

ORDINANCE NO. 137-2020

TITLE: ENACTING THE CODE OF ORDINANCES

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE CITY OF BARBERTON REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the present general and permanent ordinances of the political subdivision are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Ohio empower and authorize the political subdivision to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Legislative Authority of the Political Subdivision has authorized a general compilation, revision and codification of the ordinances of the Political Subdivision of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

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

SECTION 1. The general ordinances of the Political Subdivision as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the “Code of Ordinances of the City of Barberton.”

SECTION 2. Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles:

TABLE OF CONTENTS

CHARTER

PART TWO: ADMINISTRATION CODE

TITLE TWO: GENERAL PROVISIONS

- 202. Code of Ordinances
- 204. Official Standards
- 206. Wards and Boundaries
- 208. Open Meetings
- 210. Contracts
- 212. Acquisition and Disposal of Property
- 214. Compliance with Americans with Disabilities Act

TITLE FOUR: LEGISLATION

- 220. Council
- 222. Ordinances and Resolutions

TITLE SIX: ADMINISTRATION

- 230. Mayor
- 232. Department of Law
- 234. Department of Finance
- 236. Department of Public Safety
- 238. Division of Police

PART TWO: ADMINISTRATION CODE (Cont'd)

- 240. Division of Fire
- 242. Department of Public Service
- 244. Division of Building Inspection
- 246. Division of Engineering
- 248. Division of Utilities
- 250. Division of Streets
- 252. Department of Urban Renewal
- 253. Department of Human Resources
- 254. Employees Generally
- 256. Residential Anti-Displacement and Relocation Plan

TITLE EIGHT: BOARDS AND COMMISSIONS

- 260. Planning Commission
- 262. Board of Zoning and Building Appeals
- 264. Parks and Recreation Commission
- 266. Board of Health
- 268. Civil Service Commission
- 270. Board of Control
- 272. Charter Review Commission
- 274. Tree Commission
- 276. Barberton Community Foundation
- 278. Industrial Wastewater Review Board
- 280. Tax Incentive Review Board
- 282. Treasury Investment Board
- 284. Litter Control Advisory Board
- 286. Beautification Committee

TITLE TEN: JUDICIAL

- 298. Municipal Court

PART THREE: TRAFFIC CODE

TITLE ONE: ADMINISTRATION

- 301. Definitions
- 303. Enforcement, Impounding and Penalty
- 305. Traffic Control

TITLE THREE: STREETS AND TRAFFIC-CONTROL DEVICES

- 311. Street Obstructions and Special Uses
- 313. Traffic-Control Devices

TITLE FIVE: VEHICLES

- 331. Operation Generally
- 333. O.V.I.; Reckless Operation; Speed
- 335. Licensing; Accidents
- 337. Safety and Equipment
- 339. Commercial and Heavy Vehicles
- 341. Drivers of Commercial Vehicles
- 343. Offenses Relating to Theft and Fraud

TITLE SEVEN: PARKING

- 351. Parking Generally
- 353. Parking Meters
- 355. Municipal Parking Lots
- 357. Snow Emergencies
- 359. Parking Commission

PART THREE: TRAFFIC CODE (Cont'd)

TITLE NINE: PEDESTRIANS, BICYCLES AND MOTORCYCLES

- 371. Pedestrians
- 373. Bicycles and Motorcycles Generally
- 375. Snowmobiles, Off-Highway Motorcycles and All-Purpose Vehicles

PART SIX: GENERAL OFFENSES CODE

- 606. General Provisions; Administration and Enforcement
- 610. Air Pollution
- 612. Alcoholic Beverages
- 618. Animals
- 624. Drugs
- 630. Gambling
- 632. Junk Cars
- 634. Minors
- 635. Noise Abatement
- 636. Offenses Relating to Persons
- 642. Offenses Relating to Property
- 648. Peace Disturbances
- 654. Railroads
- 656. Registration of Convicted Persons
- 660. Safety, Sanitation and Health
- 666. Sex Related Offenses
- 668. Streets and Sidewalks
- 670. Trees, Weeds and Grass
- 672. Weapons and Explosives
- 674. Criminal Activity Nuisances
- 698. Penalties and Sentencing

