

1 ORDINANCE NO. 2019-417

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE November 18, 2019

COMMITTEE Rules

6  
7 **An Ordinance amending Chapter 372 of the Codified Ordinances of the County of Summit,**  
8 **entitled “Pedestrian or Vehicle Interference,” to settle a lawsuit, Wilson v. Bath Township,**  
9 **et al., for the Executive, and declaring an emergency.**

10  
11 WHEREAS, the County of Summit derives its home rule powers from Section 3, Article  
12 X, of the Ohio Constitution, which allows a county to adopt a charter which may provide for the  
13 “concurrent or exclusive exercise by the county, in all or part of its area, of all or any designated  
14 powers vested by the Constitution or laws of Ohio in municipalities”; and

15  
16 WHEREAS, Article I, Section 1.01 of the County Charter authorizes the County to  
17 concurrently exercise municipal powers as well as any powers granted to counties under the  
18 Ohio Revised Code, therefore providing the county the ability to exercise the home rule powers  
19 of a municipality within its territory where there is no conflict with a municipality or township’s  
20 exercise of the powers granted to them by the Ohio Constitution or general law; and

21  
22 WHEREAS, to ensure the safety on highways in Ohio communities, Ohio municipalities  
23 such as the City of Columbus have enacted ordinances to prohibit certain actions that interfere  
24 with the safety of pedestrians and vehicles on said highways; and

25  
26 WHEREAS, in order to address said safety issues, County Council adopted Amended  
27 Ordinance No. 2018-521, which enacted Chapter 372 of the Codified Ordinances of the County  
28 of Summit, entitled “Pedestrian or Vehicle Interference,” to prohibit certain types of actions that  
29 interfere with the safety of pedestrians and vehicles on highways within the County’s townships;  
30 and

31  
32 WHEREAS, Leon Wilson subsequently file a lawsuit, Wilson v. Bath Township, et al.,  
33 Civil Action No: 5:19-cv-156, before Judge R. Adams in the U.S. District Court Northern  
34 District of Ohio against Bath Township, the County and Vito Sinopoli, Bath Township’s Law  
35 Director, declaring Chapter 372 as a violation of Mr. Wilson’s First Amendment rights and  
36 seeking to block enforcement of Chapter 372 (the “Lawsuit”); and

37  
38 WHEREAS, in order to settle the Lawsuit, the County will agree to pay \$2,000.00 and to  
39 amend Chapter 372 to conform with the First Amendment; and

40  
41 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
42 that is necessary and in the best interest of the County of Summit to amend Chapter 372 for the  
43 aforementioned reason;

44  
45 NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit,  
46 State of Ohio, that:

47  
48 SECTION 1

49  
50 Chapter 372 of the Codified Ordinances of the County of Summit, entitled “Pedestrian or  
51 Vehicle Interference,” is hereby amended set forth in Exhibit A, attached hereto and incorporated  
52 herein by reference.  
53

1 ORDINANCE NO. 2019-417

2 PAGE TWO

3  
4 SECTION 2

5  
6 The Ordinance is hereby declared an emergency in the interest of the health, safety and  
7 welfare of the residents of the County of Summit, and for the further reason of immediately  
8 settling the Lawsuit and to ensure the safety of pedestrians and vehicles on highways in the  
9 County's townships.

10  
11 SECTION 3

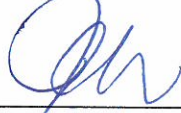
12  
13 Provided this Ordinance receives the affirmative vote of eight members, it shall take  
14 effect immediately upon its adoption and approval by the Executive; otherwise it shall take effect  
15 and be in force at the earliest time provided by law.

16  
17 SECTION 4

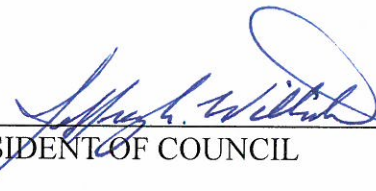
18  
19 It is found and determined that all formal actions of this Council concerning and relating  
20 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all  
21 deliberations of this Council and of any of its committees that resulted in such formal action,  
22 were in meetings open to the public, in compliance with all legal requirements, including Section  
23 121.22 of the Ohio Revised Code.

24  
25  
26 INTRODUCED October 28, 2019

27  
28 ADOPTED November 18, 2019

29  
30   
31 \_\_\_\_\_

32 CLERK OF COUNCIL

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

33  
34 APPROVED November 20, 2019

35  
36   
37 \_\_\_\_\_

38 EXECUTIVE

39 <sup>for</sup>  
40 ENACTED EFFECTIVE November 20, 2019

Voice Vote: YES: 11-0 Dickinson, Donofrio, Feeman, Hamilton, Koehler, McKenney, Prentice, Rodgers, Schmidt, Walters, Wilhite