

ORDINANCE NO. 95-67 AC CMS

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 PROVIDE FOR THE PUBLICATION OF SUCH NEW MATTER; AND TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

WHEREAS, The Justinian Publishing Company has completed its updating and revision of the Codified Ordinances of the City; and,

WHEREAS, various ordinances of a general and permanent nature that have been passed by Council since the date of the last updating and revision of the Codified Ordinances (May 15, 1993) 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 Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

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>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
93-29AC	5-17-93	775.01	94-69AC	9-19-94	145.19
93-31AC	6-21-93	1193.01 to	94-76AC	10-3-94	157.10
		1193.05,	94-79AC	10-17-94	507.01(a)
		1193.99	94-80AC	10-17-94	509.10
93-41AC	6-7-93	145.08(a),	94-93AC	12-5-94	159.01
		145.11(b) to (f)	94-103AC	1-3-95	925.09(d)
93-75AC	11-15-93	141.03	95-5AC	2-6-95	143.01
93-82AC	12-20-93	351.17	95-6AC	2-6-95	1501.01(b)
93-88AC	12-20-93	158.05 to 158.07,	95-7AC	2-6-95	501.13
		158.99	95-8AC	2-6-95	1501.18
94-2AC	2-22-94	925.01 to	95-9AC	2-6-95	153.03
		925.09(c),	95-11AC	1-17-95	111.03
		925.10 to 925.15,	95-17AC	3-6-95	145.17
		925.99	95-19AC	3-20-95	121.03
94-9AC	2-22-94	127.01	95-20AC	4-3-95	915.01 to
94-27AC	5-16-94	1341.02(32)			915.10, 915.12
94-32AC	5-16-94	130.01			to 915.35,
94-37AC	6-6-94	145.18			915.99
94-51AC	8-15-94	905.01 to 905.05	95-26AC	3-20-95	121.01
94-67AC	9-19-94	Ed. Note, Ch.	95-36AC	5-15-95	915.11
		1125, 1127.03 to			
		1127.07, 1127.11			
		to 1127.13,			
		1127.21, 1127.22,			
		1141.01, 1143.02,			
		1143.03, 1143.05,			
		1143.07, 1145.01,			
		1147.01 to			
		1147.04, 1173.01			

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

301.063, 301.066,	513.01 to 513.09,
301.12, 303.045,	513.12 to 513.14,
303.06, 303.08,	517.01, 517.02,
303.082, 303.09,	517.06, 517.09,
303.99, 331.12,	521.09, 525.01,
331.21, 331.235,	525.02, 525.091,
331.40, 331.405,	525.10, 529.01,
333.01, 333.035,	529.02, 529.03,
335.01, 335.05,	529.06, 529.07,
335.07, 337.165,	529.09, 529.10,
337.18, 337.26,	537.02, 537.03,
337.27, 337.30,	537.051, 537.07,
339.01, 339.03,	537.14, 537.19 to
339.13, 341.01,	537.25, 541.02,
341.03 to 341.09,	541.06, 541.09,
351.04, 373.16,	545.05, 549.01,
501.01, 501.09,	1501.01(a)
501.10, 505.03,	

SECTION 3. That the following sections of the Codified Ordinances are hereby repealed:

529.021	-	Purchase, Consumption or Possession by Minor; Misrepresentation.
537.15	-	Temporary Protection Order.
549.09	-	Sale of Explosives to Minors.

SECTION 4. That pursuant to Articles IX and X of the City Charter, Ohio R.C. 731.23 and Section 113.01 of the Codified Ordinances, the Clerk of Council shall cause notice of the enactment of this ordinance, containing the title of this ordinance, together with a summary of the new matters covered by it, which summary is attached hereto as Exhibit A, to be posted in the five public places designated in Section 113.01 of the Codified Ordinances for a period of not less than fifteen days.

SECTION 5. That all ordinances and resolutions or parts thereof that 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 and subsections 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 July 16, 1995.

SECTION 6. It is hereby found and detemined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted 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 in meetings open to the public in compliance with all legal requirements, including Ohio R.C. 121.22.

SECTION 7. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, to wit:

"to update and revise the Codified Ordinances of the City so that the City will have an up-to-date codification of its laws, one that is consistent with State law, where and as required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the City and ensure law and order"

and shall take effect immediately upon passage.

