



BUTLER|BOYMEL
ATTORNEYS

TO: Mayor Stefan C. Densmore and Members of Village Council

FROM: Robert T. Butler

RE: Legislative Agenda – April 15, 2024

DATE: April 12, 2024

The following legislation is on the Agenda for the April 15, 2024 meeting of Village Council:

1. **Resolution 2024-5**

A Resolution Establishing a Policy for the Flying of Flags by the Village of Golf Manor on Village-Owned or Maintained Properties

By this Resolution the Village would be establishing a policy for the flying of flags on Village properties which would allow for the flying of County, State, and City flags, as well as commemorative flags. By adopting this policy we are not establishing the flying of flags as a public forum for free speech, but rather for the expression of government speech.

2. **Resolution No. 2024-6**

A Resolution Declaring the Necessity of Levying A Tax In Excess Of The 10-Mill Limitation Equal To 7.0 Renewal Mills And Requesting The County Auditor To Certify Matters In Connection Therewith And Declaring An Emergency

This is the first step in the process of setting a 7.0 Renewal levy on the ballot for current Village expenses. It will be on the ballot for the November 5th, 2024 election. The deadline for filing a Resolution and delivering it to the Board of Elections is August 7, 2024. This initial Resolution will be sent to the Auditor's Office, who will certify the amount to us that will be collected from the levy. We then pass the Resolution to add the levy to the ballot and deliver it to the Board of Elections by August 7th.



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2. **Ordinance No. 2023-2**

An Ordinance To Approve Current Replacement Pages To The Golf Manor Codified Ordinances And Declaring An Emergency

Periodically, we are required to update our Code of Ordinances to incorporate Ordinances the Village has passed, but also to incorporate updates to the State laws which are reflected in our Code of Ordinances. Council is asked to adopt this Recodification, which will then update the online version of our Code through American Legal Publishing. Council is asked to pass this legislation as an emergency and to suspend the second and third reading so that changes may be implemented immediately.

Respectfully submitted,

Robert T. Butler,
Village Solicitor



Enclosures

cc: Ron Hirth, Village Administrator

Eric Pridonoff, Village Fiscal Officer

RESOLUTION NO. 2024 - 5

**A RESOLUTION ESTABLISHING A POLICY FOR THE FLYING OF FLAGS BY THE
VILLAGE OF GOLF MANOR ON VILLAGE-OWNED OR MAINTAINED
PROPERTIES**

WHEREAS, the Village Council desires to establish clear guidelines regarding the display of all flags flown on Village-owned or Village-maintained properties; and

WHEREAS, in adopting this policy the Village of Golf Manor the Village is not establishing the flying of flags by the Village to be a forum for free expression by the public, but rather as a non-public forum for the display of any governmental and non-governmental flag authorized by the Village Council either required by law or as an expression of the Village Council's official government speech.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Golf Manor that:

SECTION I: Flags shall be displayed in accordance with Federal and State statutes and regulations, including but not limited to, United States Code, Title 4, Chapter 1 and Ohio Revised Code Section 5.012.

SECTION II Village Flag. The Village of Golf Manor flag shall fly at half-staff if either the United States or Ohio flag is at half-staff. The Mayor may order the Village of Golf Manor flag to fly at half-staff at the death of a current or former Council Member, current Village staff member, or a historically significant member of the community, or in the event of a catastrophic event for which the Mayor deems flying the flag at half-mast is warranted.

SECTION III Commemorative Flag

1. As an expression of the City's official government speech, the City Council may authorize, by majority vote, the display of a commemorative flag to fly on one or both of the smaller poles on either side of the front door of the Municipal building.
2. The Village Council may only consider a request to display a commemorative flag if the request is made by a member of the Village Council. Requests to fly a commemorative flag by members of the public will not be considered.
3. The decision to approve or deny a request to display a commemorative flag shall be made at a regularly scheduled Council meeting.
4. Commemorative flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated.

5. Commemorative flags must be either purchased by the Village or temporarily donated for the Village's use and must be clean, without holes and tears and be made of an all-weather material.

