on any lot, building or structure owned or leased by the person under circumstances in which the person knew or had reasonable cause to believe the violation was occurring.
- (b) Fail to comply with a written order of the Property Maintenance Officer issued under the provisions of this chapter.

## **.08 PENALTY**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined a maximum of \$100.00 for each violation, and each day the violation continues shall be considered a separate offense.

For a second violation of the provisions of this chapter, the penalty shall be that of a misdemeanor of the 4<sup>th</sup> Degree, and each day the violation continues shall be considered a second offense. A second violation or offense is hereby defined as a violation, for which notice is issued within 180 days of any prior notice of violation of the provisions of this Chapter.

## **.09 APPEAL**

Any person affected by a decision of the Property Maintenance Officer or a notice or order issued under this chapter shall have the right to appeal to the Amanda Property Maintenance Committee, provided that a written application for appeal is filed with the Village clerk within 15 days after the day of the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted, the provisions of the code do not fully apply, or the requirement of the code are adequately satisfied by other means. An appeal shall be upon a form prescribed by the Amanda Village Council.

- (a) Notice of meeting. The committee shall meet upon notice from the Clerk, within ten days of the filing of an appeal, unless both parties have agreed to an extended time.

- (b) Open meeting. All hearings before the Committee shall be open to the public. Any person may appear to testify at the hearing, either in person or by a duly authorized agent. The Committee has the power to:
  - (1) Subpoena and require the attendance of witnesses;
  - (2) Administer oaths;
  - (3) Compel testimony;
- (c) The Village Solicitor will represent the Committee upon request.
- (d) The property maintenance Committee shall have the authority to extend the deadline for compliance, as set forth in Section .04(b), upon showing of good faith and good cause.

## **.10 VARIANCE**

Where there are practical difficulties involved in carrying out the provisions of this code, upon application by the owner or occupant of the subject premises, the Property Maintenance Committee shall have the authority to vary or to modify such provisions, provided that the spirit and intent of the law is observed, and the interests of the public health, safety, and welfare are assured.

An application for variance shall be upon a form prescribed by the Amanda Village Council, filed with the Village Clerk within 15 days after the decision of the Property Maintenance Officer.

- (a) Notice of hearing. The Committee shall meet upon notice from the Clerk, within ten (10) days of the filing of an application for variance, unless both parties have agreed to an extended time;
- (b) Open meeting. All hearings before the Committee shall be open to the public;
- (c) Every variance granted or denied shall be accompanied by a written finding of fact, based upon testimony and evidence, and specifying the reason for granting or denying the variance;
- (d) Members of the Committee are not qualified to vote if they have not attended the hearing, or if they have any interest in the issue appealed.

## **.11 JUDICIAL ACTION**

Any further appeal, beyond those procedures set forth hereinabove shall be to the Court of Common Pleas, pursuant to Ohio Revised Code Chapter 2506.

**Village of Amanda**  
**Property Maintenance Code**  
**Appeal**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The determination appealed from: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Basis for appeal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Appellant: Owner/Occupant

**Village of Amanda**  
**Property Maintenance Code**  
**Application for Variance**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Provision from which variance is sought: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Brief statement of need for variance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Appellant: Owner/Occupant

Village of Amanda

Property Maintenance Code Violation

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Violation Code # \_\_\_\_\_  
\_\_\_\_\_

Date of Violation \_\_\_\_\_

Cost of Violation \_\_\_\_\_

Respond By \_\_\_\_\_

Respond To \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Code Violation and Explanation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Village of Amanda**  
**Certificate of Compliance**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Whereas**, a notice of violation was heretofore issued relative to the above-described premises, indicating the following date of violation, to wit: The \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;

**And Whereas**, the premises are now deemed to be in compliance with the Village Property Maintenance Code;

This Certificate of Compliance is hereby issued.

Dated: This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**Property Maintenance Officer**

ORDINANCE NO. 98-3

AN ORDINANCE TO ADOPT THE 1998 REPLACEMENT PAGES FOR THE MODEL OHIO MUNICIPAL CODE PUBLISHED BY THE JUSTINIAN PUBLISHING COMPANY; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND TO DECLARE AN EMERGENCY.

WHEREAS, during the period January 1, 1997, through July 1, 1998, the General Assembly enacted numerous State laws that affect the Model Ohio Municipal Code, previously adopted by the Municipality;

WHEREAS, the Municipality is in need of having an up to date Code, one which is consistent with the latest State law, as required by Article XVIII, Section 3, of the Ohio Constitution, so that prosecutions can continue to be made under Municipal ordinance rather than State statute; and

WHEREAS, The Justinian Publishing Company has published a set of 1998 Replacement Pages for the Model Ohio Municipal Code, which Replacement Pages incorporate the latest State law through July 1, 1998, and, pursuant to authority previously given by the Municipality, has furnished the Municipality with sets of such Replacement Pages equal in number to the number of copies of the Model Code previously ordered by the Municipality;

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF AMANDA, OHIO:

SECTION 1. Pursuant to Ohio R.C. 731.23, the 1998 Replacement Pages for the Model Ohio Municipal Code, prepared and promulgated by The Justinian Publishing Company of Cleveland, Ohio, are hereby adopted by and for the Municipality.

SECTION 2. All ordinances, resolutions and parts of ordinances and resolutions which are in conflict with any of the provisions of the 1998 Replacement Pages for the Model Ohio Municipal Code, adopted in Section 1 hereof, are hereby repealed. Those ordinances, resolutions and parts of ordinances and resolutions which are not in conflict with any provision of the 1998 Replacement Pages for the Model Ohio Municipal Code are hereby expressly excepted from repeal by this ordinance and shall continue in full force and effect until otherwise amended or repealed by Council.

SECTION 3. The enactment of this ordinance, including the 1998 Replacement Pages for the Model Ohio Municipal Code adopted herein and the repeal provided for in Section 2 hereof, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the date of such enactment, or any 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 the violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of adoption of the 1998 Replacement Pages for the Model Ohio Municipal Code provided for herein.

SECTION 4. Pursuant to Ohio R.C. 731.21, 731.22 and 731.23, the Clerk of Council shall cause to be published a notice of the enactment of this ordinance, containing the title of the ordinance and a summary of the new matter covered by it, which summary is attached hereto and marked Exhibit "A."

SECTION 5. The following sections in the Model Ohio Municipal Code are hereby repealed:

252.06 EXEMPTION OF VOLUNTEER FIRE-FIGHTERS FROM JURY SERVICE.  
636.08 CHILD STEALING.

SECTION 6. This ordinance is hereby declared to be an emergency measure, the reason for the emergency being the necessity of having an up to date Code, one which is consistent with the latest State law, as required by the Ohio Constitution, and this ordinance, therefore, and the 1998 Replacement Pages for the Model Ohio Municipal Code hereby adopted, shall become effective immediately upon its passage by at least two-thirds of the members of Council; otherwise, from and after the earliest period allowed by law.

Neil E. Hauke

Betty J. Elk

Blenda L. Hedrick

Mark A. Moore

Aaron J. W. Miller

Donald Simpson

ORDINANCE NO. 99-2

AN ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF AMANDA, OHIO TO ENTER INTO A CONTRACT RETAINING FLOYD BROWNE & ASSOCIATES, INC. FOR ENGINEERING SERVICES, AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Amanda, Ohio is in immediate need of engineering services concerning matters of the Village of Amanda;

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF AMANDA, OHIO:

SECTION 1: That the Mayor is hereby authorized to enter into a contract with Floyd Browne & Associates, Inc., 107 North Main Street, Suite 200, Marion, Ohio 43302, to provide engineering services for the Village of Amanda, Ohio.

SECTION 2: The contract for engineering services contains the following provisions:

- a) That Floyd Browne Associates, Inc. will provide continuing services as Village Engineer for the Village of Amanda, Ohio.
- b) That said Floyd Browne Associates, Inc. will represent the Village in all items relating to or relative to engineering and surveying.
- c) That Floyd Browne Associates, Inc. will be the consultant on all future improvements in the Village, including, but not limited to storm, water, roadway, and sanitary facilities.
- d) The duration of the contract is to be for a period of one (1) year and will continue on an annual basis unless written notice to cancel this agreement is served by either party one (1) month prior to the anniversary date of this contract or any renewal.
- e) The retainer will be in the amount of One dollar (\$1.00) per year, plus additional fees for services customarily charged by engineering firms. Engineering services required will be provided on a project-by-project basis. The prevailing fees are included on Attachment "A", which will be the effective rates through December 30, 1999.
- f) The designated Village Engineers, Floyd Browne Associates, Inc. will name the Director of Engineering or his representative, who will be a satisfactory representative to the Village of Amanda, Ohio, to act on behalf of Floyd Browne Associates, Inc., for the Village of Amanda, Ohio.
- g) Floyd Browne Associates, Inc. must acquire approval from the Council of the Village of Amanda before engaging in any engineering work for a person or any entity which is not the Village of Amanda and which engineering work concerns the Village of Amanda.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Continued:

SECTION 4: This Ordinance is declared to be an emergency measure because it is necessary to have a Village Engineer immediately and for the preservation of the public peace, health, safety, and welfare; therefore this Ordinance shall be in effect immediately following its adoption.

VOTE: To suspend the rules  
and declare an emergency: 4 YEA 0 NAY

VOTE: To adopt: 4 YEA 0 NAY

APPROVED: Donald Simpson  
MAYOR

ATTEST: Cheri L. Norman  
CLERK

DATE: 2-8-99

ORDINANCE NO. 99-3

AN ORDINANCE TO ADOPT THE 1999 REPLACEMENT PAGES FOR THE MODEL OHIO MUNICIPAL CODE PUBLISHED BY THE JUSTINIAN PUBLISHING COMPANY; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND TO DECLARE AN EMERGENCY.

WHEREAS, during the period July 1, 1998, through July 1, 1999, the General Assembly enacted numerous State laws that affect the Model Ohio Municipal Code, previously adopted by the Municipality;

WHEREAS, the Municipality is in need of having an up to date Code, one which is consistent with the latest State law, as required by Article XVIII, Section 3, of the Ohio Constitution, so that prosecutions can continue to be made under Municipal ordinance rather than State statute; and

WHEREAS, The Justinian Publishing Company has published a set of 1999 Replacement Pages for the Model Ohio Municipal Code, which Replacement Pages incorporate the latest State law through July 1, 1999, and, pursuant to authority previously given by the Municipality, has furnished the Municipality with sets of such Replacement Pages equal in number to the number of copies of the Model Code previously ordered by the Municipality;

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF AMANDA, OHIO:

SECTION 1. Pursuant to Ohio R.C. 731.23, the 1999 Replacement Pages for the Model Ohio Municipal Code, prepared and promulgated by The Justinian Publishing Company of Cleveland, Ohio, are hereby adopted by and for the Municipality.

SECTION 2. All ordinances, resolutions and parts of ordinances and resolutions that are in conflict with any of the provisions of the 1999 Replacement Pages for the Model Ohio Municipal Code, adopted in Section 1 hereof, are hereby repealed. Those ordinances, resolutions and parts of ordinances and resolutions that are not in conflict with any provision of the 1999 Replacement Pages for the Model Ohio Municipal Code are hereby expressly excepted from repeal by this ordinance and shall continue in full force and effect until otherwise amended or repealed by Council.

SECTION 3. The enactment of this ordinance, including the 1999 Replacement Pages for the Model Ohio Municipal Code adopted herein and the repeal provided for in Section 2 hereof, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the date of such enactment, or any 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 therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of adoption of the 1999 Replacement Pages for the Model Ohio Municipal Code provided for herein.

SECTION 4. Pursuant to Ohio R.C. 731.21, 731.22 and 731.23, the Clerk of Council shall cause to be published a notice of the enactment of this ordinance, containing the title of the ordinance and a summary of the new matter covered by it, which summary is attached hereto and marked Exhibit "A."

SECTION 5. This ordinance is hereby declared to be an emergency measure, the reason for the emergency being the necessity of having an up to date Code, one which is consistent with the latest State law, as required by the Ohio Constitution, and this ordinance, therefore, and the 1999 Replacement Pages for the Model Ohio Municipal Code hereby adopted, shall become effective immediately upon its passage by at least two-thirds of the members of Council; otherwise, from and after the earliest period allowed by law.

Betty Folk

Mark A Moore

Mary M. Patchiff

Aaron J. W. Miller

Neil E Haulte

Mark J. [Signature]

Cheri L. Norman, Clerk - Treas.

RECORD OF RESOLUTIONS

Dayton Legal Blank Co., Form No. 30045

Resolution No. 99-6

Passed June 14 19 99

ORDINANCE TO INCREASE  
SEWER AND WATER  
RATES, AND DECLARING  
AN EMERGENCY

WHEREAS, The cost of maintaining and operating the Village sewer and water systems requires an increase in revenues to be derived therefrom; and

WHEREAS, the Village must act on this issue immediately in order to maintain solvency, and the safe and efficient operation of said utility systems;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF AMANDA, OHIO:

That the rates for the consumption of water and the utilization of sewer services are hereby increased by three percent (3%), effective the 1<sup>st</sup> day of July, 1999;

That this ordinance is declared to be an emergency, to take effect on the earliest date allowed by law. Sewer 3% - O, M & R only!

Donald Simpson  
Mayor Donald Simpson

Vote: Yeas: 5 Nays: 0 1 Abstain

ATTEST:

Cheri L. Norman

Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not-waived:

Yeas: 5 Nays: 0 1 Abstain

Clerk: Cheri L. Norman

Approved as to Form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law



# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2-00

Passed May 8 19 2000

**ORDINANCE MAKING OWNER  
RESPONSIBLE FOR SEWER AND  
WATER RENTS CONCERNING NON-  
OWNER OCCUPIED PROPERTIES**

**WHEREAS**, the Village authorities wish to make clear the responsibility for utility charges relating to non-owner occupied properties;

**NOW THEREFORE, BE IT ORDAINED** by the Village of Amanda, Ohio:

**That**, from and after the effective date of this ordinance, all utility accounts existing with the Village shall be opened and maintained in the name of the title owner of record of the subject real property, notwithstanding that the premises might be occupied by persons other than said title owner of record;

**That**, the privity of contract shall exist between the Village and said owner, notwithstanding that the owner may look to tenants or other persons for payment or reimbursement;

**That**, the owner shall be billed for utilities consumed upon the subject premises, and the resident of the subject premises shall receive a duplicate copy of said bill;

**That**, if the owner so desires, he/she may instruct any person who occupies the subject premises to notify the appropriate Village authorities that his/her name too should be added to the account; in which case the owners and the occupants shall be jointly and severally liable for all utility rents due and owing the Village.

  
\_\_\_\_\_  
Mayor Gary Hacker

Vote: Yeas: 5 Nays: 0 1 Abstain (Miller)

ATTEST:

  
\_\_\_\_\_  
Cheri Norman, Clerk-Treasurer

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. ....

Passed ..... 19 .....

The Three Reading Requirement was waived/~~not waived~~:

Yeas: 5 Nays: 0

*1 Abstain  
(Miller)*

Clerk: Cheri L. Norman

Approved as to form:

  
Thomas James Corbin, Attorney at Law

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. \_\_\_\_\_

01-1

Passed \_\_\_\_\_

May 7

2001  
YEAR

## ORDINANCE ADOPTING PROCEDURE FOR FIRE LOSS CLAIMS

**WHEREAS**, the Village Council desires to adopt a procedure pursuant to the Ohio Revised Code whereby insurance proceeds, under certain circumstances, will be paid to the Village, for the public good;

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:**

That the procedures contained in Ohio R.C. 3929.86(C) and (D) relating to recovery of costs incurred by the Village in repairing, removing or securing fire-damaged buildings or other structures are hereby incorporated and adopted by reference and made a part of this ordinance with the same force and effect as though set out in full herein.

