

2/4/21

ORDINANCE NO. 02-2021

**AN ORDINANCE APPROVING, ADOPTING AND ENACTING THE 2021 EDITION OF THE MODEL OHIO MUNICIPAL CODE – ADMINISTRATION CODE, AS REVISED THROUGH SEPTEMBER 14, 2020, PUBLISHED BY AMERICAN LEGAL PUBLISHING FOR THE VILLAGE OF Bradner, OHIO; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PUBLISHING THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.**

**WHEREAS**, American Legal Publishing Corporation has prepared and published a Model Ohio Municipal Code – Administration Code, as revised through September 14, 2020, which components are based upon and consistent with State law through September 14, 2020; and

**WHEREAS**, the Village is in need of a codification of such legislation, with which to administer the affairs of the Village, ensure law and order and avoid practical and legal entanglements; and

**WHEREAS**, Article XVIII, Section 3, of the Ohio Constitution requires that Village law be in conformity with State law in those areas specified therein;

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

**SECTION 1.** The 2021 Edition of the Model Ohio Municipal Code – Administration Code, as published by American Legal Publishing Corporation, is hereby approved, adopted and enacted by and for the Village.

**SECTION 2.** One book-form copy of the 2021 Edition of this Model Ohio Municipal Code – Administration Code shall be attached to this ordinance as a part hereof and filed with the permanent ordinance records of the Village.

**SECTION 3.** All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the 2021 Edition of the Model Ohio Municipal Code – Administration Code, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this ordinance, except as follows: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 2021 Edition of the Model Ohio Municipal Code – Administration Code 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.

**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 matters covered by it, which summary is attached hereto and marked "Exhibit A."

**SECTION 5.** Whenever reference is made in any documents, publications, or signs of the municipality, including but not limited to traffic tickets and traffic-control signs, to a section as it existed in a former edition of the Model Ohio Municipal Code, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered.

**SECTION 6.** This ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the public peace, health and safety, such emergency existing by reason of the necessity of providing a Municipal Code that is consistent with the latest State law, as required by the Ohio Constitution, and this ordinance, including the 2021 Edition of the Model Ohio Municipal Code – Administration Code adopted hereby, shall take effect and be in force immediately upon its passage by at least two-thirds of all members elected to Council, otherwise from and after the earliest period allowed by law.

Date Passed: 2-4-2021

Attest:

Sammy Kead  
Mayor

N/A  
Clerk of Council

## EXHIBIT A

### SUMMARY OF NEW MATTER CONTAINED IN THE 2021 EDITION OF THE MODEL OHIO MUNICIPAL CODE – ADMINISTRATION CODE

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#### PART TWO - ADMINISTRATION CODE

##### TITLE TWO - General Provisions

- Chap. 202. Rules of Construction; Definitions; General Code Penalty
  - 202.01 Designation; citation; headings
  - 202.02 General definitions
  - 202.03 Rules of construction
  - 202.04 Revivor; effect of re-enactment, amendment or repeal
  - 202.05 Construction of section references
  - 202.06 General repealer; conflicts
  - 202.07 Separability
  - 202.99 General code penalty

- Chap. 204. Public Meetings
  - 204.01 Adoption of rules
  - 204.02 Definitions
  - 204.03 Notice of regular and organizational meetings
  - 204.04 Notice of special meetings
  - 204.05 Notice to news media of special meetings
  - 204.06 Notification of discussion of specific types of public business
  - 204.07 General provisions

##### TITLE FOUR - Legislation

- Chap. 220. Council
  - 220.01 Membership; election; terms of office
  - 220.02 President Pro Tempore
  - 220.03 Vacancy when President Pro Tempore becomes Mayor
  - 220.04 Qualifications of members
  - 220.05 Compensation and bonds of village officers and employees
  - 220.06 Vacancies
  - 220.07 Judge of election and qualification of members; quorum and special meetings
  - 220.08 Rules; journal; expulsion of members
  - 220.09 Meetings
  - 220.10 General powers
  - 220.11 Failure to take oath or give bond
  - 220.12 Notice when new bond required
  - 220.13 Care, supervision and management of public institutions

