

P/C 8/25/20 Legislative  
Caucus Prior 9/1/20  
1<sup>st</sup> R 9-1-20  
2<sup>nd</sup> R  
3<sup>rd</sup> R  
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO 11163-2020

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 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, 2018) 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>
11058-2019	1-22-19	1323.03
11059-2019	1-22-19	1414.01 to 1414.08, 1414.99
11065-2019	3-5-19	1333.01 to 1333.04, 1333.06 to 1333.09
11077-2019	4-16-19	1803.35, 1806.02, 1806.06
11086-2019	5-21-19	Repeals Ch. 1308
11087-2019	5-21-19	Repeals Ch. 1362
11088-2019	5-21-19	Repeals Ch. 1363
11089-2019	5-21-19	Repeals 1407.13
11090-2019	5-21-19	1360.01 to 1360.57, 1360.99
11091-2019	5-21-19	1361.01 to 1361.133
11092-2019	5-21-19	525.16

11100-2019	7-2-19	153.01
11101-2019	7-2-19	141.02
11106-2019	7-22-19	141.02
11120-2019	10-15-19	331.38
11121-2019	10-15-19	933.04
11122-2019	10-15-19	554.01 to 554.10
11123-2019	10-15-19	132.02, 132.03, 132.05
11129-2019	11-19-19	163.01 to 163.04
11130-2019	10-15-19	509.13
11131-2019	11-6-19	140.02
11133-2019	11-19-19	1121.29
11136-2019	1-7-20	933.99
11137-2019	12-3-19	1414.02
11139-2019	1-21-20	1124.08, 1124.09

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

301.04, 301.105, 301.20, 301.255, 301.375, 301.51, 303.06, 303.99, 313.09, 331.03, 331.14, 331.15, 331.37, 333.03, 335.01, 335.074, 335.09, 337.27, 339.01, 339.07, 375.08, 501.01, 501.09, 509.03, 513.01, 513.02, 513.03, 513.04, 513.07, 513.12, 513.15, 517.12, 529.07, 533.04, 533.26, 537.001, 537.02, 537.16, 549.01, 549.15, 553.08

**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 2020 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 January 21, 2020.

**SECTION 4.** Pursuant to 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 2020 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 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 action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**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.

PASSED: September 1, 2020

M. P. Vecchio  
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak  
CLERK OF COUNCIL

APPROVED: J. B. Spivey  
MAYOR

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

[Signature]  
DIRECTOR OF LAW

9/1/2020  
DATE

Yea						
Nay						
	Troyer	Mencini	Orcutt	Scott	Schmuck	Poindexter
						Salvatore

**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. 1162-2020 passed on the 1st day of September 2020 by said council.  
Michelle Blazak  
Clerk of Council

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 five 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, #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 September 2, 2020  
Michelle Blazak  
MICHELLE BLAZAK  
Clerk of Council

EXHIBIT A

SUMMARY OF NEW MATTER  
CONTAINED IN THE 2020 REPLACEMENT PAGES  
FOR THE CODIFIED ORDINANCES OF BROOK PARK, OHIO

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New matter in the Codified Ordinances of Brook Park, Ohio, as contained in the 2020 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.
301.105	Definition of electric bicycle.
301.20	Definition of motor vehicle.
301.255	Definition of predicate motor vehicle or traffic offense.
301.375	Definition of shared-use path.
301.51	Definition of vehicle.
303.06	Prohibitions against pedestrians and slow-moving vehicles on freeways.
303.99	General traffic penalty.
313.09	Ambiguous or non-working traffic signals.
331.03	Rules governing overtaking and passing of vehicles.
331.14	Turn and stop signals.
331.15	Hand and arm signals.
331.37	Driving upon sidewalks, tree lawns or curbs. Maximum
333.03	speed limits; assured clear distance ahead. Driver's
335.01	license or commercial driver's license required.
335.074	Driving under financial responsibility law suspension or cancellation; driving
	under a nonpayment of judgment suspension.
335.09	Display of license plates; expired or unlawful plates. Drivers
337.27	and passengers required to wear seat belts; penalty.
339.01	Oversize or overweight vehicle operation on State routes; State permit.
339.07	Towing requirements; exception to size and weight restrictions.
375.08	Motorized bicycle operation, equipment and license.
501.01	Definitions relating to general offenses.
501.09	Attempts.
509.03	Disorderly conduct; intoxication.
513.01	Definitions relating to drug offenses.
513.02	Trafficking in controlled substances; gift of marijuana.
513.03	Drug possession offenses.
513.04	Possession of drug abuse instruments.
513.07	Possessing or using harmful intoxicants.
513.12	Drug paraphernalia.
513.15	Sale of pure caffeine product.
517.12	Skill-based amusement machines; prohibited conduct.
529.07	Open container prohibited.
533.04	Sexual imposition.
533.26	Nonconsensual dissemination of private sexual images.

<u>Section</u>	<u>New or amended matter regarding:</u>
537.001	Definitions related to offenses against persons.
537.02	Vehicular homicide; vehicular manslaughter; vehicular assault.
537.16	Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans.
549.01	Definitions related to weapons and explosives.
549.15	Concealed handgun licenses; possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.
553.08	Railroad vandalism; criminal trespass; interference with operation of train; grade crossing device vandalism.