That no insurance company doing business in the State shall pay a claim of a named insured for fire damages to a building or other structure located within the Village where the amount recoverable for the fire loss to the building or other structure under all insurance policies exceeds five thousand dollars (\$5,000) and the loss equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building or structure unless there is compliance with the following procedures:

- (a) When the loss agreed to between the named insured or insureds and the insurance company or insurance companies equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies, in accordance with Ohio R.C. 715.26(F) shall transfer from the insurance proceeds to the Clerk-Treasurer in the aggregate of two thousand dollars (\$2,000) for each fifteen thousand dollars (\$15,000), and each fraction of that amount, of a claim, or if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies, the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate. Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or structure. Policy proceeds remaining after the transfer to the Village may be disbursed in accordance with the policy terms. The named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the Clerk-Treasurer, after notifying the Mayor, shall return the amount of the fund in excess of the estimate to the named insured or insureds, provided that the Village has not commenced to remove, repair or secure the building or other structure.
- (b) Upon receipt of proceeds by the Village as authorized by this section, the Clerk-Treasurer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing, or securing the building or structure incurred by the Village, pursuant to Ohio R.C. 715.261 and the provisions of this chapter. When transferring the fund as required in subsection (a) hereof, an insurance company shall provide the Village with the name and address of the named insured or insureds, whereupon the Village shall contact the named insured or insureds, certify that the proceeds have been received by the Village and notify them that the following procedure will be followed: the fund shall be returned by the Clerk-Treasurer to the named insured or insureds when repairs, removal or securing of the building or other structure has been completed and required proof has been received by the Ohio Department of Insurance, provided that the Village

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. ....


Passed ....., YEAR .....

has not incurred any costs for repairs, removal or securing. However, the fund shall be returned to the named insured or insureds no later than sixty days after the Ohio Department of Insurance receives the required proof. If the Village has incurred any costs for repairs, removal or securing of the building or other structure, such costs shall be paid from the fund and if excess funds remain, the Village shall transfer, no later than sixty days after all such costs have been paid, the remaining funds to the named insured or insureds after repair, rebuilding or removal has been completed. Nothing in this section shall be construed to limit the ability of the Village to recover any deficiency under Ohio R.C. 715.261.

Nothing in Ohio R.C. 3929.86(C), as adopted by this chapter shall be construed to prohibit the Village and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

  
\_\_\_\_\_  
Mayor Gary Hacker

VOTE: Yes 6 No 0

ATTEST:  
  
\_\_\_\_\_  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 6 Nays: 0  
Clerk: Cheri L. Norman

Approved as to form:   
\_\_\_\_\_  
Thomas James Corbin, Attorney at Law

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2-00

Passed May 8

19 2000

**ORDINANCE MAKING OWNER RESPONSIBLE FOR SEWER AND WATER RENTS CONCERNING NON-OWNER OCCUPIED PROPERTIES**

WHEREAS, the Village authorities wish to make clear the responsibility for utility charges relating to non-owner occupied properties;

NOW THEREFORE, BE IT ORDAINED by the Village of Amanda, Ohio:

That, from and after the effective date of this ordinance, all utility accounts existing with the Village shall be opened and maintained in the name of the title owner of record of the subject real property, notwithstanding that the premises might be occupied by persons other than said title owner of record;

That, the privity of contract shall exist between the Village and said owner, notwithstanding that the owner may look to tenants or other persons for payment or reimbursement;

That, the owner shall be billed for utilities consumed upon the subject premises, and the resident of the subject premises shall receive a duplicate copy of said bill;

That, if the owner so desires, he/she may instruct any person who occupies the subject premises to notify the appropriate Village authorities that his/her name too should be added to the account; in which case the owners and the occupants shall be jointly and severally liable for all utility rents due and owing the Village.

*Gary Hacker*  
\_\_\_\_\_  
Mayor Gary Hacker

Vote: Yeas: 5 Nays: 0 1 Abstain (Miller)

ATTEST:

*Cheri L. Norman*  
\_\_\_\_\_  
Cheri Norman, Clerk-Treasurer

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_

19\_\_

The Three Reading Requirement was waived/not-waived:

Yeas: \_\_\_\_\_

5

Nays: \_\_\_\_\_

1 Abstain  
(Miller)

0

Clerk: \_\_\_\_\_

Cheri L. Norman

Approved as to form:

  
Thomas James Corbin, Attorney at Law

May 1, 2001

To Whom It May Concern:

by the Amanda Village Council.

Ordinance Number 83-3. dated March 7, 1983 has been amended as of April 9, 2001

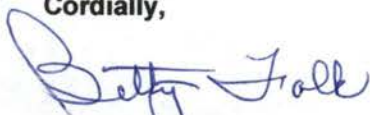
The Ordinance now states that any equipment that receives and dispenses monies, will need a yearly license in the amount of Thirty Dollars ( \$ 30.00) each. This ordinance will take effect June 1, 2001. You will have thirty ( 30 ) days to pay the fee. Upon payment of the fee, your license and permit stamp will be issued. This fee will be due on the thirty-first ( 31) of May each year.

This revenue will be used to purchase and plant hardwood trees in the village easements, plant flowers yearly and purchase new Christmas decorations to beautify the village. Also, to be used for tree trimming and removal.

If you contact the owner of the equipment, we feel they will agree to pay the fee. This should be their responsibly as they are the owners of said equipment.

Question or comments may be directed to the village office at 740-969-4771. If no one is available, leave a message and the Mayor or a member of council will contact you.

Cordially,

A handwritten signature in blue ink that reads "Betty Folk". The signature is written in a cursive style with a large initial "B".

Betty Folk/President Pro Tem  
May 1, 2001

# RECORD OF ORDINANCES

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_ 19\_\_

**AN ORDINANCE TO ESTABLISH THE POSITION OF VILLAGE ADMINISTRATOR AND TO ABOLISH THE BOARD OF PUBLIC AFFAIRS**

WHEREAS, the Village Council is of the opinion that the municipal public utilities can most efficiently be managed by a single administrator;

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE OF AMANDA, OHIO:

That the position of Village Administrator is hereby created, pursuant to ORC 735.271;

That the Board of Public Affairs is hereby abolished, pursuant to ORC 735.272, effective upon appointment of the Administrator, by the Mayor, subject to confirmation;

That the powers and duties of said administrator shall be as pursuant to ORC 735.273;

That said administrator shall be appointed by the Mayor, subject to majority vote approval of Village Council;

That this ordinance shall take effect upon the earliest date allowed by law.

\_\_\_\_\_  
Mayor Gary Hacker

VOTE: Yes \_\_\_\_\_

No \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

*1st. reading 10/1/01*  
*2nd. reading 11/5/01*

Yeas: \_\_\_\_\_ Nays: \_\_\_\_\_

Clerk: \_\_\_\_\_

Approved as to form:

*Thomas James Corbin*  
\_\_\_\_\_  
Thomas James Corbin, Attorney at Law



# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2-01

Passed 8-6, 2001  
YEAR

ORDINANCE NO. 2-01

**AN ORDINANCE AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE VILLAGE OF AMANDA, FAIRFIELD COUNTY, OHIO, FOR IMPROVEMENTS TO THE WATER TREATMENT, STORAGE AND DISTRIBUTION SYSTEM, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Village of Amanda seeks to improve its water treatment, storage and distribution system; and

**WHEREAS**, the Village of Amanda desires to cooperate with the Ohio Water Development Authority (hereinafter referred to as the "OWDA") in the engineering and design of improvements to the water treatment, storage and distribution system through the OWDA/DEFA government Agency Program;

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Amanda, Fairfield County, Ohio:

- ◆ **SECTION 1.** That the Village of Amanda Council hereby approves applying for funds for the engineering design of the aforesaid wastewater treatment collection system improvements and authorizes the Chief Executive Officer and the Chief Fiscal Officer of the Village of Amanda to execute such an agreement with OWDA/DEFA.
  
- ◆ **SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. ....

Passed ....., YEAR

◆ **SECTION 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of said Village AND for the further reason that the immediate construction of the wastewater collection system at the earliest possible time is necessary in order to protect the health of the inhabitants of the Village of Amanda by providing improvements to the water, storage and distribution system, wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

  
\_\_\_\_\_  
Mayor Gary Hacker

Vote: Yeas: 5 Nays: 0

ATTEST:

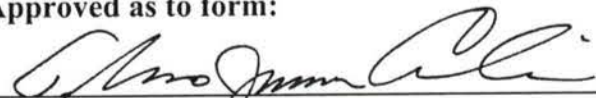
  
\_\_\_\_\_  
Cheri Norman, Clerk-Treasurer

The Three Reading Requirement was waived/~~not waived~~:

Yeas: 5 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

  
\_\_\_\_\_  
Thomas James Corbin, Attorney at Law

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 02-2

Passed April 1, 2002  
YEAR

**ORDINANCE INCREASING VILLAGE UTILITY TAP FEES, AND  
REVISING ORDINANCE NO. 97-8, AND DECLARING AN  
EMERGENCY**

WHEREAS an increase in tap fees is required to enable the Village to meet the expense of allowing homeowners and other users to tap into the Village utility system; and

WHEREAS immediate action is required to prevent any further taps at a fee which is less than adequate to meet Village needs;

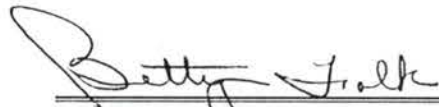
**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA,  
OHIO:**

That from and after the effective date of this ordinance, which is effective immediately, the cost or fee assessed to property owners to tap into either the Village sewer or the Village water system shall be seven thousand five hundred dollars (\$7,500.00) for each permit obtained;

That a separate permit is required for water service and for sewer service;

That any previous legislation inconsistent herewith is hereby repealed;

That this ordinance is enacted as an emergency measure.


  
\_\_\_\_\_  
Mayor Betty Folk

VOTE:

Yes 4

No 1 (Miller)

ATTEST:

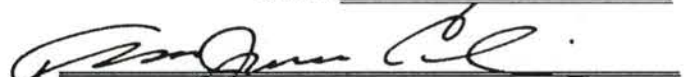
  
\_\_\_\_\_  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 4 Nays: 1 (Miller)

Clerk: Cheri L. Norman

Approved as to form:

  
\_\_\_\_\_  
Thomas James Corbin, Attorney at Law

ORDINANCE NO. 02-3

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2002 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF Amanda, 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 Amanda, OHIO:

- Section 1. American Legal Publishing's Ohio Basic Code, 2002 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, 2002 Edition.
- Section 2. One copy of American Legal Publishing's Ohio Basic Code, 2002 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. 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, 2002 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, 2002 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 therefor. 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;
- (6) The levy or imposition of taxes, assessments or charges;
- (7) The establishment, naming, vacating or grade level of any street or 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 Basic Code.

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.

Date  
Passed: 7-1-02

Attest:

Betty Folk  
Mayor

Cheri L. Norman  
Clerk of the Legislative Authority

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2-01

Passed 8-6, 2001  
YEAR

ORDINANCE NO. 2-01

**AN ORDINANCE AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE VILLAGE OF AMANDA, FAIRFIELD COUNTY, OHIO, FOR IMPROVEMENTS TO THE WATER TREATMENT, STORAGE AND DISTRIBUTION SYSTEM, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Village of Amanda seeks to improve its water treatment, storage and distribution system; and

**WHEREAS**, the Village of Amanda desires to cooperate with the Ohio Water Development Authority (hereinafter referred to as the "OWDA") in the engineering and design of improvements to the water treatment, storage and distribution system through the OWDA/DEFA government Agency Program;

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Amanda, Fairfield County, Ohio:

- ◆ **SECTION 1.** That the Village of Amanda Council hereby approves applying for funds for the engineering design of the aforesaid wastewater treatment collection system improvements and authorizes the Chief Executive Officer and the Chief Fiscal Officer of the Village of Amanda to execute such an agreement with OWDA/DEFA.
  
- ◆ **SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, \_\_\_\_\_  
YEAR

◆ **SECTION 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of said Village AND for the further reason that the immediate construction of the wastewater collection system at the earliest possible time is necessary in order to protect the health of the inhabitants of the Village of Amanda by providing improvements to the water, storage and distribution system, wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

  
\_\_\_\_\_  
Mayor Gary Hacker

Vote: Yeas: 5 Nays: 0

ATTEST:


  
\_\_\_\_\_  
Cheri Norman, Clerk-Treasurer

The Three Reading Requirement was waived/~~not waived~~.

Yeas: 5 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

  
\_\_\_\_\_  
Thomas James Corbin, Attorney at Law

# Village of Amanda

## Drinking Water Consumer Confidence Report

### For 2002

The Village of Amanda has prepared the following report to provide information to you, the consumer, on the quality of our drinking water. Included within this report is general health information, water quality test results, how to participate in decisions concerning your drinking water and water system contacts.

#### **Source Water Information.**

The Village of Amanda receives its drinking water from village well field located in the park just south of town on Amanda Southern Road.

#### **What are sources of contamination to drinking water?**

The sources of drinking water both tap water and bottled water include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

Contaminants that may be present in source water include: (A) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations and wildlife; (B) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming; (C) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban storm water runoff, and residential uses; (D) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban storm water runoff, and septic systems; (E) radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.

In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. FDA regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (1-800-426-4791).

#### **Who needs to take special precautions?**

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infection. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (1-800-426-4791).

#### **About your drinking water.**

The EPA requires regular sampling to ensure drinking water safety. The Village of Amanda conducted bacteria and inorganic contaminant sampling during 2002. Samples were collected and analyzed for over 100 different contaminants over the past five years. Most of these contaminants were not detected in the Village of Amanda water supply. The Ohio EPA requires us to monitor for some contaminants less than once per year because the concentrations of these contaminants do not change frequently. Some of our data, though accurate, are more than one year old.

Listed below is information on those contaminants that were found in the Village of Amanda drinking water.



# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 02-2

Passed April 1, 2002  
YEAR

## ORDINANCE INCREASING VILLAGE UTILITY TAP FEES, AND REVISING ORDINANCE NO. 97-8, AND DECLARING AN EMERGENCY

WHEREAS an increase in tap fees is required to enable the Village to meet the expense of allowing homeowners and other users to tap into the Village utility system; and

WHEREAS immediate action is required to prevent any further taps at a fee which is less than adequate to meet Village needs;

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA,  
OHIO:**

That from and after the effective date of this ordinance, which is effective immediately, the cost or fee assessed to property owners to tap into either the Village sewer or the Village water system shall be seven thousand five hundred dollars (\$7,500.00) for each permit obtained;

That a separate permit is required for water service and for sewer service;

That any previous legislation inconsistent herewith is hereby repealed;

That this ordinance is enacted as an emergency measure.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 4

No 1 (Miller)

ATTEST:

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 4 Nays: 1 (Miller)

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

ORDINANCE NO. 02-3

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2002 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF Amanda, 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 Amanda, OHIO:

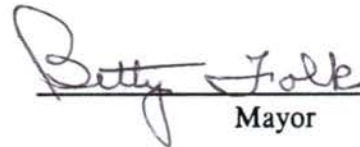
- Section 1. American Legal Publishing's Ohio Basic Code, 2002 Edition, as reviewed and approved by the Legislative Authority, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the municipality is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2002 Edition.
- Section 2. One copy of American Legal Publishing's Ohio Basic Code, 2002 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. 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, 2002 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, 2002 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 therefor. 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;
  - (6) The levy or imposition of taxes, assessments or charges;
  - (7) The establishment, naming, vacating or grade level of any street or 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 Basic Code.

**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.

Date  
Passed: 7-1-02

Attest:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk of the Legislative Authority

**CERTIFICATION OF CODIFIED ORDINANCES**

We, Betty Fulk, Mayor, and Council, Clerk of the Legislative Authority, of the Municipality of Amanda, 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 Amanda, Ohio.

Betty Fulk  
Mayor

Cheri L. Norman  
Clerk of the Legislative Authority

## Exhibit A

### OHIO BASIC CODE, 2002 EDITION — SUMMARY OF CONTENTS

Notice is hereby given that on the 1<sup>st</sup> day of July, 2002, there was enacted by the Legislative Authority of the Municipality of Amarda, Ohio, an ordinance entitled "An Ordinance Approving, Adopting and Enacting American Legal Publishing's Ohio Basic Code, 2002 Edition, as the Code of Ordinances for the Municipality of Amarda, Ohio."

