

ORDINANCE NO. 76-19

**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>
3-19	1-14-19	210.05
4-19	1-14-19	256.04, 256.98
19-19	2-25-19	210.01
20-19	2-25-19	1064.01 - 1064.05, 1064.99
27-19	3-11-19	256.04, 256.98
34-19	5-28-19	1040.02, 1040.09
41-19	6-10-19	1270.03, 1280.05
Res.		
R-13-19	6-24-19	Ed. Note, Ch. 1060

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:

402.115, 402.20, 402.22, 402.275, 402.385, 402.53, 408.02, 412.05, 432.03, 432.13, 432.14, 432.155, 432.22, 434.03, 434.08, 436.074, 436.14, 438.30, 440.05, 474.01, 474.02, 474.03, 474.04, 474.05, 474.11, 474.12, 606.01, 606.21, 612.07, 624.01, 624.02, 624.03, 624.04, 624.07, 624.12, 624.14, 624.17,

636.001, 642.145, 648.04, 666.03, 666.04, 666.21, 672.01, 672.05, 672.07,
672.10, 672.16

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are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance, except as follows: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 June 30, 2019.

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 Witherspoon, President of Council

Ordinance No. 76-19 (Con't.)

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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

EXHIBIT A

SUMMARY OF NEW MATTER
CONTAINED IN THE 2019-A REPLACEMENT PAGES
FOR THE CODIFIED ORDINANCES OF AVON, OHIO

New matter in the 2019-A Replacement Pages for the Codified Ordinances of Avon, Ohio, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
402.115	Definition of electric bicycle
402.20	Definition of motor vehicle
402.22	Definition of motorized bicycle or moped
402.275	Definition of predicate motor vehicle or traffic offense
402.385	Definition of shared-use path
402.53	Definition of vehicle
408.02	General traffic penalty
412.05	Freeway use prohibited by pedestrians, bicycles and animals
432.03	Overtaking, passing to left; driver's duties
432.13	Signals before changing course, turning or stopping
432.14	Hand and arm signals
432.155	Intersections at which traffic-control signals fail or malfunction
432.22	Driving upon sidewalks, tree lawns or curbs
434.03	Maximum speed limits; assured clear distance ahead
434.08	Vehicular homicide; vehicular manslaughter; vehicular assault
436.074	Driving under financial responsibility law suspension or cancellation
436.14	Removal of vehicles after accidents
438.30	Occupant restraining devices
440.05	Towing requirements; exception to size and weight restrictions
474.01	Bicycles; application of Title VII
474.02	Riding upon seats; carrying packages; motorcycle handle bars; helmets and glasses
474.03	Attaching bicycles, motorcycles to other vehicles
474.04	Riding on right side of roadway; riding abreast
474.05	Lights, signal devices, brakes on bicycles
474.11	Operation of motorized bicycle
474.12	Electric bicycles
606.01	Definitions
606.21	Attempts
612.07	Open container prohibited
624.01	Definitions
624.02	Trafficking in controlled substances; gift of marihuana
624.03	Drug Possession Offenses
624.04	Possession of drug abuse instruments
624.07	Abusing harmful intoxicants
624.12	Controlled substance schedules

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624.14	Use or possession of paraphernalia
624.17	Sale of pure caffeine product
636.001	Definitions
642.145	Forging or selling forged identification cards
648.04	Disorderly conduct
666.03	Sexual imposition
666.04	Public indecency
666.21	Nonconsensual dissemination of private sexual images
672.01	Definitions for weapons and explosives
672.05	License or permit to possess dangerous ordnance
672.07	Unlawful transactions in weapons
672.10	Fireworks definitions
672.16	Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession