

**CITY OF MIDDLEBURG HEIGHTS, OHIO**

Ordinance No. 2020- **87**

Introduced By: Mr. Bortolotto Co-Sponsors: Mr. Meany, Mr. Grech

**AN ORDINANCE  
TO APPROVE THE EDITING AND INCLUSION OF CERTAIN  
ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF  
THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF  
NEW MATTER IN THE UPDATED AND REVISED CODIFIED  
ORDINANCES; TO PROVIDE FOR THE PUBLICATION OF SUCH NEW  
MATTERS; AND TO REPEAL ORDINANCES AND RESOLUTIONS IN  
CONFLICT THEREWITH  
AND DECLARING AN EMERGENCY**

**WHEREAS**, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City; and

**WHEREAS**, various ordinances of a general and permanent nature that have been passed by Council, but not heretofore included in the Codified Ordinances of the City, have now been made a part thereof; and

**WHEREAS**, certain sections of the Codified Ordinances of the City have been revised to conform to current State law.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:**

**Section 1:** The following sections of the Codified Ordinances are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

402.05, 402.125, 402.22, 402.24, 402.381, 402.54, 402.55, 408.05, 414.12, 416.01, 416.02, 416.09, 416.13, 432.01, 432.02, 432.03, 432.06, 432.08, 432.10, 432.11, 432.12, 432.15, 432.155, 432.16, 432.17, 432.18, 432.195, 432.20, 432.21, 432.24, 432.26, 432.27, 432.28, 432.29, 432.32, 432.33, 432.34, 432.41, 434.04, 434.05, 434.08, 434.11, 436.032, 436.09, 438.16, 438.275, 442.03, 474.01, 474.02, 474.03, 474.04, 474.05, 474.18, 474.19, 612.07, 620.01, 620.02, 620.025, 620.03, 620.04, 620.05, 620.07, 620.08, 620.12, 620.14, 620.15, 620.16, 620.161, 620.18, 630.05, 636.001, 636.09, 642.05, 642.15, 642.33, 648.04, 666.03, 666.06, 666.19, 672.01, 672.04, 672.07, 672.09

Section 2: That the following section is hereby repealed:

636.075 Criminal child enticement.

Section 3: Pursuant to R.C. § 731.23, the Clerk of Council shall publish, in a manner required by law, a notice of the enactment of this ordinance, containing the title of this ordinance, together with a summary of the new matter contained in the 2020 Replacement Pages for the Codified Ordinances, a copy of which summary is attached hereto as Exhibit A.

Section 4: All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 1 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 recodification.

b) The repeal provided above shall not affect any legislation enacted subsequent to March 10, 2020.

Section 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Section 6: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City. Such emergency being the necessity to have an up-to-date codification of the City's legislation, one which is consistent with current State law, as required by the Ohio Constitution, with which to administer the affairs of the City and ensure law and order in the City. Wherefore, provided this Ordinance receives the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: 11-10-20

David Bortolotto  
President of Council

Attest: Mary Ann Meala  
Clerk of Council

Approved On: 11-12-2020

Presented to Mayor: 11-11-20

Matthew Costello  
Mayor

	Yea	Nay
Bortolotto	<u>x</u>	_____
Ali	<u>x</u>	_____
Sage	<u>x</u>	_____
Meany	<u>x</u>	_____
McGregor	<u>x</u>	_____
Ference	<u>x</u>	_____
Grech	<u>x</u>	_____

I, Mary Ann Meala Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2020-87 adopted by the Council of the City of Middleburg Hts., on 11/12/20 was posted for a period of fifteen days, beginning 11/16/20 and remained so posted for fifteen days at the two posting places as designated by Charter.

Mary Ann Meala  
Clerk

**CERTIFICATE**

I, Mary Ann Meala, Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2020-87 passed on the 10<sup>th</sup> day of November 2020 by said Council.

