

ORDINANCE NO. 628-09-15

AN EMERGENCY ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF THE VILLAGE OF ROAMING SHORES.

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of Roaming Shores, Ohio; and

WHEREAS, numerous sections in the Traffic, General Offenses and Fire Prevention Codes need to be adopted to reflect legislation enacted by the Ohio General Assembly;

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision of the Codified Ordinances;

WHEREAS, the codification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be replaced are before Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Roaming Shores, Ohio, that:

SECTION 1. The editing, arrangement and numbering or renumbering of the following ordinances or parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of Roaming Shores, 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>Codified Ordinance Section</u>
480-07-09	9-15-09	521.11
485-10-09	12-15-09	1137.03
505-01-11	3-15-11	1319.03, 1319.04 (d)(3), (e), (f), 1319.05(d)(1), (2), 1355.02(a)
506-01-11	5-17-11	1109.02
507-02-11	2-15-11	541.11
512-04-11	6-21-11	505.15
513-04-11	3-21-12	1125.13
518-06-11	9-20-11	1109.02, 1137.23
519-06-11	9-20-11	1133.02
521-06-11	9-20-11	1121.05(22)
537-11-11	5-15-11	1167.15
538-11-11	1-17-12	905.12
539-11-11	6-19-12	1323.01
541-12-11	3-20-12	513.15

<u>Ord. No.</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
545-1-12	3-20-12	905.03, 905.07 (b), 905.08
549-3-12	5-15-12	521.12
553-04-12	11-20-12	1125.08, 1125.09
554-04-12	6-19-12	505.14
554-04-12	10-16-12	1163.06
559-6-12	3-18-14	1137.06
560-07-12	9-18-12	1521.01, 1521.02
561-09-12	6-18-13	1361.01 to 1361.08, 1361.99
569-10-12	6-18-13	1117.04, 1117.05
579-03-13	5-21-13	511.01
580-07-13	2-18-14	1137.12
583-07-13	9-18-13	1355.03
588-09-13	11-19-13	919.06
601-05-14	5-20-14	1121.20(5), 1137.12, repeals 1319.05
607-09-14	1-20-15	1363.01 to 1363.05, 1363.99
613-02-15	5-21-15	905.03, 905.07 (b), 905.08
617-03-15	5-19-15	905.12

SECTION 2. The following sections of the Traffic and General Offenses Codes, are hereby approved and adopted so as to conform to enactments of the Ohio General Assembly:

PART THREE - TRAFFIC CODE

CHAPTER 301 - DEFINITIONS.

A chapter providing definitions similar to those used in the Ohio Revised Code.

CHAPTER 303 - ENFORCEMENT, IMPOUNDING AND PENALTY.

A chapter providing for compliance with lawful orders of police officers, prohibiting fleeing; regulating traffic direction in emergencies and obedience to school guards; the removal of ignition keys by law enforcement officers; excepting road workers and equipment from the Code; exempting emergency, public safety and coroner's vehicles; applying Code provisions to animals on streets; prohibiting freeway use by pedestrians, bicycles and animals; applying Code provisions to drivers of government vehicles; providing for impounding and redemption of motor vehicles; impounding vehicles on private residential or agricultural property; private tow-away zones; prohibiting willfully leaving a junk or other vehicle on private or public property without permission or notification; providing for notice to remove junk vehicle which has been left on private property with permission; giving false information to police; misdemeanor classification for traffic offenses; penalties for misdemeanors.

CHAPTER 305 - TRAFFIC CONTROL.

A chapter providing for authority to regulate local traffic; providing for conformity with State manual; permit required for traffic signal on State route; violations subject to misdemeanor classification; owner may establish nonliability by proof of lease of vehicle.

CHAPTER 311 - STREET OBSTRUCTIONS AND SPECIAL USES.

A chapter providing for prohibiting placing injurious materials or obstructions in streets and providing for removal of damaged vehicles, broken glass or other injurious substance from street; requiring permit for street assembly or parade; prohibiting use of roller skates, sleds and toy vehicles on street except to cross at crosswalk or on play street.

CHAPTER 313 - TRAFFIC CONTROL DEVICES.

A chapter providing for obedience to traffic control devices; regulating through streets, stop and yield right-of-way signs; describing traffic signal indications; describing lane control signal indications; describing special pedestrian control signals; prohibiting unauthorized signs and signals, hiding from view, advertising on signals; prohibiting alteration, injury or removal of devices; approaching ambiguous or non-working device; unlawful sale or possession of traffic control devices; prohibits portable signal preemption devices.

CHAPTER 331 - OPERATION GENERALLY.

