

ORDINANCE NO. 27-19

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER JoAnne Rau

on THE 16<sup>th</sup> DAY OF December 2019

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS 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; AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

WHEREAS, American Legal Publishing 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 (July 31, 2018) 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 applicable and as required;

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. That the editing, arrangement and numbering or renumbering of the following ordinances and resolutions and parts of ordinances and resolutions are hereby approved as parts of the various component codes of the Centerville Municipal Code, 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>
01-19	1-28-19	Repeals 648.11
Res. 05-19	1-28-19	213.01 to 213.16
06-19	4-15-19	1480.01, 1480.02
07-19	4-15-19	Editor's note Ch. 1216
08-19	4-15-19	840.04, 840.06

SECTION 2. That the following sections in the Centerville Municipal Code are or contain new matter and are hereby approved, adopted and enacted:

402.115, 402.20, 402.22, 402.275, 402.385, 402.53, 402.54, 408.02, 412.05, 414.01, 416.01, 416.02, 416.09, 432.01, 432.02, 432.03, 432.04, 432.05, 432.06, 432.07, 432.08, 432.09, 432.10, 432.11, 432.12, 432.13, 432.14, 432.15, 432.155, 432.16, 432.17, 432.18, 432.195, 432.20, 432.21, 432.22, 432.24, 432.26, 432.27, 432.28, 432.29, 432.34, 432.39, 432.40, 434.03, 434.035, 434.04, 434.05, 434.08, 436.01, 436.074, 436.09, 436.15, 438.16, 438.29, 440.01, 440.05, 452.03, 472.10, 474.01, 474.02, 474.03, 474.04, 474.05, 474.12, 606.01, 606.21, 612.07, 624.01, 624.02, 624.025, 624.03, 624.04, 624.05, 624.06, 624.07, 624.08, 624.12, 624.14, 624.16, 630.14, 636.001, 642.145, 642.15, 642.33, 648.04, 666.03, 666.04, 666.22, 672.01, 672.05, 672.07, 672.10, 672.15

SECTION 3. That the following sections in the Centerville Municipal Code are hereby repealed:

Section 648.11

SECTION 4. That all ordinances and resolutions and parts thereof that are in conflict with any of the provisions of the new matter approved, adopted and enacted by Section 2 hereof are hereby repealed, except as follows:

- (a) The enactment of such new matter shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date 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 or to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.
- (2) The repeal provided above shall not affect any legislation enacted subsequent to August 30, 2019.

SECTION 5. That pursuant to Section 5.03 of the City Charter, R.C. Section 731.23 and Section 224.01 of the Centerville Municipal Code, the Clerk of Council shall cause this ordinance to be published, together with a notice setting out the time and place for a public hearing hereon and for its consideration by the Council, by posting the same in the three public places set forth in Section 224.01 of the Centerville Municipal Code. A public hearing shall follow said publication by at least seven days, after which, provided that this ordinance is adopted by Council, and within ten days after such adoption, the Clerk of Council shall cause this ordinance to be published again, together with a notice of its adoption, as aforesaid, and together with the Summary of New Matter attached hereto as Exhibit A.

## Adopting Ordinance

SECTION 6. That this ordinance shall take effect and be in force at the expiration of 30 days after final adoption of this ordinance, as provided in Section 5.04 of the City Charter.

PASSED this 16<sup>th</sup> day of December, 2019.

  
Mayor of the City of Centerville, Ohio

ATTEST:

  
Clerk of the Council of the  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a correct and true copy of Ordinance Number 27-19, passed by the Council of the City of Centerville, Ohio, on the 16<sup>th</sup> day of December, 2019.

  
Clerk of Council

Approved as to form, consistency with  
the Charter and Constitutional Provisions.

