

Presented by: Mr. Soyars

**ORDINANCE NO. 31-2012**

**TITLE: BARBERTON CODIFIED ORDINANCE UPDATE**

**AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND TO DECLARE AN EMERGENCY.**

**WHEREAS**, American Legal Publishing has completed its annual updating and revision of the Codified Ordinances of the City; and

**WHEREAS**, various ordinances of a general and permanent nature have been passed by Council since the date of the last updating and revision of the Codified Ordinances (March 31, 2011) 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:

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Barberton, State of Ohio:

**SECTION 1.** That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances 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>
32-2011	5-9-11	1422.01, 1422.02, 1422.04, 1422.05, 1422.07, 1422.09, 1422.11, 1422.13 - 1422.16, 1422.175
53-2011	5-9-11	660.08
67-2011	6-27-11	1250.07
75-2011	6-13-11	624.19
136-2011	9-26-11	1454.01
143-2011	10-10-11	Table 1130I, 1360.02
148-2011	10-24-11	624.19
149-2011	10-24-11	660.09
172-2011	11-14-11	1250.10
188-2011	12-19-11	642.27
9-2012	1-23-12	856.05

**SECTION 2.** That the following sections of the Codified Ordinances are new or contain new matter and are hereby approved, adopted and enacted:

303.09, 333.01, 335.01, 335.05, 335.06, 335.071, 335.072, 335.073, 335.074, 335.075, 335.12, 335.13, 335.14, 337.22, 373.02, 606.03, 606.10, 606.23, 606.24, 612.07, 618.12, 624.01, 624.02, 624.03, 630.01, 630.05, 636.10, 636.14, 636.24, 642.01, 642.02, 642.05, 642.08, 642.09, 642.14, 642.146, 642.15, 642.18, 642.19, 642.21, 642.22, 642.28, 642.34, 642.35, 648.08, 642.30, 660.06, 672.04, 698.02

**SECTION 3.** That pursuant to Section 5.11 of the City Charter, Ohio R.C. 731.23 and Section 222.01 of the Codified Ordinances, the Clerk of Council shall cause copies of this ordinance, together with a summary of the new matter adopted in Section 2 of this ordinance, which summary is attached hereto as Exhibit A, to be posted in the six public places specified in Section 222.01 in the manner specified in Section 5.11 of the City Charter.

**SECTION 4.** 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 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 31, 2012.

**SECTION 5.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in 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 in compliance with the law.

**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 for the reason that it is necessary to have an up-to-date Code of the City's laws, one which is consistent with State law in areas where conformity is required by the Ohio Constitution, with which to administer the affairs of the City and ensure law and order, and this ordinance, including the new matter adopted in Section 2 hereof, shall therefore be in full force and effect immediately upon its passage and approval by the Mayor; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed \_\_\_\_\_ 2012

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved \_\_\_\_\_ 2012

\_\_\_\_\_  
Mayor

EXHIBIT A

SUMMARY OF NEW MATTER  
CONTAINED IN THE 2012 REPLACEMENT PAGES  
FOR THE  
CODIFIED ORDINANCES OF BARBERTON, OHIO

New matter in the Codified Ordinances of Barberton, Ohio, as contained in the 2012 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	New or amended matter regarding:
303.09	Willfully leaving vehicles on private or public property.
333.01	Driving or physical control of vehicle while under the influence of alcohol or drugs.
335.01	Driver's or commercial driver's license required.
335.05	Restriction against owner lending vehicle for use of another.
335.06	Display of license.
335.071	Driving under suspension or in violation of license restriction; driving under suspension for failure to appear in court, failure to pay a fine or failure to pay child support.
335.072	Operating motor vehicle or motorcycle without valid license.
335.073	Driving under O.V.I. suspension.
335.074	Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.
335.075	Failure to reinstate license.
335.12	Stopping after accident upon streets; collision with unattended vehicle.
335.13	Stopping after accident upon property other than streets.
335.14	Vehicle accident resulting in damage to realty.
337.22	Windshield required; sign or poster upon windshield; windshield wiper.
373.02	Riding upon seats; carrying packages; motorcycle handle bars; helmets and glasses.
606.03	Classification of offenses.
606.10	Falsification.
606.23	Detention of shoplifters and those committing motion picture piracy; protection of institutional property.
606.24	Disposition of unclaimed or forfeited property held by Police Department.
612.07	Open container prohibited.
618.12	Rights of blind, deaf or hearing impaired, or mobility impaired person, or trainer with assistance dog.
624.01	Definitions relating to drugs.
624.02	Trafficking in controlled substances; gift of marihuana.
624.03	Drug possession offenses.

630.01	Definitions relating to gambling.
630.05	Cheating.
636.10	Nonsupport of dependents.
636.14	Threatening or harassing telecommunications.
636.24	Failure to perform viability testing.
642.01	Definitions relating to property offenses.
642.02	Theft.
642.05	Unauthorized use of property.
642.08	Insurance fraud.
642.09	Arson.
642.14	Passing bad checks.
642.146	Criminal simulation.
642.15	Misuse of credit cards.
642.18	Tampering with records.
642.19	Securing writings by deception.
642.21	Defrauding creditors.
642.22	Receiving stolen property.
642.28	Diminishing or interfering with forfeitable property.
642.34	Workers' compensation fraud.
642.35	Medicaid fraud.
648.08	Trademark counterfeiting.
642.30	Determining property value in theft offense.
660.06	Abandoned refrigerators and airtight containers.
672.04	Improperly handling firearms in a motor vehicle.
698.02	Penalties for misdemeanor

