

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2024- 8

**Introduced By: Mr. Bortolotto
Co-Sponsors: Mr. Meany, Mr. Ference**

**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 Ordinance of the City, have now been made a part thereof; and

WHEREAS, certain sections of the Codified Ordinance 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:

- 408.05, 434.01, 434.11, 438.10, 428.16, 438.22, 442.01, 451.04, 451.05,
- 606.01, 606.06, 606.12, 612.01, 612.02, 612.07, 618.051, 620.01, 620.03,
- 620.04, 620.16, 620.161, 624.08, 630.01, 630.02, 636.02, 636.05, 636.09,
- 636.161, 636.21, 642.02, 648.06, 648.14, 666.01, 666.05, 666.07, 672.02,
- 672.04, 672.12, 672.18, 698.02, 698.03

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 2023 Replacement Pages for the Codified Ordinances, a copy of which summary is attached hereto as Exhibit A.

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I, Mary Ann Meola, Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2024-8 adopted by the Council of the City of Middleburg Hts., on 2/13/24 was posted for a period of fifteen days, beginning 2/15/24 and remained so posted for fifteen days at the two posting places as designated by Charter.

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are in conflict or inconsistent with any provision of the new matter adopted in Section 1 of this ordinance are hereby repealed as of the effective date of this ordinance, except as follows: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, therefore. 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 June 27, 2023.

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. The particular emergency being the immediate need 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: 2/13/24

David Bortolotto
President of Council

Attest: M. Meola
Clerk of Council

Approved On: 2-15-24

Presented to Mayor: 2/14/24

Matthew Carls
Mayor

	Yea	Nay
Bortolotto	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ali	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sage	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Meany	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McGregor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ference	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

CERTIFICATE
I, Mary Ann Meola, Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2024-8 passed on the 13th day of February, 2024 by said Council.
Mary Ann Meola
Clerk of Council

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE
2023 REPLACEMENT PAGES FOR THE
CODIFIED ORDINANCES OF MIDDLEBURG HEIGHTS, OHIO

New matter in the Codified Ordinances of Middleburg Heights, Ohio, as contained in the 2023 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
408.05	Committing an offense while distracted penalty.
434.01	Driving or physical control of vehicle while under the influence of alcohol or drugs.
434.11	Texting while driving prohibited.
438.10	Lights, emblems, and reflectors on slow-moving vehicles, farm machinery, agricultural tractors, and animal-drawn vehicles.
438.16	Number of lights permitted; red and flashing lights.
438.22	Windshield required; sign or poster upon windshield; windshield wiper.
442.01	Definitions related to commercial vehicles.
451.04	Manner of parallel and angle parking; privileges for persons with disabilities.
451.05	Willfully leaving vehicles on private or public property.
606.01	Definitions related to general provisions; administration and enforcement.
606.06	Limitation on criminal prosecution.
606.12	Failure to report a crime or death.
612.01	Alcohol definitions.
612.02	Sales to underage persons; prohibitions and misrepresentations.
612.07	Open container prohibited.
618.051	Cruelty to companion
620.01	animals. Drug definitions.
620.03	Drug possession offenses.
620.04	Possessing drug abuse instruments.
620.16	Drug paraphernalia.
620.161	Marihuana drug
624.08	paraphernalia. Raffles.
630.01	Endangering children.
630.02	Interference with custody.
636.02	Assault.
636.05	Menacing.
636.09	Nonsupport of dependents.
636.161	Temporary protection orders.
636.21	Failing to provide for a person with a functional impairment.
642.02	Petty theft.
648.06	Disturbing a lawful meeting.
648.14	Impeding public passage of an emergency service responder.
666.01	Definitions concerning sex related offenses.
666.05	Voyeurism
666.07	Procuring; engagement in sexual activity for hire.
672.02	Carrying concealed weapons.
672.04	Improperly handling firearms in a motor vehicle.
672.12	Fireworks.
672.18	Possession of an object indistinguishable from a firearm in a school safety zone.
698.02	Penalties for misdemeanor.
698.03	Imposing sentence for misdemeanor.