

CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

May 9, 2023

7:00 P.M. REGULAR MEETING

- CALL TO ORDER
- ROLL CALL
- PLEDGE OF ALLEGIANCE

Minutes of the Regular Meeting of April 25, 2023

COMMUNICATIONS

Notice of Legislative Authority from Ohio Division of Liquor Control requesting license transfer to Thirst and Ten Sports Grille. No objections from Police Chief Tomba.

AUDIENCE PARTICIPATION

APPOINTMENTS AND CONFIRMATIONS

ORDINANCES, RESOLUTIONS AND MOTIONS

1. City Parks, Recreation & Services Committee – Mr. Ali, Chairman
2. Finance, Taxation & Assessments Committee – Mr. Bortolotto, Chairman
3. Legislation & Rules Committee – Mr. Ference, Chairman
4. Public Health, Safety & Relief Committee – Mr. McGregor, Chairman
5. Public Improvements Committee – Mr. Sage, Chairman
6. Streets, Utilities & Railroad Committee – Mr. Meany, Chairman
7. Zoning & Building Code Committee – Mr. Grech, Chairman

MAYOR'S REPORT

1. Law Director
2. Finance Director
3. Recreation Director
4. Economic Development Director
5. Service Director
6. Executive Assistant

ADJOURNMENT

CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

MAY 9, 2023

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2023 PENDING LEGISLATION

ORDINANCE NO. 2023-6 – INTRODUCED BY COUNCILMAN GRECH

An Ordinance approving the proposed zoning code edits submitted by Stewart Land Use.

1st Reading and Referred to Planning Commission – January 24, 2023

2nd Reading – February 14, 2023

30 Day Extension – March 28, 2023

UN-NUMBERED LEGISLATION

INTRODUCED BY COUNCIL PRESIDENT BORTOLOTTO

A Resolution authorizing the service director to dispose of equipment no longer needed for any municipal purpose.

INTRODUCED BY COUNCILMAN McGREGOR

An Ordinance amending section 436.032 “Use of Electronic Wireless Communication Device Prohibited While Driving” of the Middleburg Heights Codified Ordinances.

INTRODUCED BY COUNCILMAN MEANY

An Ordinance amending Chapter 709 of the Middleburg Heights Codified Ordinances entitled peddlers, solicitors and canvassers.

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
 6808 TUSSING ROAD, P.O. BOX 4005
 REYNOLDSBURG, OHIO 43068-9005
 (614)644-2360 FAX(614)644-3166

TO

7151752		TRFO		RY NEK LLC DBA THIRST AND TEN SPORTS GRILLE 15299 SHELDON RD MIDDLEBURG HTS OHIO 44130
PERMIT NUMBER		TYPE		
10	01	2022		
ISSUE DATE				
04	17	2023		
FILING DATE				
D5		D6		
PERMIT CLASSES				
18	352	C	F29447	
TAX DISTRICT		RECEIPT NO.		

FROM 04/19/2023

6440691				THIRST AND TEN LTD 15299 SHELDON RD MIDDLEBURG HTS OHIO 44130
PERMIT NUMBER		TYPE		
10	01	2022		
ISSUE DATE				
04	17	2023		
FILING DATE				
D5		D6		
PERMIT CLASSES				
18	352			
TAX DISTRICT		RECEIPT NO.		



MAILED 04/19/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 05/22/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

C TRFO 7151752

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
 THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF MIDDLEBURG HGTS CITY COUNCIL
 ATTN: CLERK OF COUNCIL
 15700 BAGLEY RD
 MIDDLEBURG HEIGHTS OHIO 44130**

Mary Ann Meola

From: Edward Tomba <etomba@middleburgheights-oh.gov>
Sent: Thursday, April 20, 2023 1:40 PM
To: Mary Ann Meola
Subject: RE: Liquor Permit Transfer

No objection from the MHPD.

Chief Tomba

From: Mary Ann Meola <mmeola@mbhts.com>
Sent: Thursday, April 20, 2023 10:19 AM
To: Edward Tomba <etomba@middleburgheights-oh.gov>
Subject: Liquor Permit Transfer

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Chief,

Attached please find a notice from the Ohio Division of Liquor Control regarding a liquor license transfer for Thirst and Ten Sports Grille, located at 15299 Sheldon Road.

Please let me know by Friday, April 28th if you have any objections.

Thank you,
Mary Ann

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2023-

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

**A RESOLUTION
AUTHORIZING THE SERVICE DIRECTOR TO DISPOSE OF EQUIPMENT
NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE**

WHEREAS, the City owns several pieces of equipment that is no longer in service and is no longer needed for any municipal purpose, a list of the equipment is attached and marked as "Exhibit A"; and

WHEREAS, the Cuyahoga County Agricultural Society, dba Cuyahoga County Fairgrounds, has by email dated November 22, 2022, requested the City to donate said equipment to the Cuyahoga County Fairgrounds for use on the fairground's property only.