PART EIGHT: BUSINESS REGULATION AND TAXATION CODE

TITLE TWO: BUSINESS REGULATION

- 804. Advertising and Billposting
- 808. Amusements and Shows
- 812. Auctions
- 816. Billiard and Pool Rooms
- 820. Boxing and Wrestling
- 822. Cable Television
- 824. Dances and Dance Halls
- 828. Fortunetelling
- 830. Gasoline Service Stations
- 832. Going-Out-of-Business Sales
- 834. Late Night Retail Establishments and Gasoline Stations
- 836. Amusement Devices, Skill-Based Amusement Machines and Arcades
- 840. Payday Loan/Cash Advance Facilities
- 844. Peddlers, Solicitors and Vendors
- 848. Polygraph Tests
- 852. Secondhand Dealers
- 856. Taxicabs
- 860. Trailer Camps and Tourist Camps
- 862. Self-Service Retail Pricing
- 864. Private Investigators and Agencies
- 866. Private Patrol Watchmen and Agencies
- 868. Christmas Tree Sales
- 870. Strikebreakers
- 872. Residential Care Facilities
- 874. Tow Trucks
- 875. Tobacco
- 876. Medical Marijuana Cultivators, Processors and Retail Dispensaries

PART EIGHT: BUSINESS REGULATION AND TAXATION CODE (Cont'd)

TITLE FOUR: TAXATION

- 880. Earned Income Tax (Effective Beginning January 1, 2016)
- 884. Motor Vehicle License Tax

PART TEN: STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE TWO: STREET AND SIDEWALK AREAS

- 1020. Excavations
- 1024. Street Classifications and Pavement
- 1028. Sidewalks
- 1032. Number of Buildings

TITLE FOUR: UTILITIES

- 1040. Sewers
- 1044. Water
- 1048. Gas
- 1052. Electricity
- 1054. Industrial Waste Discharges
- 1056. Illicit Discharge Detection and Elimination Program
- 1058. General Lighting Utility

TITLE SIX: OTHER PUBLIC SERVICES

- 1060. Refuse Collection and Disposal
- 1062. Alarm Systems
- 1064. Metro Regional Transit Authority
- 1068. Parks and Recreation Areas
- 1072. Barberton Reservoir; Wolf Creek
- 1074. Management, Administration and Control of the Use of the City's Public Rights-of-Way

PART TWELVE: PLANNING AND ZONING CODE

PART FOURTEEN: BUILDING AND HOUSING CODE

TITLE TWO: BUILDING STANDARDS

- 1402. Residential Building Code of Ohio for One-, Two- and Three-Family Dwellings
- 1404. Ohio Building Code
- 1406. National Electrical Code

TITLE FOUR: LICENSING OF TRADESMEN

- 1422. Registration in General
- 1424. Electrical Registration
- 1426. Heating, Ventilation and Air Conditioning
- 1428. Plumbing Registration
- 1430. Sign Licensing

TITLE SIX: ADMINISTRATION; MISCELLANEOUS REGULATIONS

- 1442. Division of Building Inspection
- 1444. Permits and Fees
- 1446. Fire Districts
- 1448. Insulation
- 1450. Erosion and Sediment Control Regulation
- 1452. Land Reutilization Program
- 1454. Vacant Property Registration Program

PART FOURTEEN: BUILDING AND HOUSING CODE (Cont'd)

TITLE EIGHT: HOUSING CODE

- 1462. ICC International Property Maintenance Code
- 1464. National Electrical Contractors Association, Tri-County, Minimum Residential Rewire Electrical Code

TITLE TEN: COMMERCIAL MAINTENANCE CODE

- 1476. Minimum Requirements
- 1478. Rental Property Registration Program

PART SIXTEEN: FIRE PREVENTION CODE

- 1604. Ohio and National Fire Codes
- 1606. Fire Department: Plan Review and System Test Fees
- 1608. Nursing Homes and Rest Homes
- 1610. Smoke Detectors
- 1612. Oil and Gas Wells: Emergency Information and Regulations

TABLE OF SPECIAL ORDINANCES

- A. Franchises and Agreements
- B. Easements
- C. Vacating of Streets and Alleys
- D. Dedication and Plat Approval
- E. Acquisition and Disposal of Real Property
- F. Lease of Real Property
- G. Grade Levels and Change of Street Name
- H. Annexation and Detachment of Territory
- I. Zoning Map Changes

PARALLEL REFERENCES

- References to Ohio Revised Code (ORC)
- References to Prior Code
- References to Resolutions
- References to Ordinances

SECTION 3. All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.

SECTION 4. Such Code shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to file a copy of such Code of Ordinances in the Office of the Clerk.

SECTION 5. Such Code shall be in full force and effect as provided in Section 6, and such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

SECTION 6. 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 an 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, convenience and welfare of the City of Barberton and the inhabitants thereof, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2020

Clerk of Council

President of Council

Approved _____ 2020

Mayor