

ORDINANCE NO. 2008-5

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, ARTICLE VII TRAFFIC CODE AND ARTICLE XIII GENERAL OFFENSES, AND EXCEPTING THEREFROM ARTICLE XIII, SECTION 138.13(G), 2008 EDITION, AS A PORTION OF THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF HIRAM VILLAGE, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the present general and permanent ordinances of the municipality are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health safety and general welfare of the municipality and for the proper conduct of its affairs.

WHEREAS, American Legal Publishing Corporation publishes a Code of Ordinances, Article VII Traffic Code and Article XIII General Offenses, and excepting therefrom Article XIII, Section 138.13(G) suitable for adoption by the Village of Hiram.

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE MAJORITY OF THE LEGISLATIVE AUTHORITY OF THE MUNICIPALITY OF HIRAM VILLAGE, OHIO:

SECTION 1: American Legal Publishing's Ohio Basic Code, Article VII Traffic Code and Article XIII General Offenses, and excepting therefrom Article XIII, Section 138.13(G), 2008 Edition, as reviewed and approved by the legislative Authority, is hereby adopted and enacted. The prior version of the Ohio Municipal Code as enacted by Ordinance 2007-4 is hereby repealed as obsolete and is hereby replaced by this Ohio Basic Code, Article VII Traffic Code and Article XIII General Offenses, and excepting therefrom Article XIII, Section 138.13(G), 2008 Edition.

SECTION 2: One copy of American Legal Publishing's Ohio Basic Code, Article VII Traffic Code and Article XIII General Offenses, and excepting therefrom Article XIII, Section 138.13(G), 2008 Edition, certified as correct by the Mayor and Fiscal Officer of the legislative Authority, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Fiscal Officer of the municipality and retained as a permanent ordinance record of the municipality. The Fiscal Officer of the municipality is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances as required by Ohio Revised Code § 731.23. Such summary is attached hereto and marked as "Exhibit A".

SECTION 3: All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, Article VII Traffic Code and Article XIII General Offenses, and excepting therefrom Article XIII, Section 138.13(G), 2008 Edition, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this ordinance, except as follows:

(A) The enactment of the Ohio Basic Code, Article VII Traffic Code and Article XIII General Offenses, and excepting therefrom Article XIII, Section 138.13(G), 2008 Edition, 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 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 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;
- (11) Any legislation specifically superseding the provision of the Ohio Basic Code.

SECTION 4: It is found that all formal action of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code of the State of Ohio.

SECTION 5: This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED IN COUNCIL.

February 12, 2008 as an emergency.



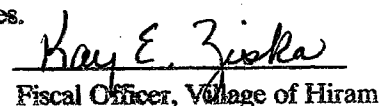
Mayor Louis R. Bertrand

ATTEST:


Fiscal Officer

I, Kay E. Ziska, Fiscal Officer of the Village of Hiram, Ohio, hereby certify that the foregoing Resolution or Ordinance No. 2008-5 has been duly posted in the required 5 places.

2-14-08
Date


Fiscal Officer, Village of Hiram

OHIO BASIC CODE, 2008 EDITION – SUMMARY OF CONTENTS

Notice is hereby given that on the 12th day of February, 2008, there was enacted by the Legislative Authority of the Municipality of Hiram, Ohio, an ordinance entitled "An Ordinance Approving, Adopting and Enacting American Legal Publishing's Ohio Basic Code, Article VII Traffic Code and Article XIII General Offenses, and Excepting Therefrom Article XIII, Section 138.13(G), 2008 Edition, as a Portion of the Code of Ordinances for the Municipality of Hiram Village, Ohio and Declaring an Emergency."

A summary of the subjects, including all new matters contained in the Code of Ordinances, as adopted, are as follows. The majority of Basic Code provisions are based directly on state law.

TITLE VII: TRAFFIC CODE**Chapter 70: General Provisions**

Section

General Provisions

- 70.01 Definitions
- 70.02 Compliance with order of police officer
- 70.03 Emergency vehicles to proceed cautiously past red or stop signal
- 70.04 Exceptions generally; emergency, public safety and coroner vehicles exempt
- 70.05 Persons riding or driving animals upon roadways
- 70.06 Prohibitions against pedestrians and slow-moving vehicles on freeways
- 70.07 Use of private property for vehicular travel
- 70.08 Names of persons damaging real property by operation of vehicle to be provided to owner
- 70.09 Limited access highways; barriers along; vehicles to enter and leave at designated intersections
- 70.10 Through highways
- 70.11 Officer may remove ignition key