A summary of the subjects, including all new matters contained in the Code of Ordinances, as adopted, are as follows. The majority of Basic Code provisions are based directly on state law.

---

#### TITLE I: GENERAL PROVISIONS

##### Chapter 10: General Provisions

Section	
10.01	Short titles
10.02	Definitions
10.03	Rules of construction
10.04	Revivor; effect of amendment or repeal
10.05	Construction of section references
10.06	Conflicting provisions
10.07	Severability
10.08	Reference to offices
10.09	Errors and omissions
10.10	Ordinances repealed
10.11	Ordinances unaffected
10.12	Ordinances saved
10.13	Application to future ordinances
10.14	Interpretation
10.15	Amendments to code; amendatory language
10.16	Statutory references
10.17	Preservation of penalties, offenses, rights and liabilities
10.18	Determination of legislative intent
10.99	General penalty

---

#### TITLE III: ADMINISTRATION

##### Chapter 30: General Provisions

Section	
30.01	Application of Title III
30.02	Qualifications; oaths
30.03	Bonds of officers and employees; amount
30.04	Additional bond; where bonds recorded and kept
30.05	Approval of bonds
30.06	Sufficiency of form of bond
30.07	Filling vacancies in offices
30.08	Public records available
30.09	Records Commission
30.10	Meetings of public bodies to be open; exceptions; notice
30.11	Municipal officers may attend conference or convention; expenses

##### Chapter 31: Executive Authority

Section	
	<i>General Provisions</i>
31.01	Executive power; where vested

***Mayor***

- 31.05 Term of Mayor; power and duties
- 31.06 General duties of the Mayor
- 31.07 Communications to the Legislative Authority
- 31.08 Protest against excess of expenditures
- 31.09 Supervision of conduct of officers
- 31.10 Annual report to the Legislative Authority
- 31.11 Mayor to file charges against delinquent officers
- 31.12 Vacancies in office of Mayor
- 31.13 Disposition of fines and other moneys

***Clerk***

- 31.20 Election, term, qualifications of the Clerk
- 31.21 Powers and duties of Clerk
- 31.22 Books and accounts; merger of offices
- 31.23 Seal of Clerk
- 31.24 Combined offices of Clerk and Treasurer

***Treasurer***

- 31.30 Election, term, qualifications of the Treasurer
- 31.31 Accounts of Treasurer
- 31.32 Powers and duties
- 31.33 Quarterly account; annual report
- 31.34 Receipt and disbursement of funds
- 31.35 Duty of delivering money and property

***Street Commissioner***

- 31.40 Qualifications
- 31.41 General duties
- 31.42 Assistants

***Other Officials***

- 31.50 Legal counsel
- 31.51 Administrator
- 31.52 Board of Trustees of Public Affairs
- 31.53 Fire Engineer, Engineer and Superintendent of Markets

**Chapter 32: Legislative Authority**

Section

***General Provisions***

- 32.01 Members of the Legislative Authority; election; terms of office
- 32.02 President Pro Tempore; employees
- 32.03 Vacancy when President Pro Tempore becomes Mayor
- 32.04 Qualifications of members of the Legislative Authority
- 32.05 Compensation and bonds of municipal officers and employees
- 32.06 Vacancy
- 32.07 Judge of election and qualification of members; quorum and special meetings
- 32.08 Rules; journal; expulsion of members
- 32.09 Meetings
- 32.10 General powers
- 32.11 Failure to take oath or give bond
- 32.12 Notice when new bond required
- 32.13 Care, supervision and management of public institutions

### ***Contracts, Bids and Proceedings***

- 32.25 Contracts by the Legislative Authority or Administrator
- 32.26 Bids and proceedings
- 32.27 Alterations or modifications of contract
- 32.28 Contract restrictions
- 32.29 Award to lowest responsive and responsible bidder

### ***Ordinances and Resolutions***

- 32.40 Ordinances and resolutions as evidence
- 32.41 Passage procedure
- 32.42 Style of ordinances
- 32.43 Subject and amendment of ordinances and resolutions
- 32.44 Authentication and recording of ordinances and resolutions
- 32.45 Publication of ordinances and resolutions; proof of publication and circulation
- 32.46 Notice for proposed amendments to the municipal Charter
- 32.47 Times of publication required
- 32.48 Publication and certification of ordinances in book form
- 32.49 Adoption of technical ordinances and codes
- 32.50 Certificate of Clerk as to publication
- 32.51 Publication when no newspaper published in municipality
- 32.52 Effect of not making publication
- 32.53 Ordinances providing for appropriations or street improvements; emergency ordinances

### ***Initiative and Referendum***

- 32.70 Initiative petitions
- 32.71 Referendum petitions
- 32.72 More than one ordinance required; application of subchapter
- 32.73 Presentation of petitions
- 32.74 Copy of proposed ordinance or measure to be filed with Clerk
- 32.75 Words to be printed in red
- 32.76 Designation of committee filing petition; public inspection of petitions; ordinances passed or repealed prior to election
- 32.77 Itemized statement by circulator of petition
- 32.78 Prohibited practices relative to petitions
- 32.79 Accepting premiums for signing
- 32.80 Threats in securing signatures
- 32.81 Application of subchapter if Charter adopted

## **Chapter 33: Judicial Authority**

Section

### ***General Provisions***

- 33.01 Jurisdiction in ordinance cases and traffic violations
- 33.02 Powers of Mayor and Mayor's Court Magistrate in criminal matters
- 33.03 Duties of Mayor and Mayor's Court Magistrate; fees; office; seal
- 33.04 Mayor's Court Magistrate
- 33.05 Powers to suspend or revoke driver's license in D.U.I. cases

### ***Contempt of Court***

- 33.20 Summary punishment for contempt
- 33.21 Acts in contempt of court
- 33.22 Hearing
- 33.23 Contempt action for failure to pay support, failure to comply or interference with a visitation order; summons
- 33.24 Right of accused to bail
- 33.25 Hearing on contempt; penalties; support orders; failure to withhold or deduct money pursuant to support order

- 33.26 Imprisonment until order obeyed
- 33.27 Proceedings when party released on bail fails to appear
- 33.28 Release of prisoner committed for contempt
- 33.29 Judgment final
- 33.30 Alternative remedy

#### **Chapter 34: Police Department**

**Section**

- 34.01 Marshal and Police Chief synonymous
- 34.02 Appointment of Marshal
- 34.03 Deputy marshals and police officers
- 34.04 Auxiliary police units
- 34.05 Offenses affecting employment of law enforcement officers; probationary period; final appointment
- 34.06 Removal proceedings; suspension; appeals
- 34.07 General powers
- 34.08 Powers and duties of Marshal
- 34.09 Disposition of fines and penalties
- 34.10 Property recovered by police
- 34.11 Disposition to claimant
- 34.12 Sale of unclaimed property; disposition of proceeds
- 34.13 Expenses of storage and sale; notice
- 34.14 Deposit of stolen property; prohibition
- 34.15 Peace officer administering oaths; acknowledging complaints, summonses, affidavits and returns of court orders
- 34.16 Contracts for police protection; nonresident service without contract

#### **Chapter 35: Fire Department**

**Section**

*General Provisions*

- 35.01 Municipal fire regulations; fire department
- 35.02 Fire Chief; Fire Prevention Officer; employment of firefighters
- 35.03 Schooling of officers and firefighters of fire department
- 35.04 Legislative Authority may purchase engines and equipment
- 35.05 Buildings for department
- 35.06 Records
- 35.07 Maximum consecutive hours for firefighters on duty
- 35.08 Investigation of cause of fire
- 35.09 Right to examine buildings, premises, and vehicles
- 35.10 Burning buildings for firefighting instruction or research
- 35.11 Impersonating fire safety inspector
- 35.12 Standards for equipment
- 35.13 Persons entitled to be known as firefighters
- 35.14 Contracts for fire protection; nonresident service without contract
- 35.15 Regulation of construction in fire limits

*Volunteer Firefighters' Dependents Fund Board*

- 35.30 Definitions
- 35.31 Establishment
- 35.32 Membership; vacancies
- 35.33 Election and term of members
- 35.34 Organization; rules and regulations; roster
- 35.35 Compensation and expenses of Board; legal advisor

#### **Chapter 36: Civil Actions Against the Municipality**

**Section**

- 36.01 Definitions
- 36.02 Nonliability of municipality; exceptions
- 36.03 Defenses and immunities
- 36.04 Limitation of actions
- 36.05 Damages



- 36.06 Satisfaction of judgments
- 36.07 Provision of employees' defense; consent judgments
- 36.08 Liability insurance
- 36.09 Certain actions unaffected
- 36.10 Certain charges against municipal officers filed with Probate Judge; proceedings

## TITLE V: PUBLIC WORKS

[Reserved]

## TITLE VII: TRAFFIC CODE

### Chapter 70: General Provisions

Section

#### *General Provisions*

- 70.01 Definitions
- 70.02 Compliance with order of police officer
- 70.03 Emergency vehicles to proceed cautiously past red or stop signal
- 70.04 Exceptions generally; emergency, public safety and coroner vehicles exempt
- 70.05 Persons riding or driving animals upon roadways
- 70.06 Prohibitions against pedestrians and slow-moving vehicles on freeways
- 70.07 Use of private property for vehicular travel
- 70.08 Names of persons damaging real property by operation of vehicle to be provided to owner
- 70.09 Limited access highways; barriers along; vehicles to enter and leave at designated intersections
- 70.10 Through highways
- 70.11 Officer may remove ignition key

#### *Traffic-Control Devices*

- 70.20 Obeying traffic-control devices
- 70.21 Signal lights
- 70.22 Signals over reversible lanes
- 70.23 Ambiguous or non-working traffic signals
- 70.24 Pedestrian-control signals
- 70.25 Flashing traffic signals
- 70.26 Unauthorized signs and signals prohibited
- 70.27 Alteration, defacement, or removal prohibited
- 70.28 Unauthorized possession or sale of devices
  
- 70.99 Penalty

### Chapter 71: Licensing Provisions

Section

#### *Motor Vehicle Licensing*

- 71.01 Display of license plates or validation stickers; registration
- 71.02 Improper use of noncommercial motor vehicle
- 71.03 Operating motor vehicle ordered immobilized; forfeiture
- 71.04 Operation or sale without certificate of title
- 71.05 Display of certificate of registration
- 71.06 Use of unauthorized plates
- 71.07 Operating without dealer or manufacturer license plates

#### *Driver's Licenses*

- 71.10 Prohibited acts
- 71.11 Permitting minor to operate vehicle prohibited; temporary instruction permit; probationary license

- 71.12 License required as driver or commercial driver on public or private property; nonresident exemption
- 71.13 Employment of a minor to operate a taxicab prohibited
- 71.14 Restriction against owner lending vehicle for use of another
- 71.15 Suspension or revocation of driver's licenses; license suspended or revoked by court of record
- 71.16 Display of license
- 71.17 Prohibition against false statements
- 71.18 Operation prohibited when license suspended or revoked; impoundment of registration and license plates

***Commercial Driver's Licenses***

- 71.25 Definitions
- 71.26 Exclusions
- 71.27 Prohibited acts
- 71.28 Prerequisites to operation of commercial motor vehicle
- 71.29 Physical qualification to operate commercial motor vehicles
- 71.30 Criminal offenses: driving under the influence; leaving the scene of an accident; use of vehicle in commission of a felony; failure to submit to drug testing; violating out-of-service order
- 71.31 Application of federal regulations
- 71.32 Employment of drivers of commercial vehicles
  
- 71.99 Penalty

**Chapter 72: Traffic Rules**

Section

***General Provisions***

- 72.01 Lanes of travel upon roadways
- 72.02 Driving through safety zone
- 72.03 Vehicles traveling in opposite directions
- 72.04 Rules governing overtaking and passing of vehicles
- 72.05 Permission to overtake and pass on the right
- 72.06 Driving to left of center line
- 72.07 Prohibition against driving upon left side of roadway
- 72.08 Hazardous zones
- 72.09 One-way highways and rotary traffic islands
- 72.10 Rules for driving in marked lanes
- 72.11 Space between moving vehicles
- 72.12 Divided roadways
- 72.13 Rules for turns at intersections
- 72.14 U-turns and turning in roadway prohibited
- 72.15 Starting and backing vehicles
- 72.16 Turn and stop signals
- 72.17 Hand and arm signals

***Right-of-Way***

- 72.20 Right-of-way at intersections
- 72.21 Right-of-way when turning left
- 72.22 Right-of-way at through highways; stop signs; yield signs
- 72.23 Stop at sidewalk area; stop signs on private roads and driveways
- 72.24 Right-of-way on public highway
- 72.25 Pedestrian on sidewalk has right-of-way
- 72.26 Right-of-way of public safety vehicles
- 72.27 Funeral procession has right-of-way
- 72.28 Pedestrians yield right-of-way to public safety vehicle
- 72.29 Pedestrian on crosswalk has right-of-way
- 72.30 Right-of-way yielded to blind person
- 72.31 Right-of-way yielded by pedestrian

### ***Pedestrians***

- 72.35 Pedestrian movement in crosswalks
- 72.36 Pedestrian walking along highway
- 72.37 Prohibition against soliciting rides; riding on outside of vehicle
- 72.38 Pedestrian on bridge or railroad crossing
- 72.39 Persons operating motorized wheelchairs
- 72.40 Intoxicated or drugged pedestrian hazard on highway

### ***Grade Crossings***

- 72.45 Stop signs at grade crossings
- 72.46 Driving vehicle across railroad grade crossing
- 72.47 Vehicles required to stop at grade crossings
- 72.48 Slow-moving vehicles or equipment crossing railroad tracks

### ***Prohibitions***

- 72.55 Obstruction and interference affecting view and control of driver
- 72.56 Occupying travel trailer while in motion
- 72.57 Driving upon closed highway prohibited
- 72.58 Driving upon sidewalk area or paths exclusively for bicycles
- 72.59 Obstructing passage of other vehicles
- 72.60 Following an emergency or public vehicle prohibited; approaching stationary public safety vehicle with caution
- 72.61 Driving over unprotected fire hose
- 72.62 Placing injurious material on highway or depositing litter from motor vehicle
- 72.63 Transporting child not in child-restraint system prohibited
- 72.64 Occupant restraining devices
- 72.65 Failure to use or illegal use of required ignition interlock device
- 72.66 Operating motor vehicle while wearing earphones or earplugs
- 72.67 Chauffeured limousines and livery services
- 72.68 Operating traction engine upon improved highway
- 72.69 Cracking exhaust noises; peeling out
- 72.70 Shortcutting across private property

### ***School Buses***

- 72.80 Regulations concerning school buses
- 72.81 Violation of regulations; report; investigation; citation; warning
- 72.82 Restrictions on the operation of school buses
- 72.83 School bus inspection
- 72.84 School bus not used for school purposes
- 72.85 Licensing by Department of Highway Safety
- 72.86 Registration and identification of school buses
- 72.87 School bus marking
- 72.88 Flashing light signal lamps
- 72.89 Occupant restraining device for operator

## **Chapter 73: Motor Vehicle Crimes**

### **Section**

#### ***General Provisions***

- 73.01 Driving while intoxicated or drugged
- 73.011 Implied consent
- 73.02 Driving commercial vehicle with impaired alertness or ability; use of drugs

#### ***Reckless Operation***

- 73.05 Reckless operation of vehicles
- 73.06 Reckless operation off streets and highways; competitive operation
- 73.07 Operator to be in reasonable control

### ***Speed Regulations***

- 73.10 Speed limits
- 73.11 Slow speed or stopping
- 73.12 Emergency vehicles excepted from speed limitation
- 73.13 Street racing defined; prohibited on public highways
- 73.14 Speed regulations on bridges

### ***Resisting Officer***

- 73.15 Prohibition against resisting officer
- 73.16 Presenting false name or information to officer

### ***Stopping After Accident***

- 73.20 Exchange of identity and vehicle registration
- 73.21 Accident involving injury to persons or property
- 73.22 Accident involving damage to realty
- 73.23 Failure to report accident

