

ORDINANCE NO. 04-15 AC CMS

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE OBERLIN CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

WHEREAS, the State General Assembly by Senate Bill 123 has completely revised the State Traffic Code, effective January 1, 2004;

WHEREAS, the Ohio Constitution requires that Ohio municipal ordinances comply with State law if they are an exercise of the Municipality's police powers;

WHEREAS, a new Traffic Code as contained in the current replacement pages has been prepared for the municipality;

WHEREAS, certain other provisions within the Codified Ordinances should be amended to conform with current State law; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

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 ordinances of the City of Oberlin, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2004 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

SECTION 2: That the sections and chapters of the Codified Ordinances of the City of Oberlin, Ohio, as set forth in Exhibit A attached hereto and incorporated herein by reference, are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

SECTION 3: That the complete text of the sections listed in Exhibit A are set forth in full in the current replacement pages to the Codified Ordinances which are on file with the Clerk of Council. The listing of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4: It is hereby found and determined 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 Section 121.22 of the Ohio Revised Code.

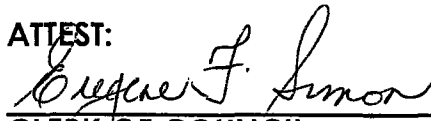
SECTION 5: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants, to wit:

"there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, including conflict with general State law,"

and shall take effect immediately upon passage.

PASSED: 1st Reading - March 1, 2004 (E)
2nd Reading -
3rd Reading -

ATTEST:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: March 2, 2004

EFFECTIVE DATE: March 2, 2004

EXHIBIT A ATTACHED

EXHIBIT A**Traffic Code**

301.201	Operate Defined. (Added)
301.251	Predicate Motor Vehicle or Traffic Offense Defined. (Added)
301.51	Vehicle Defined. (Amended)
303.01	Compliance With Lawful Order of Police Officer; Fleeing. (Amended)
303.02	Traffic Direction in Emergencies; Obedience to School Guard. (Amended)
303.04	Road Workers, Motor Vehicles and Equipment Excepted. (Amended)
303.06	Freeway Use Prohibited By Pedestrians, Bicycles and Animals. (Amended)
303.08	Impounding of Vehicles; Redemption. (Amended)
303.082	Private Tow-Away Zones. (Amended)
303.99	General Traffic Code Penalties. (Amended)
311.01	Placing Injurious Material or Obstruction in Street. (Amended)
311.02	Parades and Assemblages. (Amended)
311.03	Toy Vehicles on Streets. (Amended)
313.01	Obedience to Traffic Control Devices. (Amended)
313.03	Traffic Control Signal Terms and Lights. (Amended)
313.04	Lane-Use Control Signals Over Individual Lanes. (Amended)
313.05	Pedestrian Control Signals. (Amended)
313.06	Flashing Traffic Signals. (Amended)
313.07	Unauthorized Signs and Signals, Hiding From View, Advertising. (Amended)
313.08	Alteration, Injury, Removal of Traffic Control Devices. (Amended)
313.09	Driver's Duties Upon Approaching Ambiguous or Non-Working Traffic Signal. (Amended)
313.10	Unlawful Purchase, Possession or Sale. (Amended)
331.01	Driving Upon Right Side of Roadway; Exceptions. (Amended)
331.02	Passing to Right When Proceeding in Opposite Directions. (Amended)
331.03	Overtaking, Passing to Left; Driver's Duties. (Amended)
331.04	Overtaking and Passing Upon Right. (Amended)
331.05	Overtaking, Passing to Left of Center. (Amended)
331.06	Additional Restrictions on Driving Upon Left Side of Roadway. (Amended)
331.07	Hazardous or No Passing Zones. (Amended)
331.08	Driving in Marked Lanes or Continuous Lines of Traffic. (Amended)
331.09	Following Too Closely. (Amended)
331.10	Turning at Intersections. (Amended)
331.11	Turning Into Private Driveway, Alley or Building. (Amended)
331.12	"U" Turns Restricted. (Amended)
331.13	Starting and Backing Vehicles. (Amended)
331.14	Signals Before Changing Course, Turning or Stopping. (Amended)
331.15	Hand and Arm Signals. (Amended)

