

ORDINANCE NO. 137-2024(AS), *First Reading*

By President Cuda

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 2024 Replacement Pages to the Codified Ordinances, are hereby approved and adopted:

<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
025-2023	6-5-23	1101.02, 1103.03, 1103.04, 1105.01, 1107.01, 1107.02, 1109.02 to 1109.04, 1111.02 to 1111.04, 1111.06, 1113.02, 1115.01, 1115.02, 1115.06 to 1115.09, 1115.12, 1119.01, 1119.05, 1119.06, 1121.02 to 1121.05, 1121.08, 1121.12, 1123.03, 1123.05, 1123.07, 1123.10 to 1123.12, 1131.01 to 1131.04, 1131.06 to 1131.14, 1133.02, 1133.04, 1141.01, 1143.04, 1143.10 to

ORDINANCE NO. 137-2024(AS)

		1143.12, 1145.01, 1145.02, 1145.04 to 1145.07,
<u>Ordinance Number</u> 025-2023	<u>Date</u>	<u>Codified Ordinance Section</u> 1147.01 to 1147.03, 1147.06, 1147.08, 1147.09, 1151.01, 1151.02, 1153.01, 1153.02, 1153.05, 1155.01 to 1155.03, 1155.05, 1155.07, 1155.08, 1161.02 to 1161.04, 1161.051 to 1161.065, 1161.105, 1161.11, 1161.13, 1163.01, 1163.02, 1163.04 to 1163.08, 1163.10, 1163.11, 1165.02, 1165.021, 1165.05 to 1165.07, 1166.01 to 1166.07, 1166.10, 1166.11, 1167.01, 1169.02, 1169.03, 1173.01, 1175.01, 1175.02; Repeals 1105.06
026-2023	6-5-23	1321.01, 1341.2301, 1341.2302, 1351.25
028-2023	3-6-23	505.06
051-2023	4-17-23	177.02
058-2023	4-17-23	177.02
098-2023	6-20-23	522.01 to 522.08, 522.99, 1347.01 to 1347.13, 1347.99
104-2023	6-22-23	1351.34, 1369.16
123-2023	12-18-23	142.01 to 142.04
127-2023	11-6-23	1103.03, 1107.02, 1115.02, 1115.08, 1115.12, 1131.02, 1131.04, 1131.06, 1131.08, 1131.11, 1131.14, 1133.02, 1133.04, 1153.03, 1153.05, 1161.03, 1161.13, 1165.03, 1165.07, 1166.015

ORDINANCE NO. 137-2024(AS)

<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
150-2023	11-6-23	110.05, 311.02, 351.04, 351.11, 371.05, 521.05, 521.07, 1321.01, 1321.02
187-2023	1-16-24	1103.03, 1131.02 to 1131.05, 1131.07 to 1131.085, 1131.12 to 1131.16
189-2023	2-5-24	148.01 to 148.04
196-2023	1-16-24	150.01 to 150.05
197-2023	1-16-24	140.01 to 140.05
207-2023	12-21-23	158.03, 158.05, 158.18, 158.27
087-2024	6-3-24	711.01 to 711.09, 711.99
090-2024	6-3-24	111.10(c)

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 2024 Replacement Pages to the Codified Ordinances. A summary of the amendments is set forth in Exhibit A which is attached to this Ordinance.

Traffic Code

301.35	School Bus. (Amended)
303.10	Leaving Junk Vehicles on Private Property With Permission of Owner. (Amended)
303.991	Committing an Offense While Distracted Penalty. (Amended)
331.35	Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or Mobile Home While in Motion. (Amended)
331.38	Stopping for School Bus; Discharging Children. (Amended)
331.45	Restrictions on the Operation of School Buses. (Added)
333.01	OVI; Willful Misconduct; Speed. (Amended)
335.07	Driving Under Suspension or License Restriction. (Amended)
335.071	Driving Under OVI Suspension. (Amended)
335.072	Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Amended)
335.073	Driving Without Complying With License Reinstatement Requirements. (Amended)
335.074	Driving Under License Forfeiture or Child Support Suspension. (Amended)

ORDINANCE NO. 137-2024(AS)

337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)

Traffic Code (Cont.)