## **Chapter 74: Equipment and Loads**

Section

### ***Equipment***

- 74.01 Unsafe vehicles, prohibition against operation
- 74.02 Bumpers on motor vehicles
- 74.03 Lighted lights required
- 74.04 Headlights
- 74.05 Tail lights and illumination of rear license plate
- 74.06 Red reflectors required
- 74.07 Safety lighting of commercial vehicles
- 74.08 Stoplight regulations
- 74.09 Obscured lights on vehicles
- 74.10 Red light or flag required
- 74.11 Lights on parked vehicles
- 74.12 Lights and emblem on slow-moving vehicles; lights and reflectors on multi-wheel agricultural tractors or farm machinery
- 74.13 Spotlight and auxiliary driving lights
- 74.14 Cowl, fender, and back-up lights
- 74.15 Two lights displayed
- 74.16 Headlights required
- 74.17 Lights of less intensity
- 74.18 Number of lights permitted; red and flashing lights
- 74.19 Standards for lights on snow removal equipment and oversize vehicles
- 74.20 Flashing lights permitted for certain types of vehicles
- 74.21 Lights and sign on transportation for preschool children
- 74.22 Focus and aim of headlights
- 74.23 Brake equipment; specifications
- 74.24 Brake fluid
- 74.25 Minimum standards for brakes and components
- 74.26 Horns, sirens, and warning devices
- 74.27 Mufflers; excessive smoke or gas
- 74.28 Rearview mirrors
- 74.29 Windshields and wipers
- 74.30 Solid tire requirements
- 74.31 Requirements for safety glass in motor vehicles; use of tinted glass or reflectorized material
- 74.32 Directional signals
- 74.33 Installation and sale of seat safety belts required; definition
- 74.34 Requirements for extra signal equipment
- 74.35 Display of warning devices on disabled vehicles
- 74.36 Requirements for vehicles transporting explosives
- 74.37 Studded tires; seasonal use permitted
- 74.38 Safety inspection decals for buses

### **Loads**

- 74.40 Permit required to exceed load limits
- 74.41 Limitation of load extension on left side of vehicle
- 74.42 All loads shall be properly secured
- 74.43 Towing requirements
- 74.44 Weighing of vehicle; removal of excess load
- 74.45 Operation of vehicle exceeding weight limits prohibited
- 74.46 Load limits
- 74.47 Maximum width, height, and length
- 74.48 Statement of gross vehicle weight
- 74.49 Wheel protectors required on heavy commercial vehicles
- 74.50 Liability for damages; prosecution; application of monies
- 74.51 Weight exceptions for farm trucks, farm machinery and log trucks

### **Chapter 75: Bicycles, Motorcycles and Off-Road Vehicles**

#### Section

#### ***General Provisions***

- 75.01 Bicycles; application of Title VII
- 75.02 Operation of motorized bicycle
- 75.03 Rules for bicycles, motorcycles, and snowmobiles
- 75.04 Prohibition against attaching bicycles and sleds to vehicles
- 75.05 Riding bicycles; motorcycles abreast
- 75.06 Equipment of bicycles

#### ***Snowmobiles, Off-Highway Motorcycles, and All-Purpose Vehicles***

- 75.25 Definitions
- 75.26 Equipment
- 75.27 Code application; prohibited operation
- 75.28 Permitted operation
- 75.29 Licensing requirements of operator
- 75.30 Maintenance of vehicles for hire
- 75.31 Accident reports
- 75.32 Impounding of vehicle
- 75.33 Local control within police power
- 75.34 Registration of vehicles
- 75.35 Display of registration number on snowmobiles
- 75.36 Certificate of title; prohibitions

### **Chapter 76: Parking Regulations**

#### Section

- 76.01 Prohibition against parking on highways
- 76.02 Condition when motor vehicle left unattended
- 76.03 Police may remove illegally parked vehicle
- 76.04 Parking prohibitions
- 76.05 Parking near curb; privileges for persons with disabilities
- 76.06 Parking on private property in violation of posted prohibition
- 76.07 Selling, washing or repairing vehicle upon roadway
- 76.08 Truck loading zones
- 76.09 Bus stops and taxicab stands
- 76.10 Parking in alleys and narrow streets; exceptions
- 76.11 Registered owner prima facie liable for unlawful parking
- 76.12 Waiver

---

## TITLE IX: GENERAL REGULATIONS

### Chapter 90: Animals

#### Section

#### *Animals Running at Large*

- 90.01 Dogs or other animals running at large; dangerous or vicious dogs
- 90.02 Confining animal found at large; publication of notice; lien
- 90.03 Unavoidable escapes
- 90.04 Fees
- 90.05 Rabies quarantine orders of Mayor
- 90.06 Interfering with enforcement of quarantine orders
- 90.07 Reporting escape of exotic or dangerous animals required
- 90.08 Dogs may be killed for certain acts

#### *Offenses Relating to Animals*

- 90.10 Abandoning animals
- 90.11 Injuring animals
- 90.12 Poisoning animals
- 90.13 Cruelty to animals
- 90.14 Animal fights
- 90.15 Trapshooting
- 90.16 Loud dog
- 90.17 Dog tags
- 90.18 Dangerous and vicious dog defined; transfer of ownership certificate; form stating dog's prior behavior
- 90.19 Failure to register dog or dog kennel
- 90.20 Hindering the capture of unregistered dog
- 90.21 Unlawful tag
- 90.22 Rights of blind, deaf, or mobility impaired person with dog trained to assist
- 90.23 Retail sale and transportation of dogs
- 90.24 Coloring rabbits or baby poultry; regulation of sale and display
- 90.25 Jacklighting prohibited
  
- 90.99 Penalty

### Chapter 91: Fireworks, Explosives, Fire Prevention

#### Section

#### *Fireworks*

- 91.01 Definitions
- 91.02 Possession, sale, and use of fireworks
- 91.03 Permit to use fireworks
- 91.04 Manufacturing or wholesale sale without a license; prohibitions
- 91.05 Purchasers to comply with law; unauthorized purchases
- 91.06 Exhibition without a license; prohibitions for exhibitions
- 91.07 Unauthorized transportation or shipping
- 91.08 Application of subchapter
- 91.09 Arrest of offender; seizure and forfeiture of fireworks; distribution of fines
- 91.10 Safety requirements for fireworks showroom structures

#### *Explosives*

- 91.20 Storage of explosives
- 91.21 Blasting permit

#### *Fire Prevention*

- 91.30 Removal of flammable materials or obstructions
- 91.31 Protective appliances
- 91.32 Compliance with order

- 91.33 Waste receptacles
- 91.34 Hotel to have fire warning device producing visible signal
- 91.35 Fire suppression systems
- 91.36 Violations of State Fire Code prohibited
- 91.37 Posting arson notices in hotels, motels and other places
- 91.38 Negligent burning
- 91.39 Spreading alarm of unfriendly fire
- 91.40 Unvented heaters

***Open Burning***

- 91.55 Definitions
- 91.56 Relations to other prohibitions
- 91.57 Open burning in restricted areas
- 91.58 Permission and notice to open burn
- 91.59 Additional requirements and restrictions on open burning
  
- 91.99 Penalty

**Chapter 92: Intoxicating Liquors**

Section

- 92.01 Definitions
- 92.02 Exemptions from chapter
- 92.03 Restrictions applicable to sale of beer and intoxicating liquor for consumption on the premises
- 92.04 Restrictions on sale of beer and liquor
- 92.05 Permit required; activities prohibited without permit
- 92.06 Illegal transportation prohibited
- 92.07 Open container prohibited; exception
- 92.08 Underage person shall not purchase intoxicating liquor or beer
- 92.09 Prohibitions; minors under 18 years; low-alcohol beverages
- 92.10 Prohibitions; minors under 21 years
- 92.11 Misrepresentation to obtain alcoholic beverage for a minor prohibited
- 92.12 Misrepresentation by a minor under 21 years
- 92.13 Sale to underage persons prohibited
- 92.14 Posting of card
- 92.15 Good faith acceptances of spurious identification
- 92.16 Consumption in motor vehicle prohibited
- 92.17 Hours of sale or consumption
- 92.18 Obstructing search of premises prohibited
- 92.19 Illegal possession of intoxicating liquor prohibited
- 92.20 Sale or possession of diluted liquor and refilled containers prohibited
- 92.21 Keeping place where beer or intoxicating liquors are sold in violation of law
- 92.22 Intoxicating liquors shall not be sold in brothels
- 92.23 Use of intoxicating liquor in a public dance hall prohibited; exceptions
- 92.24 Poisonously adulterated liquors
- 92.25 Tavern keeper permitting rioting or drunkenness
- 92.26 Notice of action to prohibit liquor business
- 92.27 Procedure when injunction violated
- 92.28 Liquor transaction scans
- 92.29 Affirmative defenses
  
- 92.99 Penalty

**Chapter 93: Nuisances**

Section

***General Provisions***

- 93.01 Application of the chapter
- 93.02 Definitions
- 93.03 Nuisances generally; injunctions; violation; contempt
- 93.04 Maintaining certain nuisances
- 93.05 Collection of cost of abating dangerous property condition; injunction; rehabilitation
- 93.06 Trimming of trees and shrubbery to prevent obstruction

### ***Unclean Habitations***

- 93.10 Permitting unclean habitations
- 93.11 When habitations are deemed unsanitary
- 93.12 Order for abatement or vacation of premises
- 93.13 Enforcement of vacation order by Fire Chief or Police Chief
- 93.14 Enforcement through court proceedings

### ***Septic Tanks, Cesspools, and Refuse***

- 93.20 Location of privy vaults, cesspools, and septic tanks
- 93.21 Unsanitary vaults
- 93.22 Removal of contents of vault
- 93.23 Deposit of dead animals, offal upon land or water
- 93.24 Defiling spring or well prohibited
- 93.25 Dumping of refuse in municipality prohibited
- 93.26 Abandoned refrigerators
- 93.27 Discarding litter prohibited
- 93.28 Power of municipality to fill or drain land

### ***Weeds and Litter on Private Property***

- 93.40 Keeping down weeds
- 93.41 Notice to owner to cut noxious weeds, remove litter; service
- 93.42 Fees for service and return
- 93.43 Procedure when owner fails to comply with notice
- 93.44 Written return to County Auditor; amount as a lien upon property
  
- 93.99 Penalty

## **Chapter 94: Streets and Sidewalks**

Section

### ***General Provisions***

- 94.01 Conditions precedent to improving streets
- 94.02 Opening permit required
- 94.03 Application and cash deposit
- 94.04 Restoration of pavement
- 94.05 Barriers around excavations
- 94.06 Warning lights
- 94.07 Sidewalk construction by the municipality
- 94.08 Unloading on street or sidewalk
- 94.09 Street or sidewalk obstruction
- 94.10 Materials on street or sidewalk
- 94.11 Duty to keep sidewalks in repair and clean of ice and snow
- 94.12 Ramped curbing for persons with disabilities
- 94.13 Flagpole along right-of-way
- 94.14 Altering or injuring marker or monument

### ***Construction and Repair***

- 94.25 Construction and repair may be required
- 94.26 Resolution of necessity
- 94.27 Notice to construct or repair
- 94.28 Assessments of costs against owner
- 94.29 Proceedings may include different owners
- 94.30 Making and levying assessments

### ***Changes in Streets***

- 94.40 Change of name, vacating or narrowing streets by petition
- 94.41 Change of name, vacating or narrowing streets without petition
- 94.42 Notice; exception



- 94.43 Publication of notice
- 94.44 Effect of order of vacation
- 94.45 Effect on public utility easements
  
- 94.99 Penalty

### Chapter 95: Unclaimed and Abandoned Vehicles

- Section
- 95.01 Impounding motor vehicle on private property; requirements
- 95.02 Impounding abandoned motor vehicle on public property; notice; disposition
- 95.03 Disposition of vehicle ordered into storage
- 95.04 Disposition of abandoned junk motor vehicles
- 95.05 Abandonment of junk motor vehicle prohibited
- 95.06 Junk motor vehicle; order to cover or remove; notice; exceptions

### Chapter 96: Watercraft

- Section
- 96.01 Definitions
- 96.02 Failure to comply with law enforcement order; fleeing
- 96.03 Duty upon approach of law enforcement vessel
- 96.04 Flashing lights prohibited; exceptions
- 96.05 Siren prohibited; exceptions
- 96.06 Regulations for operation of powercraft of more than 10 horsepower
- 96.07 Restrictions on child operators; duty of supervisory adult
- 96.08 Reckless operation
- 96.09 Unsafe conditions
- 96.10 Marking of bathing and vessel areas
- 96.11 Mooring prohibited in certain areas
- 96.12 Operating under influence of alcohol or drugs prohibited
- 96.13 Implied consent
- 96.14 Incapacitated operators prohibited
- 96.15 Water skiing confined to ski zones
- 96.16 Observer required when towing skier
- 96.17 Water skiing after dark prohibited
- 96.18 Personal flotation device required for towed person
- 96.19 Ski jumps prohibited
- 96.20 Permit for special water events
- 96.21 Sale of single celled inflatable vessels prohibited
- 96.22 Sitting, standing, walking on moving vessels restricted
- 96.23 Engine warm-up required
- 96.24 Personal flotation devices for children under ten
- 96.25 Operation without personal flotation devices prohibited
- 96.26 Distress signal or flag required
- 96.27 Anchor requirements
- 96.28 Specification for fire extinguishers
- 96.29 Backfire flame control device required
- 96.30 Ventilation requirement on powercraft
- 96.31 Abandonment of junk vessels or outboard motors
- 96.32 Exhaust muffler required; noise levels; exceptions
- 96.33 Safety equipment on rental vessels
- 96.34 Capacity plate
- 96.35 Littering prohibited
- 96.36 Dwellings; sanitary systems
- 96.37 Prima facie evidence of negligence
- 96.38 Requirements for operating personal watercraft
- 96.39 Numbering
- 96.40 Registration
- 96.41 Tags indicating expiration date; attachment of identification number
- 96.42 Altering of serial numbers; false information prohibited
- 96.43 Accident reports
- 96.44 Enforcement
- 96.45 Firearms offenses; signaling devices

- 96.46 Tampering with navigation aid or vessel prohibited
  - 96.47 Certificate of title; exceptions
  - 96.48 Manufacturer's or importer's certificate
  - 96.49 Prohibitions relating to certificates of title
  
  - 96.99 Penalty
- 

## TITLE XI: BUSINESS REGULATIONS

### Chapter 110: General Provisions

- Section
  - 110.01 Licenses required to engage in certain businesses; exceptions
  - 110.02 Application for license
  - 110.03 Issuance of license
  - 110.04 Date and duration of license
  - 110.05 License not transferable
  - 110.06 License certificate to be displayed
  - 110.07 Revocation or suspension
  - 110.08 Appeal and review
  
  - 110.99 General penalty for Title XI

### Chapter 111: Taxicabs

- Section
  - 111.01 Definitions
  - 111.02 Certificate of public convenience and necessity required
  - 111.03 Application for certificate
  - 111.04 Issuance of certificate
  - 111.05 Liability insurance required
  - 111.06 License fees
  - 111.07 Transfer of certificates and licenses
  - 111.08 Suspension and revocation of certificates
  - 111.09 Taxicab driver's license
  - 111.10 Application for driver's license
  - 111.11 Examination of applicant; motor vehicle operator's permit required
  - 111.12 Police investigation of applicant; traffic and police record
  - 111.13 Consideration of application
  - 111.14 Issuance of license; duration; annual fee
  - 111.15 Display of license
  - 111.16 Suspension and revocation of license
  - 111.17 Failure to comply with federal, state and municipal laws
  - 111.18 Vehicle equipment and maintenance
  - 111.19 Designation of taxicabs
  - 111.20 Taximeter and display of rates required
  - 111.21 Number of passengers allowed
  - 111.22 Articles left in vehicles
  - 111.23 Vehicles from other municipalities
  - 111.24 Receipts
  - 111.25 Refusal of passenger to pay legal fare
  - 111.26 Solicitation, acceptance and discharge of passengers
  - 111.27 Open stands; use
  - 111.28 Taxicab service
  - 111.29 Manifests
  - 111.30 Records and reports of holders
  - 111.31 Police department; duty to enforce chapter
  - 111.32 Disposition of vehicle license fees