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

Section 1: That the Service Director is hereby authorized to transfer ownership of the equipment listed, which is no longer in service and is no longer needed for any municipal purpose to the Cuyahoga County Agricultural Society, a copy is attached hereto and marked "Exhibit A".

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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.

Passed: _____

President of Council

Attest: _____

Clerk of Council

Approved On: _____

Presented to Mayor: _____

Mayor

	Yea	Nay
Bortolotto	_____	_____
Ali	_____	_____
Sage	_____	_____
Meany	_____	_____
McGregor	_____	_____
Ference	_____	_____
Grech	_____	_____

ITEM	BRAND	SER NO./INFORMATION
Lift gate	Tommy gate	P/N PST60-1342S38TP0418 SER-00576384
Lift gate	Tommy gate	P/N PST60-1342S38TP0418 SER-00544476
Start all	Goodall	Mobile gas powered unit used to jump start equipment
Brake parts cleaner	Ammco	Model 1450
Paint striper	Graco	Line lazer 3900
Salt hopper	Spread ex	SERIAL 24422
Salt hopper	Snow ex	Drop pro 600
Tailgate spreader	Buyers	SaltDogg Model 553500 Ser 000386
Tailgate spreader	Buyers	SaltDogg Model 553500 Ser 000384
Drill press	Delta	Ser 99E79003
Transmission fluid exchanger	BG products	Ser 0115
Truck tool boxes total of 4	N/A	Tool boxes for pickup truck beds
Back racks	Back rack	Backracks for pickup trucks total of 4 plus mounts
Plow mow boards	Western	Total of two mow boards only
Pickup plow	Western	Uni mount Western plow complete minus truck mount and harness

From: secretary@cuyfair.com <secretary@cuyfair.com>
Sent: Tuesday, November 22, 2022 9:04 PM
To: Tim Romanowski <tromanowski@middleburgheights.com>
Subject: Items of Interest for Maintenance Department

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
November 22, 2022

Good Morning!

The Cuyahoga County Fair Grounds is interested in the following items:

- Lift gate
- Side bed tool boxes
- Jump box power station
- All hitch type salt spreaders
- Bed western plow blade
- PF8 fluid exchanger
- Drill press
- Back racks 2
- Cross bed tool box
- Salt dogg from the cold storage
- Parts cleaner
- Line sprayer

Thank you! We appreciate your consideration on these items.

Best regards,
Joanne Scudder, Secretary
Cuyahoga County Agricultural Society

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2023-

Introduced By: Mr. McGregor
Co-Sponsors: Mr. Sage, Mr. Bortolotto

AN ORDINANCE AMENDING SECTION 436.032 "USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICE PROHIBITED WHILE DRIVING" OF THE MIDDLEBURG HEIGHTS CODIFIED ORDINANCES

WHEREAS, according to the National Highway Traffic Safety Administration (NHTSA), nationwide an estimated 600,000 vehicles are being driven during daylight hours by someone using a cell phone; and

WHEREAS, in a year in the U.S., there are about 1.6 million car crashes involving cell phone use. Of those, 500,000 cause injuries and 6,000 are fatal; and

WHEREAS, this public safety concern shows no signs of abating, given the prevalence of alternatives to handheld mobile phone use, and the fact that handheld cell phone use continues to be highest among 16–24-year-old drivers according to the National Occupant Protection Use Survey; and

WHEREAS, as of April 4, 2023, it is illegal to use or hold a cell phone or electronic device in your hand, lap, or other parts of the body while driving on Ohio roads; and

WHEREAS, the Ohio State Highway Patrol and local law enforcement will issue warnings for six months for violations as part of the effort to educate and help motorists adapt to the new law; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort, and peace of the citizens of the municipality.

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

Section 1: That Section 436.032 "Use of Electronic Wireless Communication Device Prohibited While Driving" of the Codified Ordinances of the City of Middleburg Heights, currently reads as follows:

436.032 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICE PROHIBITED WHILE DRIVING.

(a) No holder of a temporary instruction permit who has not attained the age of eighteen years and no holder of a probationary driver's license shall drive a motor vehicle on any street, highway, or property used by the public for purposes of vehicular traffic or parking while using in any manner an electronic wireless communications device.

(b) Subsection (a) of this section does not apply to either of the following:

(1) A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;

(3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.

(c) (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) of this section shall be fined one hundred fifty dollars (\$150.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of sixty days.

(2) If the offender previously has been convicted of a violation of this section, whoever violates this section shall be fined three hundred dollars (\$300.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of one year.

(d) The filing of a sworn complaint against a person for a violation of Ohio R.C. 4511.205 does not preclude the filing of a sworn complaint for a violation of a substantially equivalent municipal ordinance for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of Ohio R.C. 4511.205 and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent municipal ordinance for the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(e) As used in this section, "electronic wireless communications device" includes any of the following:

(1) A wireless telephone;

(2) A personal digital assistant;

(3) A computer, including a laptop computer and a computer tablet;

(4) A text-messaging device;

(5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.

(ORC 4511.205)

Section 2: That Section 436.032 "Use of Electronic Wireless Communication Device Prohibited While Driving" of the Codified Ordinances of the City of Middleburg Heights, shall be and hereby is amended to read as follows:

436.032 Use of Electronic Wireless Communication Device Prohibited While Driving

(A) No person shall operate a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.

(B) Division (A) of this section does not apply to any of the following:

(1) A person using an electronic wireless communications device to make contact, for emergency purposes, with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2) A person driving a public safety vehicle while using an electronic wireless communications device in the course of the person's duties;

(3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;

(4) A person using and holding an electronic wireless communications device directly near the person's ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;

(5) A person receiving wireless messages on an electronic wireless communications device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle, provided that the person does not hold or support the device with any part of the person's body;

(6) A person using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body;

(7) A person using an electronic wireless communications device for navigation purposes, provided that the person does not do either of the following during the use:

(a) Manually enter letters, numbers, or symbols into the device;

(b) Hold or support the device with any part of the person's body ;

(8) A person using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:

(a) Manually enter letters, numbers, or symbols into the device;

(b) Hold or support the device with any part of the person's body ;

(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;

(10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;

(11) A person using an electronic wireless communications device in conjunction with a voice operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;

(12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:

- (a) Manually enter letters, numbers, or symbols into the device;
- (b) Hold or support the device with any part of the person's body.

(13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.

(C) (1) On January 31 of each year, the department of public safety shall issue a report to the general assembly that specifies the number of citations issued for violations of this section during the previous calendar year.

(2) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of division (A) of this section, the officer shall do both of the following:

- (a) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;
- (b) Ensure that such report indicates the offender's race.

(D) (1) Whoever violates division (A) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor.

(a) Except as provided in divisions (D)(1)(b), (c), (d), and (2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars.

(b) If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars.

(c) If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars. The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.

(d) Notwithstanding divisions (D)(1)(a) to (c) of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under division (D)(1)(a), (b), or (c) of this section, as applicable.

(2) In lieu of payment of the fine of one hundred fifty dollars under division (D)(1)(a) of this section and the assessment of points under division (D)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in section 4511.991 of the Revised Code. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court.

(3) The court may impose any other penalty authorized under sections 2929.21 to 2929.28 of the Revised Code. However, the court shall not impose a fine or a suspension

not otherwise specified in division (D)(1) of this section. The court also shall not impose a jail term or community residential sanction.

(4) Except as provided in division (D)(2) of this section, points shall be assessed for a violation of division (A) of this section in accordance with section 4510.036 of the Revised Code.

(5) The offense established under this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(E) (1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for purposes of enforcing this section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device.

(2) A law enforcement officer who stops the operator of a motor vehicle, trackless trolley, or streetcar for a violation of division (A) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:

(a) Access the device without a warrant, unless the operator voluntarily and unequivocally gives consent for the officer to access the device;

(b) Confiscate the device while awaiting the issuance of a warrant to access the device;

(c) Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.

(F) As used in this section:

(1) "Electronic wireless communications device" includes any of the following:

(a) A wireless telephone;

(b) A text-messaging device;

(c) A personal digital assistant;

(d) A computer, including a laptop computer and a computer tablet;

(e) Any device capable of displaying a video, movie, broadcast television image, or visual image;

(f) Any other substantially similar wireless device that is designed or used to communicate text, initiate, or receive communication, or exchange information or data.

An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to participate in the amateur radio service.

(2) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

(3) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Revised Code.

(4) "Utility service vehicle" means a vehicle owned or operated by a utility.
(ORC 4511.204)

Section 3: 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.

Passed: _____

President of Council

Attest: _____
Clerk of Council

Approved On: _____

Presented to Mayor: _____

Mayor

	Yea	Nay
Bortolotto	_____	_____
Ali	_____	_____
Sage	_____	_____
Meany	_____	_____
McGregor	_____	_____
Ference	_____	_____
Grech	_____	_____

LAW DEPARTMENT

**CITY OF MIDDLEBURG HEIGHTS
Law Department
15700 Bagley Road
Middleburg Heights, Ohio 44130
Phone 440/234-8811 * Fax 440/234-8993**

MEMORANDUM

**TO: Councilman Matt McGregor
Chairman of Public Health, Safety & Relief Committee**

**CC: All Members of Council
Mayor Castelli, Chief Tomba**

FROM: Santo T. Incorvaia, Law Director

DATE: April 27, 2023

SUBJECT: Driving While Texting

.....