A chapter providing for driving on the right and exceptions, use of right-hand lane for slow-moving traffic; vehicles proceeding in opposite directions passing to right; driver's duties in overtaking and passing to the left; overtaking and passing upon right; regulating overtaking and passing to left of center; prohibitions against driving on left; hazardous or no passing zones; regulating driving within lanes or continuous lines of traffic; prohibiting following too closely; regulating turning at intersections; regulating turning into private driveways, alleys or buildings; restricting "U" turns; regulating starting and backing vehicles; requiring signals before changing course, turning or stopping; describing hand and arm signals; regulating right of way at intersections; regulating right of way when turning left; regulating operation of vehicle at yield sign; operation at stop signs; emergency or public safety vehicles at stop signals or signs; right of way of public safety or coroner's vehicles; driver to yield when driving onto roadway from any place other than roadway; stopping at sidewalk when driving onto roadway from any place other than roadway; right of way of funeral procession; driver's view and control to be unobstructed by load or passengers; prohibiting driving on streets posted as closed for repair; prohibiting following and parking near emergency or safety vehicles; prohibiting driving over fire hoses; prohibiting driving through safety zones; regulating driving on one-way streets and around rotary traffic islands; driving on divided roadways; regulating entering and exiting controlled access highways; prohibiting obstructing an intersection, crosswalk or railroad grade crossing; prohibiting failure to control or weaving course; prohibiting occupying a moving trailer or manufactured or mobile home; prohibiting squealing tires, "peeling", cracking exhaust noises; prohibiting driving on sidewalks, street lawns or curbs; regulating stopping for school buses and school bus visual signals; regulating driving across grade crossings; stopping at grade crossings; shortcutting prohibited; littering prohibited; earplugs or earphones prohibited; vehicle operation on street closed due to rise in water level.

CHAPTER 333 - DUI; WILLFUL MISCONDUCT; SPEED.

A chapter providing for prohibiting driving or physical control while under the influence of alcohol and/or any drug of abuse, evidence; prohibiting operation in willful or wanton disregard of safety; regulating maximum speed limits, requiring assured clear distance ahead; approaching a stationary public safety, emergency or road service vehicle; prohibiting slow speed; speed below posted minimum; regulating speed over bridges; speed exceptions for emergency or safety vehicles; prohibiting street racing; prohibiting operation without reasonable control; prohibiting reckless operation on streets, public or private property; violation of immobilization order; prohibits texting while driving.

CHAPTER 335 - LICENSING; ACCIDENTS.

A chapter providing for requiring an operator's or chauffeur's license; prohibiting operation in violation of any restriction; prohibiting possession of more than one license; driving with temporary permit, curfew; driving with probationary permit, curfew; use of electronic wireless communication devices while driving; prohibiting certain uses of license, false license information; owner or operator allowing another to drive illegally; display of license when required; prohibiting driving under suspension or revocation; prohibiting driving under OVI suspension; driving under financial responsibility law suspension or cancellation; driving without complying with license reinstatement requirements; driving under license forfeiture or child support suspension; prohibiting operation or sale without certificate of title; prohibiting display of expired or unlawful license plates; license plates to be unobstructed; prohibiting use of illegal plates, transfer of plates; requiring stopping after accident on streets, collision with unattended vehicle; requiring stopping after accident on property other than streets; requiring stopping after accident resulting in damage to realty.

CHAPTER 337 - SAFETY AND EQUIPMENT.

A chapter providing for prohibiting driving unsafe vehicles, regulating bumpers; specifying times for lighted lights, measurement of distances and heights; requiring headlights on vehicles and motorcycles, tail light requirements, illumination of rear license plates; requiring rear red reflectors; requiring safety lighting on commercial vehicles; obscured lights on vehicles in combination; requiring red light or flag on extended loads; light requirements for parked or stopped vehicles; requirements for lights, emblem on slow-moving vehicles; spotlights and auxiliary lights; cowl, fender and back-up lights, number of lighted lights displayed; use of headlight beams; lights on slow-moving vehicles; number of lights permitted, limitations on flashing, oscillating or rotating lights; focus and aim of headlights; motor vehicle and motorcycle brake requirements; horn, siren and theft alarm signal; requirements for mufflers; rear view mirror, required clear view to front, sides, rear; signs or posters on windshield, wipers required; limiting load extension on passenger vehicle left side; stop lights required; air cleaner required; child restraint system usage; requiring use of seat belts; restricting use of sunscreening materials; bumper heights; directional signals required.

CHAPTER 339 - COMMERCIAL AND HEAVY VEHICLES.