### Chapter 112: Peddlers, Itinerant Merchants, and Solicitors

- Section
  - 112.01 Definitions
  - 112.02 License requirement
  - 112.03 Application procedure

- 112.04 Standards for issuance
- 112.05 Revocation procedure
- 112.06 Standards for revocation
- 112.07 Appeal procedure
- 112.08 Exhibition of identification
- 112.09 Municipal policy on soliciting
- 112.10 Notice regulating soliciting
- 112.11 Duty of solicitors
- 112.12 Uninvited soliciting prohibited
- 112.13 Time limit on soliciting

### **Chapter 113: Commercial Amusements**

Section

- 113.01 Bowling; billiards and pool
- 113.02 Circuses, carnivals, shows and other such entertainment
- 113.03 Deposit required
- 113.04 License fee for public entertainment or exhibition
- 113.05 License fee may be waived for civic interest

### **Chapter 114: Tattooing and Body Piercing Services**

Section

- 114.01 Definitions
- 114.02 Prohibitions
- 114.03 Application for license; fees; issuance
- 114.04 Inspection of facilities
- 114.05 Suspension or revocation of license
- 114.06 Consent for performing procedures on persons under 18
- 114.07 Prohibitions relating to persons under 18
- 114.08 Defenses to violations
- 114.09 Training standards; records; safety and sanitation; equipment
- 114.10 Application of local regulation on chapter
  
- 114.99 Penalty

## **TITLE XIII: GENERAL OFFENSES**

### **Chapter 130: General Provisions**

Section

- 130.01 Application of Title XIII
- 130.02 Definitions
- 130.03 Classification of offenses
- 130.04 Common law offenses abrogated
- 130.05 Rules of construction
- 130.06 Limitation of criminal prosecutions
- 130.07 Requirements for criminal liability; voluntary intoxication
- 130.08 Culpable mental states
- 130.09 Organizational criminal liability
- 130.10 Personal accountability for organizational conduct
- 130.11 Attempt
- 130.12 Complicity
- 130.13 Presumption of innocence; proof of offense; affirmative defense
- 130.14 Battered woman syndrome
- 130.15 Delinquency adjudications deemed convictions
- 130.16 Criminal law jurisdiction
- 130.17 Disposition of property held by Police Department
- 130.18 Imposing sentence for misdemeanor
- 130.19 Multiple sentences
- 130.20 Modification of sentence; community based correctional program
- 130.21 Apprehension, detention, or arrest of persons on bond
  
- 130.99 Penalty for Title XIII

## Chapter 131: Offenses Against Property

### Section

- 131.01 Definitions
- 131.02 Arson; determining property value or amount of physical harm
- 131.03 Criminal damaging or endangering
- 131.04 Criminal mischief
- 131.05 Damaging or endangering aircraft or airport operations
- 131.06 Criminal trespass; aggravated trespass
- 131.07 Tampering with coin machines
- 131.08 Theft
- 131.09 Unauthorized use of a vehicle
- 131.10 Unauthorized use of property, including telecommunication property and computers; possession of municipal property
- 131.11 Passing bad checks
- 131.12 Misuse of credit cards
- 131.13 Making or using slugs
- 131.14 Prima facie evidence of purpose to defraud
- 131.15 Tampering with records
- 131.16 Securing writings by deception
- 131.17 Defrauding creditors
- 131.18 Receiving stolen property
- 131.19 Value of stolen property
- 131.20 Degree of offense when certain property involved
- 131.21 Injuring vines, bushes, trees, or crops
- 131.22 Detention and arrest of shoplifters; protection of institutional property
- 131.23 Insurance fraud; workers' compensation fraud; medicaid fraud
- 131.24 Injury to property by hunters
- 131.25 Evidence of intent to commit theft of rented property; evidence of lack of capacity to consent
- 131.26 Forgery of identification cards
- 131.27 Criminal simulation
- 131.28 Personating an officer
- 131.29 Trademark counterfeiting
- 131.30 Taking identity of another
- 131.31 Recording credit card, telephone or Social Security numbers
- 131.32 Prosecutions for theft of utilities

## Chapter 132: Offenses Against Public Peace

### Section

- 132.01 Riot
- 132.02 Failure to disperse
- 132.03 Justifiable use of force to suppress riot
- 132.04 Disorderly conduct
- 132.05 Disturbing a lawful meeting
- 132.06 Misconduct at an emergency
- 132.07 Telecommunications harassment
- 132.08 Inducing panic
- 132.09 Making false alarms
- 132.10 Inciting to violence
- 132.11 Unlawful display of law enforcement emblem
- 132.12 Impersonating a peace officer
- 132.13 Safety of crowds attending live entertainment performances
- 132.14 Misconduct involving a public transportation system

## Chapter 133: Sex Offenses

### Section

- 133.01 Definitions
- 133.02 Unlawful sexual conduct with a minor
- 133.03 Sexual imposition
- 133.04 Importuning
- 133.05 Voyeurism

- 133.06 Public indecency
- 133.07 Procuring
- 133.08 Soliciting; loitering to engage in
- 133.09 Prostitution
- 133.10 Disseminating matter harmful to juveniles
- 133.11 Displaying matter harmful to juveniles
- 133.12 Deception to obtain matter harmful to juveniles
- 133.13 Rules of evidence
- 133.14 Declaratory judgment
- 133.15 Injunction; abatement of nuisance

#### **Chapter 134: Gambling Offenses**

**Section**

- 134.01 Definitions
- 134.02 Prohibitions against gambling; exception
- 134.03 Operating a gambling house
- 134.04 Public gaming
- 134.05 Cheating
- 134.06 Regulations concerning operation of licensed bingo game
- 134.07 Bingo records to be kept
- 134.08 Requirements for bingo game operators
- 134.09 Bingo games for amusement only

#### **Chapter 135: Offenses Against Persons**

**Section**

- 135.01 Definitions
- 135.02 Negligent homicide
- 135.03 Vehicular homicide; vehicular manslaughter
- 135.04 Assault; negligent assault
- 135.05 Injury to persons by hunters
- 135.06 Menacing; aggravated menacing; menacing by stalking
- 135.07 Unlawful restraint
- 135.08 Criminal child enticement
- 135.09 Coercion
- 135.10 Bigamy
- 135.11 Unlawful abortion; failure to perform viability testing
- 135.12 Abortion trafficking
- 135.13 Nonsupport of dependents
- 135.14 Endangering children
- 135.15 Interference with custody; interference with support orders
- 135.16 Domestic violence
- 135.17 Hazing prohibited
- 135.18 Contributing to unruliness or delinquency of a child
- 135.19 Failure to provide for functionally impaired person
- 135.20 Patient abuse or neglect; exceptions; false statements; retaliation
- 135.21 Interference with right of person to engage in housing transactions because of race, religion, or the like
- 135.22 Ethnic intimidation
- 135.23 Violating a protection order, consent agreement, anti-stalking protection order or order issued by a court of another state
- 135.24 Adulteration of food
- 135.25 Illegal distribution of cigarettes or other tobacco products; transaction scans
- 135.26 Nonsmoking areas in places of public assembly
- 135.27 Spreading contagion
- 135.28 Abuse of a corpse

#### **Chapter 136: Offenses Against Justice and Administration**

**Section**

- 136.01 Definitions
- 136.02 Falsification
- 136.03 Compounding a crime
- 136.04 Failure to report a crime
- 136.05 Failure to aid a law enforcement officer

- 136.06 Obstructing official business
- 136.07 Obstructing justice
- 136.08 Resisting arrest
- 136.09 Having an unlawful interest in a public contract
- 136.10 Soliciting or receiving improper compensation
- 136.11 Dereliction of duty
- 136.12 Interfering with civil rights
- 136.13 Illegal conveyance of prohibited items onto grounds of a detention facility or mental health or mental retardation and developmental disabilities facility
- 136.14 False report of child abuse or neglect
- 136.15 Assaulting police dog, horse, or handicapped assistance dog
- 136.16 Disclosure of confidential peace officer information
- 136.17 Intimidation of crime victim or witness
- 136.18 Using sham legal process
- 136.19 Making false allegation of peace officer misconduct
- 136.20 Misuse of 9-1-1 system

#### **Chapter 137: Weapons Control**

Section

- 137.01 Definitions
- 137.02 Carrying concealed weapons
- 137.03 Using weapons while intoxicated
- 137.04 Improperly handling firearms in a motor vehicle
- 137.05 Possessing criminal tools
- 137.06 Failure to secure dangerous ordnance
- 137.07 Unlawful transactions in weapons
- 137.08 Underage purchase of firearm or handgun
- 137.09 Discharging firearms
- 137.10 License or permit to possess dangerous ordnance
- 137.11 Possession of an object indistinguishable from a firearm in a school safety zone
- 137.12 Possession of deadly weapon while under detention

#### **Chapter 138: Drug Offenses**

Section

- 138.01 Definitions
- 138.02 Trafficking in controlled substances; gift of marihuana
- 138.03 Drug abuse
- 138.04 Possessing drug abuse instruments
- 138.05 Permitting drug abuse
- 138.06 Illegal cultivation of marihuana
- 138.07 Abusing harmful intoxicants
- 138.08 Illegal dispensing of drug samples
- 138.09 Federal prosecution bar to municipal prosecution
- 138.10 Nitrous oxide: improper dispensing or distribution; possession in a motor vehicle
- 138.11 Laboratory report required
- 138.12 Counterfeit controlled substances
- 138.13 Use, possession, or sale of drug paraphernalia
- 138.14 Controlled substance or prescription labels
- 138.15 Possession, sale and disposal of hypodermics
- 138.16 Controlled substance schedules
- 138.17 Unlawful furnishing of prescription to enable persons to be issued handicapped parking placards or license plates

### **TITLE XV: LAND USAGE**

#### **Chapter 150: General Provisions**

Section

*Parks and Recreation*

- 150.01 Recreation Board
- 150.02 Board of Park Trustees

***Planning and Zoning***

- 150.15 Planning Commission
- 150.16 Board of Zoning Appeals

---

**PARALLEL REFERENCES**

**Ohio Legislative History References — Master Table  
Justinian Model Ohio Municipal Code Comparative Table  
Disposition Table**

**INDEX**

---

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

Signed:

\_\_\_\_\_  
Mayor

*Cheri L. Norman*  
\_\_\_\_\_  
Clerk of the Legislative Authority

ORDINANCE NO. 02-3

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2002 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF Amanda, 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 Amanda, OHIO:

- Section 1. American Legal Publishing's Ohio Basic Code, 2002 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, 2002 Edition.
- Section 2. One copy of American Legal Publishing's Ohio Basic Code, 2002 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. 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, 2002 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, 2002 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 therefor. 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;
- (6) The levy or imposition of taxes, assessments or charges;
- (7) The establishment, naming, vacating or grade level of any street or 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 Basic Code.

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.

Date  
Passed: 7-1-02

Attest:

Betty Folk  
Mayor

Cheri L. Norman  
Clerk of the Legislative Authority

Contaminants (Units)	MCLG	MCL	Level Found	Range of Detections	Violation	Sample Year	Typical Source of Contaminants
<b>Inorganic Contaminants</b>							
Lead (ppb)	0	AL=15	<5.0	<5.0-5.1	NO	2002	Corrosion of household plumbing systems; Erosion of natural deposits
Barium (ppm)	2	2	0.271	NA	NO	2002	Erosion of natural deposits
Copper (ppm)	1.3	AL=1.3	0.90	<0.05-0.123	NO	2002	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives
Note A - No samples exceeded the lead or copper action level.							

**How do I participate in decisions concerning my drinking water?**

Public participation and comment are encouraged at regular meetings of the Board of Public Affairs which meets at 7:00 PM on the third Tuesday of each month in the Village Hall.

**For more information** on your drinking water contact Ben Hedrick at 740-969-4549.

**Definitions of some terms contained within this report.**

Action Level (AL): The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

Maximum Contaminant Level Goal (MCLG): The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

Maximum Contaminant level (MCL): The highest level of contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

NA indicates not applicable.

Parts per Million (ppm) or Milligrams per Liter (mg/L) are units of measure for concentration of a contaminant. A part per million corresponds to one second in a little over 11.5 days.

Parts per Billion (ppb) or Micrograms per Liter (µg/L) are units of measure for concentration of a contaminant. A part per billion corresponds to one second in 31.7 years.

The "<" symbol: A symbol which means less than. A result of <5 means that the lowest level that could be detected was 5 and the contaminant in that sample was not detected.

CHAPTER 73: MOTOR VEHICLE CRIMES

Section

*General Provisions*

- 73.01 Driving while intoxicated or drugged
- 73.011 Implied consent
- 73.02 Driving commercial vehicle with impaired alertness or ability; use of drugs

*Reckless Operation*

- 73.05 Reckless operation of vehicles
- 73.06 Reckless operation off streets and highways; competitive operation
- 73.07 Operator to be in reasonable control

*Speed Regulations*

- 73.10 Speed limits
- 73.11 Slow speed or stopping
- 73.12 Emergency vehicles excepted from speed limitation
- 73.13 Street racing defined; prohibited on public highways
- 73.14 Speed regulations on bridges

*Resisting Officer*

- 73.15 Prohibition against resisting officer
- 73.16 Presenting false name or information to officer

*Stopping After Accident*

- 73.20 Exchange of identity and vehicle registration
- 73.21 Accident involving injury to persons or property
- 73.22 Accident involving damage to realty
- 73.23 Failure to report accident

*Statutory reference:*

*Notice of arrest of certain commercial drivers, see R.C. § 5577.14*

*GENERAL PROVISIONS*

**§ 73.01 DRIVING WHILE INTOXICATED OR DRUGGED.**

(A) No person shall operate any vehicle within this municipality if any of the following apply:

(1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse.

(2) The person has a concentration of 0.10% or more but less than 0.17% by weight of alcohol in the person's blood.

(3) The person has a concentration of 0.10 grams or more but less than 0.17 grams by weight of alcohol per 210 liters of the person's breath.

(4) The person has a concentration of 0.14 grams or more but less than 0.238 grams by weight of alcohol per 100 milliliters of the person's urine.

(5) The person has a concentration of 0.17% or more by weight of alcohol in the person's blood.

(6) The person has a concentration of 0.17 grams or more by weight of alcohol per 210 liters of the person's breath.

(7) The person has a concentration of 0.238 grams or more by weight of alcohol per 100 milliliters of the person's urine.

(B) No person under 21 years of age shall operate any vehicle within this municipality if any of the following apply:

(1) The person has a concentration of at least 0.02% but less than 0.10% by weight of alcohol in the person's blood;

(2) The person has a concentration of at least 0.02 grams but less than 0.10 grams by weight of alcohol per 210 liters of the person's breath;

(3) The person has a concentration of at least 0.028 grams but less than 0.14 grams by weight of alcohol per 100 milliliters of the person's urine.

(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1) and a violation of division (B)(1), (2), or (3) of this section, but the person may not be convicted of more than one violation of these divisions.

(D) (1) In any criminal prosecution for a violation of this section, the court may admit evidence on the concentration of alcohol, drugs of abuse, or alcohol and drugs of abuse in the defendant's blood, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance withdrawn within two hours of the time of the alleged violation. When a person submits to a blood test at the request of a police officer under R.C. § 4511.191 or a substantially similar municipal ordinance, only a physician, a registered nurse, or a qualified technician or chemist shall withdraw blood for the purpose of determining its alcohol, drug, or alcohol and drug content. This limitation does not apply to the taking of breath or urine specimens. A physician, a registered nurse, or a qualified technician or chemist may refuse to withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the blood, if in the opinion of the physician, nurse, technician, or chemist the physical welfare of the person would be endangered by the withdrawing of blood. Such bodily substance shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director of Health pursuant to R.C. § 3701.143.

