

ORDINANCE NO. 53-2019

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, 2018) 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>
97-2016	11-14-16	1040.13
03-2018	02-12-18	876.01, 876.02
10-2018	02-12-18	1060.01, 1060.02, 1060.06, 1060.08, 1060.99
11-2018	02-12-18	1040.10
20-2018	02-26-18	1040.11
42-2018	04-23-18	1068.06
53-2018	05-14-18	Repeals 636.17
54-2018	05-14-18	355.02
55-2018	05-14-18	1068.05
76-2018	09-24-18	1074.01 to 1074.23, 1074.99
85-2018	07-25-18	844.01 to 844.04, 844.06 to 844.09, 844.11
86-2018	09-24-18	618.05
88-2018	07-23-18	234.15
134-2018	11-13-18	234.16
136-2018	11-26-18	856.02, 856.04, 856.05, 856.06, 856.07
138-2018	12-17-18	1058.01, 1058.02
139-2018	12-17-18	1060.08
155-2018	12-17-18	234.17

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

301.52, 303.06, 303.99, 313.01, 331.01, 331.02, 331.03, 331.04, 331.05, 331.06, 331.07, 331.08, 331.09, 331.10, 331.12, 331.13, 331.14, 331.15, 331.16, 331.165, 331.17, 331.18, 331.20, 331.215, 331.22, 331.24, 331.26, 331.28, 331.29, 331.30, 331.31, 331.33, 331.37, 331.40, 331.41, 331.46, 333.03, 333.035, 333.04, 333.05, 337.16, 371.01, 371.02, 371.07, 373.03, 373.04, 375.08, 618.05, 624.01, 624.02, 624.025, 624.03, 624.05, 624.08, 624.16, 636.10, 642.05, 642.15, 672.04, 672.19

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 December 31, 2018.

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 _____ 2019

Clerk of Council

President of Council

Approved _____ 2019

Mayor

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2019 REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF BARBERTON, OHIO

New matter in the Codified Ordinances of Barberton, Ohio, as contained in the 2019 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
301.52	Definition of “waste collection vehicle”
303.06	Freeway use prohibited by pedestrians, bicycles and animals
303.99	Traffic code penalties; suspension of driver’s license
313.01	Obedience to traffic control devices
331.01	Driving upon right side of roadway; exceptions
331.02	Passing to right when proceeding in opposite directions
331.03	Overtaking, passing to left, driver’s duties
331.04	Overtaking and passing upon right
331.05	Overtaking, passing to left of center
331.06	Additional restrictions on driving upon left side of roadway
331.07	Hazardous or no passing zones
331.08	Driving in marked lanes or continuous lines of traffic
331.09	Following too closely
331.10	Turning at intersections
331.12	“U” turns restricted
331.13	Starting and backing vehicles
331.14	Signals before changing course, turning or stopping
331.15	Hand and arm signals
331.16	Right-of-way at intersections
331.165	Intersections at which traffic control signals fail or malfunction
331.17	Right-of-way when turning left
331.18	Operation of vehicle at stop and yield signs
331.20	Emergency or public safety vehicles at stop signals or signs
331.215	Driving while approaching stationary public safety vehicle and certain other vehicles with flashing lights
331.22	Right-of-way at private driveway, alley or building
331.24	Right-of-way of funeral procession
331.26	Driving upon street posted as closed for repair
331.28	Driving over fire hose
331.29	Driving through safety zone
331.30	One-way streets and rotary traffic islands
331.31	Driving upon divided roadways
331.33	Obstructing intersections, crosswalks or grade crossings
331.37	Driving upon sidewalks, tree lawns or curbs
331.40	Stopping at grade crossings
331.41	Slow-moving vehicles or equipment at grade crossings
331.46	Use of electronic wireless communication devices by minors or probationary drivers while driving prohibited
333.03	Maximum speed limits; assured clear distance ahead
333.035	Speed limits on private roads and driveways
333.04	Slow speed; posted minimum speeds
333.05	Speed limitations over bridges
337.16	Number of lights; limitations on flashing, oscillating or rotating lights
371.01	Duties of pedestrians and drivers at crosswalks
371.02	Right-of-way of blind person
371.07	Right-of-way on sidewalk
373.03	Attaching bicycle or sled to vehicle
373.04	Riding on right side of roadway; riding bicycles and motorcycles abreast
375.08	Registration of vehicles
618.05	Cruelty to animals, cruelty to companion animals

<u>Section</u>	<u>New or amended matter regarding:</u>
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
624.05	Permitting drug abuse
624.08	Illegal dispensing of drug samples
624.16	Counterfeit controlled substances
636.10	Nonsupport of dependents
642.05	Unauthorized use of property
642.15	Misuse of credit cards
672.04	Improperly handling firearms in a motor vehicle
672.19	Concealed handgun licenses; possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession