

VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2019-30

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND
RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE
CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW
MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES;
REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH;
PUBLISHING THE ENACTMENT OF NEW MATTER; AND DECLARING AN
EMERGENCY

WHEREAS, American Legal Publishing has completed its updating and revision of the Codified Ordinances of the Village; and

WHEREAS, various ordinances and resolutions of a general and permanent nature have been passed by Council since the date of the last updating and revision of the Codified Ordinances (December 31, 2017) and have been included in the Codified Ordinances of the Village; and

WHEREAS, certain changes were made in the Codified Ordinances to bring Village law into conformity with State law;

NOW, THEREFORE, The Council of the Village of Yellow Springs, Ohio, hereby ordains that:

Section 1. The editing, arrangement and numbering or renumbering of the following ordinances and resolutions and parts of ordinances and resolutions is hereby approved as parts of the various component codes of the Codified Ordinances of the Village, so as to conform to the classification and numbering system of the Codified Ordinances:

| <u>Ord. or Res. No.</u> | <u>Date</u> | <u>C.O. Section</u> |
|-----------------------------|-------------|--|
| 2017-21 | 9-18-17 | 1284.05 |
| 2018-02 | 1-16-18 | 881.02, 881.04, 881.05, 881.07, 881.18 |
| 2018-03 | 3-13-18 | 881.03, 881.05, 881.27 to 881.42 |
| 2018-04 | 2-20-18 | 238.06 |
| 2018-06 | 4-2-18 | 1040.12 |
| 2018-09 | 4-16-18 | 1064.02 |
| 2018-10 | 4-16-18 | 1250.02 |
| 2018-11 | 4-16-18 | 1262.08 |
| 2018-12 | 4-16-18 | 1258.01 |
| 2018-13 | 4-2-18 | 1021.041 |
| 2018-16 | 5-21-18 | 1020.04 |
| 2018-17 | 5-21-18 | 1248.01 |
| 2018-18 | 5-21-18 | 1260.04 |
| 2018-19 | 5-21-18 | 1262.02 |

| <u>Ord. or</u> <u>Res. No.</u> | <u>Date</u> | <u>C.O. Section</u> |
|-----------------------------------|-------------|--------------------------|
| 2018-20 | 5-21-18 | 1250.03 |
| 2018-21 | 5-21-18 | 1262.08 |
| 2018-22 | 6-4-18 | 1266.03 |
| 2018-23 | 6-4-18 | 1284.03 |
| 2018-24 | 6-4-18 | 1284.08 |
| 2018-25 | 7-2-18 | 876.01 to 876.08, 876.99 |
| 2018-27 | 7-16-18 | 1040.03 |
| 2018-29 | 8-20-18 | 1060.05 |
| 2018-32 | 9-4-18 | 1060.05 |
| 2018-34 | 9-4-18 | 1040.13 (Repealed) |
| 2018-35 | 10-15-18 | 1040.13 |
| 2018-36 | 10-1-18 | 452.20 |
| 2018-38 | 10-15-18 | 288.01 |
| 2018-40 | 11-5-18 | 1284.09 |
| 2018-41 | 11-5-18 | 1260.04 |
| 2018-42 | 11-5-18 | 1260.03 |
| 2018-43 | 11-5-18 | 1260.02 |
| 2018-44 | 11-5-18 | 1226.11 |
| 2018-45 | 11-5-18 | 1226.12 |
| 2018-46 | 11-5-18 | 1226.13 |
| 2018-47 | 11-19-18 | 607.01 to 607.09, 607.99 |
| 2018-48 | 11-19-18 | 1042.01 |
| 2018-49 | 12-3-18 | 289.01 to 289.05 |

Section 2. The following sections of the Codified Ordinances are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

402.135, 402.22, 402.24, 402.305, 402.425, 402.57, 402.58, 408.02, 412.05, 414.01, 416.01, 416.02, 416.09, 432.01, 432.02, 432.03, 432.04, 432.05, 432.06, 432.07, 432.08, 432.09, 432.10, 432.11, 432.12, 432.13, 432.14, 432.15, 432.16, 432.17, 432.18, 432.19, 432.205, 432.21, 432.23, 432.24, 432.26, 432.28, 432.29, 432.30, 432.31, 432.34, 432.35, 432.36, 432.41, 432.46, 434.03, 434.04, 434.05, 434.06, 434.10, 436.01, 436.09, 438.16, 446.08, 448.01, 606.01, 606.11, 612.07, 618.01, 618.05, 624.01, 624.02, 624.025, 624.03, 624.04, 624.05, 624.06, 624.07, 624.08, 624.09, 624.14, 624.16, 630.16, 636.001, 636.11, 642.03, 642.13, 648.04, 666.03, 666.04, 666.23, 672.10, 672.12, 678.01, 678.04, 678.05, 678.07, 678.15

Section 3. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance, except as follows:

- (a) The enactment of such sections 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 such 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 therefor. 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 any legislation enacted subsequent to December 31, 2018.

Section 4. Pursuant to Section 25 of the Village Charter and R.C. ' 731.23, the Clerk of Council shall cause to be published a summary of this ordinance within one week after its passage, together with a summary of the new matter contained in the 2019 Replacement Pages hereby approved, adopted and enacted, a copy of which summary is attached hereto as Exhibit A.

Section 5. This ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity to provide for the public health, peace and welfare by providing an up-to-date codification of the legislation of the Village, consistent with State law, where and as required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the Village, enforce law and order and avoid practical and legal entanglements, wherefore this ordinance, including the 2019 Replacement Pages hereby approved, adopted and enacted, shall be in full force and effect from and immediately after its passage by an affirmative vote of not less than four members of Council.

Brian Housh, President of Council

Passed:

Attest:

Judy Kintner, Clerk

| | | |
|------------|----------|---------|
| Roll Call: | Housh | ___Y___ |
| | MacQueen | ___Y___ |
| | Stokes | ___Y___ |
| | Kreeger | ___Y___ |
| | Sanford | ___Y___ |

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2019 REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF YELLOW SPRINGS, OHIO

New matter in the 2019 Replacement Pages for the Codified Ordinances of Yellow Springs, Ohio, includes legislation regarding:

| <u>Section</u> | <u>New or amended matter regarding:</u> |
|----------------|---|
| 402.135 | Definition of electric bicycle. |
| 402.22 | Definition of motor vehicle. |
| 402.24 | Definition of motorized bicycle or moped. |
| 402.305 | Definition of predicate motor vehicle or traffic offense. |
| 402.425 | Definition of shared-use path. |
| 402.57 | Definition of vehicle. |
| 402.58 | Definition of waste collection vehicle. |
| 408.02 | General code penalty. |
| 412.05 | Freeway use prohibited by pedestrians, bicycles and animals. |
| 414.01 | Obedience to traffic control devices. |
| 416.01 | Duties of pedestrians and drivers at crosswalks. |
| 416.02 | Right-of-way of blind person. |
| 416.09 | Right-of-way on sidewalks. |
| 432.01 | Driving upon right side of roadway; exceptions. |
| 432.02 | Passing to right when proceeding in opposite directions. |
| 432.03 | Overtaking, passing to left; driver's duties. |
| 432.04 | Overtaking, passing to right of vehicle. |
| 432.05 | Overtaking, passing to left of centerline. |
| 432.06 | Driving upon left side of roadway. |
| 432.07 | Hazardous or no passing zones. |
| 432.08 | Driving within lanes or continuous lines of traffic. |
| 432.09 | Following too closely. |
| 432.10 | Turning at intersections. |
| 432.11 | AU@ turns restricted. |
| 432.12 | Starting and backing vehicles. |
| 432.13 | Signals before changing course, turning or stopping. |
| 432.14 | Hand and arm signals. |
| 432.15 | Right-of-way at intersections. |
| 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. |
| 432.205 | Driving while approaching stationary public safety vehicle and certain other vehicles with flashing lights. |
| 432.21 | Right-of-way at private driveway, alley or building. |

| <u>Section</u> | <u>New or amended matter regarding:</u> |
|----------------|---|
| 432.23 | Right-of-way of funeral procession. |
| 432.24 | Driving upon sidewalks, tree lawns or curbs. |
| 432.26 | Driving upon street posted as closed for repair. |
| 432.28 | Driving over fire hose. |
| 432.29 | Driving through safety zone. |
| 432.30 | One-way streets and rotary traffic islands. |
| 432.31 | Driving upon divided roadways. |
| 432.34 | Stopping at grade crossings. |
| 432.35 | Slow-moving vehicles or equipment at grade crossings. |
| 432.36 | Obstructing intersections, crosswalks or grade crossings. |
| 432.41 | Operation on paths set aside for bicycles. |
| 432.46 | Use of electronic wireless communication devices by minors or probationary drivers while driving prohibited. |
| 434.03 | Speed limits. |
| 434.04 | Speed limits on private roads and driveways. |
| 434.05 | Slow speed; posted minimum speeds. |
| 434.06 | Speed limitations over bridges. |
| 434.10 | Vehicular homicide; vehicular manslaughter; vehicular assault. |
| 436.01 | Driver's or commercial driver's license required. |
| 436.09 | Display of license plates or validation stickers; registration. |
| 438.16 | Number of lights permitted; red and flashing lights. |
| 446.08 | Registration of vehicles. |
| 448.01 | Riding upon seats; handle bars; helmets and glasses. |
| 606.01 | Definitions relating to general offenses. |
| 606.11 | Attempts. |
| 612.07 | Open container prohibited. |
| 618.01 | Dogs or other animals running at large; nuisance, dangerous or vicious dogs; hearings. |
| 618.05 | Cruelty to animals; cruelty to companion animals. |
| 624.01 | Definitions relating to drugs. |
| 624.02 | Trafficking in controlled substances; gift of marihuana. |
| 624.025 | Cultivation of marihuana. |
| 624.03 | Drug possession offenses. |
| 624.04 | Possession of drug abuse instruments. |
| 624.05 | Permitting drug abuse. |
| 624.06 | Use or possession of paraphernalia. |
| 624.07 | Abusing harmful intoxicants. |
| 624.08 | Illegal dispensing of drug samples. |
| 624.09 | Counterfeit controlled substances. |
| 624.14 | Controlled substance schedules. |
| 624.16 | Sale of pure caffeine product. |
| 630.16 | Skill-based amusement machines; prohibited conduct. |
| 636.001 | Definitions relating to offenses relating to persons. |
| 636.11 | Nonsupport of dependents. |
| 642.03 | Unauthorized use of property. |
| 642.13 | Railroad vandalism; criminal trespass; interference with operation of train; grade crossing device vandalism. |
| 648.04 | Disorderly conduct. |
| 666.03 | Sexual imposition. |

| <u>Section</u> | <u>New or amended matter regarding:</u> |
|----------------|---|
| 666.04 | Public indecency. |
| 666.23 | Nonconsensual dissemination of private sexual images. |
| 672.10 | Misuse of credit cards. |
| 672.12 | Forging or selling forged identification cards. |
| 678.01 | Weapons definitions. |
| 678.04 | Improperly handling firearms in a motor vehicle. |
| 678.05 | License or permit to possess dangerous ordnance. |
| 678.07 | Unlawful transactions in weapons. |
| 678.15 | Concealed handgun licenses; possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession. |