(2) In a criminal prosecution for a violation of division (A) of this section, if there was at the time the bodily substance was withdrawn a concentration of less than 0.10% by weight of alcohol in the defendant's blood, less than 0.10 grams by weight of alcohol per 210 liters of the defendant's breath, or less than 0.14 grams by weight of alcohol per 100 milliliters of the defendant's urine, such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution for a violation of division (B) of this section.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney or agent immediately upon the completion of the chemical test analysis. The person tested may have a physician, a registered nurse, or a qualified technician or chemist of the person's own choosing administer a chemical test or tests in addition to any administered at the request of a police officer, and shall be so advised. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a police officer.

(4) (a) As used in division (D)(4) of this section, **NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION** means the National Highway Traffic Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C. § 105.

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.

2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

3. If testimony is presented or evidence is introduced under division (D)(4)(b)1. or 2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(c) Division (D)(4)(b) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (D)(4)(b) of this section.

(5) Any physician, registered nurse, or qualified technician or chemist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim that is not in the

nature of a claim of malpractice, for any act performed in withdrawing blood from the person.  
(R.C. § 4511.19) (Rev. 2003)

(E) Whoever violates division (A) of this section, in addition to the license suspension or revocation provided in R.C. § 4507.16 and any disqualification imposed under R.C. § 4506.16, shall be punished as provided in division (E)(1) and (2) below.

(1) Except as otherwise provided in division (E)(2) of this section, the offender is guilty of a misdemeanor of the first degree and shall be subject to any fines, terms of imprisonment, sanctions and regulations as provided in R.C. § 4511.99(A).

(2) If, within six years of the offense, the offender has been convicted of or pleaded guilty to three or more violations of divisions (A) or (B) of this section, R.C. § 4511.19(A) or (B), a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse; a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine; R.C. § 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section, or R.C. § 2903.06, 2903.07 or 2903.08 or a municipal ordinance that is substantially similar to R.C. § 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipality located in any other state that is substantially similar to R.C. § 4511.19(A) or (B), the offender is guilty of a felony to be prosecuted under appropriate state law.  
(R.C. § 4511.99(A)) (Rev. 2000)

(F) (1) Whoever violates division (B) of this section is guilty of operating a motor vehicle after underage alcohol consumption and shall be punished as follows:

(a) Except as otherwise provided in division (F)(1)(b) of this section, the offender is guilty of a misdemeanor of the fourth degree;

(b) The offender is guilty of a misdemeanor of the third degree if, within one year of the offense, the offender has been convicted of or pleaded guilty to any violation of the following:

1. Divisions (A) or (B) of this section or R.C. § 4511.19(A) or (B);

2. A municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;

3. A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;

4. R.C. § 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;

5. R.C. §§ 2903.06(A)(1) or 2903.08(A)(1) or a municipal ordinance that is substantially similar to either of those divisions;

6. R.C. §§ 2903.06(A)(2), (3) or (4) or 2903.08(A)(2) or a municipal ordinance that is substantially similar to any of those divisions, or former R.C. § 2903.07 or a substantially similar municipal ordinance, in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;

7. A statute of the United States or of any other state or a municipal ordinance of a municipality located in any other state that is substantially similar to R.C. § 4511.19(A) or (B).

(2) In addition to or independent of all other penalties provided by law, the offender's driver's or commercial driver's license or permit or nonresident operating privilege shall be suspended in accordance with and for the period of time specified in R.C. § 4507.16(E). (R.C. § 4511.99(N)) (Rev. 2000) Penalty, see § 70.99

*Cross-reference:*

*Endangering children, see § 135.14*

*Power to suspend or revoke driver's license, see § 33.05*

*Statutory reference:*

*Sentencing, fines, terms of imprisonment, disposition of fines, electronically monitored house arrest, use of alcohol and drug addiction program, see R.C. § 4511.99(A)*

*Trial judge to suspend or revoke driver's license, see R.C. § 4507.16*

§ 73.011 IMPLIED CONSENT.

(A) Any person who operates a vehicle upon a highway or any public or private property used by the public for vehicular travel or parking within this municipality shall be deemed to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the alcohol, drug, or alcohol and drug content of his or her blood, breath, or urine if arrested for operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or for operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine. The chemical tests shall be administered at the request of a police officer having reasonable grounds to believe the person was operating a vehicle upon a highway or any public or private property used by the public for

vehicular travel or parking in this municipality while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or with a prohibited concentration of alcohol in the blood, breath, or urine. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(B) Any person who is dead or unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn consent as provided by division (A) above and the tests may be administered, subject to R.C. §§ 313.12 through 313.16.

(C) (1) Any person under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, for operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine shall be advised at a police station, or at a hospital, first-aid station, or clinic to which the person has been taken for first-aid or medical treatment, of both of the following:

(a) The consequences, as specified in R.C. § 4511.191(E), of the person's refusal to submit upon request to a chemical test designated by the law enforcement agency as provided in division (A);

(b) The consequences, as specified in R.C. § 4511.191(F), of the person's submission to the designated chemical test if the person is found to have a prohibited concentration of alcohol in the blood, breath, or urine.

(2) (a) The advice given pursuant to division (C)(1) of this section shall be in a written form containing the information described in division (C)(2)(b) of this section and shall be read to the person. The form shall contain a statement that the form was shown to the person under arrest and read to him or her in the presence of the arresting officer and either another police officer, civilian police employee, or an employee of a hospital, first-aid station, or clinic, if any, to which the person has been taken for first-aid or medical treatment. The witnesses shall certify to this fact by signing the form.

(b) The form required by division (C)(2)(a) of this section shall read as follows:

You now are under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or both alcohol and a drug of abuse and will be requested by a police officer to submit to a chemical test to determine the concentration of alcohol, drugs of abuse, or alcohol and drugs of abuse in your blood, breath, or urine.

If you refuse to submit to the requested test or if you submit to the requested test and are found to have a prohibited concentration of alcohol in your blood, breath, or urine, your driver's or commercial driver's license or permit or nonresident operating privilege immediately will be suspended for the period of time specified by law by the officer, on behalf of the Registrar of Motor Vehicles. You may appeal this suspension at your initial appearance before the court that hears the charges against you resulting from the arrest and your initial appearance will be conducted no later than five days after the arrest. This suspension is independent of the penalties for the offense, and you may be subject to other penalties upon conviction.

(D) (1) If a person under arrest as described in division (C)(1) of this section is not asked by a police officer to submit to a chemical test designated as provided in division (A) of this section, the arresting officer shall seize the state or out-of-state driver's or commercial driver's license or permit of the person and immediately forward the seized license or permit to the court in which the arrested person is to appear on the charge for which he or she was arrested. If the arrested person does not have the person's driver's or commercial driver's license or permit on the person's self or in the person's vehicle, the arresting officer shall order him or her to surrender it to the law enforcement agency that employs the officer within 24 hours after the arrest, and, upon the surrender, the officer's employing agency immediately shall forward the license or permit to the court in which the arrested person is to appear on the charge for which he or she was arrested. Upon receipt of the license or permit, the court shall retain it pending the initial appearance of the arrested person and any action taken under R.C. § 4511.196. If a person under arrest as described in division (C)(1) of this section is asked by a police officer to submit to a chemical test designated as provided in division (A) above and is advised of the consequences of his or her refusal or submission as provided in division (C) above, and if the person either refuses to submit to the designated chemical test or the person submits to the designated chemical test and the test results indicate that his or her blood contained a concentration of 0.10% or more by weight of alcohol, his or her breath contained a concentration of 0.10 grams or more by weight of alcohol per 210 liters of his or her breath, or his or her urine contained a concentration of 0.14 grams or more by weight of alcohol per 100 milliliters of his or her urine at the time of the alleged offense, the arresting officer shall do all of the following:

(a) On behalf of the Registrar, serve a notice of suspension upon the person that advises the person that, independent of any penalties or sanctions imposed upon

him or her pursuant to any other section of the Revised Code or any other municipal ordinance his or her driver's or commercial driver's license or permit or nonresident operating privilege is suspended, that the suspension takes effect immediately, that the suspension will last at least until his or her initial appearance on the charge that will be held within five days after the date of his or her arrest or the issuance of a citation to him or her, and that he or she may appeal the suspension at the initial appearance; seize the state or out-of-state driver's or commercial driver's license or permit of the person; and immediately forward the seized license or permit to the Registrar. If the arrested person does not have the person's driver's or commercial driver's license or permit on the person's self or in the person's vehicle, the arresting officer shall order him or her to surrender it to the law enforcement agency that employs the officer within 24 hours after the service of the notice of suspension, and upon the surrender, the officer's employing agency immediately shall forward the license or permit to the Registrar.

(b) Verify the current residence of the person and, if it differs from that on the person's driver's or commercial driver's license or permit, notify the Registrar of the change;

(c) In addition to forwarding the arrested person's driver's or commercial driver's license or permit to the Registrar, send to the Registrar, within 48 hours after the arrest of the person, a sworn report that includes all of the following statements:

1. That the officer had reasonable grounds to believe that, at the time of the arrest, the arrested person was operating a vehicle upon a highway or public or private property used by the public for vehicular travel or parking within this municipality while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or with a prohibited concentration of alcohol in the blood, breath, or urine;

2. That the person was arrested and charged with operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or with operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;

3. That the officer asked the person to take the designated chemical test, advised the person of the consequences of submitting to the chemical test or refusing to take the chemical test, and gave the person the form described in division (C)(2) of this section;

4. That the person refused to submit to the chemical test or that the person submitted to the chemical test and the test results indicate that his or her blood contained a concentration of 0.10% or more by

weight of alcohol, his or her breath contained a concentration of 0.10 grams or more by weight of alcohol per 210 liters of his or her breath, or his or her urine contained a concentration of 0.14 grams or more by weight of alcohol per 100 milliliters of his or her urine at the time of the alleged offense;

5. That the officer served a notice of suspension upon the person as described in division (D)(1)(a) of this section.

(2) The sworn report of an arresting officer completed under division (D)(1)(c) of this section shall be given by the officer to the arrested person at the time of the arrest or sent to the person by regular first class mail by the Registrar as soon thereafter as possible, but no later than 14 days after receipt of the report. An arresting officer may give an unsworn report to the arrested person at the time of the arrest provided the report is complete when given to the arrested person and is subsequently sworn to by the arresting officer. As soon as possible, but no later than 48 hours after the arrest of the person, the arresting officer shall send a copy of the sworn report to the court in which the arrested person is to appear on the charge for which he or she was arrested.

(3) The sworn report of an arresting officer completed and sent to the Registrar and the court under divisions (D)(1)(c) and (D)(2) of this section is prima facie proof of the information and statements that it contains and shall be admitted and considered as prima facie proof of the information and statements that it contains in any appeal under R.C. § 4511.191(H) relative to any suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege that results from the arrest covered by the report.

(E) (1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under division (D)(1)(a) of this section for the period of time described in R.C. § 4511.191(E) or (F) is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in his or her being requested to take, or in his or her taking, the chemical test or tests under division (A) of this section affects the suspension only as described in R.C. § 4511.191(H)(2).

(2) If a person arrested for operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or for operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine and regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under R.C. § 4511.191(E) or (F), the person's initial appearance on the

charge resulting from the arrest shall be held within five days of the persons' arrest or the issuance of the citation to him or her, subject to any continuance granted by the court pursuant to R.C. § 4511.191(H)(1) regarding the issues specified in that division.

(R.C. § 4511.191(A) - (D), (G)) (Rev. 2000)

(F) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under this section, R.C. § 4511.191 or 4511.196 shall operate a vehicle upon the highways or streets within this municipality. However, it is an affirmative defense to any prosecution brought pursuant to this section that the alleged offender drove under suspension because of a substantial emergency, provided that no other person was reasonably available to drive in response to the emergency.

(R.C. § 4511.192)

(G) Whoever violates division (F) of this section is guilty of a misdemeanor of the first degree. The court, in addition to or independent of all other penalties provided by law, may suspend for a period not to exceed one year the driver's or commercial driver's license or permit or nonresident operating privilege of any person who pleads guilty to or is convicted of a violation of division (F) of this section.

(R.C. § 4511.99(B)) Penalty, see § 70.99

**Statutory reference:**

*Disposition of fines, immobilization of vehicle and impoundment of license plates, criminal forfeiture for municipal ordinance conviction, see R.C. § 4511.193*  
*Effect of refusal to submit to test, seizure of license, suspension periods, appeal procedures, occupational driving privileges, and indigent drivers alcohol treatment funds, see R.C. § 4511.191(C) - (N)*  
*Judicial pretrial suspension, initial appearance, see R.C. § 4511.196*  
*Seizure of vehicles upon arrest, see R.C. § 4511.195*

**§ 73.02 DRIVING COMMERCIAL VEHICLE WITH IMPAIRED ALERTNESS OR ABILITY; USE OF DRUGS.**

(A) No person shall drive a commercial motor vehicle, as defined in R.C. § 4506.01, or a commercial car or commercial tractor, as defined in R.C. § 4501.01, while his or her ability or alertness is so impaired by fatigue, illness, or other causes that it is unsafe for him or her to drive such vehicle. No driver shall use any drug which would adversely affect his or her ability or alertness.

(B) No owner, as defined in R.C. § 4501.01, of a commercial motor vehicle, commercial car or commercial tractor, or a person employing or otherwise directing the driver of such vehicle, shall require or knowingly permit a

driver in any such condition described in division (A) of this section to drive such vehicle upon any street or highway. (R.C. § 4511.79)

(C) Whoever violates this section is guilty of one of the following:

(1) Except as otherwise provided in division (C)(2) of this section, a minor misdemeanor.

(2) If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or a state law or municipal ordinance that is substantially similar to this section, a misdemeanor of the fourth degree. (R.C. § 4511.99(C)) Penalty, see § 70.99

**RECKLESS OPERATION**

**§ 73.05 RECKLESS OPERATION OF VEHICLES.**

No person shall operate a vehicle on any street or highway in willful or wanton disregard of the safety of persons or property.

(R.C. § 4511.20) Penalty, see § 70.99

**§ 73.06 RECKLESS OPERATION OFF STREETS AND HIGHWAYS; COMPETITIVE OPERATION.**

(A) No person shall operate a vehicle on any public or private property other than streets or highways in willful or wanton disregard of the safety of persons or property.

(B) This section does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon.

(R.C. § 4511.201) Penalty, see § 70.99

**§ 73.07 OPERATOR TO BE IN REASONABLE CONTROL.**

(A) No person shall operate a motor vehicle on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle. (R.C. § 4511.202)

(B) Whoever violates this section is guilty of operating a motor vehicle without being in control of it, a minor misdemeanor. (R.C. § 4511.99(I))



(F) No person shall permit any vessel to be operated on the waters in this municipality in violation of this section.

(R.C. § 1547.08) (Rev. 2002) Penalty, see § 96.99

#### § 96.11 MOORING PROHIBITED IN CERTAIN AREAS.

(A) No person shall moor or anchor any vessel in a designated speed zone or water ski zone. No person, unless in distress and no other vessel is endangered thereby, shall moor to, anchor to, or tie up to any marker, aid, buoy, light, or other aid to navigation.

(B) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.

(R.C. § 1547.09) (Rev. 2002) Penalty, see § 96.99

#### § 96.12 OPERATING UNDER INFLUENCE OF ALCOHOL OR DRUGS PROHIBITED.

(A) No person shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this municipality if any of the following applies:

(1) The person is under the influence of alcohol or a drug of abuse, or the combined influence of alcohol and a drug of abuse;

(2) The person has a concentration of 0.10% or more by weight of alcohol in the person's blood;

(3) The person has a concentration of 0.14 grams or more by weight of alcohol per 100 milliliters of the person's urine;

(4) The person has a concentration of 0.10 grams or more by weight of alcohol per 210 liters of the person's breath.

(B) No person under 21 years of age shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this municipality if any of the following applies:

(1) The person has a concentration of at least 0.02% but less than 0.10% by weight of alcohol in the person's blood;

(2) The person has a concentration of at least 0.028 grams but less than 0.14 grams by weight of alcohol per 100 milliliters of the person's urine;

(3) The person has a concentration of at least 0.02 grams but less than 0.10 grams by weight of alcohol per 210 liters of the person's breath.

(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1) and a violation of division (B)(1), (2), or (3) of this section, but the person shall not be convicted of more than one violation of those divisions.

