

DELIVERED APR 07 2022

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2022-

31

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

**AN ORDINANCE
APPROVING 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 MATTER; 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:

402.201, 402.201, 402.54, 416.13, 416.14, 432.191, 436.02, 436.021,
436.04, 436.09, 474.18, 474.19, 606.20, 612.01, 612.07, 618.051, 620.01,
620.19, 624.01, 624.06, 624.08, 624.09, 624.11, 624.13, 624.14, 624.16,
636.18, 642.03, 642.11, 642.12, 642.125, 642.14, 642.33, 648.09, 666.07,
666.08, 666.085, 666.09, 672.02, 672.07, 672.09, 672.12, 698.02

Section 2: 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 2022 Replacement Pages for the Codified Ordinances, a copy of which summary is attached hereto as Exhibit A.

Section 3: 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are in conflict or inconsistent with any provision of the new matter adopted in Section 1 of this ordinance are hereby repealed as of the effective date of this ordinance, except as follows: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 February 8, 2022.

Section 4: 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 5: 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. 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: 4-12-22

David Bortolotto
President of Council

Attest: M Meala
Clerk of Council

Approved On: 4-13-22

Presented to Mayor: 4-13-22

Matthew Cashell
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. 2022-31 adopted by the Council of the City of Middleburg Hts., on 4/12/22 was posted for a period of fifteen days, beginning 4/14/22 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. 2022-31 passed on the 12th day of April 20 22 by said Council.

Mary Ann Meala
Clerk of Council

EXHIBIT A

SUMMARY OF NEW MATTER
CONTAINED IN THE 2022 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF MIDDLEBURG HEIGHTS, OHIO

New matter in the Codified Ordinances of Middleburg Heights, Ohio, as contained in the 2022 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
402.201	Definition of "low-speed micromobility device"
402.54	Definition of "vehicle"
416.13	Operation of personal delivery device on sidewalks and crosswalks
416.14	Low-speed micromobility devices
432.191	Right-of-way of public safety or coroner's vehicle
436.02	License required as driver or commercial driver on public or private property
436.021	Ohio license required for in-state residents
436.04	Prohibited acts
436.09	Display of license plates or validation stickers; registration
474.18	Operation of motorized bicycle.
474.19	Electric bicycles
606.20	Interfering with civil rights
612.01	Alcohol definitions
612.07	Open container prohibited; exception.
618.051	Cruelty to animals; cruelty to companion animals
620.01	Drug definitions
620.19	Sale of dextromethorphan
624.01	Definitions related to gambling
624.06	Regulations concerning operation of licensed bingo game
624.08	Raffle drawings
624.09	Instant bingo other than at bingo sessions
624.11	Records to be kept
624.13	Bingo games for amusement
624.14	Instant bingo
624.16	Electronic instant bingo; prohibited conduct
636.18	Hazing prohibited
642.03	Degree of offense when certain property involved
642.11	Criminal mischief
642.12	Criminal trespass
642.125	Aggravated trespass
642.14	Passing bad checks
642.33	Railroad vandalism; criminal trespass; interference with operation of train; grade crossing device vandalism
648.09	Making false alarms
666.07	Procuring; engagement in sexual activity for hire
666.08	Soliciting

<u>Section</u>	<u>New or amended matter regarding:</u>
666.085	Loitering to engage in solicitation
666.09	Prostitution
672.02	Carrying concealed weapons
672.07	License or permit to possess dangerous ordnance
672.09	Unlawful transactions in weapons
672.12	Fireworks
698.02	General offenses penalty