- Chap. 222. Ordinances and Resolutions
- 222.01 Passage procedure
  - 222.02 Style of ordinances
  - 222.03 Subject and amendment of ordinances and resolutions
  - 222.04 Authentication and recording of ordinances and resolutions
  - 222.05 Publication of ordinances and resolutions; proof of publication and circulation
  - 222.06 Notice for proposed amendments to the Municipal Charter
  - 222.07 Times of publication required
  - 222.08 Publication and certification of ordinances in book form
  - 222.09 Adoption of technical ordinances and codes
  - 222.10 Certificate of Clerk as to publication
  - 222.11 Publication when no newspaper published in village
  - 222.12 Effect of not making publication
  - 222.13 Ordinances providing for appropriations or street improvements; emergency ordinances
  - 222.14 Ordinances and resolutions as evidence

- Chap. 224. Initiative and Referendum
- 224.01 Initiative petitions
  - 224.02 Referendum petitions
  - 224.03 More than one ordinance required; application of chapter
  - 224.04 Presentation of petitions
  - 224.05 Copy of proposed ordinance or measure to be filed with Clerk
  - 224.06 Words to be printed in red
  - 224.07 Designation of committee filing petition; public inspection of petitions; ordinances passed or repealed prior to election
  - 224.08 Itemized statement by circulator of petition
  - 224.09 Prohibited practices relative to petitions
  - 224.10 Accepting premiums for signing
  - 224.11 Threats in securing signatures
  - 224.12 Application of chapter if Charter adopted

- Chap. 226. Contracts
- 226.01 General restriction
  - 226.02 Contracts by Council
  - 226.03 Contracts by Village Administrator; central purchasing
  - 226.04 Bids and proceedings
  - 226.05 Award to lowest responsive and responsible bidder
  - 226.06 Alterations or modifications of contracts

## **TITLE SIX - Administration**

- Chap. 230. Administration Generally
- 230.01 Executive power in general

- Chap. 232. Mayor
  - 232.01 Term; qualifications; powers
  - 232.02 Vacancy
  - 232.03 General duties
  - 232.04 Communications to Council
  - 232.05 Protest against excess of expenditures
  - 232.06 Supervision of conduct of officers
  - 232.07 Charges against delinquent officers
  - 232.08 Hearing of charges; action of Council
  - 232.09 Suspension of accused pending hearing
  - 232.10 Power of Council as to process
  - 232.11 Oaths; compulsory testimony; costs
  - 232.12 Disposition of fines and other moneys
  - 232.13 Annual report to Council
  
- Chap. 234. Village Administrator
  - 234.01 Appointment; removal; abolishment of position
  - 234.02 Abolishment and re-establishment of Board of Trustees of Public Affairs
  - 234.03 Powers and duties of Village Administrator
  
- Chap. 236. Village Legal Counsel
  - 236.01 Appointment; term; compensation
  
- Chap. 238. Village Clerk
  - 238.01 Election; term; qualifications
  - 238.02 Combined Offices of Clerk and Treasurer; Fiscal Officer
  - 238.03 Powers and duties of Village Clerk
  - 238.04 Books and accounts; merger of offices of Village Clerk and Clerk of Board of Public Affairs
  - 238.05 Seal
  
- Chap. 240. Village Treasurer
  - 240.01 Election; term; qualification
  - 240.02 Accounts
  - 240.03 Powers and duties
  - 240.04 Quarterly account; annual report
  - 240.05 Receipt and disbursement of funds
  - 240.06 Duty of delivering money and property
  
- Chap. 242. Village Street Commissioner
  - 242.01 Appointment; term; qualifications; vacancy; eligibility of Police Chief
  - 242.02 General duties
  - 242.03 Assistants