(D) (1) (a) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating or being in physical control of a vessel underway or manipulating any water skis, aquaplane, or similar device while under the influence of alcohol, a drug of abuse, or the combined influence of alcohol and a drug of abuse, or of a municipal ordinance relating to operating or being in physical control of a vessel underway or manipulating any water skis, aquaplane, or similar device with a prohibited concentration of alcohol in the blood, breath, or urine, the court may admit evidence on the concentration of alcohol, drugs of abuse, or alcohol and drugs of abuse in the defendant's blood, urine, or breath at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, or breath taken within two hours of the time of the alleged violation.

(b) When a person submits to a blood test, only a physician, registered nurse, or qualified technician or chemist shall withdraw blood for the purpose of determining its alcohol or drug of abuse content. This limitation does not apply to the taking of breath or urine specimens. A physician, registered nurse, or qualified technician or chemist may refuse to withdraw blood for the purpose of determining its alcohol or drug of abuse content if in the opinion of the physician, nurse, or technician or chemist, the physical welfare of the person would be endangered by the withdrawing of blood.

(c) The blood, urine, or breath shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to R.C. § 3701.143.

(2) In a criminal prosecution or juvenile court proceeding for a violation of division (A) of this section, of a municipal ordinance relating to operating or being in physical control of a vessel underway or manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or the combined influence of alcohol and a drug of abuse, or of a municipal ordinance substantially equivalent to division (A) of this section relating to operating or being in physical control of a vessel underway or manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol in the

blood, breath, or urine, if there was at the time the blood, urine, or breath bodily substance was taken a concentration of less than 0.10% by weight of alcohol in the defendant's blood, less than 0.14 grams by weight of alcohol per 100 milliliters of the defendant's urine, or less than 0.10 grams by weight of alcohol per 210 liters of the defendant's breath, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (B) of this section or of a municipal ordinance substantially equivalent to division (B) of this section relating to operating or being in physical control of a vessel underway or manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol in the blood, breath, or urine.

(3) Upon the request of the person who was tested, the results of the test shall be made available to the person or the person's attorney or agent immediately upon the completion of the test analysis. The person tested may have a physician, registered nurse, or qualified technician or chemist of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer, and shall be so advised. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer. A physician, registered nurse, or qualified technician or chemist who withdraws blood from a person pursuant to this section, and a hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim that is not in the nature of a claim of malpractice, for any act performed in withdrawing blood from the person.

(E) (1) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating or being in physical control of any vessel underway or manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or the combined influence of alcohol and a drug of abuse, or of a municipal ordinance relating to operating or being in physical control of any vessel underway or manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol in the blood, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator or person found to be in physical control of the vessel underway involved in the violation or the person manipulating the water skis, aquaplane, or similar device involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the

testing standards for reliable, credible and generally accepted field sobriety tests for vehicles that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that have been set by the National Highway Traffic Safety Administration, that by their nature are not clearly inapplicable regarding the operation or physical control of vessels underway or the manipulation of water skis, aquaplanes, or similar devices, all of the following apply:

(a) The officer may testify concerning the results of the field sobriety test so administered.

(b) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(c) If testimony is presented or evidence is introduced under division (E)(1)(a) or (E)(1)(b) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(2) Division (E)(1) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (E)(1) of this section.

(F) (1) As used in division (E) of this section, **NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION** has the same meaning as in R.C. § 4511.19.

(2) For the purposes of this section, **OPERATE** means that a vessel is being used on the waters in this state when the vessel is not securely affixed to a dock or to shore or to any permanent structure to which the vessel has the right to affix or that a vessel is not anchored in a designated anchorage area or boat camping area that is established by the United States Coast Guard, this state, or a political subdivision and in which the vessel has the right to anchor. (R.C. § 1547.11) (Rev. 2003)

(G) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be punished as provided in division (G)(1), (2), or (3) of this section.

(1) Except as otherwise provided in division (G)(2) or (3) of this section, the court shall sentence the offender to a term of imprisonment of three consecutive days and may sentence the offender pursuant to R.C. § 2929.21 to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than

\$150 nor more than \$1,000. The court may suspend the execution of the mandatory three consecutive days of imprisonment that it is required to impose by this division (G)(1) if the court, in lieu of the suspended term of imprisonment, places the offender on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to R.C. § 3793.10. The court also may suspend the execution of any part of the mandatory three consecutive days of imprisonment that it is required to impose by this division (G)(1) if the court places the offender on probation for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to R.C. § 3793.10; and sentences the offender to a term of imprisonment equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

(2) If, within five years of the offense, the offender has been convicted of or pleaded guilty to one violation of this section; of R.C. § 1547.11; of a municipal ordinance relating to operating a watercraft or manipulating any water skis, aquaplane, or similar device while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse; of a municipal ordinance relating to operating a watercraft or manipulating any water skis, aquaplane, or similar device with a prohibited concentration of alcohol in the blood, breath, or urine; of R.C. § 2903.06(A)(1); or of R.C. § 2903.06(A)(2), (3) or (4) or former R.C. § 2903.06 or 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the court shall sentence the offender to a term of imprisonment of 10 consecutive days and may sentence the offender pursuant to R.C. § 2929.21 to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than \$150 nor more than \$1,000. In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to R.C. § 3793.10.

(3) If, within five years of the offense, the offender has been convicted of or pleaded guilty to more than one violation identified in division (G)(2) of this section, the court shall sentence the offender to a term of imprisonment of 30 consecutive days and may sentence the offender to a longer term of imprisonment of not more than

one year. In addition, the court shall impose upon the offender a fine of not less than \$150 nor more than \$1,000. In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to R.C. § 3793.10.

(4) Upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to division (G)(1), (2), or (3) of this section to continue the offender's employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the 3, 10, or 30 consecutive days of imprisonment that the court is required by division (G)(1), (2), or (3) of this section to impose. No court shall authorize work release from imprisonment during the 3, 10, or 30 consecutive days of imprisonment that the court is required by division (G)(1), (2), or (3) of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place of imprisonment and the time actually spent under employment.

(5) Notwithstanding any section of the Ohio Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court shall suspend the 10 or 30 consecutive days of imprisonment required to be imposed by division (G)(2) or (3) of this section or place an offender who is sentenced pursuant to division (G)(2) or (3) of this section in any treatment program in lieu of imprisonment until after the offender has served the 10 or 30 consecutive days of imprisonment required to be imposed pursuant to division (G)(2) or (3) of this section. Notwithstanding any section of the Ohio Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court, except as specifically authorized by division (G)(1) of this section, shall suspend the 3 consecutive days of imprisonment required to be imposed by division (G)(1) of this section or place an offender who is sentenced pursuant to division (G)(1) of this section in any treatment program in lieu of imprisonment until after the offender has served the 3 consecutive days of imprisonment required to be imposed pursuant to division (G)(1) of this section. (R.C. § 1547.99(G)) (Rev. 2003)

#### § 96.13 IMPLIED CONSENT.

(A) Any person who operates or is in physical control of a vessel or manipulates any water skis, aquaplane, or similar device upon any waters in this municipality shall be deemed to have given consent to a chemical test or tests of the person's blood, breath, or urine for the purpose of determining its alcohol or drug of abuse content if arrested

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. ....

Passed ....., .....

YEAR

**AN ORDINANCE FOR THE VILLAGE OF AMANDA, OHIO, AMENDING SECTIONS 73.01, 73.011 AND 96.12 OF THE 2003 EDITION OF THE OHIO BASIC CODE, EFFECTIVE JUNE 30, 2003, TO REFLECT THE STATE OF OHIO'S REDUCTION IN THE LEGAL ALCOHOL LIMIT FOR OPERATING A MOTOR VEHICLE, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village has adopted American Legal Publishing's Ohio Basic Code, 2003 Edition;

**WHEREAS**, effective June 30, 2003, the Ohio Legislature amended Ohio Revised Code Sections 1547.11, 4511.19 and 4511.191 by reducing the legal alcohol limit for operating motor vehicle (see House Bill 87 of the 125<sup>th</sup> Session of the General Assembly);

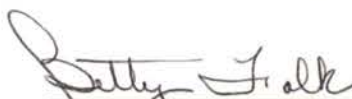
**WHEREAS**, Sections 73.01, 73.011, and 96.12 of the 2003 Edition of the Ohio Basic Code do not reflect these amendments;

**WHEREAS**, it is necessary to provide 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 VILLAGE OF AMANDA, OHIO:**

**Section 1.** Effective June 30, 2003, Sections 73.01 (Driving While Intoxicated or Drugged), 73.011 (Implied Consent) and 96.12 (Operating Under Influence of Alcohol or Drugs Prohibited) of the 2003 Edition of the Ohio Basic Code are amended to read as set forth in Exhibit A, attached hereto.

**Section 2.** 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 Village, and shall take effect at the earliest date provided by law.

  
\_\_\_\_\_  
Mayor Betty Folk

**VOTE:** Yes \_\_\_\_\_

No \_\_\_\_\_

**ATTEST:**

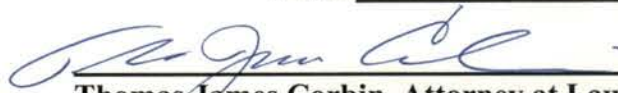
\_\_\_\_\_  
Cheri Norman  
Clerk-Treasurer

**The Three-Reading Requirement was waived/not waived:**

Yeas: \_\_\_\_\_ Nays: \_\_\_\_\_

Clerk: \_\_\_\_\_

**Approved as to form:**

  
\_\_\_\_\_  
Thomas James Corbin, Attorney at Law

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. ....

Passed ....., YEAR .....

The undersigned, Clerk of the legislative authority, does hereby certify that the foregoing legislation was posted in not less than five (5) public places, as determined by the legislative authority, for a period of not less than fifteen (15) days prior to the effective date thereof.

\_\_\_\_\_  
Clerk

RECORD OF ORDINANCES

DRAFT

Dayton Legal Blank Co.

Ordinance No. 03-5

Passed July 7, 2003  
YEAR

**AN ORDINANCE ADOPTING PLAN FOR DIVIDING VILLAGE INTO ZONES OR DISTRICTS AND OTHERWISE GOVERNING USE AND OCCUPANCY OF LAND**

WHEREAS the law provides for the division of land into zones, and for the planning of orderly growth and development; and

WHEREAS the Village legislative authority desires to adopt such a plan, entitled the "Zoning Ordinance of the Village of Amanda"; and

WHEREAS the Amanda Planning and Zoning Board has, by instrument dated ~~March 3, 2003~~, recommended to Village Council adoption of the proposed zoning ordinance dated February 28, 2003;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:

That the zoning code, hereinafter referred to as the zoning ordinance, and accompanying map, is hereby adopted and made the law governing the Village of Amanda.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 4

No 0

ATTEST:

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 4 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

RECORD OF ORDINANCES

DRAFT

Dayton Legal Blank Co.

Ordinance No. 03-5

Passed July 7, 2003  
YEAR

**AN ORDINANCE ADOPTING PLAN FOR DIVIDING VILLAGE INTO ZONES OR DISTRICTS AND OTHERWISE GOVERNING USE AND OCCUPANCY OF LAND**

WHEREAS the law provides for the division of land into zones, and for the planning of orderly growth and development; and

WHEREAS the Village legislative authority desires to adopt such a plan, entitled the "Zoning Ordinance of the Village of Amanda"; and

WHEREAS the Amanda Planning and Zoning Board has, by instrument dated ~~March 3, 2003~~, recommended to Village Council adoption of the proposed zoning ordinance dated February 28, 2003;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:

That the zoning code, hereinafter referred to as the zoning ordinance, and accompanying map, is hereby adopted and made the law governing the Village of Amanda.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 4

No 0

ATTEST:  
Cheri L. Norman

Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 4 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

RECORD OF ORDINANCES

DRAFT

Dayton Legal Blank Co.

Ordinance No. 03-5

Passed July 7, 2003  
YEAR

**AN ORDINANCE ADOPTING PLAN FOR DIVIDING VILLAGE INTO ZONES OR DISTRICTS AND OTHERWISE GOVERNING USE AND OCCUPANCY OF LAND**

**WHEREAS** the law provides for the division of land into zones, and for the planning of orderly growth and development; and

**WHEREAS** the Village legislative authority desires to adopt such a plan, entitled the "Zoning Ordinance of the Village of Amanda"; and

**WHEREAS** the Amanda Planning and Zoning Board has, by instrument dated ~~March 3, 2003~~, recommended to Village Council adoption of the proposed zoning ordinance dated February 28, 2003;

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:**

That the zoning code, hereinafter referred to as the zoning ordinance, and accompanying map, is hereby adopted and made the law governing the Village of Amanda.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 4

No 0

ATTEST:

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 4 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law



# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 03-4

Passed March 3, 2003  
YEAR

**AN ORDINANCE INCREASING THE RATE FOR WATER RENTS CHARGED WITHIN THE VILLAGE OF AMANDA, AND AMENDING PREVIOUS ORDINANCE #**

WHEREAS the Village legislative authority, in conjunction with the Village Board of Public Affairs, find it necessary to increase water rents, in order to meet the expense of operating the Village water system;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:

That, from and after the 3<sup>rd</sup> day of March, 2003, the minimum monthly rent charged for water service within the Village shall be eight dollars and twenty-one cents (\$8.21);

That the metered rate existing upon the effective date of this ordinance shall be increased by three percent (3%);

That any prior legislation inconsistent herewith shall be amended/repealed, as appropriate.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 5

No 0

ATTEST:

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 5 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

The undersigned, Clerk of the legislative authority, does hereby certify that the foregoing legislation was posted in not less than five (5) public places, as determined by

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 03-4

Passed March 3, 2003  
YEAR

**AN ORDINANCE INCREASING THE RATE FOR WATER RENTS CHARGED WITHIN THE VILLAGE OF AMANDA, AND AMENDING PREVIOUS ORDINANCE #**

WHEREAS the Village legislative authority, in conjunction with the Village Board of Public Affairs, find it necessary to increase water rents, in order to meet the expense of operating the Village water system;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:

That, from and after the 3<sup>rd</sup> day of March, 2003, the minimum monthly rent charged for water service within the Village shall be eight dollars and twenty-one cents (\$8.21);

That the metered rate existing upon the effective date of this ordinance shall be increased by three percent (3%);

That any prior legislation inconsistent herewith shall be amended/repealed, as appropriate.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 5

No 0

ATTEST:

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 5 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

The undersigned, Clerk of the legislative authority, does hereby certify that the foregoing legislation was posted in not less than five (5) public places, as determined by

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 03-4

Passed March 3, 2003  
YEAR

**AN ORDINANCE INCREASING THE RATE FOR WATER RENTS CHARGED WITHIN THE VILLAGE OF AMANDA, AND AMENDING PREVIOUS ORDINANCE #**

WHEREAS the Village legislative authority, in conjunction with the Village Board of Public Affairs, find it necessary to increase water rents, in order to meet the expense of operating the Village water system;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:

That, from and after the 3<sup>rd</sup> day of March, 2003, the minimum monthly rent charged for water service within the Village shall be eight dollars and twenty-one cents (\$8.21);

That the metered rate existing upon the effective date of this ordinance shall be increased by three percent (3%);

That any prior legislation inconsistent herewith shall be amended/repealed, as appropriate.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 5

No 0

ATTEST:

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 5 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

The undersigned, Clerk of the legislative authority, does hereby certify that the foregoing legislation was posted in not less than five (5) public places, as determined by

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 03-3

Passed May 5, 2003  
YEAR

**AN ORDINANCE COMBINING THE DUTIES OF THE ELECTED CLERK-TREASURER INTO ONE APPOINTED KNOWN AS THE VILLAGE FISCAL OFFICER**

**WHEREAS** the law of Ohio has been changed, allowing for the elected offices of village clerk and treasurer, whether now separate or combined, to be combined into one appointed office, to be known as the **village fiscal officer**; and

**WHEREAS** the Village of Amanda, through its duly elected Council, wishes to create such combined **appointed** office;

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:**

1. That the position of village clerk-treasurer is hereby converted to an appointed position, to be known as **The Village Fiscal Officer**;
2. That the Village Fiscal Officer appointed to this Ordinance shall perform the duties provided by law for the Village Clerk and Treasurer and any other duties consistent with the nature of the office as may hereafter be provided for by municipal ordinance;
3. That said Village Fiscal Officer shall be appointed by the Mayor;
4. That said appointment does not become effective until approved by majority vote of the Village Legislative Authority; and that salary shall be established at said point in time;
5. That a certified copy of this ordinance shall be filed by the Village Legislative Authority with the Fairfield County Board of Elections not less than one hundred and five (105) days before the next succeeding primary or regular municipal election at which the Village Clerk-Treasurer is to be elected;
6. That if a vacancy should come to exist in the office of the elected Village Clerk-Treasurer, the Village Fiscal Officer shall be appointed with responsibilities to take effect immediately;
7. That otherwise the appointed Village Fiscal Officer shall assume responsibilities effective at the conclusion of the Clerk-Treasurer's four (4) year term, and

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. ....

