

ORDINANCE 2011-02

AN ORDINANCE APPROVING, ADOPTING AND ENACTING THE 2011 EDITION OF THE MODEL OHIO MUNICIPAL CODE – ADMINISTRATION, GENERAL OFFENSE AND TRAFFIC CODE AS REVISED THROUGH SEPTEMBER 10, 2010, PUBLISHED BY AMERICAN LEGAL PUBLISHING FOR THE VILLAGE OF BUCKEYE LAKE, OHIO; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PUBLISHING THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has prepared and published a model Ohio municipal Code – Administration, General Offense and Traffic Code, as revised through September 10, 2010, which components are based upon and consistent with State law through September 10, 2010: and

WHEREAS, the Village is in need of a codification of such legislation, with which to administer the affairs of the Village, ensure law and order and avoid practical and legal entanglements; and

WHEREAS, Article XVIII, Section 3, of the Ohio Constitution requires that Village law be in conformity with State law in those areas specified therein;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL of Buckeye Lake, Ohio:

SECTION 1. The 2011 Edition of the Model Ohio Municipal Code – Administration, General Offense and Traffic Code, as published by American Legal Publishing Corporation, is hereby approved, adopted and enacted by and for the Village.

SECTION 2. One book-form copy of the 2011 Edition of this Model Ohio Municipal Code shall be attached to this ordinance as a part hereof and filed with the permanent ordinance records of the Village.

SECTION 3. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the 2011 Edition of the Model Ohio Municipal Code, as adopted in Section 1 hereof are repealed as of the effective date of this ordinance, except as follows:

- A. The enactment of the 2011 Edition of the Model Ohio Municipal Code shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of 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, nor to affect an indictment or prosecution therefore. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.
- B. The repeal provided above shall not affect:
 1. The grant or creation of a franchise, license, right, easement or privilege;
 2. The purchase, sale, lease or transfer of property;
 3. The appropriation or expenditure of money or promise or guarantee of payment;
 4. The assumption of any contract or obligation;
 5. The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
 6. The levy or imposition of taxes, assessments or charges;
 7. The establishment, naming, vacating or grade level of any street or public way;
 8. The dedication of property or plat approval;

9. The annexation or detachment of territory;
10. Any legislation enacted subsequent to the adoption of this ordinance.

SECTION 4. Pursuant to Ohio R.C. 731.21, 731.22 and 731.23, the Clerk of Council shall cause to be published a notice of the enactment of this ordinance, containing the title of the ordinance and summary of the new matters covered by it, which summary is attached hereto and marked "Exhibit A".

Section 5. This ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the public peace, health and safety, such emergency existing by reason of the necessity of providing a Municipal Code that is consistent with the latest State Law as required by the Ohio Constitution, and this ordinance, including the 2011 Edition of the Model Ohio Municipal Code adopted hereby, shall take effect and be in force immediately upon its passage by at least three-fourths of all members elected to Council, otherwise from and after the earliest period allowed by law.

Passed this 14th day of FEBRUARY, 2011

ATTEST:



CHARLENE HAYDEN, Council President



RICHARD E. BAKER, Mayor

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2011 EDITION OF THE MODEL OHIO MUNICIPAL CODE – ADMINISTRATION CODE

PART TWO - ADMINISTRATION CODE

TITLE TWO - General Provisions

Chap. 202. Rules of Construction; Definitions; General Code Penalty

- 202.01 Designation; citation; headings
- 202.02 General definitions
- 202.03 Rules of construction
- 202.04 Revivor; effect of re-enactment, amendment or repeal
- 202.05 Construction of section references
- 202.06 General repealer; conflicts
- 202.07 Separability
- 202.99 General code penalty

Chap. 204. Public Meetings

- 204.01 Adoption of rules
- 204.02 Definitions
- 204.03 Notice of regular and organizational meetings
- 204.04 Notice of special meetings
- 204.05 Notice to news media of special meetings
- 204.06 Notification of discussion of specific types of public business
- 204.07 General provisions

