

PROPOSED: 8/22/2022

ORDINANCE NO. 120-2022 (AS), *First Reading*

By Vice President Cobb

An Ordinance to approve current replacement pages to the Cleveland Heights Codified Ordinances; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, certain provisions of Part Three, Traffic Code, and Part Five, General Offenses Code should be amended to conform to changes to comparable State statutes; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The following ordinances of the City of Cleveland Heights, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2022 Replacement Pages to the Codified Ordinances, are hereby approved and adopted:

<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
25-2021	4-19-21	749.03(n), (ii), (jj), 749.07, 749.08
34-2021	4-19-21	765.01 to 765.05, 765.99
70-2021	11-1-21	1103.03, 1109.06, 1121.04, 1121.05, 1121.09, 1121.12, 1123.04, 1123.05, 1123.10, 1123.12, 1131.02, 1131.03, 1131.08, 1131.12, 1153.03, 1161.03, 1161.08, 1161.105, 1161.11, 1161.13, 1165.02, 1167.01
72-2021	6-7-21	Repeals 531.01(d), 531.06
79-2021	12-20-21	767.01 to 767.07
94-2021	6-28-21	Ch. 155 Ed. Note
103-2021	8-2-21	301.041 to 301.044, 373.01 to 373.04, 373.06 to 373.09, 373.11
106-2021	8-2-21	107.02
111-2021	8-16-21	150.01 to 150.05

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<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
117-2021	9-13-21	141.01, 141.02
123-2021	9-13-21	107.01
153-2021	12-6-21	105.02, 109.02, 109.04, 110.01 to 110.03, 110.05, 110.06, 111.02, 111.03, 111.12, 111.19, 111.29, 111.30, 121.01, 121.02, 121.04 to 121.06, 121.08, 123.03 to 123.041, 123.08, 125.03, 125.07, 127.01, 127.03, 129.01, 129.04, 131.02 to 131.16, 131.20 to 131.23, 135.01 to 135.06, 136.01, 136.02, 137.01, 137.02, 137.04, 137.10, 137.11, 137.15, 137.16, 139.01 to 139.04, 139.06, 139.08, 139.10 to 139.22, 139.24, 139.25, 143.01, 143.07, 144.01, 144.02, 144.05, 145.01, 147.01, 148.05, 149.01, 150.04, 155.09, 157.2501, 158.21, 159.06, 171.01 to 171.04, 171.06, 171.08 to 171.15, 173.02, 177.01, 177.03, 177.04, 179.03 to 179.06, 181.02 to 181.04, 303.08, 351.09, 351.13, 355.01 to 355.04, 355.09, 503.06, 505.01, 505.20, 509.03, 521.08 to 521.11, 527.16,

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<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
153-2021 (Cont.)		553.01 to 553.03, 553.05 to 553.08, 553.11, 555.02, 701.03, 701.06, 701.07, 709.03, 709.04, 711.03 to 711.06, 711.08, 713.02, 713.03, 713.06, 721.02, 721.04 to 721.07, 721.10, 721.11, 725.03, 725.04, 725.06, 725.09, 725.10, 731.01, 731.04, 731.06, 731.10, 733.02, 733.05, 733.09, 737.03, 737.05, 737.06, 741.01, 741.03, 741.04, 745.01, 745.03 to 745.009, 745.11 to 745.18, 745.20 to 745.23, 745.25, 745.27, 747.01, 747.06, 749.03, 749.05, 751.01, 751.02, 751.04, 753.02, 753.03, 753.07, 755.02, 755.06 to 755.09, 755.11 to 755.16, 755.18, 759.02, 761.01, 761.03, 761.07, 763.01, 763.02, 905.01, 911.06, 917.01, 917.02, 917.06, 917.09 to 917.15, 917.18 to 917.20, 923.01, 923.02, 923.04, 923.05, 923.99, 929.02 to 929.07, 935.01, 935.02, 935.99, 941.01 to 941.08, 941.99, 943.01, 943.02, 943.08,