6. Commemorative flags must be the same size or smaller than the United States and Ohio flags that are flown.

7. If any other flag is flown at half-staff, if practical the commemorative flag will also be flown at half-staff.

8. A "commemorative flag" as defined in this Policy shall mean a flag that identifies with a specific historical event, cause, nation, or group of people that the Village Council chooses to honor or commemorate consistent with the Village's mission and priorities.

9. The following are not allowed as commemorative flags and will not be considered by the Village Council:

a. In order to avoid the appearance of Village government endorsing religion or a particular religious movement, flags of a particular religion, religious movement or creed;

b. In order to avoid the appearance of Village government endorsing a political party, flags of a political party;

and

c. Flags advocating a certain outcome in an election.

SECTION IV. This Resolution shall be in full force and effect from and after its passage.

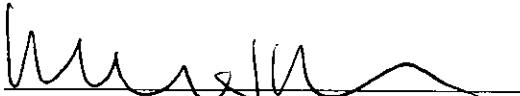
PASSED this ____ day of _____, 2024.

Mayor Stephan C. Densmore

ATTEST:

Eric Pridonoff, Clerk of Council

APPROVED AS TO FORM:



Robert T. Butler, Solicitor

RESOLUTION NO. 2024 - 6

**A RESOLUTION DECLARING THE NECESSITY OF LEVYING A TAX
IN EXCESS OF THE 10-MILL LIMITATION EQUAL TO 7.00 RENEWAL MILLS
AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS
IN CONNECTION THEREWITH**

WHEREAS this Council anticipates levying a tax in excess of the 10-mill limitation as described herein; and

WHEREAS, pursuant to Section 5705.03 of the Ohio Revised Code, this Council is required to certify to the County Auditor a Resolution requesting the County Auditor to certify certain matters in connection with such a tax levy.

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Golf Manor, Ohio, that:

SECTION I. Pursuant to provisions of Section 5705.19 of the Ohio Revised Code, it is necessary that a tax be levied in excess of the 10-mill limitation for the benefit of the Village of Golf Manor for the purpose of current expenses of the subdivision, at a rate not exceeding 7.00 mills for each One Dollar (\$1.00) of valuation which amounts to Seven Dollars (\$7.00) for each One Thousand Dollars (\$1,000.00) of valuation for a period of five years which is a *renewal* of an existing 7.00 mill levy.

SECTION II. This renewal of an existing 7.00 mill levy is not an increase in taxes and shall be levied on all real property located within the Village of Golf Manor, which is sited solely within Hamilton County, Ohio.

SECTION III. The question of the passage of said tax levy shall be submitted to the electors of the Village at the General Election to be held on November 5, 2024. If approved by a majority of the electors voting at such election, said tax levy shall first be placed upon the 2024 tax list and duplicate for first collection in the calendar year 2025.

SECTION IV. Pursuant to Section 5705.03 of the Ohio Revised Code, the County Auditor is hereby requested to certify to this Council the total current tax valuation of the Village of Golf Manor and the dollar amount of revenue that would be generated by the number of mills specified in Section 1 hereof, and the Clerk of Council is hereby directed to certify forthwith a copy of this Resolution to the County Auditor at the earliest possible time so that the County Auditor may certify such matters in accordance with such Section 5705.03 to be able to

appropriately consider, pass and file a Resolution of necessity for consideration at the November 5, 2024 General Election.

SECTION V. This Resolution shall be in full force and effect from and after its passage.

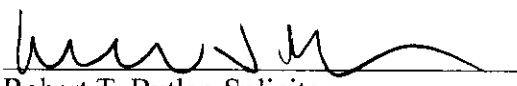
PASSED this 15th day of April, 2024.

Mayor Stephan C. Densmore

ATTEST:

Eric Pridonoff, Clerk of Council

APPROVED AS TO FORM:



Robert T. Butler, Solicitor

ORDINANCE NO. 2024 – 2

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE GOLF MANOR CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

WHEREAS certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council.

NOW THEREFORE, Be It Resolved by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

SECTION I. That the ordinances of the Village of Golf Manor, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters, and sections within the 2024 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION II. That the following sections and chapters are hereby added, amended, or repealed as respectively indicated to comply with current State law.

