ORDINANCE NO. 024-2023

AN ORDINANCE AMENDING PART 1 OF THE ADMINISTRATIVE CODE, CHAPTER 101, OF THE MAUMEE CODIFIED ORDINANCES, UPDATING DEFINITIONS AND OTHER PROVISIONS THAT APPLY TO THE MAUMEE MUNICIPAL CODE.

WHEREAS, Maumee has previously adopted Chapter 101 of the Maumee Codified Ordinances and,

WHEREAS, in order to delete the designation of a year and update definitions within Chapter 101 of the Codified Ordinances of the City of Maumee, said Chapter should be amended to include the following deletions, revisions and additions.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. Chapter 101 of the Maumee Codified Ordinances be, and the same hereby is amended as follows:

CHAPTER 101
Codified Ordinances

101.01 DESIGNATION; CITATION; HEADINGS.

(a) All ordinances of a permanent and general nature of the Municipality as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the Codified Ordinances of Maumee, Ohio, ~~1989,~~ for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances.
~~(ORC 1.01)~~

(b) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code". Sections may be referred to and cited by the designation "Section" followed by the number, such as "Section 101.01".

101.02 GENERAL DEFINITIONS.

As used in the Codified Ordinances, **the following definitions shall apply** ~~unless another definition is provided, or the context otherwise requires~~: **except where a specific definition is set forth in a Maumee Code provision or Ordinance:**

(a) "And" may be read "or", and "or" may be read "and", if the sense requires it.
~~(ORC 1.02(F))~~

(b) "Another" when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.
~~(ORC 1.02(B))~~

(c) "Bond" includes an undertaking and "undertaking" includes a bond.
~~(ORC 1.02(D), (E))~~

(d) "Council" means the legislative authority of the Municipality.

(e) "County" means Lucas County, Ohio.

(f) "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent or employee.

(g) "Land" or "real estate" includes rights and easements of an incorporeal nature.
~~(ORC 701.01(F))~~

(h) "Municipality" or "City" means the City of Maumee, Ohio.

(i) "Oath" includes affirmation and "swear" includes affirm.

~~(ORC 1.59(B))~~

(j) "Owner", when applied to **real property means a person who has legal title to the property as set forth in a deed, land contract or trust. When applied to personal** property owner ~~includes any part owner, joint owner or tenant in common of the whole or part of such property~~ **means a person who holds legal title to said property by a certificate of title or has other records showing ownership in said personal property. When applied to proof of ownership of animals, owner means the person who has registered the animal.**

(k) "Person" includes **and is not limited to** an individual, **firm, company**, corporation, **member or members of a limited liability company, agents, principal**, business trust, **trust, trustee**, estate, **administrator, executor**, administrator, **manager**, partnership, **partner**, association and **any other entity**.

~~(ORC 1.59(C))~~

(l) "Premises", as applied to property, includes land and buildings.

(m) "Property" means real and personal property.

~~(ORC 1.59(E))~~

"Personal property" includes all property except real.

"Real property" includes lands, tenements and hereditaments.

(n) "Public authority" includes boards of education; the Municipal, County, State or Federal government, its officers or an agency thereof; or any duly authorized public official.

(o) "Public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.

(p) "Registered mail" includes certified mail, and "certified mail" includes registered mail.

~~(ORC 1.02(G))~~

(q) "Rule" includes regulation. ~~(ORC 1.59(F))~~

(r) "Sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

(s) "This State" or "the State" means the State of Ohio.

~~(ORC 1.59(G))~~

(t) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the Municipality.

(u) "Tenant" or "occupant", as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

(v) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private.

~~(ORC 1.02(A))~~

(w) "Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures.

~~(ORC 1.59(J))~~

101.03 RULES OF CONSTRUCTION.

(a) Common and Technical Usage. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

~~(ORC 1.42)~~

(b) Singular and Plural; Gender; Tense. As used in the Codified Ordinances, unless the context otherwise requires:

(1) The singular includes the plural, and the plural includes the singular.

(2) Words of one gender include the other genders.

(3) Words in the present tense include the future.

~~(ORC 1.43)~~

(c) Calendar; Computation of Time.

(1) Definitions.

A. "Week" means seven consecutive days.

B. "Year" means twelve consecutive months.

~~(ORC 1.44)~~

(2) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

~~(ORC 1.45)~~

(3) A. The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day that is not a Sunday or a legal holiday.

B. When a public office, in which an act required by law is to be performed, is closed to the public for the entire day that constitutes the last day for doing the act or before its usual closing time on that day, the act may be performed on the next succeeding day that is not a Sunday or a legal holiday.

C. As used in subsections (c)(1) and (c)(2) of this section, legal holiday means the following days:

1. The first day of January, known as New Year's Day;
2. The third Monday in January, known as Martin Luther King, Jr. Day;
3. The third Monday in February, known as Washington-Lincoln Day;
4. The day designated in the "Act of June 28, 1968", 82 Stat. 250, 5 U.S.C. § 6103, as amended, for the commemoration of Memorial Day;
5. The nineteenth day of June, known as Juneteenth Day;
6. The fourth day of July, known as Independence Day;
7. The first Monday in September, known as Labor Day;
8. The second Monday in October, known as Columbus Day;
9. The eleventh day of November, known as Veteran's Day;
10. The fourth Thursday in November, known as Thanksgiving Day;
11. The twenty-fifth day of December, known as Christmas Day; and
12. Any day appointed and recommended by the Governor of this state or the President of the United States as a holiday.

D. If any day designated in this section as a legal holiday fall on a Sunday, the next succeeding day is a legal holiday.

