

SPONSORED BY Council
REFERRED TO Committee Work Session
INTRODUCED BY Scott Pelot, Rules Chair

CITY OF NORTON

ORDINANCE NO. 32-2010

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING 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 has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the last updating and revision of the Codified Ordinances (December 31, 2008) 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;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Norton, Counties of Summit and Wayne, State of Ohio:

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. or Res.No.</u>	<u>Date</u>	<u>C.O. Section</u>
95-2008	1-12-09	208.05
8-2009	1-26-09	222.01
13-2009	2-23-09	452.13
41-2009	4-27-09	660.18
46-2009	5-11-09	1236.08
48-2009	5-11-09	880.15
59-2009	6-8-09	660.03
60-2009	7-13-09	660.07
64-2009	6-8-09	1440.01 to 1440.09, 1440.99
68-2009	7-13-09	214.01 to 214.07
75-2009	8-24-09	222.01
76-2009	8-24-09	242.14
92-2009	10-13-09	1410.01

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:

402.05, 402.385, 432.205, 432.32, 434.01, 434.03, 434.10, 436.01, 436.035, 436.071, 436.072, 436.074, 436.09, 436.14, 438.02, 438.03, 438.04, 438.05, 438.06, 438.08, 438.10, 438.11, 438.12, 438.13, 438.14, 438.15, 438.16, 438.165, 438.18, 438.20, 438.21, 438.22, 438.23, 438.26, 438.29, 438.30, 446.04, 446.07, 608.01, 608.04, 608.14, 612.09, 636.02, 636.05, 636.18, 642.01, 642.10, 666.05, 672.01, 672.045, 678.04, 678.08, 698.02

Section 3: That 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, nor 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 January 11, 2010.

Section 4: That pursuant to Ohio R.C. 731.23 and Section 222.01 of the Codified Ordinances, the Clerk of Council shall post a copy of this Adopting Ordinance, together with a summary of the new matter contained in the Codified Ordinances, which summary is attached hereto as **Exhibit "A,"** for a period of not less than fifteen days in at least one public place within each of the four wards within the City determined to be the most public.

Section 5: That all formal actions of this Council concerning and 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.

WHEREFORE, this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Norton and the inhabitants thereof, for the reason that it is immediately necessary to have an up-to-date codification of the legislation of the City, 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, enforce law and order and avoid practical and legal entanglements, and, provided it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Emergency Vote: Yeas _____ Nays _____

Date Passed: _____

Mike Zita, President of Council

Date filed with the Mayor: _____

ATTEST: _____
Karla Richards, CMC-Clerk of Council

David L. Koontz, Mayor

Date approved by the Mayor: _____

I, Karla Richards, CMC-Clerk of Council for the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing **Ordinance No.** _____-2010 was duly and regularly passed by the Council of the City of Norton, Summit and Wayne Counties, Ohio, at a meeting held on _____, 2010.

That this legislation was posted according to law on _____, 2010, and will become effective on _____, 2010.

Karla Richards, CMC, Clerk of Council

Approved as to legal form by Peter M. Kostoff, Solicitor, City of Norton on March 4, 2010.

EXHIBIT A

SUMMARY OF NEW MATTER
CONTAINED IN THE 2010 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF NORTON, OHIO

New matter in the Codified Ordinances of Norton, Ohio, as contained in the 2010 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
402.05	Definition of Abicycle.@
402.385	Definition of Aroad service vehicle.@
432.205	Driving while approaching stationary public safety vehicle with flashing lights.
432.32	Responsibility of school bus driver; investigation of violations.
434.01	Driving or physical control of vehicle while under the influence of alcohol or drugs.
434.03	Maximum speed limits; assured clear distance ahead.
434.10	Vehicular homicide; vehicular manslaughter.
436.01	Driver's or commercial driver's license required.
436.035	Driving with probationary license.
436.071	Driving under suspension or in violation of license restriction.
436.072	Operating motor vehicle without valid license.
436.074	Driving under financial responsibility law suspension or cancellation.
436.09	Display of license plates; registration; obstructions.
436.14	Removal of vehicles after accidents.
438.02	Lighted lights; measurement of distances and heights.
438.03	Headlights on motor vehicles and motorcycles.
438.04	Tail light; illumination of rear license plate.
438.05	Rear red reflectors.
438.06	Safety lighting on commercial vehicles.
438.08	Red light or red flag on extended loads.
438.10	Lights on slow-moving vehicles; emblem required; lights and reflectors on multi-wheel agricultural tractors or farm machinery.
438.11	Spotlight and auxiliary lights.
438.12	Cowl, fender and back-up lights.
438.13	Two lights displayed.
438.14	Use of headlight beams.
438.15	Lights of less intensity on slow-moving vehicles.
438.16	Number of lights permitted; red and flashing lights.
438.165	Lights and sound-producing devices on coroners= vehicles.
438.18	Focus and aim of headlights.
438.20	Horn, siren and theft alarm signal.
438.21	Muffler; muffler cutout; excessive smoke, gas or noise.

<u>Section</u>	<u>New or amended matter regarding:</u>
438.22	Rear-view mirror; clear view to front, both sides and rear.
438.23	Windshield required; sign or poster upon windshield; windshield wiper.
438.26	Motor vehicle stop lights.
438.29	Use of child restraints.
438.30	Use of occupant restraining devices.
446.04	Licensing requirements of operator.
446.07	Registration of vehicles.
608.01	Falsification.
608.04	Failure to report a crime or death.
608.14	Impersonating an officer.
612.09	Conveying intoxicating liquor or cash onto grounds of detention facilities or other specified governmental facilities.
636.02	Assault.
636.05	Menacing by stalking.
636.18	Domestic violence.
642.01	Definitions relating to property offenses.
642.10	Criminal trespass.
666.05	Voyeurism.
672.01	Theft.
672.045	Evidence of theft of rented property.
678.04	Improperly handling firearms in a motor vehicle.
678.08	Underage purchase of a firearm or handgun.
698.02	Penalties for misdemeanor.