Mary Ann Meala  
Clerk of Council

EXHIBIT A

SUMMARY OF NEW MATTER  
CONTAINED IN THE 2020 REPLACEMENT PAGES  
FOR THE  
CODIFIED ORDINANCES OF MIDDLEBURG HEIGHTS, OHIO

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New matter in the Codified Ordinances of Middleburg Heights, Ohio, as contained in the 2020 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
402.05	Definition of "bicycle; motorized bicycle; moped".
402.125	Definition of "electric bicycle".
402.22	Definition of "motor vehicle".
402.24	Definition of "pedestrian".
402.381	Definition of "shared-use path".
402.54	Definition of "vehicle".
402.55	Definition of "waste collection vehicle".
408.05	Committing an offense while distracted penalty.
414.12	Driver's duties upon approaching ambiguous or non-working traffic signal.
416.01	Duties of pedestrians and drivers at crosswalks.
416.02	Right-of-way of blind person.
416.09	Right-of-way on sidewalks.
416.13	Operation of personal delivery device on sidewalks and crosswalks.
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.
432.06	Driving upon left side of roadway.
432.08	Driving within lanes or continuous lines of traffic.
432.10	Turning at intersections.
432.11	"U" turns restricted.
432.12	Starting and backing vehicles.
432.15	Right-of-way at intersections.
432.155	Intersections at which traffic control signals fail or malfunction.
432.16	Right-of-way when turning left.
432.17	Operation of vehicle at stop and yield signs.
432.18	Emergency or public safety vehicles at stop signals or signs.
432.195	Approaching a stationary public safety, emergency or road service vehicle and certain other vehicles.
432.20	Right-of-way at private driveway, alley or building.
432.21	Right-of-way of funeral procession.
432.24	Driving upon street posted as closed for repair.
432.26	Driving over fire hose.
432.27	Driving through safety zone.
432.28	One-way streets and rotary traffic islands.
432.29	Driving upon divided roadways.

<u>Section</u>	<u>New or amended matter regarding:</u>
432.32	Stopping at grade crossings.
432.33	Slow-moving vehicles or equipment at grade crossings.
432.34	Obstructing intersections, crosswalks or grade crossings.
432.41	Use of earphones while driving.
434.04	Stopping vehicle; slow speed; posted minimum speeds.
434.05	Speed limitations over bridges.
434.08	Vehicular homicide; vehicular manslaughter; vehicular assault.
434.11	Texting while driving prohibited.
436.032	Use of electronic wireless communication device prohibited while driving.
436.09	Display of license plates or validation stickers; registration.
438.16	Number of lights permitted; red and flashing lights.
438.275	Drivers and passengers required to wear seat belts.
442.03	Prerequisites to operation of a commercial motor vehicle.
474.01	Code application to bicycles.
474.02	Riding upon seats; carrying packages; motorcycle handle bars; helmets and glasses.
474.03	Attaching bicycles, motorcycles to other vehicles.
474.04	Riding on right side of roadway; riding abreast.
474.05	Lights and reflectors on bicycle; brakes.
474.18	Motorized bicycle operation, equipment and license.
474.19	Electric bicycles.
612.07	Open container prohibited.
620.01	Definitions.
620.02	Trafficking in controlled substances; gift of marihuana.
620.025	Cultivation of marihuana.
620.03	Drug possession offenses.
620.04	Possessing drug abuse instruments.
620.05	Permitting drug abuse.
620.07	Possessing or using harmful intoxicants.
620.08	Illegally dispensing drug samples.
620.12	Controlled substance schedules.
620.14	Controlled substance or prescription labels.
620.15	Counterfeit controlled substances.
620.16	Drug paraphernalia.
620.161	Marihuana drug paraphernalia.
620.18	Sale of pure caffeine product.
630.05	Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans.
636.001	Definitions related to offenses relating to persons.
636.075	Criminal child enticement. (Repealed)
636.09	Nonsupport of dependents.
642.05	Unauthorized use of property.
642.15	Misuse of credit cards.
642.33	Railroad vandalism; criminal trespass; interference with operation of train; grade crossing device vandalism.
648.04	Disorderly conduct.
666.03	Sexual imposition.
666.06	Public indecency.
666.19	Nonconsensual dissemination of private sexual images.

<u>Section</u>	<u>New or amended matter regarding:</u>
672.01	Definitions related to weapons and explosives.
672.04	Improperly handling firearms in a motor vehicle.
672.07	License or permit to possess dangerous ordnance.
672.09	Unlawful transactions in weapons.