

ORDINANCE NO. 43-79

By: John H. Oberberg

To approve, adopt and enact the codified ordinances;
to repeal ordinances in conflict therewith; to pub-
lish the enactment of new matter

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY,
OHIO:

Section 1. That the matter of codification and general revision of the legislation has been before council for some time and that the City of Bexley has heretofore entered into a contract with the Justinian Publishing Company to prepare and publish such codification;

Section 2. That the codification of such legislation has now been prepared by Justinian Publishing Company, together with new matter to be adopted, the matters to be amended and those to be repealed, and that these items have been submitted to council which has carefully reviewed, analyzed, and evaluated the proposed codification over the past few months.

Section 3. That the ordinances and resolutions of the City of Bexley, Ohio, of a general and permanent nature, as revised, codified, arranged and consolidated into component codes, titles, chapters and sections, are hereby approved, adopted and enacted as the Codified Ordinances of Bexley, Ohio, 1979.

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

Section 4. That all ordinances and resolutions or parts thereof which are inconsistent or in conflict with any provision of the Codified Ordinances are hereby repealed as of the effective date of this ordinance, except as follows: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 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 or 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 bond, obligation, or other instrument of indebtedness;
- (6) The levy or imposition of taxes, assessments or charges;
- (7) The establishment, naming, widening or grade level of any street or public way;
- (8) The dedication of property or plat approval;
- (9) The annexation or detachment of territory; or
- (10) Any legislation enacted subsequent to January 8, 1979.

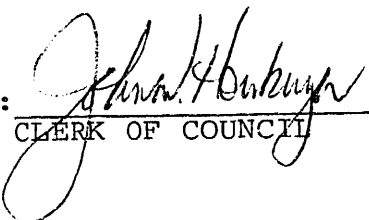
Section 5. That all sections and subsections of the Codified Ordinances without a legislative history or with the words "Adopting Ordinance" at the end thereof are or contain new matter ordained by this Adopting Ordinance.

Section 6. That pursuant to Section 222.01 of the Codified Ordinances, a copy of this ordinance shall be posted, for a period of not less than fifteen days after adoption, on the bulletin board or in some other conspicuous place in the City Hall.

Passed: Dec 11, 1979


PRESIDENT OF COUNCIL

Attest:


CLERK OF COUNCIL

Approved: Dec. 11, 1979


MAYOR

1st reading - Nov 13, 1979
2nd reading Nov 27, 1979
3rd reading Dec 11, 1979
adopted

CHANGES AND CORRECTIONS
TO THE CODIFIED ORDINANCES
AS PRINTED

Adopted by Council December 11, 1979

1. Page 3, Directory of Officials: Change Fred Mann to FREDERICK M. MANN.
2. Page 27, Chapter 240, Police Department: At the end of Section 240.08(d), add Ordinance 40(b)-50, approved by the voters of the City of Bexley in the November election, 1950.

(Section 1 - 240.08(e))
(Section 2 - 240.08(f))
(Section 3 - 240.08(g))
3. Page 32, Chapter 250, Streets, Sewers, and Sidewalk Departments: (a) In 250.01 change "A Superintendent of Streets and Service" to "An Assistant Service Director"; (b) Delete 250.02: Assistant Superintendent of Streets; (c) Delete 250.03: Assistant Superintendent of Service. (These latter two positions have been abolished.)
4. Page 101, Chapter 474, Bicycles and Motorcycles: Delete 474.06, Riding Bicycles Upon Sidewalks.
5. Page 34, Chapter 618: In Section 618.14 Impounding and Dispositions; Records: Change the reference in the second sentence to "618.01".
6. Page 9, Chapter 828: Haulers: Delete 828.01 Hauling Prohibited and 828.99 Penalty. Reference Section 1060.09.
7. Page 6, Chapter 1022, Sidewalks: In Section 1022.44, change the fee to "five dollars (\$5.00)". Reference Section 1412.12(a) (3) (F).
8. Page 21, Chapter 1044, Sewers: At Section 1044.05 change "Superintendent of Streets and Service" to "Assistant Service Director".
9. Page 21, Chapter 1044, Sewers: Delete Section 1044.06, Flushing.
10. Page 38, Chapter 1062, Parks: In Section 1062.17, Motorcycles and Minibikes, add "See also Section 474.12".
11. Page 38, Chapter 1062, Parks: In Section 1062.18, Dogs, add "See also Section 618.15".
12. Page 3, Part Twelve, Chapter 1220, City Planning Commission Under Cross References, add "See also Chapter 1414, Bexley Environmental Review District and Chapter 1442, Signs".
13. Page 60, Chapter 1432, Garages: Delete, obsolete.
14. Page 108, Chapter 1456. Miscellaneous Regulations: At end of Section 1456.14 add "But see Section 1480.07".
15. Page 118, Chapter 1480, Building Maintenance Code: At end of Section 1480.07 add "But see Section 1456.14".

WHEREAS:

240.08(e) That in case any regular member of the Division of Police, Department of Public Safety of the City of Bexley, Ohio shall become sick or disabled and that he or she cannot perform his or her duties as a member, and so declared in writing to be unable to perform his or her duties, upon examination by the police and fire surgeon of said City, and such sickness or disability is caused or induced by the actual performance of the duties of his or her position, then any such sick or disabled member of the Division of Police shall be entitled to draw and receive regular pay during such sickness or disability for a period of six (6) months. Provided further that in any case where the city physician or surgeon shall at the end of said six (6) month period examine said member of the Division of Police, and if he shall have found him or her still unable to perform his or her duties, the physician shall notify the safety Director in writing to that effect, and said member of the Department shall be continued upon the payroll for a period of thirty (30) days, but in no case shall such thirty (30) day extensions be granted more than three (3) consecutive times, except by resolution of Council.

240.08(f) That any regular member of the Division of Police who shall become disabled through any sickness or accident incurred out of the line of duty, shall be entitled to draw and receive regular pay during such disability, for a period of three (3) months. Provided however that the Council may by resolution extend such period of time as it sees fit. In any case of disability as described in this section, said member of the Division of Police shall be examined from time to time by the City physician or surgeon at the direction of the Director of Public Safety or Chief of Police, and if said physician or surgeon shall certify in writing said member physically able to perform his or her duties, said member shall be returned to duty at the order of the Chief of Police.

240.08(g) In any case where any regular member of the Division of Police is sick or disabled, and said sickness or disability is caused by dissipation or immoral conduct, he or she shall in no case receive such regular pay during such disability.

The above proposed Ordinance conforms with the conditions as set forth in Section 61 of the Charter of the City of Bexley, Ohio.

The above Ordinance was approved by the voters of the City of Bexley in the November election in 1950, Ordinance No. 40B-50.