~~(ORC 1.14)~~

(4) ~~When legislation is to take effect or become operative from and after a day named, no part of that day shall be included.~~ **Each ordinance or resolution providing for the appropriation of money for the current expenses of the Municipality or for an annual tax levy for street improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be especially assessed for the cost thereof, and any emergency ordinance or measure for the immediate preservation of the public peace, health, or safety shall take effect upon its passage If priority of legal rights depends upon the order of events of the same day, such priority shall be determined by the times in the day at which they respectively occurred.**

~~(ORC 1.15)~~

(5) In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for

the prompt performance of such duty or compliance with such notice.

(d) Authority. When the law **or Maumee Codified Ordinances or Ordinances** requires an act to be done which may by law or **ordinance** as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(e) Joint Authority. All words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority or inconsistent with State statute or Charter provisions.

(f) Exceptions. The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

101.04 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(a) The repeal of a repealing ordinance does not revive the ordinance originally repealed nor impair the effect of any saving clause therein.
~~(ORC 1.57)~~

(b) An ordinance which is re-enacted or amended is intended to be a continuation of the prior ordinance and not a new enactment, so far as it is the same as the prior ordinance.
~~(ORC 1.54)~~

(c) The re-enactment, amendment or repeal of an ordinance does not, except as provided in subsection (d) hereof:

(1) Affect the prior operation of the ordinance or any prior action taken thereunder;

(2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;

(3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;

(4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the ordinance had not been repealed or amended.

(d) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of an ordinance, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the ordinance as amended. ~~(ORC 1.58)~~

101.05 CONSTRUCTION OF SECTION REFERENCES.

(a) A reference to any portion of the Codified Ordinances applies to all re-enactments or amendments thereof. ~~(ORC 1.55)~~

(b) If a section refers to a series of numbers or letters, the first and the last numbers or letters are included. ~~(ORC 1.56)~~

(c) Wherever in a penalty section reference is made to a violation of a series of sections or of subsections of a section, such reference shall be construed to mean a violation of any section or subsection included in such reference.

References in the Codified Ordinances to action taken or authorized under designated sections of the Codified Ordinances include, in every case, action taken or authorized under the applicable legislative provision which is superseded by the Codified Ordinances. ~~(ORC 1.23)~~

101.06 CONFLICTING PROVISIONS.

(a) If there is a conflict between figures and words in expressing a number, the words govern. ~~(ORC 1.46)~~

(b) If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general

provision is the later adoption, and the manifest intent is that the general provision prevail. ~~(ORC 1.51)~~

(c) (1) If ordinances enacted at different meetings of Council are irreconcilable, the ordinance latest in date of enactment prevails.

(2) If amendments to the same ordinance are enacted at different meetings of Council, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.

~~(ORC 1.52)~~

101.07 DETERMINATION OF LEGISLATIVE INTENT.

(a) In enacting an ordinance, it is presumed that:

(1) Compliance with the constitutions of the State and of the United States is intended;

(2) The entire ordinance is intended to be effective;

(3) A just and reasonable result is intended;

(4) A result feasible of execution is intended.

~~(ORC 1.47)~~

(b) An ordinance is presumed to be prospective in its operation unless expressly made retrospective.

~~(ORC 1.48)~~

(c) If an ordinance is ambiguous, the court, in determining the intention of Council may consider among other matters:

(1) The object sought to be attained;

(2) The circumstances under which the ordinance was enacted;

(3) The legislative history;

(4) The common law or former legislative provisions, including laws upon the same or similar subjects;

(5) The consequences of a particular construction;

(6) The administrative construction of the ordinance.

~~(ORC 1.49)~~

101.08 SEVERABILITY.

If any provision of a section of the Codified Ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable. ~~(ORC 1.50)~~

101.09 MILITARY RESERVISTS.

(a) Pursuant to Ohio R.C. 3923.381, any permanent employee in the classified or unclassified service of the City, who is a reservist as defined in Ohio R.C. 3923.381, and who is called to active duty in any branch of the armed services of the United States or of any state, shall be entitled to elect to participate in the City's health insurance program upon the same terms and to the same extent as though such employee had not been called to active duty.

(b) Pursuant to Ohio R.C. 3923.381(D)(5)(b), the City shall continue to pay that portion of the reservist's contribution that it would have paid had the employee not been called to active duty and had continued in the service of the City.

(c) Any election for continuation coverage shall be in accordance with the terms, provisions, and procedures set forth in Ohio R.C. 3923.381 of the Ohio Revised Code.

(Ord. 174-2001. Passed 10-15-01.)

101.99 GENERAL PENALTY.

Whenever, in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be ~~punished by a fine not exceeding one hundred dollars ($100.00).~~ **guilty of a fourth degree misdemeanor**. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

SECTION 2. Any ordinances, parts of ordinances or the Chapters of the Maumee Municipal Code in conflict herewith are hereby amended and repealed in part to reflect the foregoing changes;

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of council's committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the Charter of Maumee, Ohio.

Motion to waive three readings: Noonan Second: Fiscus
Yeas: 6 Nays: 0
Motion to Pass: Noonan Second: Fiscus
Yeas: 6 Nays: 0
Passed: August 21, 2023.

Mayor

ATTEST:

Municipal Clerk

Approved as to form by:

Law Director

CERTIFICATE OF POSTING

I, Clerk of Council of the Municipality of Maumee, Ohio, do hereby certify that Ordinance/~~Resolution~~ No. 024-2023 was duty posted on 8-22-2023 and remained posted for a period of fifteen days thereafter, in not less than five of the most public places in the municipality as determined by the Council of said Municipality.

Jodi Rodsick
Clerk of Council

Date: Sept. 6, 2023