

CITY OF BROOK PARK, OHIO

ORDINANCE NO. 11042-2018

INTRODUCED BY: COUNCIL PRESIDENT VECCHIO

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 resolutions 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 (February 7, 2017) 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>
10062-2016	2-22-17	509.15
10064-2016	2-22-17	153.06
10067-2017	3-7-17	1805.01
10068-2017	3-7-17	1809.01
10087-2017	6-20-17	Repeals Ch. 921
10088-2017	6-20-17	921.01 to 921.16, 921.99
10089-2017	6-20-17	Repeals Ch. 922
10090-2017	6-20-17	922.01 to 922.18, 922.99
11007-2017	12-5-17	1300.01

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

301.04, 301.22, 301.51, 303.04, 313.09, 331.03, 331.40, 333.01, 333.011, 333.03, 333.07, 333.10, 335.09, 351.07, 351.19, 371.13, 377.01, 377.03, 377.04, 377.08, 501.01, 513.01, 513.09, 525.05, 529.07, 537.051, 537.10, 537.18, 541.02, 549.01, 549.02, 549.04, 549.14, 549.15

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are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance, except as follows: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 2018 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, 2017.

SECTION 4. 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 5. 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 2017 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 6. 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.

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 provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: October 2, 2018

[Signature]
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
CLERK OF COUNCIL

APPROVED: [Signature]
MAYOR

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

[Signature]
DIRECTOR OF LAW

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of 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 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 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.

10/2/18
DATE

commencing October 3, 2018
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

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. 11042-2018

passed on the 2nd day of October 2018 by said council.

Michelle Blazak
Clerk of Council

	Yea	Nay
Stemm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Orcutt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2018 REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF BROOK PARK, OHIO

New matter in the Codified Ordinances of Brook Park, Ohio, as contained in the 2018 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
301.04	Definition of "bicycle; motorized bicycle or moped".
301.22	Definition of "pedestrian".
301.51	Definition of "vehicle".
303.04	Road workers, motor vehicles and equipment excepted.
313.09	Driver's duties upon approaching ambiguous or non-working traffic signal.
331.03	Overtaking, passing to left; driver's duties.
331.40	Stopping at grade crossings.
333.01	Driving or physical control of vehicle while under the influence of alcohol or drugs; evidence.
333.011	Immobilizing or disabling device violations.
333.03	Maximum speed limits; assured clear distance ahead.
333.07	Street racing prohibited.
333.10	Operation restricted for mini-trucks and low-speed, under-speed, or utility vehicles.
335.09	Display of license plates; registration; obstructions.
351.07	Unattended vehicle; duty to stop engine, remove key, set brake and turn wheels.
351.19	Parking on posted private property.
371.13	Operation of personal delivery device on sidewalks and crosswalks.
377.01	Definitions relating to snowmobiles, off-highway motorcycles and all-purpose vehicles.
377.03	Code application; prohibited operation.
377.04	Permitted operation.
377.08	Registration of vehicles.
501.01	Definitions relating to general offenses.
513.01	Definitions relating to drugs.
513.09	Controlled substance or prescription labels.
525.05	Failure to report a crime; injury or knowledge of death.
529.07	Open container prohibited.
537.051	Menacing by stalking.
537.10	Telecommunication harassment.
537.18	Contributing to unruliness or delinquency of a child.
541.02	Arson.
549.01	Definitions relating to weapons and explosives.
549.02	Carrying concealed weapons.

- | <u>Section</u> | <u>New or amended matter regarding:</u> |
|----------------|---|
| 549.04 | Improperly handling firearms in a motor vehicle. |
| 549.14 | Possession of an object indistinguishable from a firearm in a school safety zone. |
| 549.15 | Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession. |