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CITY OF BROOK PARK, OHIO

ORDINANCE NO. 9963-2015

INTRODUCED BY COUNCIL PRESIDENT PATTEN

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 (January 7, 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>
9879-2014	1-28-14	147.33
9896-2014	4-1-14	755.01 to 755.07, 755.99
9897-2014	4-15-14	1414.01 to 1414.08, 1414.99
9898-2014	4-15-14	Repeals Ch. 551
9899-2014	4-15-14	1365.01, 1365.99
9906-2014	5-7-14	171.04
9912-2014	5-7-14	942.01 to 942.07
9916-2014	6-3-14	136.01 to 136.06
9917-2014	6-3-14	153.09
9920-2014	6-17-14	1366.01 to 1366.09, 1366.99

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
9921-2014	6-17-14	1367.01 to 1367.06, 1367.99
9922-2014	6-17-14	1365.01
9925-2014	7-1-14	1355.04
9945-2014	11-5-14	139.093
9946-2014	11-18-14	Repeals 147.33
9950-2014	12-29-14	741.01 to 741.07, 741.99

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

301.04, 301.163, 301.19, 301.255, 303.04, 331.215, 335.071, 335.074, 337.16, 337.17, 337.25, 337.31, 501.99, 505.29, 513.01, 513.14, 525.05, 533.09, 533.24, 537.05, 537.051, 537.06, 537.16, 545.01, 545.02, 545.05, 545.15

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 2015 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, 2014.

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 2015 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.

PASSED: April 7, 2015

Dennis P. Patten
PRESIDENT OF COUNCIL

ATTEST:
Michelle Blazak
CLERK OF COUNCIL

APPROVED:
[Signature]
MAYOR

DATE: April 8, 2015

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 Purple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing April 9, 2015
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. 9963-2015
passed on the 7th day of April
20 15 by said council.

Michelle Blazak
Clerk of Council

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2015 REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF BROOK PARK, OHIO

New matter in the Codified Ordinances of Brook Park, Ohio, as contained in the 2015 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
301.04	Definition of "motorized bicycle or moped."
301.163	Definition of "highway maintenance vehicle."
301.19	Definition of "motorcycle."
301.255	Definition of "predicate motor vehicle or traffic offense."
303.04	Road workers, motor vehicles and equipment excepted.
331.215	Driving while approaching stationary public safety vehicle with flashing lights.
335.071	Driving under suspension or in violation of license restriction.
335.074	Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.
337.16	Number of lights permitted; red and flashing lights.
337.17	Focus and aim of headlights.
337.25	Use of sunscreening, nontransparent and reflectorized materials.
337.31	Air bags.
501.99	Penalties for misdemeanor.
505.29	Dogs with blind, deaf or hearing impaired, or mobility impaired persons.
513.01	Definitions relating to drugs.
513.14	Pseudoephedrine sales.
525.05	Failure to report a crime or death.
533.09	Soliciting.
533.24	Unlawful advertising of massage.
537.05	Aggravated menacing.
537.051	Menacing by stalking.
537.06	Menacing.
537.16	Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans.
545.01	Definitions relating to property offenses.
545.02	Determining property value in theft offense.
545.05	Petty theft.
545.15	Securing writings by deception.