

P/C _____
CA 5/10/16
1st R 5/17/16
2nd R 6/7/16
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO. 10022-2016

INTRODUCED BY COUNCIL PRESIDENT ASTORINO

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; PUBLISHING THE ENACTMENT OF SUCH NEW MATTER; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

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

WHEREAS, various ordinances and a resolution of a general and permanent nature that have been passed by Council since the date of the last updating and revision of the Codified Ordinances (December 31, 2014) have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOK PARK, STATE OF OHIO, that:

Section 1. The editing, arrangement and numbering or renumbering of the following ordinances or resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
9952-2015	1-6-15	1313.03
9961-2015	4-21-15	1313.04
9972-2015	9-22-15	937.01 - 937.05
9984-2015	12-15-15	1801.01 - 1801.04, 1802.01, 1803.01 - 1803.50, 1804.01, 1804.02, 1805.01, 1805.02, 1806.01 - 1806.05, 1807.01, 1808.01 - 1808.04, 1809.01 - 1809.06, 1810.01, 1811.01, 1812.01, 1813.01 - 1813.04, 1814.01, 1815.01, 1816.01, 1817.01, 1818.01, 1819.01, 1820.01 - 1820.03, 1821.01, 1822.01, 1823.01

Section 2. The following sections are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

331.26, 335.01, 335.035, 335.09, 341.01, 341.03 - 341.05, 341.07, 351.04,
351.19, 501.06 - 501.08, 501.99, 513.01, 525.02, 525.12, 529.07, 537.09,
549.01, 549.15, 1511.03, 1519.04, 1519.06

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are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance, except as follows:

- (a) The enactment of the 2016 Replacement Pages for the Codified Ordinances 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 legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to December 31, 2015.

Section 4. The money needed for the aforesaid transaction shall be paid from general fund no. 100.

Section 5. It is 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 such formal actions were in meetings open to the public, in compliance with all legal requirements, including Ohio R.C. 121.22.

Section 6. Pursuant to Ohio R.C. 731.23 and 731.25 and Section 123.01 of the Codified Ordinances, the Clerk of Council shall post 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 2016 Replacement Pages hereby approved, adopted and enacted, a copy of which Summary is attached hereto as Exhibit A, for a period of not less than fifteen days in the six public places provided in Section 123.01.

Section 7. This ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary to have an up-to-date codification of the laws of the City, one which is consistent with current State law, where and as required by Article XVIII, Section 3, of the Ohio

Constitution, with which to administer the affairs of the City, ensure law and order and avoid practical and legal entanglements; therefore this ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: June 7, 2016

Jim Astorino
PRESIDENT OF COUNCIL

ATTEST:
Michelle Blazak
CLERK OF COUNCIL

APPROVED:
[Signature]
MAYOR

DATE: 6/8/2016

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

[Signature]
DIRECTOR OF LAW

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 10622-2016 passed on the 7th day of June 20 16 by said council.
Michelle Blazak
Clerk of Council

Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper or general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 8161 Engle Road, Police Station 17461 Holland Road, #1 Fire Station 5500 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.
commencing June 8, 2016
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Powers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgia	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McCormick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2016 REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF BROOK PARK, OHIO

New matter in the Codified Ordinances of Brook Park, Ohio, as contained in the 2016 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
331.26	Driving upon street posted as closed for repair.
335.01	Driver's or commercial driver's license required.
335.035	Driving with probationary license.
335.09	Display of license plates; registration; obstructions.
341.01	Definitions relating to drivers of commercial vehicles.
341.03	Licensing requirements.
341.04	Physical qualification to operate commercial motor vehicles.
341.05	Criminal offenses.
341.07	Information required of prospective drivers by employers; unauthorized driving.
351.04	Manner of parallel and angle parking; handicapped persons.
351.19	Parking prohibitions on private property; private tow-away zones.
501.06	Limitation on criminal prosecutions.
501.07	Requirements for criminal liability; voluntary intoxication.
501.08	Culpable mental states.
501.99	Penalties for misdemeanor.
513.01	Definitions relating to drugs.
525.02	Falsification.
525.12	Dereliction of duty.
529.07	Open container prohibited.
537.09	Coercion.
549.01	Definitions relating to weapons and explosives.
549.15	Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.
1511.03	Open burning.
1519.04	Fireworks.
1519.06	Fireworks.