Traffic-Control Devices

- 70.20 Obeying traffic-control devices
- 70.21 Signal lights
- 70.22 Signals over reversible lanes
- 70.23 Ambiguous or non-working traffic signals
- 70.24 Pedestrian-control signals
- 70.25 Flashing traffic signals
- 70.26 Unauthorized signs and signals prohibited
- 70.27 Alteration, defacement, or removal prohibited
- 70.28 Unauthorized possession or sale of devices
- 70.29 Signal preemption devices; prohibitions

- 70.99 Penalty

Chapter 71: Licensing Provisions

Section

Motor Vehicle Licensing

- 71.01 Display of license plates or validation stickers; registration
- 71.02 Improper use of noncommercial motor vehicle
- 71.03 Operating motor vehicle ordered immobilized; forfeiture
- 71.04 Operation or sale without certificate of title
- 71.05 Display of certificate of registration
- 71.06 Use of unauthorized plates
- 71.07 Operating without dealer or manufacturer license plates

Driver's Licenses

- 71.10 Prohibited acts
- 71.11 Permitting minor to operate vehicle prohibited; temporary instruction permit; probationary license
- 71.12 License required as driver or commercial driver on public or private property; nonresident exemption
- 71.13 Employment of a minor to operate a taxicab prohibited
- 71.14 Restriction against owner lending vehicle for use of another
- 71.15 Suspension of driver's licenses; license suspended by court of record
- 71.16 Display of license
- 71.17 Prohibition against false statements
- 71.18 Driving under suspension or in violation of license restriction
- 71.19 Operating motor vehicle without valid license

Grade Crossings

- 72.45 Stop signs at grade crossings
- 72.46 Driving vehicle across railroad grade crossing
- 72.47 Vehicles required to stop at grade crossings
- 72.48 Slow-moving vehicles or equipment crossing railroad tracks

Prohibitions

- 72.55 Obstruction and interference affecting view and control of driver
- 72.56 Occupying travel trailer while in motion
- 72.57 Driving upon closed highway prohibited
- 72.58 Driving upon sidewalk area or paths exclusively for bicycles
- 72.59 Obstructing passage of other vehicles
- 72.60 Following an emergency or public vehicle prohibited; approaching stationary public safety vehicle with caution
- 72.61 Driving over unprotected fire hose
- 72.62 Placing injurious material on highway or depositing litter from motor vehicle
- 72.63 Transporting child not in child-restraint system prohibited
- 72.64 Occupant restraining devices
- 72.65 Use of engine brakes prohibited
- 72.66 Operating motor vehicle while wearing earphones or earplugs
- 72.67 Chauffeured limousines and livery services
- 72.68 Operating traction engine upon improved highway
- 72.69 Cracking exhaust noises; peeling out
- 72.70 Shortcutting across private property

School Buses

- 72.80 Regulations concerning school buses
- 72.81 Violation of regulations; report; investigation; citation; warning
- 72.82 Restrictions on the operation of school buses
- 72.83 School bus inspection
- 72.84 School bus not used for school purposes
- 72.85 Licensing by Department of Public Safety
- 72.86 Registration and identification of school buses
- 72.87 School bus marking
- 72.88 Flashing light signal lamps
- 72.89 Occupant restraining device for operator

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Chapter 73: Motor Vehicle Crimes

General Provisions

- 73.01 Driving under the influence of alcohol or drugs
- 73.011 Implied consent
- 73.012 Physical control of vehicle while under the influence
- 73.02 Driving commercial vehicle with impaired alertness or ability; use of drugs
- 73.03 Immobilizing or disabling device violation

Reckless Operation

- 73.05 Reckless operation of vehicles
- 73.06 Reckless operation off streets and highways; competitive operation
- 73.07 Operator to be in reasonable control

Speed Regulations

- 73.10 Speed limits
- 73.11 Slow speed or stopping
- 73.12 Emergency vehicles excepted from speed limitation
- 73.13 Street racing defined; prohibited on public highways
- 73.14 Speed regulations on bridges

- 74.45 Operation of vehicle exceeding weight limits prohibited
- 74.46 Load limits
- 74.47 Maximum width, height, and length
- 74.48 Statement of gross vehicle weight
- 74.49 Wheel protectors required on heavy commercial vehicles
- 74.50 Liability for damages; prosecution; application of monies
- 74.51 Weight exceptions for coal trucks, farm trucks, farm machinery, log trucks, and solid waste haul vehicles

Chapter 75: Bicycles, Motorcycles and Off-Road Vehicles

Section

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- 75.01 Bicycles; application of Title VII
- 75.02 Operation of motorized bicycle
- 75.03 Rules for bicycles, motorcycles, and snowmobiles
- 75.04 Prohibition against attaching bicycles and sleds to vehicles
- 75.05 Riding bicycles; motorcycles abreast
- 75.06 Equipment of bicycles