Department of Law  
Scott A. Liberman  
Municipal Attorney

## EXHIBIT A

### SUMMARY OF NEW MATTER CONTAINED IN THE 2019 REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF CENTERVILLE

New matter in the Codified Ordinances of Centerville, Ohio, as contained in the 2019 Replacement Pages therefor, 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.
402.54	Definition of waste collection vehicle.
408.02	General code penalty.
412.05	Freeway use prohibited by pedestrians, bicycles and animals.
414.01	Obedience to traffic control devices.
416.01	Duties of pedestrians and drivers at crosswalks.
416.02	Right-of-way of blind persons.
416.09	Right-of-way on sidewalks.
432.01	Driving upon right side of roadway; exceptions.
432.02	Passing to right when proceeding in opposite directions.
432.03	Overtaking, passing to left; driver's duties.
432.04	Overtaking, passing to right of vehicle.
432.05	Overtaking, passing to left of centerline.
432.06	Driving upon left side of roadway.
432.07	Hazardous or no passing zones.
432.08	Driving within lanes or continuous lines of traffic.
432.09	Following too closely; space between vehicles.
432.10	Turning at intersections.
432.11	"U" turns restricted.
432.12	Starting and backing vehicles.
432.13	Signals before changing course, turning or stopping.
432.14	Hand and arm signals.
432.15	Right-of-way at intersections.
432.155	Intersections at which traffic control signals fail or malfunction.
432.16	Right-of-way when turning left.
432.17	Operation of vehicle at stop and yield signs.
432.18	Emergency or public safety vehicles at stop signals or signs.
432.195	Driving while approaching stationary public safety vehicle and certain other vehicles with flashing lights.
432.20	Right-of-way at private driveway, alley or building.

<u>Section</u>	<u>New or amended matter regarding:</u>
432.21	Right-of-way of funeral procession.
432.22	Driving upon sidewalks, tree lawns or curbs.
432.24	Driving upon street posted as closed for repair.
432.26	Driving over fire hose.
432.27	Driving through safety zone.
432.28	One-way streets and rotary traffic islands.
432.29	Driving upon divided roadways.
432.34	Obstructing intersections, crosswalks or grade crossings.
432.39	Texting while driving prohibited.
432.40	Use of electronic wireless communication devices by minors or probationary drivers while driving prohibited.
434.03	Maximum speed limits; assured clear distance ahead.
434.035	Speed limits on private roads and driveways.
434.04	Slow speed; posted minimum speeds.
434.05	Speed limitations over bridges.
434.08	Vehicular homicide; vehicular manslaughter; vehicular assault.
436.01	Driver's or commercial driver's license required.
436.074	Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.
436.09	Display of license plates; registration; obstructions.
436.15	Removal of vehicles after accidents.
438.16	Number of lights permitted; red and flashing lights.
438.29	Use of occupant restraining devices.
440.01	Load limits; truck routes.
440.05	Towing requirements; exception to size and weight restrictions.
452.03	Prohibited standing or parking places.
472.10	Licensing of operators; equipment; use of helmets.
474.01	Code application to bicycles.
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.
474.12	Electric bicycles.
606.01	Definitions related to general offenses.
606.21	Attempts.
612.07	Open container prohibited.
624.01	Definitions.
624.02	Trafficking in controlled substances; gift of marihuana.
624.025	Cultivation of marihuana.
624.03	Drug possession offenses.
624.04	Possession of drug abuse instruments.
624.05	Permitting drug abuse.
624.06	Counterfeit controlled substances.
624.07	Abusing harmful intoxicants.
624.08	Illegal dispensing of drug samples.
624.12	Controlled substance schedules.
624.14	Use or possession of paraphernalia.
624.16	Sale of pure caffeine product.

<u>Section</u>	<u>New or amended matter regarding:</u>
630.14	Skill-based amusement machines; prohibited conduct.
636.001	Definitions related to offenses relating to persons.
642.145	Forging or selling forged identification cards.
642.15	Misuse of credit cards.
642.33	Railroad vandalism; criminal trespass; interference with operation of train; grade crossing device vandalism.
648.04	Disorderly conduct.
666.03	Sexual imposition.
666.04	Public indecency.
666.22	Nonconsensual dissemination of private sexual images.
672.01	Definitions related to weapons and explosives.
672.05	License or permit to possess dangerous ordnance.
672.07	Unlawful transactions in weapons.
672.10	Fireworks.
672.15	Concealed handgun licenses; possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.