A chapter providing for operation of oversize or overweight vehicles on State routes and permits; use of heavy vehicles on local streets and permits; specifying maximum width, height and length for local operation; requiring route and load information from drivers on request; requiring wheel protectors; requirements for vehicles transporting explosives; towing requirements; prohibiting loads dropping or leaking, removal from streets, tracking mud prohibited; prohibiting shifting or loose loads; prohibiting vehicles with spikes, lugs and chains; times for use of studded tires and chains.

CHAPTER 341 - COMMERCIAL DRIVERS.

A chapter providing for definitions; exemptions; prerequisites to operation of a commercial motor vehicle; prohibitions; criminal offenses; employment of drivers of commercial vehicles.

CHAPTER 351 - PARKING GENERALLY.

A chapter providing for removal of unattended vehicles obstructing traffic; finding the registered owner prima-facie liable for unlawful parking; describing prohibited standing or parking places; regulating manner of parallel parking, providing special parking locations and privileges for the handicapped; describing manner of angle parking; prohibiting selling, washing or repairing vehicle on street; duty to stop engine, set brake, turn front wheels toward curb when on grade and remove key of unattended vehicle; regulating the opening of a vehicle door on side of moving traffic; stopping, standing or parking in truck loading zones except for loading or unloading; stopping, standing or parking in bus stops and taxicab zones; parking in alleys and narrow streets; prohibiting parking on streets or highways outside business or residence district except if vehicle is disabled; parking on posted private property.

CHAPTER 371 - PEDESTRIANS.

A chapter providing for the right of way in crosswalks, prohibiting passing vehicles stopped at crosswalks; providing for the right of way of a blind person; directing the crossing of a roadway at any place other than a crosswalk and crossing diagonally at intersections; moving in right half of crosswalk; sidewalk to be used where available and where not available, pedestrian shall use shoulder or left edge of roadway and yield right of way to all vehicles; prohibiting soliciting rides outside safety zones, standing on highway to solicit employment, business or contributions, regulating riding on outside of vehicles, prohibiting entering or leaving moving vehicle except in emergency; requiring driver to yield right of way to pedestrian on sidewalk; pedestrian to yield right of way to public safety vehicle; regulating walking upon highway while under influence of alcohol and/or drug of abuse; prohibiting entering or walking on bridge after bridge operation signal and passing beyond railroad grade crossing or bridge barriers or gate while closed or being opened or closed; motorized wheelchairs; electric personal assistive mobility devices.

CHAPTER 373 - BICYCLES AND MOTORCYCLES.

A chapter providing for application of the Traffic Code to the use of bicycles; regulating riding on seats, operator's position in riding motorcycle, carrying package on bicycle, height of motorcycle handlebars, use of helmets and glasses when riding on or operating a motorcycle or snowmobile; prohibiting attaching bicycle or sled to vehicle; regulating riding abreast; regulating bicycle signal device; specifying lights and reflector at night and adequate brake; requiring riding on right side of street, obedience to traffic rules and exercise of due care when passing; prohibiting reckless operation and requiring control of course and speed; regulating parking of bicycle; regulates motorized bicycle operators and equipment; bike paths.

CHAPTER 375 - SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL PURPOSE VEHICLES.

A chapter providing for definitions like those in the Ohio Revised Code; specifying equipment; applying Traffic Code and prohibiting certain operation; permitting certain operation; specifying licensing requirements for operators; requiring registration of vehicles; requiring accident reports; requiring certificate of title.

PART FIVE - GENERAL OFFENSES CODE

CHAPTER 501 - GENERAL PROVISIONS AND PENALTY.

A chapter providing for definitions similar to those in the Ohio Revised Code; classification of offenses as misdemeanors; abrogation of common law offenses; rules of construction; specifying jurisdiction of criminal law; limiting period of criminal prosecution; specifying requirements for criminal liability; requiring culpable mental states; attempts to commit offenses; complicity in committing offenses; organizational criminal liability; personal accountability for organizational conduct; conspiracy; specifying penalties for misdemeanors for persons and organizations.

CHAPTER 505 - ANIMALS AND FOWL.

A chapter providing for definitions prohibiting dogs running at large; impounding and disposition and records; requiring annual registration of dogs and tags; prohibiting abandonment; prohibiting killing or injuring animals; prohibiting poisoning animals; prohibiting cruelty to animals generally and companion animals; prohibiting nuisance conditions; barking or howling dogs prohibited; reports of animal bites, quarantine; prohibiting hunting and trapping; coloring rabbits, baby poultry, sale or display of poultry; dangerous wild animals; vicious animals prohibited; exotic animals.

CHAPTER 509 - DISORDERLY CONDUCT AND PEACE DISTURBANCE.

