



## City of Powell, Ohio

ORDINANCE 2016-08

Adopted February 16, 2016

### AN ORDINANCE TO APPROVE THE 2016 REPLACEMENT PAGES TO THE POWELL CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

**WHEREAS,** the Ohio Constitution requires that Ohio municipal ordinances regarding traffic and criminal offenses substantially conform to State law; and

**WHEREAS,** certain provisions within the Codified Ordinances should be amended to conform with current State law; and

**WHEREAS,** various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; 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;

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

**Section 1:** That the ordinances of the City of Powell, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2016 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

**Section 2:** That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to substantially conform to current State law:

#### Traffic Code

- 301.19 Motorcycle (Amended)
- 303.081 Impounding Vehicles on Private Residential Property (Amended)
- 303.082 Tow Away Zones (Amended)
- 331.44 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)
- 351.04 Parking Near Curb; Handicapped Parking (Amended)
- 373.02 Riding Upon Seats; Handlebars; Helmets and Glasses (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)

**Section 3:** That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codification Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

**Section 4:** It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

**Section 5:** That this ordinance is hereby declared to be an emergency measure 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 officials and residents of the City, so as to facilitate administration, daily operation, and avoid practical and legal entanglements, including conflict with general State law; wherefore, this ordinance shall take effect and be in force from and after its passage.

VOTE ON ORDINANCE 2016-08: Y 7 N 0

*Brian Lorenz* 3/1/16  
 Brian Lorenz Date  
 Mayor

*Karen J. Mitchell* 3/3/2016  
 Karen J. Mitchell Date  
 City Clerk

EFFECTIVE DATE: February 16, 2016



The legislation has been posted in accordance with the City Charter on this date 3/3/2016  
*Karen J. Mitchell* City Clerk

**City Council**

Brian Lorenz, Mayor

- Jon Bennehoof
- Frank Bertone
- Tom Counts
- Jim Hrivnak
- Brendan Newcomb
- Daniel Swartwout