Traffic Code

- 301.35 School Bus. (Amended)
- 303.081 Impounding Vehicles on Private Residential or Agricultural Property. (Amended)
- 303.082 Private Tow-Away Zones. (Amended)
- 303.083 Impounding Vehicles on Public Property. (Amended)
- 303.09 Leaving Junk and Other Vehicles on Private or Public Property Without Permission or Notification. (Amended)
- 303.10 Leaving Junk Vehicles on Private Property With Permission of Owner. (Amended)
- 303.991 Committing an Offense While Distracted Penalty. (Amended)
- 331.35 Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or Mobile Home While in Motion. (Amended)
- 331.38 Stopping for School Bus; Discharging Children. (Amended)
- 331.46 Restrictions on the Operation of School Buses. (Added)
- 333.01 OVI; Willful Misconduct; Speed. (Amended)
- 333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
- 333.11 Electronic Wireless Communication Device Use Prohibited While Driving. (Amended)

335.07 Driving Under Suspension or License Restriction. (Amended)
 335.071 Driving Under OVI Suspension. (Amended)
 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation;
 Driving Under a Nonpayment of Judgment Suspension. (Amended)
 335.073 Driving Without Complying With License Reinstatement Requirements.
 (Amended)
 335.074 Driving Under License Forfeiture or Child Support Suspension.
 (Amended)
 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights.
 (Amended)
 337.22 Windshield and Windshield Wiper; Sign or Poster Thereon. (Amended)
 337.26 Child Restraint System Usage. (Amended)
 337.31 Lights and Sign on Transportation for Preschool Children. (Added)
 341.01 Commercial Drivers Definitions. (Amended)
 341.04 Commercial Drivers Prohibitions. (Amended)
 341.05 Criminal Offenses. (Amended)
 351.04 Parking Near Curb; Handicapped Locations on Public and Private Lots and
 Garages. (Amended)

General Offenses Code

501.01 General Provisions and Penalty Definitions. (Amended)
 501.99 Penalties for Misdemeanors. (Amended)
 505.071 Cruelty to Companion Animals. (Amended)
 505.12 Coloring Rabbits or Baby Poultry; Sale or Display of Poultry. (Amended)
 505.20 Rights of Blind, Deaf or Hearing Impaired, or Mobility Impaired Person, or
 Trainer with Assistance Dog. (Added)
 509.04 Disturbing a Lawful Meeting. (Amended)
 509.06 Inducing Panic. (Amended)
 509.11 Impeding Public Passage of an Emergency Service Responder. (Added)
 513.01 Drug Abuse Control Definitions. (Amended)
 513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)
 513.04 Possessing Drug Abuse Instruments. (Amended)
 513.12 Drug Paraphernalia. (Amended)
 513.121 Marihuana Drug Paraphernalia. (Amended)
 517.08 Raffles. (Amended)
 521.11 Spreading Contagion. (Added)
 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
 525.15 Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
 529.02 Sales to and Use By Underage Persons; Securing Public Accommodations.
 (Amended)
 529.07 Open Container Prohibited. (Amended)
 533.01 Obscenity and Sex Offenses Definitions. (Amended)
 533.06 Voyeurism. (Amended)
 533.08 Procuring; Engagement in Sexual Activity for Hire. (Amended)

537.03 Assault. (Amended)
537.06 Menacing. (Amended)
537.07 Endangering Children. (Amended)
537.12 Misuse of 9-1-1 System. (Amended)
537.16 Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternative
Nicotine Products; Transaction Scans. (Amended)
545.05 Misdemeanor Theft. (Amended)

SECTION III. The complete text of the Traffic, General Offenses and Fire Prevention Code sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are on file at the Village of Golf Manor Municipal building. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION IV. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants because there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements.

SECTION V. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED this _____ day of _____, 2024.

Mayor Stefan C. Densmore

ATTEST:

Eric Pridonoff, Clerk of Council

APPROVED AS TO FORM:



Robert T. Butler, Solicitor