A chapter providing for prohibiting riot; failure to disperse when acting disorderly; prohibiting disorderly conduct including fighting, noise, provoking violent response, intoxication; disturbing lawful meetings; prohibiting misconduct at emergencies; inducing panic; making false alarms.

CHAPTER 513 - DRUG ABUSE CONTROL.

A chapter providing for drug abuse definitions; prohibiting marihuana gift; drug abuse controlled substance possession or use; illegal cultivation of marihuana; prohibiting drug abuse instrument possession and the permitting of drug abuse; illegal cultivation of marihuana; harmful intoxicant possession or use and the illegal dispensing of drug samples; regulating controlled substance or prescription labels and hypodermic possession, display and dispensing; possessing nitrous oxide in motor vehicle; illegal use, sale, possession, manufacture or advertisement of drug paraphernalia or marihuana drug paraphernalia; counterfeit controlled substances; offender to pay for controlled substance tests.

CHAPTER 517 - GAMBLING.

A chapter providing for gambling definitions as in Ohio R.C. 2915.01; prohibiting gambling as specified; prohibiting operating a gambling house; public gaming; cheating; prohibits illegally conducting a bingo game; instant bingo conduct; raffles; charitable instant bingo organizations; location of instant bingo; requires bingo records; provides bingo operator qualifications; bingo exceptions; instant bingo conduct by veterans or fraternal organizations; skill-based amusement machines.

CHAPTER 521 - HEALTH, SAFETY AND SANITATION.

A chapter providing for prohibiting abandoned refrigerators and airtight containers; requiring venting of heaters and burners; requiring barricades and warning lights and prohibiting abandoned excavations; prohibiting sidewalk obstructions, damage or injury; notice to fill lots, remove putrid substances; electrical and barbed wire fences regulated; prohibiting littering and deposits of garbage, rubbish, junk; prohibiting noxious or offensive odors from buildings caused by business or animals; sidewalks to be kept clean and in repair; designates no smoking areas in places of public assembly.

CHAPTER 525 - LAW ENFORCEMENT AND PUBLIC OFFICE.

A chapter providing for definitions as in Ohio R.C. 2921.01; prohibiting false statements or affirming false statements; impersonating a public official or public servant; compounding a crime; failure to report a felony or gun or stab wound, respecting certain disclosure of information; failure to aid law enforcement officer; obstructing official business; obstructing justice; resisting arrest; having unlawful interest in public contract; public servant soliciting or receiving improper compensation; dereliction of duty; public servants interfering with civil rights; unauthorized display of law enforcement emblems on motor vehicles; assaulting a police dog, horse or handicapped assistance dog; false allegation of police officer misconduct; refusal to disclose personal information in public place.

CHAPTER 529 - LIQUOR CONTROL.

A chapter providing for definitions as in Ohio R.C. 4301.01; prohibitions and misrepresentations involving sales to minors; purchase by minor; prohibiting sale to intoxicated persons and habitual drinkers; prohibiting consumption, available open containers in motor vehicle; permit requirements for sale, manufacture, transport; sale or purchase of low-alcohol beverages; prohibiting open containers in stores, public places; specifying hours of sale or consumption.

CHAPTER 533 - OBSCENITY AND SEX OFFENSES.

A chapter providing for definitions as in Ohio R.C. 2907.01; presumption of knowledge of obscenity, notice and defense; prohibiting corruption of a minor; prohibiting sexual imposition; prohibiting importuning; prohibiting voyeurism; prohibiting public indecency; prohibiting procuring; prohibiting soliciting; prohibiting loitering to engage in solicitation; prohibiting prostitution; loitering for purposes of solicitation; disseminating matter harmful to juveniles; using deception to obtain matter harmful to juveniles; displaying matter harmful to juveniles; unlawful advertising of massage.

CHAPTER 537 - OFFENSES AGAINST PERSONS.

A chapter providing for prohibition of negligent homicide; prohibiting vehicular homicide and manslaughter; vehicular assault in a construction zone; prohibiting assault; prohibiting negligent assault; prohibiting aggravated menacing; menacing by stalking; prohibiting menacing; endangering children; prohibiting unlawful restraint; specifying and prohibiting coercion; telecommunication harassment; threatening or harassing telephone calls; misuse of 9-1-1; prohibiting adulterating or furnishing adulterated food or confections; prohibiting domestic violence, violation of temporary protection order; illegal distribution of cigarettes, other tobacco product or alternate nicotine product; criminal child enticement; prohibiting contributing to the unruliness or delinquency of a child.

CHAPTER 541 - PROPERTY OFFENSES.

