

**ORDINANCE OF THE COUNCIL OF THE VILLAGE OF WAYNESFIELD,
AUGLAIZE COUNTY, OHIO**

ORDINANCE NUMBER: 26-1-1

PASSED: January 26, 2026

**AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL
PUBLISHING'S OHIO BASIC CODE 2026 EDITION AND TO DECLARE AN EMERGENCY.**

WHEREAS, the Village of Waynesfield deems an ordinance is necessary for the health, safety and well-being of its residences; and

WHEREAS, the council has approved, adopted and enacted to use the American Legal Publishing Ohio Basic Code 2026 Edition as the code of ordinances for the municipality of the Village of Waynesfield; and

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAYNESFIELD, AUGLAIZE COUNTY, OHIO, AT LEAST A MAJORITY THEREOF CONCURRING THAT:

Section I. The American Legal publishing Ohio Basic Code 2026 edition will be adopted and enacted within the Village of Waynesfield.

Section II. One copy of the American Legal publishing Ohio Basic Code 2026 edition, certified as correct by the Mayor and Fiscal Officer of the Village, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Fiscal Officer of the Village and retained as a permanent ordinance record of the Village. The Fiscal Officer of the Village 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.

Section III. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, 2026 Edition, as adopted in Section I hereof, are hereby repealed as of the effective date of this Ordinance, except as follows:

(A) The enactment of the American Legal publishing Ohio Basic Code 2026 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:

- (i) The grant or creation of a franchise, license, right, easement or privilege;
- (ii) The purchase, sale, lease or transfer of property;
- (iii) The appropriation or expenditure of money or promise or guarantee of payment;
- (iv) The assumption of any contract or obligation;
- (v) The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
- (vi) The levy or imposition of taxes, assessments or charges;

- (vii) The establishment, naming, vacating or grade level of any street or public way;
- (viii) The dedication of property or plat approval;
- (ix) The annexation or detachment of territory;
- (x) Any legislation enacted subsequent to the adoption of this Ordinance;
- (xi) Any legislation specifically superseding the provision of the Ohio Basic Code, such as legislation enacted prior to the adoption of this Ordinance and said legislation was enacted to supersede prior ordinances adopted by the Council of the Village, including a provision contained in prior versions of the Ohio Basic Code; and
- (xii) Any legislation enacted prior to the adoption of this Ordinance that amends any sections of prior versions of the Ohio Basic Code, including any legislation adding new sections to those sections contained in prior versions of the Ohio Basic Code. The addition of any new sections previously adopted are hereby incorporated into the American Legal publishing Ohio Basic Code 2025 edition.

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

Section V. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the 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.

Section VI. 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 the Village to provide for the most up to date version of the Ohio Basic Code to allow for the orderly administration of the Village, and shall take effect at the earliest date provided by law.

VOTE: Emergency First Reading

Davidson: *Yes*

Nickles: *Yes*

Humes: *Yes*

Miller: *Absent*

Walt: *Yes*

Ridenour: *Yes*

Adopted: *January 26, 2026*

Margie Humes
Mayor

Attest: *Sarah Montgomery*

Fiscal Officer

Approved as to Form:



Daniel L. Bey, Village Solicitor

RESOLUTION: 26-1-2

A RESOLUTION AUTHORIZING THE SALE OF PERSONAL PROPERTY INCLUDING BUT NOT LIMITED TO EQUIPMENT, TOOLS AND SUPPLIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH THEY WERE ACQUIRED BY INTERNET AUCTION PER O.R.C. 721.15 AND TO DECLARE AN EMERGENCY

WHEREAS, the Village of Waynesfield has in its possession personal property including but not limited to equipment, tools and supplies which are not needed for public use or are obsolete or unfit for the use for which they were acquired, and

WHEREAS, the Council for the Village of Waynesfield had determined that the best method to dispose of said property is pursuant to internet auction per O.R.C. 721.15; and

NOW THEREFORE, BE IT RESOLVED by the Council for the Village of Waynesfield, Auglaize County, State of Ohio as follows:

SECTION I: Council of the Village of Waynesfield hereby resolves to sell personal property including but not limited to equipment, tools and supplies which are not needed for public use or are obsolete or unfit for the use for which they were acquired by internet auction.

SECTION II: Per O.R. C. 721.15(D) bidding shall continue for not less than 10 days, including Saturdays, Sundays, and all legal holidays.