337.22 Windshield and Windshield Wiper; Sign or Poster Thereon. (Amended)
337.26 Child Restraint System Usage. (Amended)
337.31 Lights and Sign on Transportation for Preschool Children. (Added)
341.01 Commercial Drivers Definitions. (Amended)
341.04 Commercial Drivers Prohibitions. (Amended)
341.05 Criminal Offenses. (Amended)
351.12 Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages. (Amended)

General Offenses Code

501.01 General Provisions and Penalty Definitions. (Amended)
501.99 Penalties for Misdemeanors. (Amended)
505.21 Rights of Blind, Deaf or Hearing Impaired, or Mobility Impaired Person, or Trainer with Assistance Dog. (Added)
509.04 Disturbing a Lawful Meeting. (Amended)
509.06 Inducing Panic. (Amended)
509.10 Impeding Public Passage of an Emergency Service Responder. (Added)
513.01 Drug Abuse Control Definitions. (Amended)
513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)
513.04 Possessing Drug Abuse Instruments. (Amended)
513.12 Drug Paraphernalia. (Amended)
513.121 Marihuana Drug Paraphernalia. (Amended)
513.16 Adult Use Cannabis Control; Limitations on Conduct by Individuals. (Added)
517.08 Raffles. (Amended)
521.13 Spreading Contagion. (Added)
525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
529.02 Sales to and Use By Underage Persons; Securing Public Accommodations. (Amended)
529.07 Open Container Prohibited. (Amended)
533.01 Obscenity and Sex Offenses Definitions. (Amended)
533.06 Voyeurism. (Amended)
533.08 Procuring; Engagement in Sexual Activity for Hire. (Amended)
537.03 Assault. (Amended)
537.06 Menacing. (Amended)
537.07 Endangering Children. (Amended)
537.12 Misuse of 9-1-1 System. (Amended)
537.15 Temporary Protection Order. (Amended)
545.05 Misdemeanor Theft. (Amended)
549.02 Carrying Concealed Weapons. (Amended)
549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)
549.14 Possessing Replica Firearm in School. (Amended)
549.15 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Amended)

ORDINANCE NO. 137-2024(AS)

SECTION 3. The aforementioned amendments to the Codified Ordinances, as revised, recodified and consolidated into component codes, titles, chapters and sections within the 2024 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. It is necessary that this Ordinance become immediately effective as an emergency measure 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.



TONY CUDA
President of Council



ADDIE BALESTER
Clerk of Council

PASSED: August 5, 2024

Presented to Mayor: 08.08.2024 Approved: 08.15.2024



KAHLIL SEREN
Mayor

EXHIBIT A

301.35 School Bus Definition. (Amended) Changes made to terms “child care center” and “type A family child care home”.

303.991 Committing an Offense While Distracted Penalty. (Amended) Includes time limit for fine payment and written evidence. Adds law enforcement officer requirements when ticket or citation issued.

331.35 Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or Mobile Home While in Motion. (Expands regulations to include fifth wheel vehicles.)

331.38 Stopping for School Bus; Discharging Children. (Amended) Includes reference to municipal ordinance; changes heading of state agency.

331.45 Restrictions on the Operation of School Buses. (Added) Adds restrictions for operating a vehicle used for pupil transportation.

333.01 OVI; Willful Misconduct; Speed. (Amends restrictions for driving under the influence.)

335.07(i) Driving Under Suspension or License Restriction. (Adds affirmative defense for emergencies.)

335.071(i) Driving Under OVI Suspension. (Adds affirmative defense for emergencies.)

335.072(f) Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Adds affirmative defense for emergencies.)

335.073(d) Driving Without Complying With License Reinstatement Requirements. (Adds affirmative defense for emergencies.)

335.074(d) Driving Under License Forfeiture or Child Support Suspension. (Adds affirmative defense for emergencies.)

337.16 Number of Lights; Limitation on Flashing, Oscillating or Rotating Lights. (Amended) Includes exception for a vehicle used for emergency preparedness, response and recovery.

337.22 Windshield and Windshield Wiper; Sign or Poster Thereon. (Adds “vehicle safety technology” to electronic device exceptions for windshields.)

337.26 Child Restraint System Usage. (Amended) Changes term “day-care center” to “child care center”.

337.31 Lights and Sign on Transportation for Preschool Children. (Added) Adds requirements for vehicles transporting preschool children.