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<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
153-2021 (Cont.)		943.15, 943.16, 943.18, 943.29, 943.30, 943.32, 943.33, 943.99, 1103.03, 1107.01, 1111.02, 1111.06, 1113.02, 1153.05, 1163.06, 1311.12, 1313.08, 1313.09, 1325.04, 1329.05, 1334.02, 1334.14, 1335.02, 1335.19, 1336.03, 1337.03, 1337.04, 1341.05, 1345.11, 1351.03, 1351.991, 1361.09, 1501.15, 1511.03, 1511.04, 1511.07; Repeals 121.03, 121.07
155-2021	12-20-21	183.01
42-2022	4-18-22	107.01
44-2022	4-18-22	Ch. 155 Ed. Note
63-2022	6-6-22	123.04
74-2022	6-21-22	1509.04(b)
75-2022	6-21-22	749.03(kk), (ll), 749.161
76-2022	6-21-22	111.10
77-2022	6-21-22	171.011
79-2022	6-21-22	131.15, 139.13, 139.16; Repeals 131.08
81-2022	6-21-22	150.02(a)
5-2022	6-6-22	107.01(b)

SECTION 2. The following sections and chapters of the Codified Ordinances shall be, and hereby are added, amended or repealed as respectively indicated in order to conform with changes in State Law. The complete text of the sections of the Codified Ordinances listed below are set forth in full in the current 2022 Replacement Pages to the Codified Ordinances. A summary of the amendments is set forth in Exhibit A which is attached to this Ordinance.

Administrative Code

101.03 Rules of Construction. (Amended)

Traffic Code

301.183	Low-Speed Micromobility Device. (Added)
301.22	Pedestrian. (Amended)
301.51	Vehicle. (Amended)
331.211	Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Amended)
331.37	Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
333.03	Maximum Speed Limits. (Amended)
335.02	Permitting Operation Without Valid License; One License Permitted. (Amended)
335.021	Ohio Driver's License Required for In State Residents. (Amended)
335.04	Certain Acts Prohibited. (Amended)
335.09	Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
371.13	Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Added)
371.14	Low-Speed Micromobility Devices. (Added)
373.10	Motorized Bicycle Operation. (Amended)

General Offenses Code

501.99	Penalties for Misdemeanors. (Amended)
505.102	Cruelty to Companion Animals. (Amended)
509.07	Making False Alarms. (Amended)
513.01	Drug Abuse Control Definitions. (Amended)
513.15	Sale of Dextromethorphan. (Added)
517.01	Gambling Definitions. (Amended)
517.02	Gambling. (Amended)
517.06	Methods of Conducting a Bingo Game; Prohibitions. (Amended)
517.08	Raffles. (Amended)
517.09	Charitable Instant Bingo Organizations. (Amended)
517.11	Bingo or Game of Chance Records. (Amended)
517.13	Bingo Exceptions. (Amended)
517.14	Instant Bingo Conduct by a Veteran's or Fraternal Organization. (Amended)
517.15	Skill-Based Amusement Machines. (Amended)
517.16	Electronic Instant Bingo; Prohibited Conduct. (Added)
525.13	Interfering with Civil Rights. (Amended)
529.01	Liquor Control Definitions. (Amended)
529.07	Open Container Prohibited. (Amended)
533.08	Procuring; Engagement in Sexual Activity for Hire. (Amended)
533.09	Soliciting. (Amended)
533.091	Loitering to Engage in Solicitation. (Amended)
533.10	Prostitution. (Amended)
537.02	Vehicular Homicide and Manslaughter. (Amended)
537.20	Hazing Prohibited. (Added)

General Offenses Code (Cont.)

541.04	Criminal Mischief. (Amended)
541.051	Aggravated Trespass. (Amended)
545.03	Property Exceptions as Felony Offense. (Amended)
545.09	Passing Bad Checks. (Amended)
549.02	Carrying Concealed Weapons. (Amended)

SECTION 3. The aforementioned amendments to the Codified Ordinances, as revised, recodified and consolidated into component codes, titles, chapters and sections within the 2022 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

SECTION 4. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to distribute current replacement pages to the Codified Ordinances. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.



MELODY HART
President of the Council



CRAIG COBB
Clerk of Council, Pro Tem

PASSED: 08/22/2022

Presented to the Mayor: 08/23/2022 Approved: 09/02/2022

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A handwritten signature in blue ink, appearing to read 'Kahlil Seren', positioned above a horizontal line.

KAHLIL SEREN
Mayor

EXHIBIT A

- 101.03 Rules of Construction. (Clarifies legal holidays.)
- 301.083 Low-Speed Micromobility Device. (Adds definition of “low-speed micromobility device.”)
- 301.22 Pedestrian. (Adds “personal delivery device” to definitions.)
- 301.51 Vehicle. (Adds “low-speed micromobility device” to the exclusions.)
- 331.211 Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle.
(Amends definition of “license plate” in subsection (d).)
- 331.37 Driving Upon Sidewalks, Street Lawns or Curbs. (Expands regulations for bicycles and electric bicycles or sidewalks.)
- 333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Amends definition of “school” in subsection (b)(1)B.)
- 335.02 Permitting Operation Without Valid License; One License Permitted.
(Amends regulations to include temporary instruction permit and identification card.)
- 335.021 Ohio Driver’s License Required for In State Residents. (Amends regulations to include temporary instruction permit and identification card.)
- 335.04 Certain Acts Prohibited. Expands prohibited acts in subsection (a)(5).)
- 335.09 Display of License Plates or Validation Stickers; Registration. (Amends requirements for display of license plates and temporary motor vehicle license registration.)
- 371.13 Operation of Personal Delivery Device on Sidewalks and Crosswalks.
(Adds new section regulating personal delivery devices.)
- 371.14 Low-Speed Micromobility Devices. (Adds new section regulating low-speed micromobility devices.)
- 373.10 Motorized Bicycle Operation, Equipment and License. (Deletes subsection (a)(5).)
- 501.99 Penalties for Misdemeanors. (Expands the regulations for court ordered restitution.)
- 505.071 Cruelty to Companion Animals. (Adds provision for distribution of fine moneys.)

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- 509.07 Making False Alarms. (Adds regulations for critical infrastructure facility.)
- 513.01 Drug Abuse Control Definitions. (Amends definition (rr)(22).)
- 513.15 Sale of Dextromethorphan. (Adds regulations for the sale or distribution of products containing dextromethorphan.)
- 517.01 Gambling Definitions. (Expands gambling definitions.)
- 517.02 Gambling. (Corrects definition reference in subsection (a)(5)A.)
- 517.06 Methods of Conducting a Bingo Game; Prohibitions. (Adding new subsection (a)(2); renumbering old (a)(2) as (a)(3) and adding “electronic instant bingo” to that provision; amending ORC reference in subsection (c)(6); and adding “electronic instant bingo” to subsection (d)(2).)
- 517.08 Raffles. (In subsections (a)(1) and (2) changes “charitable organization” to “person or entity”.)
- 517.09 Charitable Instant Bingo Organizations. (In subsections (b)(1) and (2) adds reference to “type III license issued under Ohio R.C. 2915.08”.)
- 517.11 Bingo or Game of Chance Records. (Adds references to “electronic instant bingo” to several places in subsection (a); expands the enforcement provisions of subsections (h) and (i).)
- 517.13 Bingo Exceptions. (Amends ORC reference in subsection (a) and (a)(2)F.1.)
- 517.14 Instant Bingo Conducted by a Veteran’s or Fraternal Organization. (Adds “electronic instant bingo” to the regulations.)
- 517.15 Skill-Based Amusement Machines. (Corrects definition reference in subsection (a)(1).)
- 517.16 Electronic Instant Bingo; Prohibited Conduct. (Adds regulations for electronic instant bingo.)
- 525.13 Interfering with Civil Rights. (Revises regulations to comply with ORC 2921.45.)
- 529.01 Liquor Control Definitions. (Amends definition of “wine” to include cider, with exceptions.)
- 529.07 Open Container Prohibited. (Amends subsection (b)(2) to include reference to subsection (j). Adds new subsection (i) to exclude homemade beer or wine. Re-letters previous subsection (i) as (j).)
- 533.08 Procuring; Engagement in Sexual Activity for Hire. (Adds regulation for sexual activity for hire.)
- 533.09 Soliciting. (Revises regulations to comply with ORC 2907.24)

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- 533.091 Loitering to Engage in Solicitation. (Adds regulations for carriers of a virus.)
- 533.10 Prostitution. (Adds regulations for carriers of a virus.)
- 537.02 Vehicular Homicide and Manslaughter. (Amends sentencing provisions.)
- 537.20 Hazing Prohibited. (Adds regulations defining and prohibiting hazing.)
- 541.04 Criminal Mischief. (Adds regulations for critical infrastructure facility and penalties.)
- 541.051 Aggravated Trespass. (Adds regulations for critical infrastructure facility.)
- 545.03 Property Exceptions as Felony Offense. (Amends section to include temporary motor vehicle license registration.)
- 545.09 Passing Bad Checks. (Revises regulations to comply with ORC 2913.11.)
- 549.02 Carrying Concealed Weapons. (Adds subsection (h) to exclude knife, razor or cutting instrument.)