

ORDINANCE NO. 37-2017

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 (December 31, 2015) 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>
28-2016	03-28-16	232.01
42-2016	05-09-16	303.08
47-2016	05-09-16	Table 1130F, Table 1130H, 1360.02
99-2016	09-26-16	234.07
102-2016	10-10-16	1250.11
113-2016	10-24-16	844.04
117-2016	11-28-16	1310.04
133-2016	12-19-16	674.01
142-2016	12-12-16	1054.04, 1054.26
146-2016	12-19-16	1444.15, 1444.16, 1444.17, 1444.18
2-2017	01-09-17	1230.09, 1230.10

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

301.19, 331.21, 335.01, 335.09, 335.12, 335.13, 335.15, 606.06, 612.01, 612.07, 612.08, 618.05, 618.21, 624.01, 624.02, 624.025, 624.03, 624.04, 624.05, 624.07, 624.076, 624.08, 624.14, 634.02, 636.045, 636.075, 636.14, 642.10, 642.11, 666.08, 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, 2017.

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 _____ 2017

Clerk of Council

President of Council

Approved _____ 2017

Mayor

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2017 REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF BARBERTON, OHIO

New matter in the Codified Ordinances of Barberton, Ohio, as contained in the 2017 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
301.19	Definition of “motorcycle.”
331.21	Right-of-way of public safety or coroner’s vehicle.
335.01	Driver’s or commercial driver’s license required.
335.09	Display of license plates; registration; obstructions.
335.12	Failure to stop after accident.
335.13	Stopping after accident on other than public roads or highways.
335.15	Removal of vehicles after accidents.
606.06	Limitation on criminal prosecutions.
612.01	Definitions relating to alcoholic beverages.
612.07	Open container prohibited
612.08	Hours of sale or consumption.
618.05	Cruelty to animals; cruelty to companion animals.
618.21	Assaulting police dog or horse or assistance dog.
624.01	Definitions relating to drugs.
624.02	Trafficking in controlled substances; gift of marihuana.
624.025	Cultivation of marihuana.
624.03	Drug Possession offenses.
624.04	Possession of drug abuse instruments.
624.05	Permitting drug abuse.
624.07	Abusing harmful intoxicants
624.076	Possessing nitrous oxide in motor vehicles.
624.08	Illegal dispensing of drug samples.
624.14	Use, possession, or sale of paraphernalia.
634.02	Interference with custody.
636.045	Menacing by stalking.
636.075	Criminal child enticement.
636.14	Threatening or harassing telecommunications.
642.10	Criminal damaging or endangering; vehicular vandalism.
642.11	Criminal mischief.
666.08	Soliciting.
698.02	Penalties for misdemeanor.