## Chap. 244. Police Department

- 244.01 Marshal and Chief of Police synonymous
- 244.02 Appointment of Chief; qualifications
- 244.03 Deputy Marshals and police officers
- 244.04 Auxiliary Police Unit; Parking Enforcement Unit
- 244.05 Appointment of felons and certain misdemeanants; termination
- 244.06 Probationary period; final appointment
- 244.07 Removal proceedings; suspension; appeals
- 244.08 General powers of officers
- 244.09 Powers and duties of Police Chief
- 244.10 Disposition of moneys collected by Police Chief
- 244.11 Disposition of property recovered by police
- 244.12 Disposition of property to claimant
- 244.13 Sale of unclaimed property; disposition of proceeds
- 244.14 Expenses of storage and sale; notice
- 244.15 Contracts for police protection
- 244.16 Nonresident service without contract

## Chap. 246. Fire Department

- 246.01 Authority to establish regulations and Department; hours of duty
- 246.02 Appointments of Fire Chief, Fire Prevention Officer and firefighters; criminal records check for firefighters
- 246.03 Schooling of officers and firefighters
- 246.04 Purchase of engines and equipment
- 246.05 Buildings for Department
- 246.06 Investigation of fires
- 246.07 Regulation of construction in fire limits
- 246.08 Maximum consecutive hours for firefighters on duty
- 246.09 Investigation of cause of fire
- 246.10 Right to examine buildings, premises and vehicles
- 246.11 Firefighting and emergency services agreements

## Chap. 248. Officers and Employees Generally

- 248.01 Qualifications of officers; oaths
- 248.02 Bond required; filing and recording
- 248.03 Approval of bonds
- 248.04 Sufficiency of form of bond
- 248.05 Vacancies
- 248.06 Charges against municipal officers filed with Probate Judge; proceedings
- 248.07 Appearance of counsel; jury
- 248.08 Challenge of jurors
- 248.09 Proceedings on the trial
- 248.10 Removal of officer if found guilty
- 248.11 Payment of costs
- 248.12 Municipal officers may attend conference or convention; expenses
- 248.13 Duties of Fire Engineer, Engineer, Superintendent of Markets; compensation
- 248.14 Residency requirements prohibited; exceptions

**TITLE EIGHT - Boards and Commissions**

- Chap. 270. Board of Trustees of Public Affairs
  - 270.01 Appointment; election; organization
  - 270.02 General powers and duties
  
- Chap. 272. Records Commission
  - 272.01 Establishment; membership; officers; employees; meetings; functions
  
- Chap. 274. Planning Commission
  - 274.01 Establishment; membership; compensation; general powers
  - 274.02 Specific powers and duties
  - 274.03 Commission shall be Platting Commission
  - 274.04 Control of buildings
  - 274.05 Employment of architects and engineers
  - 274.06 Division of village into zones
  
- Chap. 276. Board of Zoning Appeals
  - 276.01 Establishment; powers
  
- Chap. 278. Volunteer Firefighters' Dependents Fund Board
  - 278.01 Definitions
  - 278.02 Establishment
  - 278.03 Membership; vacancies
  - 278.04 Election and term of members
  - 278.05 Organization; rules and regulations; roster
  - 278.06 Compensation and expenses of Board; legal advisor
  
- Chap. 280. Recreation Board
  - 280.01 Establishment; powers; membership; joint Board and District
  - 280.02 Organization of Boards
  
- Chap. 282. Board of Park Trustees
  - 282.01 Establishment for donated property
  - 282.02 Membership
  - 282.03 Powers
  - 282.04 Compensation; oath; bond
  - 282.05 Meetings; rules and regulations; Clerk

**TITLE TEN - Judiciary**

Chap. 298. Mayor's Court

- 298.01 Jurisdiction in ordinance, O.V.I. and other traffic violations
- 298.02 Powers of Mayor and Magistrate in criminal matters
- 298.03 Powers of Mayor and Magistrate re O.V.I.
- 298.04 Duties, fees, office and seal of Mayor and Magistrate



**CERTIFICATION OF CODIFIED ORDINANCES**

We, Tammy Kreis, Mayor, and Josh Leber, Clerk of Council, of the Village of Bradner, Ohio, pursuant to Ohio Revised Code 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Village, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes, titles, and chapters are correct as and constitute the Codified Ordinances for the Village of Bradner, Ohio.

  
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Mayor

  
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Clerk of Council