

ORDINANCE NO. 68-2013

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 DECLARING 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 (January 31, 2012) 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>
18-2012	2-13-12	303.08
32-2012	3-12-12	844.03, 844.05, 844.061
33-2012	3-12-12	Table 1130H, 1360.02
34-2012	4-9-12	1444.15 - 1444.18
41-2012	3-26-12	303.08
53-2012	4-9-12	836.01 through 836.08
58-2012	4-9-12	1240.10
60-2012	4-23-12	Table 1130H, Table 1130I, 1360.02
89-2012	5-29-12	(Repeals Ord. 39-2012)
132-2012	7-23-12	1444.19
133-2012	7-23-12	1060.01 - 1060.08, 1060.99
143-2012	9-10-12	670.05
Res.		
158-2012	9-24-12	277.03
182-2012	11-13-12	Table 1320B
188-2012	11-13-12	880.13
208-2012	12-10-12	1056.01 - 1056.21
215-2012	12-17-12	277.03
226-2012	12-17-12	618.22
7-2013	2-25-13	206.01 - 206.07
8-2013	2-11-13	1044.05
16-2013	2-11-13	1060.01 - 1060.08, 1060.99
20-2013	2-11-13	234.12
43-2013	3-25-13	Table 1130H, 1360.02
49-2013	4-8-13	670.01, 670.02
52-2013	4-8-13	234.13

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

301.035, 301.165, 301.167, 301.17, 301.185, 301.257, 301.365, 301.45,

301.46, 301.47, 303.035, 313.03, 313.04, 313.05, 313.06, 331.12, 331.46, 333.09, 335.05, 335.071, 335.074, 335.09, 337.01, 337.015, 337.09, 337.18, 337.225, 337.23, 337.27, 337.28, 339.01, 339.03, 339.06, 339.07, 339.08, 341.01, 341.04, 341.05, 375.01, 375.08, , 606.01, 606.08, 606.10, 606.165, 606.24, 606.31, 612.02, 612.04, 612.07, 618.01, 618.095, 618.23, 624.01, 624.02, 624.03, 624.14, 624.15, 630.01, 630.02, 630.06, 630.07, 630.09, 630.10, 630.11, 630.12, 630.13, 630.14, 634.06, 636.02, 642.01, 642.02, 642.29, 666.07, 666.08, 672.01, 672.02, 672.04, 672.18, 672.19, 698.02, 698.03, 698.05

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 April 30, 2013.

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 _____ 2013

Clerk of Council

President of Council

Approved _____ 2013

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2013 REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF BARBERTON, OHIO

New matter in the Codified Ordinances of Barberton, Ohio, as contained in the 2013 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	New or amended matter regarding:
301.035	Definition of "beacon."
301.165	Definition of "highway traffic signal."
301.167	Definition of "hybrid beacon."
301.17	Definition of "intersection."
301.185	Definition of "median."
301.257	Definition of "private road open to public travel."
301.365	Definition of "shared-use path."
301.45	Definition of "traffic."
301.46	Definition of "traffic control device."
301.47	Definition of "traffic control signal."
303.035	Emergency, public safety and coroners= vehicles excepted.
313.03	Traffic-control signal terms and lights.
313.04	Signal to control lane direction of travel.
313.05	Pedestrian control signals.
313.06	Flashing traffic signals. (Repealed)
331.12	"U" turns restricted.
331.46	Use of electronic wireless communication devices by minors or probationary drivers while driving prohibited.
333.09	Operation restricted for mini-trucks and low-speed, under-speed, or utility vehicles.
335.05	Owner or operator allowing another to drive.
335.071	Driving under suspension or in violation of license restriction.
335.074	Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.
335.09	Display of license plates; registration; obstructions.
337.01	Driving unsafe vehicles; application.
337.015	Bumpers.
337.09	Lights on parked or stopped vehicles.
337.18	Motor vehicle and motorcycle brakes.
337.225	Tinted glass; materials on glass.
337.23	Limited load extension on left side of passenger vehicle.
337.27	Vehicles transporting preschool children.
337.28	Use of child restraints.
339.01	Load limits.
339.03	Maximum width, height and length.
339.06	Vehicles transporting explosives.
339.07	Towing requirements; exception to size and weight restrictions.
339.08	Loads dropping or leaking; tracking mud; removal required.
341.01	Definitions relating to drivers of commercial vehicles.
341.04	Physical qualification to operate commercial motor vehicles.
341.05	Criminal offenses.
375.01	Definition relating to snowmobiles, off-highway motorcycles and all-purpose vehicles.
375.08	Registration of vehicles.
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.
606.31	Misuse of 9-1-1 system.
612.02	Sales to underage persons; prohibitions and misrepresentations.
612.04	Consumption in motor vehicle.
612.07	Open container prohibited.
618.01	Animals running at large.

618.095 Dogs required to wear tags.
 618.23 Restrictions on dog ownership for certain convicted felons.
 624.01 Definitions relating to drugs.
 624.02 Trafficking in controlled substances; gift of marihuana.
 624.03 Drug possession offenses.
 624.14 Use or possession of paraphernalia.
 624.15 Pseudoephedrine sales.
 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.
 630.10 Prohibitions where instant bingo game is conducted.
 630.11 Raffle drawings.
 630.12 Instant bingo other than at bingo sessions.
 630.13 Restrictions on owner or lessor of location at instant bingo.
 630.14 Skill-based amusement machines; prohibited conduct.
 634.06 Illegal distribution of cigarettes or other tobacco products; transaction scans.
 636.02 Assault.
 642.01 Definitions relating to property offenses.
 642.02 Theft.
 642.29 Prosecutions for theft of utilities.
 666.07 Procuring.
 666.08 Soliciting.
 672.01 Definitions relating to weapons and explosives.
 672.02 Carrying concealed weapons.
 672.04 Improperly handling firearms in a motor vehicle.
 672.18 Possession of an object indistinguishable from a firearm in a school safety zone.
 672.19 Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.
 698.02 Penalties for misdemeanor.
 698.03 Imposing sentence for misdemeanor.
 698.05 Multiple sentences.