

ORDINANCE NO. 48-15

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 Director 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 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>
92-14	9-22-14	1262.08
109-14	9-8-14	256.05, 256.98
112-15	9-22-14	1428.01
113-14	9-22-14	886.03
121-14	11-10-14	1270.03, 1270.081
122-14	11-10-14	1294.08
132-14	11-3-14	256.04, 256.98
135-14	11-24-14	880.14
151-14	12-22-14	256.04

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:

402.173, 402.21, 402.22, 402.275, 404.03, 432.195, 436.071, 436.074, 438.16, 438.18, 438.235, 438.31, 606.12, 606.29, 624.01, 624.16, 636.04, 636.045, 636.05, 636.21, 642.01, 642.02, 642.19, 642.24, 666.08, 666.20, 698.02

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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are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance, except as follows: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 and 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, 2014.

Section 4 – Pursuant to Article IV, Section 12, of the City Charter, Ohio 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, in the five public places 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 Section 121.22 of the Ohio Revised Code.

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: _____
Craig L. Witherspoon, Council President

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DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young, Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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

EXHIBIT A
ORDINANCE NO. 48-15

SUMMARY OF NEW MATTER
CONTAINED IN THE 2014-B REPLACEMENT PAGES
FOR THE CODIFIED ORDINANCES OF AVON, OHIO

<u>Section</u>	<u>New or amended matter regarding:</u>
402.173	Definition of “highway maintenance vehicle.”
402.21	Definition of “motorcycle.”
402.22	Definition of “motorized bicycle or moped.”
402.275	Definition of “predicate motor vehicle or traffic offense.”
404.03	Road workers, motor vehicles and equipment excepted.
432.195	Driving while approaching stationary public safety vehicle with flashing lights.
436.071	Driving under suspension or in violation of license restriction.
436.074	Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.
438.16	Number of lights permitted; red and flashing lights.
438.18	Focus and aim of headlights.
438.235	Tinted glass; materials on glass.
438.31	Air bags.
606.12	Failure to report a crime or death.
606.29	Misuse of 9-1-1 system.
624.01	Definitions relating to drugs.
624.16	Pseudoephedrine sales.
636.04	Aggravated menacing.
636.045	Menacing by stalking.
636.05	Menacing.
636.21	Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans.
642.01	Definitions relating to property offenses.
642.02	Theft.
642.19	Securing writings by deception.
642.24	Determining property value in theft offense.
666.08	Soliciting.
666.20	Unlawful advertising of massage.
698.02	Penalties for misdemeanor.