TITLE FOUR - Legislation

Chap. 220. Council

- 220.01 Membership; election; terms of office
- 220.02 President Pro Tempore
- 220.03 Vacancy when President Pro Tempore becomes Mayor
- 220.04 Qualifications of members
- 220.05 Compensation and bonds of village officers and employees
- 220.06 Vacancies
- 220.07 Judge of election and qualification of members; quorum and special meetings
- 220.08 Rules; journal; expulsion of members
- 220.09 Meetings
- 220.10 General powers
- 220.11 Failure to take oath or give bond
- 220.12 Notice when new bond required
- 220.13 Care, supervision and management of public institutions

Chap. 232. Mayor

- 232.01 Term; qualifications; powers
- 232.02 Vacancy
- 232.03 General duties
- 232.04 Communications to Council
- 232.05 Protest against excess of expenditures
- 232.06 Supervision of conduct of officers
- 232.07 Charges against delinquent officers
- 232.08 Hearing of charges; action of Council
- 232.09 Suspension of accused pending hearing
- 232.10 Power of Council as to process
- 232.11 Oaths; compulsory testimony; costs
- 232.12 Disposition of fines and other moneys
- 232.13 Annual report to Council

Chap. 234. Village Administrator

- 234.01 Appointment; removal; abolishment of position
- 234.02 Abolishment and re-establishment of Board of Trustees of Public Affairs
- 234.03 Powers and duties of Village Administrator

Chap. 236. Village Legal Counsel

- 236.01 Appointment; term; compensation

Chap. 238. Village Clerk

- 238.01 Election; term; qualifications
- 238.02 Combined Offices of Clerk and Treasurer; Fiscal Officer
- 238.03 Powers and duties of Village Clerk
- 238.04 Books and accounts; merger of offices of Village Clerk and Clerk of Board of Public Affairs
- 238.05 Seal

Chap. 240. Village Treasurer

- 240.01 Election; term; qualification
- 240.02 Accounts
- 240.03 Powers and duties
- 240.04 Quarterly account; annual report
- 240.05 Receipt and disbursement of funds
- 240.06 Duty of delivering money and property

Chap. 242. Village Street Commissioner

- 242.01 Appointment; term; qualifications; vacancy; eligibility of Police Chief
- 242.02 General duties
- 242.03 Assistants

TITLE EIGHT - Boards and Commissions

Chap. 270. Board of Trustees of Public Affairs

270.01 Appointment; election; organization

270.02 General powers and duties

Chap. 272. Records Commission

272.01 Establishment; membership; officers; employees; meetings; functions

Chap. 274. Planning Commission

274.01 Establishment; membership; compensation; general powers

274.02 Specific powers and duties

274.03 Commission shall be Platting Commission

274.04 Control of buildings

274.05 Employment of architects and engineers

274.06 Division of village into zones

Chap. 276. Board of Zoning Appeals

276.01 Establishment; powers

Chap. 278. Volunteer Firefighters' Dependents Fund Board

278.01 Definitions

278.02 Establishment

278.03 Membership; vacancies

278.04 Election and term of members

278.05 Organization; rules and regulations; roster

278.06 Compensation and expenses of Board; legal advisor

Chap. 280. Recreation Board

280.01 Establishment; powers; membership; joint Board and District

280.02 Organization of Boards

Chap. 282. Board of Park Trustees

282.01 Establishment for donated property

282.02 Membership

282.03 Powers

282.04 Compensation; oath; bond

282.05 Meetings; rules and regulations; Clerk

EXHIBIT A

**SUMMARY OF NEW MATTER
CONTAINED IN THE
2011 EDITION OF THE MODEL OHIO MUNICIPAL CODE – TRAFFIC CODE**

PART FOUR - TRAFFIC CODE

TITLE TWO - Administration, Enforcement and Penalties

Chap. 402. Definitions

- 402.01 Meaning of words and phrases

Chap. 404. Enforcement; Impounding

- 404.01 Police may remove ignition key
- 404.02 Resisting an enforcing official
- 404.03 Road workers, motor vehicles and equipment excepted
- 404.04 Emergency, public safety and coroners' vehicles excepted
- 404.05 Application to persons riding, driving animals upon roadway
- 404.06 Application to drivers of government vehicles
- 404.07 Impounding of vehicles; redemption
- 404.08 Traffic direction in emergencies; obedience to school guards
- 404.09 Furnishing false information incident to traffic citation
- 404.99 Penalty

