



## City of Powell, Ohio

ORDINANCE 2017-53

Adopted November 8, 2017

**AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES, CITY OF POWELL, OHIO TO PROVIDE AMENDMENTS TO TRAFFIC OFFENSES, POWELL CITY CODE CHAPTERS 301-375 ; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS,** the duly elected governing authority of the City of Powell, Ohio is authorized by its Charter and Ohio law to adopt ordinances relating to its property, affairs and local government.

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

Section 1: That the Codified Ordinances of the City of Powell, Ohio (meaning City Municipal Code) is hereby amended by adding the provisions as provided under Exhibit A, Exhibit B, and Exhibit C, which are included as an attachment to this ordinance.

Section 2: The addition, amendment, or removal of Municipal Powell City Code Chapters when passed in such form as to indicate the intention of the governing authority of the City of Powell, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.

Section 3: The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Codified Ordinances of the City of Powell, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the City's Municipal Code.

Section 4: Supplementation of Code.

(a) In preparing a supplement to City's Municipal Code, all portions of this ordinance which have been repealed shall be excluded from the City's Municipal Code by the omission thereof from reprinted pages.

(b) When preparing a supplement to the City's Municipal Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for Chapters and other subdivisions of the City's Municipal Code printed in the supplement, and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to Chapters and other subdivisions to be inserted in the City's Municipal Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "Chapters \_\_\_\_\_ to \_\_\_\_\_" (inserting

section numbers to indicate the Chapters of the City's Municipal Code which embody the substantive Chapters or the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance Chapters inserted into the City's Municipal Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodies in the City's Municipal Code.

(c) In preparing a supplement to the City's Municipal Code, the pages of a supplement shall be so numbered that they will fit properly into the City's Municipal Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the City's Municipal Code will be current through the date of the adoption of the latest ordinance included in the supplement.

Section 5: Provisions of Exhibit A that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

Section 6: The following Chapters and subchapters of the Municipal Code are new or have been amended with new matter in the Municipal Code, and are hereby approved, adopted and enacted:

- 301 Definitions (amended)
- 303.04 Road workers, motor vehicles & equipment excepted (amends)
- 313.09 Driver's duties upon approaching ambiguous or non-working traffic signal (amends)
- 331.03 Overtaking, passing to left; driver's duties (amends)
- 331.21 Right-of-way of public safety or coroner's vehicle (amends)
- 331.40 Stopping at grade crossing (amends)
- 335.09 Display of license plates (amends)
- 335.11 Transfer of ownership and registration (amends)
- 335.12 Stopping after accident upon streets; collision with unattended vehicle (amends)
- 335.13 Stopping after accident upon property other than street (amends)
- 335.15 Rules establishing service fees (**new**)
- 335.16 Additional county motor vehicle license tax (**new**)
- 335.17 Baseball for all license plates (**new**)
- 335.18 Pancreatic cancer awareness license plates (**new**)
- 335.19 Cuyahoga valley national park license plates (**new**)
- 335.20 Fallen linemen license plates (**new**)
- 335.21 Ohio battleflag license plates (**new**)
- 335.22 I stand with Israel license plates (**new**)
- 335.23 Ohio association of child caring agencies license plates (**new**)
- 335.24 Ohio nurses association license plates (**new**)
- 335.25 National aviation hall of fame license plates (**new**)
- 335.26 Monarch butterfly license plates (**new**)
- 335.27 Brecksville-Broadview Heights City Schools license plates (**new**)
- 335.28 Global war on terrorism civilian service medal license plates (**new**)
- 335.29 Combat medical badge license plates (**new**)
- 335.30 Chagrin Falls Exempted Village Schools license plates (**new**)
- 335.31 Street rod license plates (**new**)
- 335.32 Cleveland St. Ignatius High School license plates (**new**)
- 335.33 Report of failure to yield right-of-way to public safety vehicle (**new**)
- 351.07 Unattended vehicle; duty to stop engine, remove key, set brake & turn wheels (amends)
- 371.12 Electric personal assistive mobility devices (amends)
- 373.02 Riding upon seats; handle bars; helmets & glasses (amends)
- 375.01 Definitions (amends)
- 375.03 Code application; prohibited operation (amends)
- 375.04 Permitted operation (amends)

**City Council**

Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendon Newcomb

Daniel Swartwout

Section 7: The following Chapters and subchapters of the Municipal Code have been repealed in the Municipal Code, and are hereby deleted and removed from the Municipal Code:

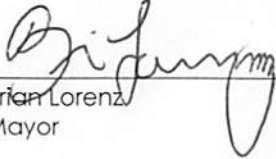
None.

Section 8: If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Powell, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more Chapters, subchapters, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable

Section 9: All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 10: That this Ordinance shall take effect on the earliest possible date permitted by law.

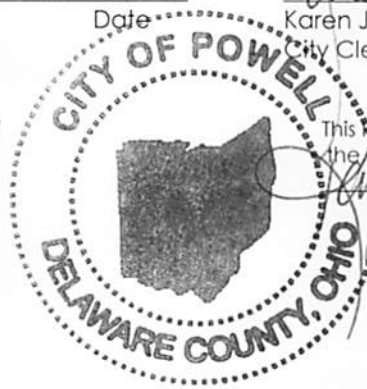
**VOTE ON ORDINANCE 2017-53:**      Y   7                        N   0  

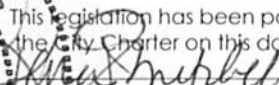
  
\_\_\_\_\_  
Brian Lorenz  
Mayor

11/10/17  
Date

 11/13/2017  
\_\_\_\_\_  
Karen J. Mitchell  
City Clerk

**EFFECTIVE DATE:** December 8, 2017



This legislation has been posted in accordance with the City Charter on this date 11/13/2017.  
 City Clerk

**City Council**

Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendon Newcomb

Daniel Swartwout