Effective April 4, 2023, Ohio Revised Code Section 4511.204 was amended and updated to reflect changes that will potentially make the driving and pedestrian public safer. These changes in the law prohibit the use of any electronic wireless communications device while driving except in certain circumstances.

After discussion with our Police Department, the attached legislation was prepared and will update our Codified Ordinances to reflect the changes in State law.

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2023-

Introduced By: Mr. Meany
Co-Sponsors: Mr. Ali, Mr. McGregor

AN ORDINANCE AMENDING CHAPTER 709 OF THE MIDDLEBURG HEIGHTS CODIFIED ORDINANCES ENTITLED PEDDLERS, SOLICITORS AND CANVASSERS

WHEREAS, there is a need to provide our residents with a "Do Not Knock" registry for solicitors and peddlers; and

WHEREAS, NOPEC's Do Not Knock program is a free service offered to stop solicitors from knocking on your door.

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

Section 1: That a new section "Resident Prohibition by Notice" is hereby enacted within Chapter 709 "Peddlers, Solicitors and Canvassers" of the Middleburg Heights Codified Ordinances to read as follows:

709.xx RESIDENT PROHIBITION BY NOTICE.

(a) If requested by the City, and for as long as the Northeast Ohio Public Energy Council ("NOPEC") shall agree to do so, NOPEC shall manage for the City a "Do Not Knock Registry" ("registry") and is authorized to contact persons on the registry to distribute "Do Not Knock" stickers to them at no cost to the City or to said persons. NOPEC shall further contact persons listed on the registry to update the registry on a quarterly basis each year.

(b) Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling in the City may require NOPEC to place and maintain his or her residence, house, apartment or other dwelling on the Do Not Knock registry by submitting a request on form(s) supplied by the Director of Public Safety, or by submitting a request online at www.blocktheknock.com or at a Block the Knock community event, which shall contain the following information:

(1) The name and signature of the person completing the form(s), unless the submission is done electronically;

(2) The complete address of the residence, house, apartment, or other dwelling to be placed on the Do Not Knock registry;

(3) A valid email address of the person completing the form(s);

(4) The date the form was completed;

(5) A statement that "No Solicitors or Peddlers Shall Call at this Address" or words of similar import; and

(6) The exceptions, if any, which the person completing the form(s) wishes to be made to the requirement that peddlers or solicitors not knock at his or her residence, house, apartment, or other dwelling.

(c) Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling in the City may require the City or NOPEC to remove his or her residence, house, apartment, or other dwelling from the Do Not Knock registry by submitting a notice of removal form supplied by the Director of Public Safety, or by submitting a request online to www.blocktheknock.com which shall contain the following information:

(1) The name and signature of the person completing the form;

(2) The complete address of the residence, house, apartment, or other dwelling to be removed from the registry;

(3) The date the form was completed; and

(4) A statement that the residence, house, apartment, or other dwelling be removed from the Do Not Knock registry.

(d) The decision whether to place a residence, house, apartment, or other dwelling on the Do Not Knock registry shall be solely that of the lawful possessor and occupant thereof and no official, agent or employee of the City of Middleburg Heights shall interfere with said decision.

(e) A residence, house, apartment, or other dwelling, after being lawfully placed on the Do Not Knock registry shall remain on said registry until the earliest of any of the following:

(1) The City or NOPEC receives a notice of removal pursuant to division (c) of this section; or

(2) The City or NOPEC receives formal notice that the person who submitted the form pursuant to division (b) of this section is not or is no longer a lawful possessor and occupant of the premises.

(f) A copy of the Do Not Knock registry shall be made available for public inspection during normal business hours at the office of the Director of Public Safety.

(g) Notwithstanding any other provision of this chapter, no peddler, while peddling, or solicitor while soliciting, shall call upon, knock at the door or ring the doorbell of any residence, house, apartment or other dwelling in the City which is at that time on the Do Not Knock registry established and maintained pursuant to this chapter or upon which there is posted at the entrance a notice which reads "No Peddlers Allowed, " "No Solicitors Allowed, " "Do Not Knock" or other words of similar import, which clearly prohibit peddlers or solicitors on the premises, unless such peddler or solicitor has previously been invited upon the premises by the lawful possessor and occupant thereof.

Section 2: 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.

Passed: _____

President of Council

Attest: _____
Clerk of Council

Approved On: _____

Presented to Mayor: _____

Mayor

	Yea	Nay
Bortolotto	_____	_____
Ali	_____	_____
Sage	_____	_____
Meany	_____	_____
McGregor	_____	_____
Ference	_____	_____
Grech	_____	_____