Chap. 406. Traffic Control

- 406.01 Authority and considerations for placement of devices
- 406.02 Conformity with State Manual
- 406.03 Powers of designated person
- 406.04 Posting of signs and signals required
- 406.05 Designated person's powers not limited
- 406.06 Records of designated person
- 406.07 Reservation of power to Council
- 406.08 Violations subject to general code penalty

Chap. 408. Penalties

- 408.01 Penalties for misdemeanor
- 408.02 General code penalty
- 408.03 Suspension of driver's license

TITLE FOUR - Public Ways and Traffic-Control Devices

Chap. 412. Obstruction and Special Uses of Public Ways

- 412.01 Placing injurious material or obstruction in street
- 412.02 Zones of quiet
- 412.03 Play streets
- 412.04 Toy vehicles on roadway
- 412.05 Freeway use prohibited by pedestrians, bicycles and animals
- 412.99 Penalty

Chap. 432. Operation Generally (Cont.)

- 432.16 Intersections at which traffic-control signals fail or malfunction
- 432.17 Right-of-way when turning left
- 432.18 Operation of vehicle at stop and yield signs
- 432.19 Emergency or public safety vehicles at stop signals or signs
- 432.20 Right-of-way of public safety or coroner's vehicle
- 432.21 Driving while approaching stationary public safety vehicle with flashing lights
- 432.22 Right-of-way at private driveway, alley or building
- 432.23 Stop signs on private roads and driveways
- 432.24 Right-of-way of funeral procession
- 432.25 Driving upon sidewalks, tree lawns or curbs
- 432.26 Driver's view and control to be unobstructed by load or persons
- 432.27 Driving upon street posted as closed for repair
- 432.28 Following and parking near emergency or safety vehicles
- 432.29 Driving over fire hose
- 432.30 Driving through safety zone
- 432.31 One-way streets and rotary traffic islands
- 432.32 Driving upon divided roadways
- 432.33 Stopping for school bus; actuating visual signals; discharging children
- 432.34 Driving across grade crossings
- 432.35 Stopping at grade crossings
- 432.36 Slow-moving vehicles or equipment at grade crossings
- 432.37 Obstructing intersections, crosswalks or grade crossings
- 432.38 "Peeling"; cracking exhaust noises
- 432.39 Shortcutting across private property
- 432.40 Entering and exiting controlled-access highway
- 432.41 Weaving; full time and attention
- 432.42 Operation on paths set aside for bicycles
- 432.43 Littering from motor vehicles
- 432.44 Use of earphones while driving
- 432.99 Penalty

Chap. 434. O.V.I.; Reckless Operation; Speed

- 434.01 Driving or physical control of vehicle while under the influence of alcohol or drugs
- 434.02 Immobilizing or disabling device violation
- 434.03 Reckless operation on streets, public or private property
- 434.04 Maximum speed limits; assured clear distance ahead
- 434.05 Speed limits on private roads and driveways
- 434.06 Slow speed; posted minimum speeds
- 434.07 Speed limitations over bridges
- 434.08 Speed exceptions for emergency or safety vehicles
- 434.09 Reasonable control
- 434.10 Street racing prohibited
- 434.11 Vehicular homicide; vehicular manslaughter
- 434.99 Penalty

Chap. 438. Safety and Equipment (Cont.)

- 438.27 Motor vehicle stop lights
- 438.28 Bumpers
- 438.29 Air cleaner required
- 438.30 Use of child restraints
- 438.31 Use of occupant restraining devices
- 438.32 Air bags
- 438.99 Penalty

Chap. 440. Commercial and Heavy Vehicles

- 440.01 Load limits
- 440.02 Maximum width, height and length
- 440.03 Wheel protectors
- 440.04 Vehicles transporting explosives
- 440.05 Towing requirements; exception to size and weight restrictions
- 440.06 Loads dropping or leaking; tracking mud; removal required
- 440.07 Vehicles with spikes, lugs and chains
- 440.08 Occupying travel trailer or manufactured home while in motion
- 440.09 Route and load information
- 440.10 Shifting load; loose loads
- 440.11 Chauffeured limousines
- 440.99 Penalty

Chap. 442. Drivers of Commercial Vehicles

- 442.01 Definitions
- 442.02 Use of actual gross weight in lieu of rating
- 442.03 Licensing requirements
- 442.04 Physical qualification to operate commercial motor vehicles
- 442.05 Criminal offenses
- 442.06 Application of 49 C.F.R. Part 383
- 442.07 Information required of prospective drivers by employers; unauthorized driving
- 442.08 Authority of peace officers re drunk driving
- 442.09 Permitting or driving while fatigued or ill prohibited
- 442.99 Penalty

