

ORDINANCE NO. 28-13

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton

THE 27 DAY OF January 2014

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 (June 1, 2012) 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>
11-12	7-17-12	1062.23
12-12	7-17-12	618.01
25-12	12-17-12	Ch. 258, Ed. Note
26-12	1-28-13	Ch. 258, Ed. Note
30-12	1-28-13	Ch. 1216, Ed. Note
31-12	1-28-13	870.01
01-13	1-28-13	1422.01
02-13	2-18-13	1422.01
3-13	3-18-13	210.01, 210.02, 210.08, 210.16
4-13	5-20-13	Ch. 1216, Ed. Note
8-13	7-15-13	844.01 to 844.10, 844.99

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

402.05, 414.03, 432.39, 432.40, 434.03, 434.09, 436.071, 436.074, 436.09, 436.15, 438.01, 438.09, 438.17, 438.19, 438.235, 438.24, 438.26, 438.28, 440.01, 440.02, 440.04, 440.05, 440.06, 442.01, 474.02, 476.01, 476.08, 606.01, 606.10, 606.165, 606.24, 606.30, 612.02, 612.04, 612.08, 618.095, 624.01, 624.02, 624.03, 624.14, 624.15, 630.01, 630.02, 630.06, 630.07, 630.09, 630.10, 630.11, 630.12, 630.13, 636.02, 636.20, 642.01, 642.02, 642.22, 642.26, 660.08, 666.07, 666.08, 672.01, 672.02, 672.04, 672.14, 672.15, 698.02, 698.03, 698.05

SECTION 3. That the following section in the Centerville Municipal Code is hereby repealed:

618.14 Reporting escapes

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 1, 2013.

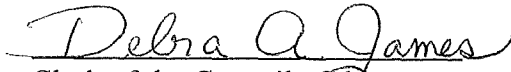
SECTION 5. That pursuant to Section 5.03 of the City Charter, Ohio R.C. 731.23 and Section 224.01 of the Centerville Municipal Code, the Clerk of Council shall cause this ordinance to be published, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council, by posting the same in the five 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.

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 27 day of January, 2014.

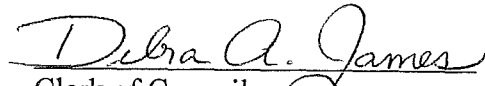

Mayor of the City of Centerville, Ohio

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 28-13, passed by the Council of the City of Centerville, Ohio, on the 27 day of January, 2014.


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 2013 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF CENTERVILLE

New matter in the Codified Ordinances of Centerville, Ohio, as contained in the 2013 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
402.05	Definition of "bicycle."
414.03	Traffic-control signal terms and lights.
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.
434.09	Operation restricted for mini-trucks and low-speed, under-speed, or utility vehicles.
436.071	Driving under suspension or in violation of license restriction; driving under suspension for failure to appear in court, failure to pay a fine or failure to pay child support.
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.
438.01	Driving unsafe vehicles; application.
438.09	Lights on parked or stopped vehicles.
438.17	Vehicles transporting preschool children.
438.19	Motor vehicle and motorcycle brakes.
438.235	Tinted glass; materials on glass.
438.24	Limited load extension on left side of passenger vehicle.
438.26	Bumpers.
438.28	Use of child restraints.
440.01	Load limits; truck routes.
440.02	Maximum width, height and length.
440.04	Vehicles transporting explosives.
440.05	Towing requirements; exception to size and weight restrictions.
440.06	Loads dripping or leaking; tracking mud; removal required.
442.01	Definitions relating to drivers of commercial vehicles.
474.02	Riding upon seats; carrying packages; motorcycle handle bars; helmets and glasses.
476.01	Definitions relating to snowmobiles, off-highway motorcycles and all-purpose vehicles.
476.08	Registration of vehicles.
606.01	Definitions relating to general offenses.
606.10	Falsification.
606.165	Compliance with lawful order or police officer; fleeing.

<u>Section</u>	<u>New or amended matter regarding:</u>
606.24	Detention of shoplifters and those committing motion picture piracy; protection of institutional property.
606.30	Misuse of 9-1-1 system.
612.02	Sales to underage persons; prohibitions and misrepresentations.
612.04	Liquor consumption in motor vehicle.
612.08	Hours of sale or consumption.
618.095	Dogs required to wear tags.
618.14	Reporting escapes. (Repealed)
624.01	Definitions relating to drugs.
624.02	Trafficking in controlled substances; gift of marihuana.
624.03	Drug possession offenses.
624.14	Use or possession of paraphernalia.
624.15	Pseudoephedrine sales.
630.01	Definitions relating to gambling.
630.02	Gambling in general.
630.06	Responsibility of charitable organization conducting bingo game.
630.07	Maintenance of records by charitable organizations.
630.09	Exemption for bingo games conducted for amusement.
630.10	Prohibitions where instant bingo game is conducted.
630.11	Raffle drawings.
630.12	Instant bingo other than at bingo sessions.
630.13	Restrictions on owner or lessor of location at instant bingo.
636.02	Assault.
636.20	Illegal distribution of cigarettes or other tobacco products; transaction scans.
642.01	Definitions relating to property offenses.
642.02	Theft.
642.22	Receiving stolen property.
642.26	Prosecutions for theft of utilities.
660.08	Open burning.
666.07	Procuring.
666.08	Soliciting.
672.01	Definitions relating to weapons and explosives.
672.02	Carrying concealed weapons.
672.04	Improperly handling firearms in a motor vehicle.
672.14	Possession of an object indistinguishable from a firearm in a school safety zone.
672.15	Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.
698.02	Penalties for misdemeanor.
698.03	Imposing sentence for misdemeanor.
698.05	Multiple sentences.