341.01(b) Commercial Drivers Definitions. (Expands definition of Commercial Drivers License to include “enhanced commercial driver’s license.”)

ORDINANCE NO. 137-2024(AS)

341.01(i) Commercial Drivers Definitions. (Adds “harmful intoxicant” to definition of “drug of abuse”.)

341.04 Prohibitions for Commercial Drivers. (Amended) Adds additional prohibitions. Addresses out-of-state convictions; proper endorsements on licenses; and strict liability offenses.

341.05 Criminal Offenses for Commercial Drivers. (Amended) Adds additional prohibition. Addresses strict liability offenses.

351.12 Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages. (Amended) Deletes the term “temporary removable windshield placard”.

501.01(r) General Provisions and Penalty Definitions. (Amended) Changes heading of state agency.

501.99(a) Penalties for Misdemeanors. (Amends regulations for victim restitution.)

505.21 Rights of Blind, Deaf or Hearing Impaired, or Mobility Impaired Person, or Trainer with Assistance Dog. (Added) Provides rights for persons with assistance dog.

509.04 Disturbing a Lawful Meeting. (Expands violations. Adds virtual meeting regulations and definitions.)

509.06 Inducing Panic. (Amended) Changes heading of state agencies.

509.10(d) Impeding Public Passage of an Emergency Service Responder. (Amended) Changes reference to ORC section.

513.01 Drug Abuse Control Definitions. (Amended) Changes reference to ORC section and changes heading of state agency.

513.03 Drug Abuse; Controlled Substance Possession or Use. (Amends provisions for illegal use or possession of marijuana paraphernalia.)

513.04 Possessing Drug Abuse Instruments. (Expands the Good Samaritan provision (immunity from prosecution for providing medical assistance).)

513.12 Drug Paraphernalia. (Decriminalizes the use/possession of fentanyl test strips. Expands the Good Samaritan provision.)

513.121 Marihuana Drug Paraphernalia. (Decriminalizes the use/possession of fentanyl test strips. Expands the Good Samaritan provision.)

513.16 Adult Use Cannabis Control; Limitations on Conduct by Individuals. (Added) Adds the new law on cannabis use.

517.08 Raffles. (Amends exemptions for charitable raffle drawings.)

521.13 Spreading Contagion. (Adds restrictions on spreading contagion.)

525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amends reference to “persons with drug dependencies”.)

529.02 Sales to and Use by Underage Persons; Securing Public Accommodations.

ORDINANCE NO. 137-2024(AS)

(Amends subsection (i) to reflect new M3 penalty for violations of ORC 4301.69(E)(1) which is our subsection (e).)

529.07 Open Container Prohibited. (Amended) Adds exception for open container in outdoor area. Adds provisions for F-9 permit.

533.01 Obscenity and Sex Offenses Definitions. (Adds two definitions.)

533.06 Voyeurism. (Amends to include place where person has a reasonable expectation of privacy.)

533.08 Procuring; Engagement in Sexual Activity for Hire. (Expands regulations for engagement in sexual activity for hire.)

533.08(b) Procuring; Engagement in Sexual Activity for Hire. (Amended) Amends penalty provisions in subsection (b)(4).

537.03(d)(6)B. Assault. (Amended) Changes heading of state agency.

537.06 Menacing. (Adds additional restrictions on menacing. Adds emergency service responders.)

537.07 Endangering Children. (Changes reference to a “child with a mental or physical disability”).)

537.12(a) Misuse of 9-1-1 System. (Amended) Amends definition of “9-1-1 system”.

537.15 Temporary Protection Order. (Removes provision for payment of indigent electronic monitoring device from state fund.)

545.05 Petty Theft. (Changes “petty theft” to “misdemeanor theft”).)

549.02(e)(2) Carrying Concealed Weapons. (Amends ORC reference.)

549.04(e)(2) Improperly Handling Firearms in a Motor Vehicle. (Amends ORC reference.)

549.14(d)(1) Possessing Replica Firearm in School. (Amended) Expands license suspension provisions.

549.15(b)(3)C. Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Amended) Changes made to terms “child care center”, “type A and B family child care home”.