

ORDINANCE NO. 2009-211

First Reading Passage Request
N. Kostandaras

SPONSOR Mr. Kostandaras

DATE May 11, 2009

COMMITTEE Rules

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

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

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

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

SECTION 1

Certain ordinances and resolutions of the County of Summit, Ohio, enacted between April 15, 2008 and April 1, 2009 by County Council, are hereby approved and adopted as numbered or renumbered and printed in the 2009 Replacement Pages as prepared by the Walter H. Drane Company of Cleveland.

SECTION 2

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of the Traffic and General Offenses Codes as listed in Appendix A of this Ordinance are hereby added, amended, or repealed as respectively indicated in order to comply with current state law.

SECTION 3

The Clerk of Council is hereby directed to publish a notice of enactment of this approval and adoption of the 2009 Replacement Pages pursuant to Sections 8.09(5) and 8.09(6) of the Rules of Council of the County of Summit.

SECTION 4

The Clerk of Council is hereby directed to distribute the 2009 Replacement Pages to those individuals or entities possessing the Codified Ordinances of the County of Summit and to instruct those individuals responsible for updating the book to do so in an efficient and timely manner.

SECTION 5

This ordinance is hereby declared an emergency in the interest of the health, safety, and welfare of the citizens of the County of Summit, and for the further purpose of updating the Codified Ordinance Code books in a timely manner.

SECTION 6

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

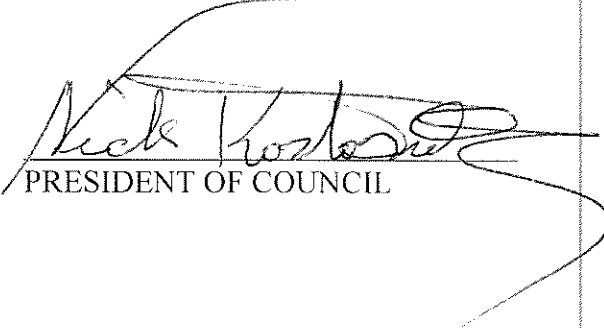
SECTION 7

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution 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 Section 121.22 of the Ohio Revised Code.

INTRODUCED May 11, 2009

ADOPTED May 11, 2009


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED May 11, 2009


EXECUTIVE

May 11, 2009
ENACTED EFFECTIVE

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

APPENDIX A

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Traffic Code

- 301.19 Definition of Motorcycle. (Adds “seat” to first line of definition.)
- 333.01 Driving or Physical Control While Under the Influence. (Increases fines that may be levied in subsections (h)(1)A.3., B.3. and C.3. for violations of this section. Adds “continuous alcohol monitoring” to subsection (q)(4). Expands the list of offenses that are “equivalent offenses”; to clarify the application of qualified immunity to persons who withdraw blood at the request of law enforcement personnel.)
- 335.031 Driving With Probationary License; Curfew. (Adds prohibition on a person less than seventeen years of age operating a motor vehicle with more than one person who is not a family member unless accompanied by a parent, custodian or guardian. Adds restriction on permittee who has not attained the age of eighteen years from operating a motor vehicle between midnight and six a.m.)
- 335.05 Wrongful Entrustment of a Motor Vehicle. (Specifies that wrongful entrustment of a motor vehicle applies when a vehicle is subject to a vehicle immobilization order and a subject person is prohibited from operating the vehicle.)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation. (Amends subsection (c) to make immobilization of a vehicle and impoundment of its license plates discretionary when the offender has no previous conviction in the preceding five years.)
- 337.26 Child Restraint System Usage. (Requires a child who is between four and fifteen years of age to be restrained in either an approved child restraint system or seat belt; eliminates the nonresident exemption and establishes a mandatory fine of at least \$25.00 for a first offense. Eliminates requirement for operators of vehicles under the control of a kindergarten to use a child restraint system when transporting any child.)
- 339.11 Use of Studded Tires and Chains. (Permits the operation of a motor vehicle with retractable studded tires at any time of the year as long as the studs are extended only during the period from November 1 to April 15.)
- 341.03 Prerequisite to Operation of a Commercial Vehicle. (Adds subsection (b)(10) “A police vehicle used to transport prisoners.”)
- 373.02 Riding Upon Seats; Handlebars; Helmets and Glasses. (Revises requirement for riding upon bicycle and motorcycle seats.)

General Offenses Code

- 501.06 Limitation on Criminal Prosecution. (Adds to subsection (c) a person who is not a public servant but whose offense is directly related to the misconduct in office of a public servant.)
- 513.01 Drug Abuse Control Definitions. (Adds definitions of “lawful prescription”, and “deception and theft offense”.)

General Offenses Code (Cont.)

- 513.03 Controlled Substance Possession and Use. (Increases penalty in subsection (c)(1) from a misdemeanor of the third degree to a misdemeanor of the first degree and eliminates violation pertaining to anabolic steroids.)
- 525.02 Falsification. (Changes intext references in subsection (a)(13) to Ohio R.C. Ch. 173 and in (a)(14) to Ohio R.C. 5743.71.)
- 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Adds subsection (a)(2) prohibiting the failure to report the unauthorized use of certain electronic property to law enforcement authorities.)
- 529.07 Open Container Prohibited. (Adds D-5l, D-5m, F-7 and F-8 permits to subsection (c)(1)A.; adds subsection (c)(4) permitting a person to have an open container of beer or intoxicating liquor at a location in which the person is attending an orchestral performance if the person with supervision over the performance grants permission; adds A-3a permit to subsection (c)(1)A.)
- 533.06 Voyeurism. (Amends section to delete spying or eavesdropping upon a minor in a state of nudity for the purpose of sexual gratification which is now a felony under all circumstances.)
- 537.02 Vehicular Homicide and Manslaughter. (Adds imposition of a mandatory jail term under Ohio R.C. 2903.06(E) at the end of (b)(1).)
- 537.03 Assault. (Adds “an investigator of the Bureau of Criminal Identification and Investigation” to those assault offenses constituting felonies to be charged under State law.)
- 545.01 Theft and Fraud Definitions. (Adds “rental services” to definition of services in subsection (e).)
- 545.05 Petty Theft. (Adds authorization for a court to order an offender who steals rental property to pay for the cost of repairing or replacing the stolen property and any loss of revenue resulting from the deprivation of the property due to theft.)
- 549.01 Definitions. (Revises definition of explosive as contained in subsection (m).)
- 549.02 Carrying Concealed Weapons. (Expands the restrictions imposed upon persons issued a license to carry a concealed handgun who are carrying a concealed handgun and are stopped for a law enforcement purpose. Revises how a concealed carry licensee may carry a handgun in a vehicle.)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Adds exceptions in subsection (d)(3) for persons possessing a permit for and being in or on an electric-powered all-purpose vehicle. Clarifies when carrying a concealed weapon does not apply to transporting or storing a firearm in a motor vehicle.)
- 549.07 Underage Purchase of a Firearm. (Adds qualification for a member of the armed services or the Ohio National Guard who is between the ages of 18 and 21 to purchase a handgun if the person has received firearms training.)