331.16	Right of Way at Intersections. (Amended)
331.17	Right of Way When Turning Left. (Amended)
331.18	Operation of Vehicle at Yield Signs. (Amended)
331.19	Operation of Vehicle at Stop Signs. (Amended)
331.20	Emergency or Public Safety Vehicles at Stop Signals or Signs. (Amended)
331.21	Right of Way of Public Safety or Coroner's Vehicle. (Amended)
331.22	Driving Onto Roadway From Place Other Than Roadway: Duty to Yield. (Amended)
331.23	Driving Onto Roadway From Place Other Than Roadway: Stopping At Sidewalk. (Amended)
331.24	Right of Way of Funeral Procession. (Amended)
331.25	Driver's View and Control To Be Unobstructed By Load or Persons. (Amended)
331.26	Driving Upon Street Posted As Closed For Repair. (Amended)
331.27	Following and Parking Near Emergency or Safety Vehicles. (Amended)
331.28	Driving Over Fire Hose. (Amended)
331.29	Driving Through Safety Zone. (Amended)
331.30	One-Way Streets and Rotary Traffic Islands. (Amended)
331.31	Driving Upon Divided Roadways. (Amended)
331.32	Entering and Exiting Controlled-Access Highway. (Amended)
331.33	Obstructing Intersection, Crosswalk or Grade Crossing. (Amended)
331.34	Failure To Control; Weaving; Full Time and Attention. (Amended)
331.35	Occupying a Moving Trailer or Manufactured or Mobile Home. (Amended)
331.36	Squealing Tires, "Peeling", Cracking Exhaust Noises. (Amended)
331.37	Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
331.38	Stopping For School Bus; Discharging Children. (Amended)
331.39	Driving Across Grade Crossing. (Amended)
331.40	Stopping at Grade Crossing. (Amended)
331.41	Littering From Motor Vehicle. (Amended)
331.42	Wearing Earplugs or Earphones Prohibited. (Amended)
333.01	Driving or Physical Control While Under the Influence. (Amended)
333.02	Operation in Willful or Wanton Disregard of Safety. (Amended)
333.03	Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
333.031	Approaching a Stationary Public Safety Vehicle. (Amended)
333.04	Stopping Vehicle; Slow Speed; Posted Minimum Speeds. (Amended)
333.05	Speed Limitations Over Bridges. (Amended)
333.07	Street Racing Prohibited. (Amended)
333.08	Operation Without Reasonable Control. (Amended)

- 333.09 Reckless Operation on Streets, Public or Private Property. (Amended)
- 335.01 Driver's License or Commercial Driver's License Required. (Amended)
- 335.02 Permitting Operation Without Valid License; One License Permitted. (Amended)
- 335.03 Driving With Temporary Instruction Permit; Curfew. (Amended)
- 335.031 Driving With Probationary License; Curfew. (Amended)
- 335.04 Certain Acts Prohibited. (Amended)
- 335.05 Wrongful Entrustment of a Motor Vehicle. (Amended)
- 335.06 Display of License. (Amended)
- 335.07 Driving Under Suspension or License Restriction. (Amended)
- 335.071 Driving Under OVI Suspension. (Added)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation. (Added)
- 335.073 Driving Without Complying With License Reinstatement Requirements. (Added)
- 335.08 Operation or Sale Without Certificate of Title. (Amended)
- 335.09 Display of License Plates. (Amended)
- 335.10 Expired or Unlawful Plates. (Amended)
- 335.11 Use of Illegal License Plates; Transfer of Registration. (Amended)
- 335.12 Stopping After Accident Upon Streets; Collision With Unattended Vehicle. (Amended)
- 335.13 Stopping After Accident Upon Property Other Than Street. (Amended)
- 335.14 Vehicle Accident Resulting in Damage to Realty. (Amended)
- 337.01 Driving Unsafe Vehicles. (Amended)
- 337.02 Lighted Lights; Measurement of Distances and Heights. (Amended)
- 337.03 Headlights on Motor Vehicles and Motorcycles. (Amended)
- 337.04 Tail Light; Illumination of Rear License Plate. (Amended)
- 337.05 Rear Red Reflectors. (Amended)
- 337.06 Safety Lighting on Commercial Vehicles. (Amended)
- 337.07 Obscured Lights on Vehicles in Combination. (Amended)
- 337.08 Red Light or Red Flag on Extended Loads. (Amended)
- 337.09 Lights on Parked or Stopped Vehicles. (Amended)
- 337.10 Lights on Slow-Moving Vehicles; Emblem Required. (Amended)
- 337.11 Spotlight and Auxiliary Lights. (Amended)
- 337.12 Cowl, Fender and Back-Up Lights. (Amended)
- 337.13 Display of Lighted Lights. (Amended)
- 337.14 Use of Headlight Beams. (Amended)
- 337.15 Lights of Less Intensity on Slow-Moving Vehicles. (Amended)
- 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)