SECTION III: Prior to any internet auction Council shall cause to be published in a newspaper of general circulation in the municipal corporation, notice of its intent to sell unneeded, obsolete or unfit municipal personal property by internet auction, which notice shall include a summary of the information provided in this resolution which shall be published at least twice with the second and any subsequent notices published not less than ten nor more than 20 days after the previous notice.

SECTION IV. Council directs the Fiscal Officer/Assistant to post continually throughout the calendar year in a conspicuous place in the offices of the legislative authority and the municipal website, a copy of the notice of its intent to sell property via internet auction, including a summary of the information provided in this resolution.

SECTION V. If is found and determined that all formal actions concerning and relating to the adoption of this resolution 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 meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

WHEREFORE, this Resolution shall take effect and be in force immediately after its passage.

PASSED: January 26, 2026


Mayor

ATTEST: Sarah Montgomery
Fiscal Officer

Approved as to Form:


Daniel L. Bey, Village Solicitor

RESOLUTION 26-1-1

A RESOLUTION APPOINTING MATTHEW MITCHELL TO SERVE AS MAGISTRATE OF THE VILLAGE OF WAYNESFIELD MAYOR'S COURT AND TO DECLARE AN EMERGENCY

WHEREAS, the Village of Waynesfield conducts a Village Mayor's Court for the purpose of hearing traffic offenses and misdemeanors, which occur within the Village of Waynesfield; and

WHEREAS, Section 1905.05 of the Ohio Revised Code provides that the Mayor of a municipal corporation that has a Mayor's Court may appoint a person as Mayor's Court Magistrate to hear and determine prosecutions and criminal cause in the Mayor's Court that are within the jurisdiction of the Mayor's Court; and

WHEREAS, Matthew M. Mitchell has complied, or will comply, with all mandates set forth by the Ohio Supreme Court and the laws of the State of Ohio to be able to serve as Magistrate for the Village of Waynesfield.

THEREFORE BE IT RESOLVED by the Council of the Village of Waynesfield, County of Auglaize, State of Ohio, to-wit:

Section I. Matthew M. Mitchell, 540 West Market Street, Lima, OH 45801, is hereby appointed as Magistrate of the Village of Waynesfield's Mayor's Court. The appointment shall be for a term of one (1) year, beginning January 1, 2026.

Section II. That the Magistrate's duties shall be to preside as Magistrate over all legal matters with the Waynesfield Mayor's Court. The Magistrate shall have all powers conferred upon him by Chapter 1901 et seq. of the Ohio Revised Code, the Ohio Constitution or any other chapter or section of the Ohio Revised Code or Rule of the Ohio Supreme Court or Rules of Superintendence of the Courts of Ohio or any other applicable law or rule.

Section III. Matthew M. Mitchell shall maintain all certification required by the Ohio Supreme Court and the State of Ohio to maintain his standing as a Magistrate. Reimbursement costs of the Magistrate Continuing Legal Education courses required by the State or State Supreme Court shall be made upon receipt of an invoice for such services by the Village Fiscal Officer.

Section IV. As compensation for the service provided under Sections I and II, Matthew M. Mitchell shall receive compensation of an annual Five Hundred and 00/100 Dollars (\$500.00) retainer fee as well as the rate of One Hundred and 00/100 Dollars (\$100.00) for each Mayor's Court appearance, flat rate. Payment will be made upon receipt of an invoice for such services by the Village Fiscal Officer. No mileage or out of pocket expenses will be paid. No charges shall be made or paid for ordinary travel to and from the Mayor's Court hearing location.

Section V. The Magistrate acknowledges that he is not an employee of the Village of Waynesfield, but is an independent contractor and responsible for the payment of any and all taxes associated with his compensation, that he is not covered under the Village's Workers Compensation Policy, and that he is not entitled to participate in the Public Employees Retirement System.

Section VI. The provisions of services by Matthew M. Mitchell shall be terminable by either the Village of Waynesfield Council or Matthew M. Mitchell with a minimum thirty (30) day notice.

Section VII. That this Resolution shall be effective from and after the earliest period allowed by law.

VOTE: EMERGENCY FIRST READING

Davidson: <i>yes</i>	Miller: <i>absent</i>
Nickles: <i>yes</i>	Walti: <i>yes</i>
Humes: <i>yes</i>	Ridenour: <i>yes</i>

Adopted: *January 26, 2012*

Margie Humes
Mayor

Attest: *Sarah Montgomery*
Fiscal Officer

Approved as to Form:

[Signature]
Daniel L. Bey Village Solicitor

ACCEPTED AS A CONTRACTUAL OBLIGATION

By: *[Signature]*
Matthew M. Mitchell
Attorney at Law