

ORDINANCE NO. 34-13

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation, with the cooperation of the Law Department and the Clerk of Council, has completed its annual updating and revision of the Codified Ordinances of the City, and

WHEREAS, various ordinances and resolutions of a general and permanent nature have been passed by Council since the date of the last updating and revision of the Codified Ordinances and have been included in the Codified Ordinances of the City, and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law, where and as required;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1: The editing, arrangement and numbering or renumbering of the following ordinances and resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
33-12	7-9-12	668.02, 1270.03, 1278.03, 1280.05
34-12	7-9-12	1222.02, 1270.03, 1280.05
79-12	9-10-12	1228.01 to 1228.18
80-12	9-10-12	1244.01 to 1244.14
82-12	7-9-12	210.01, 1442.04
86-12	8-13-12	256.04, 256.98
93-12	8-13-12	238.055
94-12	8-13-12	1050.193
110-12	10-1-12	210.01
111-12	10-1-12	1442.04
114-12	10-9-12	210.01
119-12	10-22-12	276.03
123-12	11-12-12	612.07, 1064.01
124-12	11-12-12	1478.01
127-12	11-26-12	Repeals Ch. 1030
128-12	12-27-12	1270.01 to 1270.13, 1280.05

Ordinance No. 34-13 (Con't.)

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
129-12	11-26-12	1464.06, 1464.12 to 1464.15, 1464.17, 1464.20, 1464.23, 1464.24, 1464.39, 1464.41, Repeals 1464.25 to 1464.32
130-12	11-26-12	1050.117
133-12	12-10-12	1072.01 to 1072.03, 1072.99
134-12	12-10-12	1073.01 to 1073.03, 1073.99
135-12	12-10-12	210.01
136-12	12-10-12	1442.09
137-12	12-10-12	1444.08

Section 2. The following sections and subsections of the Codified Ordinances are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

402.045, 402.175, 402.177, 402.18, 402.197, 402.277, 402.285, 402.47, 402.48, 402.49, 404.035, 414.03, 414.04, 414.05, 432.11, 432.42, 432.43, 436.071, 436.074, 438.01, 438.09, 438.17, 438.19, 438.235, 438.24, 438.26, 438.28, 440.02, 440.04, 440.05, 440.06, 442.01, 442.04, 442.05, 474.07, 606.01, 606.08, 606.10, 606.165, 606.24, 612.02, 612.04, 618.19, 618.20, 624.02, 624.14, 630.01, 630.02, 630.06, 630.07, 630.09, 630.11 to 630.15, 636.21, 642.01, 642.02, 642.26, 666.07, 666.08, 672.15, 672.16, 698.02, 698.05

Section 3. The following sections and subsections of the Codified Ordinances are hereby repealed:

414.06 Flashing traffic signals.
474.06 Riding bicycles upon sidewalks.
618.18 Reporting escapes.

Section 4. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance, except as follows:

- (a) The enactment of such sections and subsections 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 recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to January 14, 2013.

Ordinance No. 34-13 (Con't.)

Section 5. Pursuant to Article IV, Section 12, of the City Charter, Ohio R.C. 731.23 and Section 222.01 of the Codified Ordinances, the Clerk of Council shall post a copy of this ordinance, or a notice of the enactment of this ordinance, containing the title of this ordinance, and a summary of the new matter covered by it, which summary is attached hereto as Exhibit A, in the five public places set forth in Section 222.01 of the Codified Ordinances, for a period of not less than fifteen days.

Section 6. It is 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 the Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of Avon residents for the reason that it is necessary to have an up-to-date codification of the laws of the City, one which is consistent with the latest State law, where such consistency is required by the Ohio Constitution, with which to administer the affairs of the City and ensure law and order, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency ordinance and shall take effect and be in force immediately after passage and approval by the Mayor.

Passed: _____ Date Signed: _____

Daniel S. Zegarac, President of Council

Date approved by the Mayor: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Ellen R. Young, Clerk of Council

Posted: _____

In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2013-A REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF AVON, OHIO

New matter in the 2013-A Replacement Pages for the Codified Ordinances of Avon, Ohio, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
402.045	Definition of "beacon."
402.175	Definition of "highway traffic signal."
402.177	Definition of "hybrid beacon."
402.18	Definition of "intersection."
402.197	Definition of "median."
402.277	Definition of "private road open to public travel."
402.285	Definition of "shared-use path."
402.47	Definition of "traffic."
402.48	Definition of "traffic control device."
402.49	Definition of "traffic control signal."
404.035	Emergency, public safety and coroners' vehicles excepted.
414.03	Traffic-control signal terms and lights.
414.04	Signal to control lane direction of travel.
414.05	Pedestrian control signals.
414.06	Flashing traffic signals. (Repealed)
432.11	"U" turns restricted.
432.42	Texting while driving prohibited.
432.43	Use of electronic wireless communication devices by minors or probationary drivers while driving prohibited.
436.071	Driving under suspension or in violation of license restriction.
436.074	Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.
438.01	Driving unsafe vehicles; application.
438.09	Lights on parked or stopped vehicles.
438.17	Vehicles transporting preschool children.
438.19	Motor vehicle and motorcycle brakes.
438.235	Tinted glass; materials on glass.
438.24	Limited load extension on left side of passenger vehicle.
438.26	Bumpers.
438.28	Use of child restraints.
440.02	Maximum width, height and length.
440.04	Vehicles transporting explosives.
440.05	Towing requirements; exception to size and weight restrictions.
440.06	Loads dropping or leaking; tracking mud; removal required.

<u>Section</u>	<u>New or amended matter regarding:</u>
442.01	Definitions relating to drivers of commercial vehicles.
442.04	Physical qualification to operate commercial motor vehicles.
442.05	Criminal offenses.
474.06	Riding bicycles upon sidewalks. (Repealed)
474.07	Safe riding regulations for bicycles.
606.01	Definitions relating to general offenses.
606.08	Organizational criminal liability.
606.10	Falsification.
606.165	Compliance with lawful order of police officer; fleeing.
606.24	Disposition of unclaimed or forfeited property held by Police Department.
612.02	Sales to underage persons; prohibitions and misrepresentations.
612.04	Consumption in motor vehicle.
618.18	Reporting escapes. (Repealed)
618.19	Dangerous and vicious dogs.
618.20	Restrictions on dog ownership for certain convicted felons.
624.02	Trafficking in controlled substances; gift of marihuana.
624.14	Use or possession of paraphernalia.
630.01	Definitions relating to gambling.
630.02	Gambling in general.
630.06	Responsibility of charitable organization conducting bingo game.
630.07	Maintenance of records by charitable organizations.
630.09	Exemption for bingo games conducted for amusement.
630.11	Prohibitions where instant bingo game is conducted.
630.12	Raffle drawings.
630.13	Instant bingo other than at bingo sessions.
630.14	Restrictions on owner or lessor of location at instant bingo.
630.15	Skill-based amusement machines; prohibited conduct.
636.21	Illegal distribution of cigarettes or other tobacco products; transaction scans.
642.01	Definitions relating to property offenses.
642.02	Theft.
642.26	Prosecutions for theft of utilities.
666.07	Procuring.
666.08	Soliciting.
672.15	Possession of an object indistinguishable from a firearm in a school safety zone.
672.16	Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.
698.02	Penalties for misdemeanor.
698.05	Multiple sentences.