

ORDINANCE NO. 26-22

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 were passed by Council since the date of the last update and those revisions are included in the Codified Ordinances of the City, and

WHEREAS, in addition, certain changes were made in the Codified Ordinances to bring the City Code 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 – That 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>
10-21	2-22-21	1464.01 - 1464.26, 1464.33, 1464.34, 1464.36 - 1464.41
20-21	3-22-21	256.04, 256.98
26-21	3-22-21	256.37
47-21	6-28-21	256.37
50-21	8-9-21	1440.10
51-21	8-9-21	1222.02, 1278.02, 1280.05, 1280.06
53-21	8-9-21	Ed. Note, Ch. 1042
58-21	8-9-21	1040.01
59-21	8-9-21	1042.02
60-21	8-9-21	1056.08
62-21	9-27-21	1294.08
67-21	10-12-21	210.01, 1226.01, 1226.02, 1226.07, 1262.08
70-21	9-13-21	277.01 - 277.03
75-21	9-27-21	256.98
77-21	9-27-21	256.04
90-21	11-22-21	1028.01 - 1028.21, 1028.99

Section 2 – That the following sections and subsections of the Codified Ordinances contain new matter and are hereby approved, adopted and enacted:

202.03, 402.196, 402.53, 416.13, 416.14, 432.18, 432.22, 434.03, 436.01, 436.04, 436.09, 452.055, 474.11, 474.12, 606.20, 606.31, 612.01, 612.07, 612.09, 618.05, 618.15, 618.21, 624.01, 624.18, 630.01, 630.06, 630.07, 630.09, 630.12, 630.13, 630.16, 636.19, 642.03, 642.11, 642.12, 642.125, 642.14, 642.34, 648.08, 666.07, 666.08, 666.085, 666.09, 672.02, 672.05, 672.07, 672.10, 672.16

Section 3 – That 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 November 22, 2021.

Section 4 – That pursuant to Article IV, Section 12, of the City Charter, 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 5 – That 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 6 – That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of Avon, the immediate emergency being the necessity to have an up-to-date codification of the laws of the City consistent with the latest State law as required by the Ohio Constitution, with which to administer the affairs of the City and ensure law and order; therefore this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

Ordinance No. 26-22 (Con't)

By: _____
Brian Fischer, President of Council

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks, Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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

EXHIBIT A TO ORDINANCE NO. 26-22

EXHIBIT A

**SUMMARY OF NEW MATTER
CONTAINED IN THE 2022 REPLACEMENT PAGES
FOR THE CODIFIED ORDINANCES OF AVON, OHIO**

New matter in the 2022 Replacement Pages for the Codified Ordinances of Avon, Ohio, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
202.03	Rules of construction
402.196	Traffic definitions
402.53	Traffic definitions
416.13	Operation of personal delivery device on sidewalks and crosswalks
416.14	Low-speed micromobility devices
432.18	Right-of-way of public safety or coroner's vehicle
432.22	Driving upon sidewalk area or paths exclusively for bicycles
434.03	Speed limits
436.01	License required as driver or commercial driver on public or private property; nonresident exemption
436.04	Prohibited acts
436.09	Display of license plates or validation stickers; registration
452.055	Parking prohibitions on private property; private tow-away zones
474.11	Operation of motorized bicycle
474.12	Electric bicycles
606.20	Interfering with civil rights
606.31	Self defense; Limitations on duty to retreat prior to using force
612.01	Alcohol definitions
612.07	Open container prohibited
612.09	Illegal conveyance of prohibited items onto grounds of a detention facility or other specified governmental facility
618.05	Cruelty to animals; cruelty to companion animals
618.15	Animal fights
618.21	Sexual conduct with an animal
624.01	Drug definitions
624.18	Sale of dextromethorphan
630.01	Definitions (gambling)
630.06	Regulations concerning operation of licensed bingo game
630.07	Records to be kept
630.09	Bingo games for amusement
630.12	Raffle drawings
630.13	Instant bingo other than at bingo sessions
630.16	Electronic instant bingo; prohibited conduct
636.19	Hazing prohibited
642.03	Degree of offense when certain property involved

Ordinance No. 26-22 (Con't)

<u>Section</u>	<u>New or amended matter regarding:</u>
642.11	Criminal mischief
642.12	Criminal trespass
642.125	Aggravated trespass
642.14	Passing bad checks
642.34	Railroad vandalism; criminal trespass; interference with operation of train; grade crossing device vandalism
648.08	Making false alarms
666.07	Procuring; engagement in sexual activity for hire
666.08	Soliciting
666.085	Loitering to engage in soliciting
666.09	Prostitution
672.02	Carrying concealed weapons
672.05	License or permit to possess dangerous ordnance
672.07	Unlawful transactions in weapons
672.10	Fireworks
672.16	Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession