

CITY OF FAIRVIEW PARK
ORDINANCE NO. 16-47
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILMAN HINKEL

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF FAIRVIEW PARK, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of Fairview Park, Ohio;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, OHIO:

SECTION 1. That the editing, arrangement and numbering of those ordinances enacted by Council from 6-15-15 to 11-8-16, as listed in the Comparative Section Table, are hereby approved and adopted as printed in the 2016 Replacement Pages to the Codified Ordinances so as to achieve uniformity of style and classification. A summary of such Replacement Pages are attached to this ordinance and incorporated as Exhibit "A" herein.

SECTION 2. The following sections of the Traffic and General Offenses Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly and are also contained in the summary of Replacement Pages attached to this ordinance and incorporated as Exhibit "A":

Traffic Code

301.04	Bicycle; Motorized Bicycle; Moped. (Amended)
301.19	Motorcycle. (Amended)
331.21	Right of Way of Public Safety or Coroner's Vehicle. (Amended)
331.211	Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Added)
335.021	Ohio Driver's License Required for In State Residents. (Added)
335.031	Driving With Probationary License; Curfew. (Amended)
335.09	Display of License Plates. (Amended)
335.10	Expired or Unlawful License Plates. (Amended)
335.111	Registration Within Thirty Days of Residency. (Added)
335.12	Stopping After Accident Upon Streets. (Amended)
335.13	Stopping After Accident Upon Property Other Than Street. (Amended)
341.01	Definitions. (Amended)
341.03	Prerequisites to Operation of a Commercial Vehicle. (Amended)
341.05	Criminal Offenses. (Amended)
341.06	Employment of Drivers of Commercial Vehicles. (Amended)
351.04	Parking Near Curb; Handicapped Parking. (Amended)

General Offenses Code

501.06	Limitation of Criminal Prosecution. (Amended)
525.15	Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
529.01	Liquor Control Definitions. (Amended)

General Offenses Code (continued)

529.07	Open Container Prohibited. (Amended)
537.051	Menacing by Stalking. (Amended)
537.10	Telecommunications Harassment. (Amended)
537.17	Criminal Child Enticement. (Amended)
541.04	Criminal Mischief. (Amended)
541.13	Vehicular Vandalism. (Amended)

SECTION 3. The cost of this update to the Codified Ordinances of the City of Fairview Park shall be charged to the General Fund – Legislative (100-7780-5246000)

SECTION 4. 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and immediately provide for the updates to the Codified Ordinance of the City of Fairview Park, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 11.21.16
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

OHIO REVISED CODE:

TRAFFIC CODE

- 301.04 Bicycle; Motorized Bicycle; Moped. (Adds “moped” to definition of “motorized bicycle”.)
- 301.19 Motorcycle. (Adds “cab-enclosed motorcycle” and “autocycle” to definition of a motorcycle.)
- 331.21 Right-of-Way of Public Safety or Coroner’s Vehicle. (Creates penalty exception for violation of Section 331.211.)
- 331.211 Report of Vehicle Failing to Yield Right-of-Way to Public Safety Vehicle. (Adds new section creating a procedure for issuing an investigatory report for a violation of Section 331.21.)
- 335.021 Ohio Driver’s License Required for In State Residents. (Adds new section requiring new residents of the State to obtain an Ohio driver’s license within thirty days.)
- 335.031 Driving With Probationary License; Curfew. (Redefines requirements for operation of a motor vehicle with a probationary license.)
- 335.09 Display of License Plates. (Adds “cab-enclosed motorcycle” to vehicles required to have a license plate on the rear of the vehicle. Adds “mopeds”, “motor-driven cycles”, “motor scooters” and “autocycles” to vehicles requiring license display.)
- 335.10 Expired or Unlawful Plates. (Changes penalty in subsection (f)(1) from a misdemeanor of the fourth degree to a minor misdemeanor.)
- 335.111 Registration Within Thirty Days of Residency. (Adds section requiring a new resident to register a motor vehicle within thirty days.)
- 335.12 Stopping After Accident on Street. (Increases penalty for failure to stop that results in death of or serious physical harm to a person and makes stylistic changes.)
- 335.13 Stopping After Accident Upon Property Other Than Street. (Increases penalty for failure to stop that results in death of or serious physical harm to a person and makes stylistic changes.)
- 341.01 Definitions. (Adds “gross vehicle weight” to subsections (c)(1) and (c)(4).)
- 341.03 Prerequisites to Operation of a Commercial Motor Vehicle. (Redefines criteria for who may operate a commercial motor vehicle.)
- 341.05 Criminal Offenses. (Adds “commercial driver’s license temporary instruction permit” to first line and subsection (a)(9).)

- 341.06 Employment of Drivers of Commercial Vehicles. (Adds subsection (d) imposing additional restrictions on allowing nonqualified persons to operate a commercial vehicle.)
- 351.04 Parking Near Curb; Handicapped Parking. (Adds subsections (f)(2) and (i)(3) which prohibit parking in an access aisle and provides a penalty for such violation.)

GENERAL OFFENSES CODE

- 501.06 Limitation of Criminal Prosecution. (Changes terminology in subsection (i) to “child with a developmental disability or physical impairment”.)
- 525.15 Assaulting Police Dog or Horse or an Assistance Dog. (Revises the language of subsection (e)(5)D. hereof.)
- 529.01 Liquor Control Definitions. (Adds subsection (c)(2) clarifying that beer is not an intoxicating liquor.)
- 529.07 Open Container Prohibited. (Adds subsections (c)(7) and (f) to permit the possession of an open container in an “outdoor refreshment area” and to exempt persons who are passengers on a commercial quadricycle.)
(Adds subsection (c)(8) and (g) providing exemptions for beer or intoxicating liquor purchased from specified D permit holders in a market within a defined F-8 permit premises.)
(Adds “A-2(f)” permit to subsection (c)(1)A; adds new subsection (c)(1)B.)
- 537.051 Menacing by Stalking. (Adds prohibition of knowingly causing another person to believe that the offender will cause physical harm or mental distress to a family or household member of the other person.)
- 537.10 Telecommunications Harassment. (Adds subsections (a)(6) - (11), (b)(2), (e), (f) and (g)(5) to (7) to expand telecommunication harassment offenses.)
- 537.17 Criminal Child Enticement. (Changes reference in subsection (f)(3) to Ohio R.C. 1546.01.)
- 541.04 Criminal Mischief. (Amends subsection (a)(1) to cover mortgaged property.)
- 541.13 Vehicular Vandalism. (Changes reference in subsection (a)(3) to Ohio R.C. 1546.01.)

CODIFIED ORDINANCES OF FAIRVIEW PARK, OHIO

CHAPTER 174

Adopting New Codified Ordinance Chapter 174 Income Tax (Ord. 15-42, passed 11.16.15)

CHAPTER 351

Amending Section 351.19_Waivers (Parking) (Ord. 16-22, passed 10.03.16)

CHAPTER 911

Sections 911.15 and 911.16 for Sewer Rates and Collection (Ord. 16-23, passed 10.03.16)

CHAPTER 929

Amending Section 929.06 Solid Waste Collection Charges Extension (Ord. 15-50A, passed 01.19.16)

CHAPTER 1129

Amending Chapter 1129 to Permit Mixed Use in Office Building 3 Zoning District (Ord. 16-16A, passed 06.20.16, subsequently passed by electorate on 11.08.16)