

ORDINANCE NO. 26-79

AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE CODIFIED ORDINANCES; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; TO PUBLISH THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Sylvania, Ohio, has had the matter of recodification and general revision of the City ordinances before it for some time; and

WHEREAS, it has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such recodification; and

WHEREAS, the adoption of the Codified Ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, six members elected thereto concurring:

SECTION 1. That the ordinances of a general and permanent nature of the City of Sylvania, Ohio, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections are hereby approved, adopted and enacted as the Codified Ordinances of the City of Sylvania, Ohio, 1979.

One book-form copy of the Codified Ordinances shall be certified as correct by the Clerk-Auditor, attached to this Ordinance as a part hereof, and filed with the permanent ordinance records of the City of Sylvania, Ohio.

SECTION 2. That the provisions of this Ordinance, including all provisions of the Codified Ordinances, shall be in full force and effect as provided in Section 4 of this Ordinance. All ordinances and resolutions or parts thereof enacted prior to January 1, 1979, which are inconsistent with any provision of the Codified Ordinances, are hereby repealed as of the effective date of this Ordinance, except as follows:

- (a) The enactment of the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provisions 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 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 revision and recodification.

- (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 January 1, 1979.

SECTION 3. That the Clerk-Auditor pursuant to Article III, Section 11(e) of the City Charter shall cause to be posted a notice of the enactment of the Codified Ordinances setting forth the title of this Ordinance and the titles of the chapters and sections containing new matter therein in the office of the Clerk-Auditor in the Municipal Building, pursuant to Article III, Section 12, of the City Charter. Each section of the Codified Ordinances without a previous ordinance history, or containing a subsection with the phrase "Adopting Ordinance", at the end thereof indicate that the section contains new matter ordained by this Adopting Ordinance.

SECTION 4. That this Ordinance, being necessary for the immediate protection of the public welfare, safety, health and property for the reason that there exists an imperative necessity for the earliest publication and distribution of the Codified Ordinances to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements, is hereby declared to be an emergency measure, and providing it receives the affirmative vote of five or more members elected to Council, and approval by the Mayor, shall take effect and be in force immediately upon its passage and such approval; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Vote on emergency clause: Yeas 6 Nays 0

Passed, February 19, 1979 as an emergency measure.

Richard J. Hagerty
President of Council

ATTEST:

APPROVED:

Clayton F. Fischer
Clerk of Council

James E. Seney
Mayor

APPROVED AS TO FORM:

February 19, 1979
Date

Carl F. Dorcas
Director of Law