

AN ORDINANCE

BY: MR. STEPHENS

NO. 4813

TO APPROVE CURRENT REPLACEMENT PAGES TO THE  
OAKWOOD TRAFFIC AND GENERAL OFFENSES CODES.

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

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council; and

WHEREAS, such revision is presently before Council in the form of 2015 replacement pages to the Traffic and General Offenses Codes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, OHIO, THAT:

Section I.

The following sections of the Oakwood Traffic and General Offenses Codes are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

- 301.19 Motorcycle. (Amended)
- 303.081 Impounding Vehicles on Private Residential Property. (Amended)
- 303.082 Tow Away Zones. (Amended)
- 331.42 Vehicular Operation on Street Closed Due to Rise in Water Level. (Added)
- 335.031 Driving With Probationary License; Curfew. (Amended)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation. (Amended)
- 335.074 Driving Under License Forfeiture or Child Support Suspension. (Amended)
- 335.09 Display of License Plates. (Amended)
- 335.10 Expired or Unlawful License Plates. (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)
- 351.20 Parking Near Curb; Handicapped Parking. (Amended)

General Offenses Code

- 501.07 Requirements For Criminal Liability. (Amended)
- 501.08 Culpable Mental States. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 549.01 Weapons Definitions. (Amended)
- 553.03 Duties of Locomotive Engineer. (Amended)

Section II.

That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of Oakwood, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances, to-wit:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
4807	8-10-15	303.08
4808	9-21-15	509.13

Section III.

The complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the current replacement pages to the Traffic and General Offenses Code. The publication of the 2015 replacement pages within the Codified Ordinances shall be deemed sufficient publication of all material contained therein as provided by Section 3.05(1) of the Charter.

Section IV.

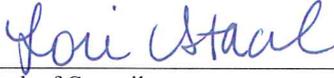
This ordinance is hereby declared to be an emergency measure and as such takes effect immediately on the basis that it is necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current replacement pages to the Traffic and General Offenses Codes to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD THIS 2<sup>nd</sup> DAY OF NOVEMBER, 2015.



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Mayor William D. Duncan

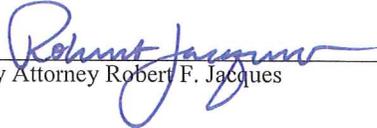
ATTEST:



\_\_\_\_\_  
Clerk of Council

TO THE CLERK:

Please publish by including the 2015 Replacement Pages in the Codified Ordinances of this City.



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City Attorney Robert F. Jacques

## APPENDIX A

### Traffic Code

301.19 Motorcycle. (Adds "cab-enclosed motorcycle" to definition of a motorcycle.)

303.081 Impounding Vehicles on Private Residential Property. (Adds additional documentation which may be used to provide proof of ownership in subsection (d).)

303.082 Tow-Away Zones. (Adds additional documentation which may be used to provide proof of ownership in subsection (g).)

331.42 Vehicular Operation on Street Closed Due to Rise in Water Level. (Adds new section prohibiting the operation of a vehicle on a street or highway closed due to a rise in water level.)

335.031 Driving With Probationary License; Curfew. (Redefines requirements for operation of a motor vehicle with a probationary license.)

335.072 Driving Under Financial Responsibility Law Suspension or Cancellation. (Adds subsection (d)(3) pertaining to providing the court with proof of financial responsibility; amends subsection (e) to add presentation of electronic wireless communication devices.)

335.074 Driving Under License Forfeiture or Child Support Suspension. (Adds last sentence to subsection (c)(2) pertaining to providing the court with proof of financial responsibility.)

335.09 Display of License Plates. (Adds "cab-enclosed motorcycle" to vehicles required to have a license plate on the rear of the vehicle.)

335.10 Expired or Unlawful Plates. (Changes penalty in subsection (f)(1) from a misdemeanor of the fourth degree to a minor misdemeanor.)

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.)

351.20 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

501.07 Requirements for Criminal Liability. (Clarifies when strict criminal liability is imposed and modifies the concept of acting recklessly.)

501.08 Culpable Mental States. (Modifies the concept of acting recklessly and makes stylistic changes.)

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.)

549.01 Weapons Definitions. (Deletes second sentence in subsection (e); changes "silencer" to "suppressor" in subsection (k)(5); adds subsections (p) and (q).)

553.03 Duties of Locomotive Engineer. (Deletes former subsection (a)(2).)