Passed ..... YEAR

8. That this ordinance is passed by **two-thirds** majority of all member of the Amanda Legislative Authority.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 6 No 0

ATTEST:

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 6 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

The undersigned, Clerk of the legislative authority, does hereby certify that this

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 03-4

Passed March 3, 2003  
YEAR

**AN ORDINANCE INCREASING THE RATE FOR WATER RENTS CHARGED WITHIN THE VILLAGE OF AMANDA, AND AMENDING PREVIOUS ORDINANCE #**

WHEREAS the Village legislative authority, in conjunction with the Village Board of Public Affairs, find it necessary to increase water rents, in order to meet the expense of operating the Village water system;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:

That, from and after the 3<sup>rd</sup> day of March, 2003, the minimum monthly rent charged for water service within the Village shall be eight dollars and twenty-one cents (\$8.21);

That the metered rate existing upon the effective date of this ordinance shall be increased by three percent (3%);

That any prior legislation inconsistent herewith shall be amended/repealed, as appropriate.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 5

No 0

ATTEST:

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 5 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

The undersigned, Clerk of the legislative authority, does hereby certify that the foregoing legislation was posted in not less than five (5) public places, as determined by

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 03-3

Passed May 5, 2003  
YEAR

**AN ORDINANCE COMBINING THE DUTIES OF THE ELECTED CLERK-TREASURER INTO ONE APPOINTED KNOWN AS THE VILLAGE FISCAL OFFICER**

WHEREAS the law of Ohio has been changed, allowing for the elected offices of village clerk and treasurer, whether now separate or combined, to be combined into one appointed office, to be known as the **village fiscal officer**; and

WHEREAS the Village of Amanda, through its duly elected Council, wishes to create such combined **appointed** office;

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:**

1. That the position of village clerk-treasurer is hereby converted to an appointed position, to be known as **The Village Fiscal Officer**;
2. That the Village Fiscal Officer appointed to this Ordinance shall perform the duties provided by law for the Village Clerk and Treasurer and any other duties consistent with the nature of the office as may hereafter be provided for by municipal ordinance;
3. That said Village Fiscal Officer shall be appointed by the Mayor;
4. That said appointment does not become effective until approved by majority vote of the Village Legislative Authority; and that salary shall be established at said point in time;
5. That a certified copy of this ordinance shall be filed by the Village Legislative Authority with the Fairfield County Board of Elections not less than one hundred and five (105) days before the next succeeding primary or regular municipal election at which the Village Clerk-Treasurer is to be elected;
6. That if a vacancy should come to exist in the office of the elected Village Clerk-Treasurer, the Village Fiscal Officer shall be appointed with responsibilities to take effect immediately;
7. That otherwise the appointed Village Fiscal Officer shall assume responsibilities effective at the conclusion of the Clerk-Treasurer's four (4) year term, and specifically on the first day of April following the next regular municipal election at which the Village Clerk-Treasurer is to be elected;

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 03-4

Passed March 3, 2003  
YEAR

**AN ORDINANCE INCREASING THE RATE FOR WATER RENTS CHARGED WITHIN THE VILLAGE OF AMANDA, AND AMENDING PREVIOUS ORDINANCE #**

WHEREAS the Village legislative authority, in conjunction with the Village Board of Public Affairs, find it necessary to increase water rents, in order to meet the expense of operating the Village water system;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:

That, from and after the 3<sup>rd</sup> day of March, 2003, the minimum monthly rent charged for water service within the Village shall be eight dollars and twenty-one cents (\$8.21);

That the metered rate existing upon the effective date of this ordinance shall be increased by three percent (3%);

That any prior legislation inconsistent herewith shall be amended/repealed, as appropriate.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 5

No 0

ATTEST:

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 5 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

The undersigned, Clerk of the legislative authority, does hereby certify that the foregoing legislation was posted in not less than five (5) public places, as determined by the legislative authority, for a period of not less than fifteen (15) days prior to the effective date thereof.

Cheri L. Norman  
Clerk



# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. ....

Passed ..... YEAR

8. That this ordinance is passed by **two-thirds** majority of all member of the Amanda Legislative Authority.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 6

No 0

ATTEST:

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 6 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

The undersigned, Clerk of the legislative authority, does hereby certify that this legislation was posted in not less than five (5) public places, as determined by the legislative authority, for a period of not less than fifteen (15) days prior to the effective date thereof.

Cheri L. Norman  
Clerk

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 03-2

Passed April 7, 2003  
YEAR

## ORDINANCE ASSESSING FEE FOR TERMINATING VILLAGE WATER SERVICE

**WHEREAS**, the Village incurs expense, administrative and otherwise, upon the physical termination of water service to users throughout the Village; and

**WHEREAS**, the Village desires to recoup said expense so as to provide for the orderly and economically efficient administration of the Village water system;

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:**

That a charge of \$25.00 shall hereafter be assessed upon the physical termination of water service to any user throughout the Village, whether the cause for termination is voluntary or involuntary, except when involuntary termination is the result of circumstances created or caused by the Village, and are not attributable to conduct by the property owner or user.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 4 No 0

ATTEST:

1 Absent (Shipton)  
1 Vacant Seat

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 4 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 03-3

Passed May 5, 2003  
YEAR

**AN ORDINANCE COMBINING THE DUTIES OF THE  
ELECTED CLERK-TREASURER INTO ONE APPOINTED  
KNOWN AS THE VILLAGE FISCAL OFFICER**

**WHEREAS** the law of Ohio has been changed, allowing for the elected offices of village clerk and treasurer, whether now separate or combined, to be combined into one appointed office, to be known as the **village fiscal officer**; and

**WHEREAS** the Village of Amanda, through its duly elected Council, wishes to create such combined **appointed** office;

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA,  
OHIO:**

1. That the position of village clerk-treasurer is hereby converted to an appointed position, to be known as **The Village Fiscal Officer**;
2. That the Village Fiscal Officer appointed to this Ordinance shall perform the duties provided by law for the Village Clerk and Treasurer and any other duties consistent with the nature of the office as may hereafter be provided for by municipal ordinance;
3. That said Village Fiscal Officer shall be appointed by the Mayor;
4. That said appointment does not become effective until approved by majority vote of the Village Legislative Authority; and that salary shall be established at said point in time;
5. That a certified copy of this ordinance shall be filed by the Village Legislative Authority with the Fairfield County Board of Elections not less than one hundred and five (105) days before the next succeeding primary or regular municipal election at which the Village Clerk-Treasurer is to be elected;
6. That if a vacancy should come to exist in the office of the elected Village Clerk-Treasurer, the Village Fiscal Officer shall be appointed with responsibilities to take effect immediately;
7. That otherwise the appointed Village Fiscal Officer shall assume responsibilities effective at the conclusion of the Clerk-Treasurer's four (4) year term, and

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. ....

Passed ....., YEAR

8. That this ordinance is passed by **two-thirds** majority of all member of the Amanda Legislative Authority.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 6 No 0

ATTEST:

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 6 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

The undersigned, Clerk of the legislative authority, does hereby certify that this

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 03-3

Passed May 5, 2003  
YEAR

**AN ORDINANCE COMBINING THE DUTIES OF THE ELECTED CLERK-TREASURER INTO ONE APPOINTED KNOWN AS THE VILLAGE FISCAL OFFICER**

**WHEREAS** the law of Ohio has been changed, allowing for the elected offices of village clerk and treasurer, whether now separate or combined, to be combined into one appointed office, to be known as the **village fiscal officer**; and

**WHEREAS** the Village of Amanda, through its duly elected Council, wishes to create such combined **appointed** office;

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:**

1. That the position of village clerk-treasurer is hereby converted to an appointed position, to be known as **The Village Fiscal Officer**;
2. That the Village Fiscal Officer appointed to this Ordinance shall perform the duties provided by law for the Village Clerk and Treasurer and any other duties consistent with the nature of the office as may hereafter be provided for by municipal ordinance;
3. That said Village Fiscal Officer shall be appointed by the Mayor;
4. That said appointment does not become effective until approved by majority vote of the Village Legislative Authority; and that salary shall be established at said point in time;
5. That a certified copy of this ordinance shall be filed by the Village Legislative Authority with the Fairfield County Board of Elections not less than one hundred and five (105) days before the next succeeding primary or regular municipal election at which the Village Clerk-Treasurer is to be elected;
6. That if a vacancy should come to exist in the office of the elected Village Clerk-Treasurer, the Village Fiscal Officer shall be appointed with responsibilities to take effect immediately;
7. That otherwise the appointed Village Fiscal Officer shall assume responsibilities effective at the conclusion of the Clerk-Treasurer's four (4) year term, and

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. ....

Passed ....., YEAR .....

8. That this ordinance is passed by **two-thirds** majority of all member of the Amanda Legislative Authority.

Betty Folk  
Mayor Betty Folk

VOTE:

Yes 6

No 0

ATTEST:

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 6 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

The undersigned, Clerk of the legislative authority, does hereby certify that this

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 03-3

Passed May 5, 2003  
YEAR

**AN ORDINANCE COMBINING THE DUTIES OF THE ELECTED CLERK-TREASURER INTO ONE APPOINTED KNOWN AS THE VILLAGE FISCAL OFFICER**

**WHEREAS** the law of Ohio has been changed, allowing for the elected offices of village clerk and treasurer, whether now separate or combined, to be combined into one appointed office, to be known as the **village fiscal officer**; and

**WHEREAS** the Village of Amanda, through its duly elected Council, wishes to create such combined **appointed** office;

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:**

1. That the position of village clerk-treasurer is hereby converted to an appointed position, to be known as **The Village Fiscal Officer**;
2. That the Village Fiscal Officer appointed to this Ordinance shall perform the duties provided by law for the Village Clerk and Treasurer and any other duties consistent with the nature of the office as may hereafter be provided for by municipal ordinance;
3. That said Village Fiscal Officer shall be appointed by the Mayor;
4. That said appointment does not become effective until approved by majority vote of the Village Legislative Authority; and that salary shall be established at said point in time;
5. That a certified copy of this ordinance shall be filed by the Village Legislative Authority with the Fairfield County Board of Elections not less than one hundred and five (105) days before the next succeeding primary or regular municipal election at which the Village Clerk-Treasurer is to be elected;
6. That if a vacancy should come to exist in the office of the elected Village Clerk-Treasurer, the Village Fiscal Officer shall be appointed with responsibilities to take effect immediately;
7. That otherwise the appointed Village Fiscal Officer shall assume responsibilities effective at the conclusion of the Clerk-Treasurer's four (4) year term, and

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. ....

Passed ..... YEAR

8. That this ordinance is passed by **two-thirds** majority of all member of the Amanda Legislative Authority.

Betty Folk  
Mayor Betty Folk

VOTE:

Yes 6

No 0

ATTEST:

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 6 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

The undersigned, Clerk of the legislative authority, does hereby certify that this



RECORD OF ORDINANCES

DRAFT

Dayton Legal Blank Co.

Ordinance No. 03-5

Passed July 7, 2003  
YEAR

**AN ORDINANCE ADOPTING PLAN FOR DIVIDING VILLAGE INTO ZONES OR DISTRICTS AND OTHERWISE GOVERNING USE AND OCCUPANCY OF LAND**

WHEREAS the law provides for the division of land into zones, and for the planning of orderly growth and development; and

WHEREAS the Village legislative authority desires to adopt such a plan, entitled the "Zoning Ordinance of the Village of Amanda"; and

WHEREAS the Amanda Planning and Zoning Board has, by instrument dated ~~March 3, 2003~~, recommended to Village Council adoption of the proposed zoning ordinance dated February 28, 2003;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:

That the zoning code, hereinafter referred to as the zoning ordinance, and accompanying map, is hereby adopted and made the law governing the Village of Amanda.

Betty Folk  
Mayor **Betty Folk**

VOTE: Yes 4 No 0

ATTEST:  
Cheri L. Norman  
**Cheri Norman**  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 4 Nays: 0  
Clerk: Cheri L. Norman

Approved as to form: Thomas James Corbin  
**Thomas James Corbin, Attorney at Law**

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 03-3

Passed May 5, 2003  
YEAR

**AN ORDINANCE COMBINING THE DUTIES OF THE ELECTED CLERK-TREASURER INTO ONE APPOINTED KNOWN AS THE VILLAGE FISCAL OFFICER**

**WHEREAS** the law of Ohio has been changed, allowing for the elected offices of village clerk and treasurer, whether now separate or combined, to be combined into one appointed office, to be known as the **village fiscal officer**; and

**WHEREAS** the Village of Amanda, through its duly elected Council, wishes to create such combined **appointed** office;

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:**

1. That the position of village clerk-treasurer is hereby converted to an appointed position, to be known as **The Village Fiscal Officer**;
2. That the Village Fiscal Officer appointed to this Ordinance shall perform the duties provided by law for the Village Clerk and Treasurer and any other duties consistent with the nature of the office as may hereafter be provided for by municipal ordinance;
3. That said Village Fiscal Officer shall be appointed by the Mayor;
4. That said appointment does not become effective until approved by majority vote of the Village Legislative Authority; and that salary shall be established at said point in time;
5. That a certified copy of this ordinance shall be filed by the Village Legislative Authority with the Fairfield County Board of Elections not less than one hundred and five (105) days before the next succeeding primary or regular municipal election at which the Village Clerk-Treasurer is to be elected;
6. That if a vacancy should come to exist in the office of the elected Village Clerk-Treasurer, the Village Fiscal Officer shall be appointed with responsibilities to take effect immediately;
7. That otherwise the appointed Village Fiscal Officer shall assume responsibilities effective at the conclusion of the Clerk-Treasurer's four (4) year term, and

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. ....

Passed ....., YEAR .....

8. That this ordinance is passed by **two-thirds** majority of all member of the Amanda Legislative Authority.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 6 No 0

ATTEST:

Cheri L. Norman  
Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 6 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

The undersigned, Clerk of the legislative authority, does hereby certify that this

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 03-4

Passed March 3, 2003  
YEAR

**AN ORDINANCE INCREASING THE RATE FOR WATER RENTS CHARGED WITHIN THE VILLAGE OF AMANDA, AND AMENDING PREVIOUS ORDINANCE #**

WHEREAS the Village legislative authority, in conjunction with the Village Board of Public Affairs, find it necessary to increase water rents, in order to meet the expense of operating the Village water system;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF AMANDA, OHIO:

That, from and after the 3<sup>rd</sup> day of March, 2003, the minimum monthly rent charged for water service within the Village shall be eight dollars and twenty-one cents (\$8.21);

That the metered rate existing upon the effective date of this ordinance shall be increased by three percent (3%);

That any prior legislation inconsistent herewith shall be amended/repealed, as appropriate.

Betty Folk  
Mayor Betty Folk

VOTE: Yes 5

No 0

ATTEST:

Cheri L. Norman

Cheri Norman  
Clerk-Treasurer

The Three-Reading Requirement was waived/not waived:

Yeas: 5 Nays: 0

Clerk: Cheri L. Norman

Approved as to form:

Thomas James Corbin  
Thomas James Corbin, Attorney at Law

The undersigned, Clerk of the legislative authority, does hereby certify that the foregoing legislation was posted in not less than five (5) public places, as determined by