337.17	Focus and Aim of Headlights. (Amended)
337.18	Motor Vehicle and Motorcycle Brakes. (Amended)
337.19	Horn, Siren and Theft Alarm Signal. (Amended)
337.20	Muffler; Muffler Cutout; Excessive Smoke, Gas or Noise. (Amended)
337.21	Rear-view Mirror; Clear View to Front, Both Sides and Rear. (Amended)
337.22	Windshield and Windshield Wiper; Sign or Poster Thereon. (Amended)
337.23	Limited Load Extension on Left Side of Passenger Vehicle. (Amended)
337.24	Motor Vehicle Stop Lights. (Amended)
337.25	Air Cleaner Required. (Amended)
337.26	Child Restraint System Usage. (Amended)
337.27	Drivers and Passengers Required to Wear Seat Belts. (Amended)
337.28	Use of Sunscreening, Nontransparent and Reflectorized Materials. (Amended)
337.29	Bumper Heights. (Amended)
337.31	Directional Signals Required. (Amended)
339.01	Oversize or Overweight Vehicle Operation on State Routes; State Permit. (Amended)
339.02	Use of Local Streets; Local Permit and Conditions. (Amended)
339.03	Maximum Width, Height and Length. (Amended)
339.05	Wheel Protectors. (Amended)
339.06	Vehicles Transporting Explosives. (Amended)
339.07	Towing Requirements. (Amended)
339.08	Loads Dropping or Leaking; Removal Required; Tracking Mud. (Amended)
339.09	Shifting Loads; Loose Loads. (Amended)
339.10	Vehicles With Spikes, Lugs or Chains. (Amended)
339.11	Use of Studded Tires and Chains.
341.01	Commercial Drivers Definitions. (Amended)
341.02	Exemptions. (Amended)
341.03	Prerequisites to Operation of a Commercial Motor Vehicle. (Amended)
341.04	Prohibitions. (Amended)
341.05	Criminal Offenses. (Amended)
341.06	Employment of Drivers of Commercial Vehicles. (Amended)
371.01	Right of Way in Crosswalk. (Amended)
371.02	Right of Way of Blind Person. (Amended)
371.03	Crossing Roadway Outside Crosswalk; Diagonal Crossings at Intersections. (Amended)
371.04	Moving Upon Right Half of Crosswalk. (Amended)
371.05	Walking Along Highways.
371.06	Use of Highway for Soliciting; Riding On Outside of Vehicles. (Amended)
371.07	Right of Way on Sidewalk. (Amended)
371.08	Yielding to Public Safety Vehicle. (Amended)
371.09	Walking on Highway While Under the Influence. (Amended)
371.10	On Bridges or Railroad Crossings. (Amended)

371.11 Persons Operating Motorized Wheelchairs. (Amended)
 371.12 Electric Personal Assistive Mobility Devices. (Amended)
 375.02 Snowmobile, Off-Highway Motorcycle and All-Purpose
 Vehicle Equipment. (Amended)
 375.03 Code Application; Prohibited Operation. (Amended)
 375.05 Licensing Requirements of Operator. (Amended)
 375.06 Registration of Vehicles. (Amended)
 375.07 Accident Reports. (Amended)
 375.08 Certificate of Title. (Amended)

General Offenses Code

501.02 Classification of Offenses. (Amended)
 501.99 Penalties for Misdemeanors. (Amended)
 505.04 Abandoning Animals. (Amended)
 505.071 Cruelty to Companion Animals. (Added)
 513.02 Gift of Marihuana. (Amended)
 513.03 Drug Abuse; Controlled Substance Possession or Use.
 (Amended)
 513.04 Possessing Drug Abuse Instruments. (Amended)
 513.05 Permitting Drug Abuse. (Amended)
 513.06 Illegal Cultivation of Marihuana. (Amended)
 513.07 Possessing or Using Harmful Intoxicants. (Amended)
 513.08 Illegally dispensing drug samples. (Amended)
 513.12 Drug Paraphernalia. (Amended)
 517.01 Gambling Definitions. (Amended)
 517.02 Gambling. (Amended)
 517.04 Public Gaming. (Amended)
 517.05 Cheating. (Amended)
 517.06 Methods of Conducting a Bingo Game. (Amended)
 517.07 Instant Bingo Conduct. (Added)
 517.08 Raffles. (Added)
 517.09 Charitable Instant Bingo Organizations. (Added)
 517.10 Location of Instant Bingo. (Added)
 517.11 Bingo or Game of Chance Records. (Amended)
 517.13 Bingo Exceptions. (Amended)
 517.14 Instant Bingo Conduct By a Veteran's or Fraternal
 Organization. (Added)
 529.08 Hours of Sale or Consumption. (Amended)
 533.01 Sexual Offenses Definitions. (Amended)
 533.02 Presumption of Knowledge; Actual Notice and Defense.
 (Amended)
 533.09 Soliciting. (Amended)
 533.11 Disseminating Matter Harmful to Juveniles. (Amended)
 537.02 Vehicular Homicide and Manslaughter. (Amended)
 537.03 Assault. (Amended)
 537.051 Menacing by Stalking. (Amended)
 537.07 Endangering Children. (Amended)
 537.09 Coercion. (Amended)
 537.14 Domestic Violence. (Amended)
 537.15 Temporary Protection Order. (Amended)
 537.18 Contributing to Unruliness or Delinquency of a Child.
 (Amended)
 541.10 Vehicular Vandalism. (Added)