PASSED: 1st Reading - July 17, 1995
2nd Reading - August 21, 1995
3rd Reading - September 5, 1995

ATTEST:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: September 8, 1995

EFFECTIVE DATE: October 4, 1995

EXHIBIT A

SUMMARY OF NEW MATTER

New matter in the Codified Ordinances of Oberlin, as contained in the 1995 Replacement Pages therefor, includes legislation regarding:

- (1) Definition of chauffeured limousine.
- (2) Definition of child day-care center or Type A family day-care home.
- (3) Definition of explosives.
- (4) Emergency and public safety vehicles excepted from application of certain Traffic Code provisions.
- (5) Freeway use prohibited by pedestrians, bicycles and animals.
- (6) Impounding of vehicles; redemption.
- (7) Private tow-away zones.
- (8) Willfully leaving vehicles on private or public property.
- (9) Traffic Code misdemeanor classifications and penalties.
- (10) Restriction on "U" turns.
- (11) Right of way of public safety vehicle.
- (12) Stop signs on private roads and driveways.
- (13) Stopping at grade crossings.
- (14) Slow-moving vehicles or equipment at grade crossings.
- (15) Driving or physical control while under the influence; evidence.
- (16) Speed limits on private roads and driveways.
- (17) Driver's license or commercial driver's license required.
- (18) Owner or operator allowing another to drive.
- (19) Driving under suspension or revocation or without proof of financial responsibility or in violation of license restrictions.
- (20) Vehicles transporting preschool children.
- (21) Motor vehicle and motorcycle brakes.
- (22) Use of child restraints.
- (23) Use of occupant restraining devices.
- (24) Ignition interlock devices.
- (25) Oversize or overweight vehicle operation on State routes; State permit.

- (26) Maximum width, height and length of commercial and heavy vehicles.
- (27) Operation of chauffeured limousines.
- (28) Definitions pertaining to drivers of commercial vehicles.
- (29) Licensing requirements for drivers of commercial vehicles.
- (30) Physical qualification to operate commercial motor vehicles.
- (31) DUI; leaving the scene; use of vehicles in commission of felony.
- (32) Application of 49 C.F.R. 383 to drivers of commercial vehicles.
- (33) Information required of prospective drivers of commercial vehicles by employers; unauthorized driving.
- (34) Authority of peace officers re drunk driving.
- (35) Permitting or driving commercial vehicles while fatigued or ill prohibited.
- (36) Manner of parallel parking.
- (37) Motorized bicycle operation, equipment and license.
- (38) Definitions pertaining to the General Offenses Code.
- (39) Attempt.
- (40) Complicity.
- (41) Annual registration of dogs; tags required.
- (42) Drugs.
- (43) Gambling.
- (44) Noxious or offensive odors.
- (45) Definitions pertaining to law enforcement and public office.
- (46) Falsification.
- (47) Compliance with lawful order of police officer; fleeing.
- (48) Having an unlawful interest in a public contract.
- (49) Definitions pertaining to liquor control.
- (50) Sales of liquor to underage persons; prohibitions and misrepresentations.
- (51) Sales of liquor to intoxicated persons.
- (52) Posting of printed warnings regarding beer, intoxicating liquor or low-alcohol beverages.
- (53) Open container of alcoholic beverages prohibited.
- (54) Conveying intoxicating liquor or cash onto grounds of detention facilities or other institutions.
- (55) Sales of low-alcohol beverages to underage persons; prohibitions and misrepresentations.
- (56) Vehicular homicide.
- (57) Assault.
- (58) Menacing by stalking.
- (59) Endangering children.
- (60) Domestic violence.
- (61) Child stealing.
- (62) Nonsupport of dependents.

- (63) Interference with custody.
- (64) Safety of crowds attending live entertainment performances.
- (65) Hazing.
- (66) Intimidating in connection with housing.
- (67) Failing to provide for a functionally impaired person.
- (68) Arson.
- (69) Destruction of shrubs, trees or crops.
- (70) Assaulting police dog or horse or handicapped assistance dog.
- (71) Petty theft.
- (72) Definitions pertaining to weapons and explosives.
- (73) Adoption of the 1992 edition of the Ohio Fire Code, as amended through November, 1993.