Chap. 444. Bicycles and Motorcycles Generally

- 444.01 Code application to bicycles
- 444.02 Riding upon seats; carrying packages; motorcycle handle bars; helmets and glasses
- 444.03 Attaching bicycles, motorcycles to other vehicles
- 444.04 Riding on right side of roadway; riding abreast
- 444.05 Lights, signal devices, brakes on bicycles
- 444.06 Riding bicycles upon sidewalks
- 444.07 Safe riding regulations for bicycles
- 444.08 Parking; locks
- 444.09 Parent's responsibility
- 444.10 Suspension of riding privileges; impounding of bicycles
- 444.11 Operation of motorized bicycles
- 444.99 Penalty

Chap. 448. Watercraft (Cont.)

- 448.36 Numbering
- 448.37 Registration
- 448.38 Altering of serial numbers; false information prohibited
- 448.39 Accident reports
- 448.40 Enforcement
- 448.41 Certificate of title; exceptions
- 448.42 Manufacturer's or importer's certificate
- 448.43 Prohibitions
- 448.44 Permanently displayed hull identification number
- 448.45 Firearms offenses; signaling devices
- 448.46 Tampering with navigation aid or vessel prohibited
- 448.99 Penalty

TITLE EIGHT - Parking**Chap. 452. Parking Generally**

- 452.01 Prohibition against parking on streets or highways
- 452.02 Police may remove illegally parked vehicle
- 452.03 Prohibited standing or parking places
- 452.04 Manner of parallel and angle parking; handicapped persons
- 452.05 Willfully leaving vehicles on private or public property
- 452.06 Parking prohibitions on private property; private tow-away zones
- 452.07 Unattended vehicles; duty to lock ignition, remove key, set brake and the like
- 452.08 Opening doors on side available to traffic
- 452.09 Selling, washing or repairing vehicle upon roadway
- 452.10 Truck loading zones
- 452.11 Bus stops and taxicab stands
- 452.12 Parking in alleys and narrow streets; exceptions
- 452.13 Registered owner prima facie liable for unlawful parking
- 452.14 Waiver
- 452.99 Penalty

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2011 EDITION OF THE MODEL OHIO MUNICIPAL CODE – GENERAL OFFENSES CODE

PART SIX - GENERAL OFFENSES CODE

Chap. 606. General Provisions

- 606.01 Definitions
- 606.02 Classification of offenses
- 606.03 Offenses defined
- 606.04 Rules of construction
- 606.05 Criminal law jurisdiction
- 606.06 Limitation on criminal prosecutions
- 606.07 Requirements for criminal liability; voluntary intoxication
- 606.08 Culpable mental states
- 606.09 Organizational criminal liability
- 606.10 Personal accountability for organizational conduct
- 606.11 Attempts
- 606.12 Complicity
- 606.13 Self defense; limitations on duty to retreat prior to using force

Chap. 612. Alcoholic Beverages

- 612.01 Definitions
- 612.02 Sales to underage persons; prohibitions and misrepresentations
- 612.03 Sales to intoxicated persons
- 612.04 Consumption in motor vehicle
- 612.05 Permit required
- 612.06 Posting age and firearm warning signs
- 612.07 Open container prohibited
- 612.08 Hours of sale or consumption
- 612.09 Conveying intoxicating liquor or cash onto grounds of detention facilities or other specified governmental facilities
- 612.10 Sales of low-alcohol beverages to underage persons; prohibitions and misrepresentations
- 612.11 Alcohol vaporizing devices prohibited

Chap. 618. Animals

- 618.01 Dogs and other animals running at large; dangerous and vicious dogs
- 618.02 Abandoning animals
- 618.03 Killing or injuring animals
- 618.04 Poisoning animals
- 618.05 Cruelty to animals; cruelty to companion animals
- 618.06 Coloring rabbits and baby poultry; sale or display of poultry
- 618.07 Barking or howling dogs
- 618.08 Registration of dogs required
- 618.09 Hindering capture of unregistered dog
- 618.10 Dogs required to wear tags

Chap. 636. Offenses Relating to Persons (Cont.)

