

ORDINANCE NO. 15-12

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER

THE 19th DAY OF November 2012

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 (August 1, 2011) 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> |
|-----------------|-------------|--|
| 4-11 | 1-23-11 | Ch. 1216, Ed. Note |
| 13-11 | 9-19-11 | Ch. 1216, Ed. Note |
| 15-11 | 11-21-11 | 1442.02, 1442.03, 1442.03, 1442.06, 1444.03 |
| 16-11 | 11-21-11 | 1214.02 |
| 20-11 | 11-21-11 | 1420.01, 1424.01 |
| 21-11 | 12-19-11 | 1420.01, 1424.01 |
| 3-12 | 3-19-12 | 648.11 |
| 5-12 | 3-19-11 | 452.05 |

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

402.045, 402.175, 402.177, 402.18, 402.195, 402.277, 402.385, 402.47, 402.48, 402.49, 404.035, 414.03, 414.04, 414.05, 432.11, 434.01, 436.01, 436.05, 436.06, 436.071 to 436.075, 436.11 to 436.13, 440.02, 442.01, 442.04, 442.05, 452.04, 452.055, 474.02, 606.01, 606.03, 606.08, 606.10, 606.23, 606.24, 612.07, 618.16, 624.01, 624.02, 624.03, 630.01, 630.05, 636.10, 636.15, 636.25, 642.01, 642.02, 642.05, 642.09, 642.14, 642.146, 642.15, 642.18, 642.19, 642.205, 642.21, 642.22, 642.24, 642.29, 642.30, 642.31, 642.24, 642.24, 648.07, 648.08, 672.04, 698.02

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 That the following section in the Centerville Municipal Code is hereby repealed:

414.06 Flashing traffic signals.

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 June 1, 2012.

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.

Adopting Ordinance

PASSED this 19th day of November, 2012.

C. M. Skyesed
Mayor of the City of Centerville, Ohio

ATTEST:

Debra A. James
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 15-12, passed by the Council of the City of Centerville, Ohio, on the 19th day of November, 2012.

Debra A. James
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 2012 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF CENTERVILLE

New matter in the Codified Ordinances of Centerville, Ohio, as contained in the 2012 Replacement Pages therefor, includes legislation regarding:

| <u>Section</u> | <u>New or amended matter regarding:</u> |
|----------------|--|
| 402.045 | Definition of "beacon." |
| 402.175 | Definition of "highway traffic signal." |
| 402.177 | Definition of "hybrid beacon." |
| 402.18 | Definition of "intersection." |
| 402.195 | Definition of "median." |
| 402.277 | Definition of "private road open to public travel." |
| 402.385 | Definition of "shared-use path." |
| 402.47 | Definition of "traffic." |
| 402.48 | Definition of "traffic control device." |
| 402.49 | Definition of "traffic control signal." |
| 404.04 | Emergency, public safety and coroners' vehicles excepted. |
| 414.03 | Traffic-control signal terms and lights. |
| 414.035 | Signal to control lane direction of travel. |
| 414.05 | Pedestrian control signals. |
| 414.06 | Flashing traffic signals. (Repealed) |
| 432.11 | "U" turns restricted. |
| 434.01 | Driving or physical control of vehicle while under the influence of alcohol or drugs. |
| 436.01 | Driver's or commercial driver's license required. |
| 436.05 | Restriction against owner lending vehicle for use of another. |
| 436.06 | Display of license. |
| 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. |
| 436.072 | Operating motor vehicle or motorcycle without valid license. |
| 436.073 | Driving under O.V.I. suspension. |
| 436.074 | Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension. |
| 436.075 | Failure to reinstate license. |
| 436.11 | Stopping after accident upon streets; collision with unattended vehicle. |
| 436.12 | Stopping after accident upon property other than streets. |
| 436.13 | Vehicle accident resulting in damage to realty. |
| 440.02 | Maximum width, height and length. |
| 442.01 | Definitions relating to drivers of commercial vehicles. |
| 442.04 | Physical qualification to operate commercial motor vehicles. |

| <u>Section</u> | <u>New or amended matter regarding:</u> |
|----------------|--|
| 442.05 | Criminal offenses. |
| 452.04 | Manner of parallel and angle parking; handicapped persons. |
| 452.055 | Parking prohibitions on private property; private tow-away zones. |
| 474.02 | Riding upon seats; carrying packages; motorcycle handle bars; helmets and glasses. |
| 606.01 | Definitions relating to general offenses |
| 606.03 | Classification of offenses. |
| 606.08 | Organizational criminal liability. |
| 606.10 | Falsification. |
| 606.23 | Disposition of unclaimed or forfeited property held by Police Department. |
| 606.24 | Detention of shoplifters and those committing motion picture piracy; protection of institutional property. |
| 612.07 | Open container prohibited. |
| 618.16 | Restrictions on dog ownership for certain convicted felons. |
| 624.01 | Definitions relating to drugs. |
| 624.02 | Trafficking in controlled substances; gift of marihuana. |
| 624.03 | Drug possession offenses. |
| 630.01 | Definitions relating to gambling. |
| 630.05 | Cheating. |
| 636.10 | Nonsupport of dependents. |
| 636.15 | Threatening or harassing telecommunications. |
| 636.25 | Failure to perform viability testing. |
| 642.01 | Definitions relating to property offenses. |
| 642.02 | Theft. |
| 642.05 | Unauthorized use of property. |
| 642.09 | Arson. |
| 642.14 | Passing bad checks. |
| 642.146 | Criminal simulation. |
| 642.15 | Misuse of credit cards. |
| 642.18 | Tampering with records. |
| 642.19 | Securing writings by deception. |
| 642.205 | Diminishing or interfering with forfeitable property. |
| 642.21 | Defrauding creditors. |
| 642.22 | Receiving stolen property. |
| 642.24 | Determining property value in theft offense. |
| 642.29 | Insurance fraud. |
| 642.30 | Workers' compensation fraud. |
| 642.31 | Medicaid fraud. |
| 642.24 | Determining property value in theft offense. |
| 648.07 | Inducing panic. |
| 648.08 | Making false alarms. |
| 672.04 | Improperly handling firearms in a motor vehicle. |
| 698.02 | Penalties for misdemeanor. |