A chapter providing for determining property value in arson; prohibiting arson; criminal damaging or endangering; criminal mischief; criminal trespass; aggravated trespass; destruction of shrubs, trees or crops; ethnic intimidation; vehicular vandalism; trespass on a place of public amusement.

CHAPTER 545 - THEFT AND FRAUD.

A chapter providing for definitions as in Ohio R.C. 2913.01; determining property value in theft offenses; property exceptions in felony offenses; detention of shoplifters; prohibiting petty theft; unauthorized vehicle use; insurance fraud; unauthorized use of property; passing bad checks; misuse of credit cards; making or using slugs; tampering with coin machines; criminal simulation; tampering with records; securing writings by deception; personating an officer for fraud; defrauding creditors; receiving stolen property; possession of criminal tools; forgery of identification cards.

CHAPTER 549 - WEAPONS AND EXPLOSIVES.

A chapter providing for definitions as in Ohio R.C. 2923.11; prohibiting carrying concealed weapons; using weapons while intoxicated; improperly handling firearms in a motor vehicle; failing to secure any dangerous ordnance; prohibiting unlawful transactions in weapons; purchase of firearms by a minor; regulating discharging firearms; throwing or shooting missiles prohibited; possessing replica firearm in school prohibited; defacing identification marks of a firearm.

CHAPTER 553 - RAILROADS.

A chapter providing for obstructing streets by railroad companies; obstructing streets by abandoning the locomotive; prohibiting climbing upon railroad cars; specifying duties of locomotive engineers; railroad vandalism; grade crossing vandalism.

SECTION 3. That it is hereby found and determined that all formal actions 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 those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that the same relates to the daily operation of Municipal departments, therefore, said ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED this day 15 of Sept 2015



Mayor

ATTEST

Clerk-Treasurer


Solicitor

ORDINANCE 630-09-15

A RESOLUTION AUTHORIZING MAYOR/ADMINISTRATOR TO APPLY FOR AN OPWC GRANT AND LOAN IN ORDER TO FINANCE THE PLUM CREEK COVE FORCE-MAIN AND WATERLINE RELOCATION PROJECT AND DECLARING AN EMERGENCY

WHEREAS, there exists in Plum Creek Cove a water line and sewer line which has occasionally been observed to be floating, indicating deteriorated lines which may pose a serious risk to the health and welfare of the Village of Roaming Shores.

WHEREAS, the Village has obtained the following estimates and funding sources to re-locate such water and sewer line outside of the lake and waterway:

a) engineering	\$ 27,850.00
b) construction	\$278,500.00
c) 10% contingency	\$ 27,850.00
total estimated cost	\$334,200.00

WHEREAS, the Village has determined the following sources for paying for the project.

a) In kind services	\$116,970.00
b) OPWC Grant	\$117,100.00
c) OPWC Loan	\$100,130.00
Total funding sources	\$334,200.00

NOW THEREFORE, BE IT RESOLVED by the Village of Roaming Shores:

Section 1: The Mayor/Administrator is hereby authorized to apply to the OPWC for a \$117,100.00 grant and a \$100,130.00 loan for the purpose of funding the Plum Creek Cove Force-Main and Waterline Relocation Project, and to execute all documents in connection with obtaining the grant and loan as described above.

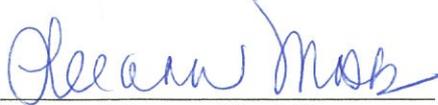
Section 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3: This ordinance is deemed to be an emergency for the health, safety and welfare of the Village, and this ordinance shall take effect immediately.

Passed this 15 day of September, 2015.

John Ball, Mayor

ATTEST:



Leeann Mosses, Clerk/Treasurer



Kyle B. Smith, Solicitor

I hereby certify that a summary of the foregoing ordinance was published twice in the Ashtabula Gazette on the following dates, _____ and _____

Village Clerk/Treasurer

Passed:

John L. Ball, Mayor



ATTEST:

Leeann Moses, Village Clerk

**CHIEF FINANCIAL OFFICER'S CERTIFICATION OF LOCAL FUNDS /
LOAN REPAYMENT LETTER**

September 16, 2016

I, **Leeann Moses, Clerk/Treasurer** of the **Village of Roaming Shores**, hereby certify that **Village of Roaming Shores** has / will have / will collect the amount of **\$100,130** in the **Sewer Revenue Fund** and that this amount will be used to repay the Ohio Public Works Commission loan requested for the **Plum Creek Cove Foremain and Water Line Relocation Relocation** project over a **twenty-year** term.

Leeann Moses, Clerk/Treasurer
Village of Roaming Shores