

ORDINANCE NO. 20-24

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation, with the cooperation of the Law Department and the Clerk of Council, has completed its annual updating and revision of the Codified Ordinances of the City, and

WHEREAS, various ordinances and resolutions of a general and permanent nature have been passed by Council since the date of the last updating and revision of the Codified Ordinances 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, where and as required.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - The editing, arrangement and numbering or renumbering of the following ordinances and resolutions 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>
6-23	2-13-23	210.01
20-23	2-27-23	256.98
21-23	2-27-23	256.98
22-23	2-27-23	256.98
23-23	2-27-23	256.98
24-23	2-27-23	256.98
25-23	2-27-23	256.98
38-23	4-10-23	1270.03, 1280.05
39-23	4-10-23	1228.04, 1230.02, 1244.06
43-23	3-27-23	210.01, 1442.01, 1442.03 - 1442.11
44-23	3-27-23	210.01
45-23	3-27-23	210.01
52-23	4-24-23	256.98
53-23	4-24-23	256.98
55-23	5-22-23	1262.03, 1264.03, 1270.03, 1274.03, 1278.03

Ordinance No. 20-24 (Con't)

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
56-23	5-22-23	1280.04
57-23	5-22-23	1280.05
58-23	5-22-23	1280.06
59-23	5-22-23	1222.02
66-23	5-8-23	1072.03
67-23	5-8-23	1073.03
72-23	5-22-23	618.12
73-23	5-22-23	668.01- 668.08, 668.99
88-23	9-11-23	Ed. Note, Ch. 1042
93-23	8-14-23	242.30
99-23	9-18-23	672.10
R-30-23	9-25-23	Ed. Note, Ch. 1060
108-23	10-23-23	210.01
112-23	12-11-23	Ed. Note, Ch. 1042
137-23	12-18-23	256.04, 256.98

Section 2 - The following sections and subsections of the Codified Ordinances are or contain new matter in the Codified Ordinances and are hereby approved, adopted, and enacted:

202.02, 402.077, 402.37, 402.515, 408.02, 432.30, 434.01, 434.03, 436.071, 436.09, 436.14, 438.16, 438.23, 438.28, 440.08, 442.01, 442.03, 442.05, 452.04, 452.05, 452.055, 606.01, 606.06, 606.12, 606.29, 612.02, 612.07, 618.05, 618.06, 618.16, 624.01, 624.03, 624.04, 624.14, 630.12, 636.02, 636.045, 636.05, 636.09, 636.11, 636.12, 636.21, 636.23, 642.02, 642.08, 648.05, 648.07, 648.12, 660.02, 660.15, 666.01, 666.05, 666.06, 666.07, 672.02, 672.04, 672.15, 672.16, 698.02, 698.03

Section 3 - 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 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 December 31, 2023.

Section 4 - Pursuant to Article IV, Section 12, of the City Charter, R.C. § 731.23 and Section 222.01 of the Codified Ordinances, the Clerk of Council shall post a copy of this ordinance, or a notice of the enactment of this ordinance, containing the title of this ordinance, and a summary of the new matter covered by it, which summary is attached hereto as Exhibit A, electronically on the City's website and at City Hall, 36080 Chester Road, as set forth in Section 222.01 of the Codified Ordinances, for a period of not less than fifteen days.

Section 5 - It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of the 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 requirements, including R.C. § 121.22.

Section 6 - This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of Avon residents for the reason that it is necessary to have an up-to-date codification of the laws of the City, one which is consistent with the latest State law, where such consistency is required by the Ohio Constitution, with which to administer the affairs of the City and ensure law and order, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency ordinance and shall take effect and be in force immediately after passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

Ordinance No. 20-24 (Con't)

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director

PREPARED BY:

I, Barbara Brooks, Clerk of Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 19-24, passed by the Council of said City on February 26, 2024.

IN WITNESS WHEREOF, I have on this _____ day of _____, 2024 affixed my signature and official seal.

Clerk of the Council
of the City of Avon, Ohio

EXHIBIT A TO ORDINANCE NO. 20-24

EXHIBIT A

**SUMMARY OF NEW MATTER
CONTAINED IN THE 2024 REPLACEMENT PAGES
FOR THE CODIFIED ORDINANCES OF AVON, OHIO**

New matter in the 2024 Replacement Pages for the Codified Ordinances of Avon, Ohio, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
202.02	Definitions
402.077	Definition of Child Care Center
402.37	Definition of School Bus
402.515	Definition of Type A Family Child Care Home
408.02	General traffic code penalties
432.30	Regulations concerning school buses
434.01	Driving under the influence of alcohol; Implied consent
434.03	Speed limits
436.071	Driving under suspension or in violation of license restriction
436.09	Expired or unlawful license plates
436.14	Removal of vehicles after accidents
438.16	Number of lights permitted; red and flashing lights
438.23	Windshields and wipers
438.28	Transporting child not in child restraint system prohibited
440.08	Occupying travel trailer, fifth wheel vehicle, or manufactured or mobile home while in motion
442.01	Commercial drivers definitions
442.03	Prohibited acts
442.05	Criminal offenses
452.04	Parking near curb; privileges for persons with disabilities
452.05	Impounding motor vehicle on public property; Abandonment of junk motor vehicle prohibited
452.055	Impounding motor vehicle on private property
606.01	General offenses definitions
606.06	Limitation of criminal prosecutions
606.12	Failure to report a crime, injury, or knowledge of death
606.29	Misuse of 9-1-1 system
612.02	Sales to underage persons
612.07	Open container prohibited; exception

<u>Section</u>	<u>New or amended matter regarding:</u>
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Ordinance No. 20-24 (Con't)

618.05	Cruelty to companion animals
618.06	Coloring rabbits or baby poultry; regulation of sale and display
618.16	Assistance dog with blind, deaf, or hearing impaired person or person with a mobility impairment, or trainer
624.01	Drug definitions
624.03	Drug possession offenses
624.04	Possessing drug abuse instruments
624.14	Use, possession, or sale of drug paraphernalia
630.12	Raffle drawings
636.02	Assault
636.045	Violating a protection order, consent agreement, anti-stalking protection order or order issued by a court of another state
636.05	Menacing; aggravated menacing; menacing by stalking
636.09	Nonsupport of dependents
636.11	Endangering children
636.12	Interference with custody; interference with support orders
636.21	Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans
636.23	Failure to provide for a person with a functional impairment
642.02	Theft
642.08	Assaulting police dog or horse, or assistance dog
648.05	Disturbing a lawful meeting
648.07	Inducing panic
648.12	Impeding public passage of an emergency service responder
660.02	Spreading contagion
660.15	Nonsmoking areas in places of public assembly
666.01	Definitions for sex offenses
666.05	Voyeurism
666.06	Polygraph examinations for victims: restrictions on use
666.07	Procuring; engagement in sexual activity for hire
672.02	Carrying concealed weapons
672.04	Improperly handling firearms in a motor vehicle
672.15	Object indistinguishable from a firearm in school safety zone
672.16	Concealed handgun licenses
698.02	General penalty for offenses
698.03	Imposing sentence for misdemeanor