- 636.04 Negligent assault
- 636.05 Aggravated menacing
- 636.06 Menacing by stalking
- 636.07 Menacing
- 636.08 Unlawful restraint
- 636.09 Criminal child enticement
- 636.10 Coercion
- 636.11 Nonsupport of dependents
- 636.12 Endangering children
- 636.13 Interference with custody
- 636.14 Contributing to the unruliness or delinquency of a child
- 636.15 Threatening or harassing telecommunications
- 636.16 Placing harmful substance or objects in food or confection
- 636.17 Domestic violence
- 636.18 Safety of crowds attending live entertainment performances
- 636.19 Hazing
- 636.20 Illegal distribution of cigarettes or other tobacco products; transaction scans
- 636.21 Ethnic intimidation
- 636.22 Intimidation in connection with housing
- 636.23 Failing to provide for a functionally impaired person
- 636.24 Failure to perform viability testing
- 636.25 Unlawful collection of bodily substances

Chap. 642. Offenses Relating to Property

- 642.01 Definitions
- 642.02 Possession of municipal property
- 642.03 Unauthorized use of property
- 642.04 Injuring vines, bushes, trees or crops
- 642.05 Desecration
- 642.06 Arson
- 642.07 Determining property value in arson
- 642.08 Criminal damaging or endangering; vehicular vandalism
- 642.09 Criminal mischief
- 642.10 Criminal trespass
- 642.11 Aggravated trespass
- 642.12 Assaulting police dog or horse, or assistance dog

Chap. 648. Peace Disturbances

- 648.01 Riot
- 648.02 Failure to disperse
- 648.03 Justifiable use of force to suppress riot
- 648.04 Disorderly conduct
- 648.05 Disturbing a lawful meeting
- 648.06 Misconduct at an emergency
- 648.07 Inducing panic
- 648.08 Making false alarms
- 648.09 Inciting to violence

Chap. 666. Sex Related Offenses (Cont.)

- 666.13 Displaying matter harmful to juveniles
- 666.14 Deception to obtain matter harmful to juveniles
- 666.15 Presumptions; notice
- 666.16 Declaratory judgment
- 666.17 Injunction; abatement of nuisance
- 666.18 Unlawful operation of viewing booths depicting sexual conduct
- 666.19 Juveniles on the premises of adult entertainment establishments prohibited
- 666.20 Sexually oriented businesses; illegal operation and activity
- 666.99 Sentencing for sexually oriented offenses; sexual predators; registration

Chap. 672. Theft and Fraud

- 672.01 Theft
- 672.02 Receiving stolen property
- 672.03 Determining property value in theft offense
- 672.04 Degree of offense when certain property involved
- 672.05 Evidence of theft of rented property
- 672.06 Tampering with coin machines
- 672.07 Prosecutions for theft of utilities
- 672.08 Misconduct involving a public transportation system
- 672.09 Unauthorized use of a vehicle; vehicle trespass
- 672.10 Passing bad checks
- 672.11 Misuse of credit cards
- 672.12 Recording credit card, telephone or Social Security numbers
- 672.13 Forging or selling forged identification cards
- 672.14 Criminal simulation
- 672.15 Making or using slugs
- 672.16 Prima facie evidence of purpose to defraud
- 672.17 Tampering with records
- 672.18 Securing writings by deception
- 672.19 Personating an officer
- 672.20 Defrauding creditors
- 672.21 Insurance fraud
- 672.22 Workers' compensation fraud
- 672.23 Medicaid fraud
- 672.24 Diminishing or interfering with forfeitable property
- 672.25 Motion picture piracy

Chap. 678. Weapons and Explosives

- 678.01 Definitions
- 678.02 Carrying concealed weapons
- 678.03 Possession of deadly weapon while under detention
- 678.04 Using weapons while intoxicated
- 678.05 Improperly handling firearms in a motor vehicle
- 678.06 License or permit to possess dangerous ordnance
- 678.07 Failure to secure dangerous ordnance
- 678.08 Unlawful transactions in weapons
- 678.09 Underage purchase of a firearm or handgun
- 678.10 Pointing and discharging firearms and other weapons
- 678.11 Discharge of a firearm on or near prohibited premises
- 678.12 Fireworks