

1 ORDINANCE NO. 2010-217

First Reading Passage Requested
Clerk of Council

2 SPONSOR Mr. Poda & Mr. Kostandaras

3 DATE May 10, 2010

4 COMMITTEE: Rules

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8 **An Ordinance approving and adopting the 2010 replacement pages for the Codified**
9 **Ordinances of the County of Summit, for County Council, and declaring an emergency.**

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11 WHEREAS, the County has entered into a contract with Walter H. Drane Company to
12 prepare and publish an updating of the ordinances of the County of Summit; and

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14 WHEREAS, certain provisions within the Codified Ordinances should be amended to
15 conform with current State law as required by the Ohio Constitution; and

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17 WHEREAS, the updating of the related laws, ordinances, and resolutions, together with
18 the proper numbering or renumbering thereof has been prepared, completed, and is now before
19 this Council; and

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21 WHEREAS, this Council has determined by reviewing all pertinent information that the
22 amendment is necessary and in the best interest of the County of Summit; now

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24 THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State of
25 Ohio, that:

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27 SECTION 1

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29 The ordinances and resolutions of the County of Summit, Ohio, enacted between April
30 1, 2009 and April 1, 2010, all of which have been previously enacted and adopted by the
31 County Council, are hereby approved as numbered or renumbered and printed in the 2010
32 Replacement Pages as prepared by the Walter H. Drane Company, of Cleveland, Ohio, a copy
33 is attached hereto as Exhibit A.

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35 SECTION 2

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37 The sections of the Traffic and General Offenses Codes as listed in Appendix A of this
38 ordinance are hereby added, amended or repealed as respectively indicated in order to comply
39 with current State law.

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41 SECTION 3

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43 The Clerk of Council is hereby directed to publish a notice of enactment of this
44 approval and adoption of the 2010 Replacement Pages pursuant to Sections 8.09(5) and 8.09(6)
45 of the Rules of the Council of the County of Summit.

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47 SECTION 4

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49 The Clerk of Council is hereby directed to distribute the 2010 Replacement Pages to
50 those individuals possessing Codification Books and to instruct those individuals responsible
51 for updating the books to do so in an efficient and timely manner.
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2 PAGE 2

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5 SECTION 5

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7 This ordinance is hereby declared an emergency in the interest of the health, safety, and
8 welfare of the citizens of the County of Summit, and to further provide an additional means of
9 the exercise of powers and administration over local matters for the County of Summit.

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11 SECTION 6

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13 Provided this ordinance receives the affirmative vote of eight members, it shall take
14 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
15 effect and be in full force at the earliest time provided by law.

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17 SECTION 7

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19 It is found and determined that all formal actions of this Council concerning and
20 relating to the adoption of this resolution were adopted in an open meeting of this Council, and
21 that all deliberations of this Council and of any of its committees that resulted in such formal
22 action, were in meetings open to the public, in compliance with all legal requirements,
23 including Section 121.22 of the Ohio Revised Code.

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26 INTRODUCED May 10, 2010

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28 ADOPTED May 10, 2010

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31 CLERK OF COUNCIL


32 PRESIDENT OF COUNCIL

33 APPROVED May 11, 2010

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36 EXECUTIVE

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38 ENACTED EFFECTIVE May 11, 2010

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Voice Vote: 11-0 YES: Komunale, Crawford, Crossland, Feeman, Kostandaras
Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith

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APPENDIX A

Traffic Code

- 301.04(a) Definition of Bicycle. (Adds device with two wheels in the front and one wheel in the rear to the definition of a bicycle.)
- 301.321 Road Service Vehicle. (Adds new definition of “road service vehicle”.)
- 331.38 Stopping for School Bus. (Deletes words “mental retardation” in title of county boards which were formerly designated as “county boards of mental retardation and developmental disabilities”.)
- 333.031 Approaching a Stationary Public Safety, Emergency, or Road Service Vehicle. (Adds to section requirements for a driver approaching an emergency or road service vehicle.)
- 335.01 Driver’s License or Commercial Driver’s License Required. (Changes penalty for a violation of subsection (a) to an unclassified misdemeanor with a fine up to one thousand dollars and community service of not more than five hundred hours. Reduces penalty for most driving with expired license violations to a minor misdemeanor.)
- 335.02 Permitting Operation Without a Valid License. (Changes penalty for a violation of subsection (a) to an unclassified misdemeanor with a fine up to one thousand dollars and community service of not more than five hundred hours.)
- 335.07 Driving Under License Suspension or Restriction. (Changes penalty for a violation of subsection (a) to an unclassified misdemeanor with a fine up to one thousand dollars and community service of not more than five hundred hours.)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation. (Makes a violation of section an unclassified misdemeanor.)
- 335.10 Expired or Unlawful License Plates. (Changes penalty classification for subsections (c) to (e) to that of a minor misdemeanor for all offenses.)
- 337.02 Lighted Lights Required. (Rewrote subsection (a) and added subsection (a)(3) requiring lighted lights when windshield wipers of a vehicle are in use. Added subsection (d); Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.03 Headlights on Motor Vehicles and Motorcycles. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.04 Tail Light; Illumination of Rear License Plate. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.05 Rear Red Reflectors. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.06 Safety Lighting on Commercial Vehicles. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)

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Traffic Code (Cont.)

- 337.08 Red Light or Red Flag on Extended Load. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.10 Lights on Slow Moving Vehicles. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.11 Spotlight and Auxiliary Lights. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.12 Cowl, Fender and Back-Up Lights. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.13 Display of Lighted Lights. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.14 Use of Headlight Beams. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.15 Lights of Less Intensity on Slow-Moving Vehicles. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.16 Number of Lights. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.17 Focus and Aim of Headlights. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.19 Horn, Siren and Theft Alarm Signal. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.20 Muffler; Excessive Smoke, Gas or Noise. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.21 Rear-View Mirror; Clear View to All Sides. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.22 Windshield and Windshield Wiper. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.24 Motor Vehicle Stop Lights. (Changes misdemeanor classification for all violations to that of a minor misdemeanor.)
- 337.26 Child Restraint System Usage. (Requires certain children who are between four and eight years of age to be secured in a booster seat and makes violation of a booster seat provision a secondary traffic offense.)
- 337.27 Use of Seat Belts Required. (Adds “booster seat” at the end of the first sentence in subsection (c).)
- 351.04 Parking Near Curb; Angle Parking. (Precludes State from eliminating angle parking on state routes within a municipality unless approved by the Municipality.)

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Traffic Code (Cont.)

- 375.05 Licensing Requirements of Operator. (Adds recognition of valid, out-of-state licenses to the first sentence of subsection (a); deletes phrase “but is twelve years of age or older” in subsection (b).)

General Offenses Code

- 517.01 Gambling Definitions. (Adds “a card for the purchase of gasoline” as a redeemable voucher under the definition of “skill-based amusement machine” in subsection (aaa).
- 525.02 Falsification. (Deletes former subsection (a)(13) pertaining to statements made with purpose to obtain an Ohio’s best Rx program enrollment card.)
- 525.03 Impersonation of Peace Officer. (Adds to definition of a peace officer, any officer or employee upon whom by statute a duty to conserve the peace is imposed.)
- 541.05 Criminal Trespass. (Doubles the fine amount for violations committed with the use of an all-purpose vehicle, snowmobile or off-highway motorcycle.)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Adds sentence to subsection (i)(2)A. pertaining to ammunition held in stripper-clips or in en-bloc clips.)