Snowmobiles, Off-Highway Motorcycles, and All-Purpose Vehicles

- 75.25 Definitions
- 75.26 Equipment
- 75.27 Code application; prohibited operation
- 75.28 Permitted operation
- 75.29 Licensing requirements of operator
- 75.30 Maintenance of vehicles for hire
- 75.31 Accident reports
- 75.32 Impounding of vehicle
- 75.33 Local control within police power
- 75.34 Registration of vehicles
- 75.35 Display of registration number on snowmobiles
- 75.36 Certificate of title; prohibitions

Chapter 76: Parking Regulations

Section

- 76.01 Prohibition against parking on highways
- 76.02 Condition when motor vehicle left unattended
- 76.03 Police may remove illegally parked vehicle
- 76.04 Parking prohibitions
- 76.05 Parking near curb; privileges for persons with disabilities
- 76.06 Parking on private property in violation of posted prohibition
- 76.07 Selling, washing or repairing vehicle upon roadway
- 76.08 Truck loading zones
- 76.09 Bus stops and taxicab stands
- 76.10 Parking in alleys and narrow streets; exceptions
- 76.11 Registered owner prima facie liable for unlawful parking
- 76.12 Waiver

TITLE XIII: GENERAL OFFENSES

Chapter 130: General Provisions

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- 130.01 Application of Title XIII
- 130.02 Definitions
- 130.03 Classification of offenses
- 130.04 Common law offenses abrogated
- 130.05 Rules of construction
- 130.06 Limitation of criminal prosecutions
- 130.07 Requirements for criminal liability; voluntary intoxication
- 130.08 Culpable mental states
- 130.09 Organizational criminal liability
- 130.10 Personal accountability for organizational conduct
- 130.11 Attempt
- 130.12 Complicity
- 130.13 Presumption of innocence; proof of offense; affirmative defense
- 130.14 Battered woman syndrome
- 130.15 Delinquency adjudications deemed convictions
- 130.16 Criminal law jurisdiction
- 130.17 Disposition of unclaimed or forfeited property held by Police Department
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- 131.02 Arson; determining property value or amount of physical harm
- 131.03 Criminal damaging or endangering; vehicular vandalism
- 131.04 Criminal mischief
- 131.05 Damaging or endangering aircraft or airport operations
- 131.06 Criminal trespass; aggravated trespass
- 131.07 Tampering with coin machines
- 131.08 Theft
- 131.09 Unauthorized use of a vehicle
- 131.10 Unauthorized use of property, including telecommunication property and computers; possession of municipal property
- 131.11 Passing bad checks
- 131.12 Misuse of credit cards
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- 131.20 Degree of offense when certain property involved
- 131.21 Injuring vines, bushes, trees, or crops
- 131.22 Detention and arrest of shoplifters and those committing motion picture piracy; protection of institutional property
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- 131.24 Injury to property by hunters
- 131.25 Evidence of intent to commit theft of rented property; evidence of lack of capacity to consent
- 131.26 Forgery of identification cards
- 131.27 Criminal simulation
- 131.28 Personating an officer
- 131.29 Trademark counterfeiting
- 131.30 Diminishing or interfering with forfeitable property
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- 132.03 Justifiable use of force to suppress riot
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- 132.05 Disturbing a lawful meeting
- 132.06 Misconduct at an emergency
- 132.07 Telecommunications harassment
- 132.08 Inducing panic
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- 132.12 Impersonating a peace officer
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- 133.02 Unlawful sexual conduct with a minor
- 133.03 Sexual imposition
- 133.04 [Reserved]
- 133.05 Voyeurism
- 133.06 Public indecency
- 133.07 Procuring
- 133.08 Soliciting; loitering to engage in
- 133.09 Prostitution
- 133.10 Disseminating matter harmful to juveniles
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- 133.13 Rules of evidence
- 133.14 Declaratory judgment
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- 133.16 Unlawful operation of viewing booths depicting sexual conduct
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- 133.18 Sexually oriented businesses; illegal operation and activity
- 133.99 Sentencing for sexually oriented offenses; sexual predators; registration

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- 134.03 Operating a gambling house
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- 134.06 Regulations concerning operation of licensed bingo game
- 134.07 Records to be kept
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- 134.12 Instant bingo other than at bingo sessions
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- 135.08 Criminal child enticement
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- 135.10 Bigamy
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- 135.12 Abortion trafficking
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- 136.02 Falsification
- 136.03 Compounding a crime
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- 138.05 Permitting drug abuse
- 138.06 Illegal cultivation of marihuana
- 138.07 Abusing harmful intoxicants
- 138.08 Illegal dispensing of drug samples
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- 138.16 Controlled substance schedules
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This summary of contents has been verified and authorized for publication by the Legislative Authority of the Municipality of Hiram Village, Ohio.

Signed:



Mayor



Clerk of the Legislative Authority