

ORDINANCE NO. 150-2025(COTW), *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 amendments.

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 2025 Replacement Pages to the Codified Ordinances, are hereby approved and adopted:

<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
102-2024	6-17-24	140.02
103-2024	6-17-24	150.02
167-2024	9-9-24	111.23
190-2024	10-21-24	331.43
244-2024	1-21-25	1351.35
259-2024	12-16-24	1311.051 to 1311.053, 1311.06 to 1311.12, 1311.15, 1311.99
010-2025	2-18-25	1103.02, 1103.03, 1107.01, 1107.02, 1119.05, 1111.05, 1113.03, 1115.06, 1115.08 to 1115.10, 1117.03, 1121.04, 1121.08, 1121.12, 1123.01, 1123.04, 1123.07, 1123.11, 1123.12, 1131.01 to 1131.03, 1131.06, 1131.08, 1131.13, 1131.14,

ORDINANCE NO. 150-2025(COTW)

<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
010-2025 (Cont.)		1141.01, 1143.10, 1153.03, 1153.05, 1155.01 to 1155.08, 1161.03, 1161.051, 1161.06, 1161.105, 1161.12, 1163.03, 1163.05 to 1163.09, 1165.02 to 1165.03, 1165.07, 1165.08, 1166.02, 1166.04, 1166.05, 1166.07 to 1166.10, 1175.01, 1175.02

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 The following sections and chapters of the Codified Ordinances shall be, and hereby are added, amended or repealed as respectively indicated in order to conform with changes in State Law.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 2025 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

303.01 (Amended)	Compliance with Lawful Order of Police Officer; Fleeing.
333.01	Driving or Physical Control While Under the Influence. (Amended)
333.07	Street Racing, Stunt Driving and Street Takeovers Prohibited. (Amended)
335.04	Certain Acts Prohibited. (Amended)
335.072	Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Amended)
335.074	Driving Under License Forfeiture or Child Support Suspension. (Amended)
337.26	Child Restraint System Usage. (Amended)

General Offenses Code

513.01	Drug Abuse Control Definitions. (Amended)
513.02	Gift of Marihuana. (Amended)
513.03	Drug Abuse; Controlled Substance Possession or Use. (Amended)
513.04	Possessing Drug Abuse Instruments. (Amended)
513.05	Permitting Drug Abuse. (Amended)
513.07	Possessing or Using Harmful Intoxicants. (Amended)
513.08	Illegally Dispensing Drug Samples. (Amended)
513.12	Drug Paraphernalia. (Amended)

General Offenses Code (Cont.)

513.17	Pseudoephedrine Sales. (Added)
525.05	Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
533.01	Obscenity and Sex Offenses Definitions. (Amended)
533.03	Unlawful Sexual Conduct with a Minor. (Amended)
533.04	Sexual Imposition. (Amended)
533.16	Grooming. (Added)
537.02	Vehicular Homicide and Manslaughter. (Amended)
537.021	Vehicular Assault in a Construction Zone. (Amended)
537.14	Domestic Violence. (Amended)
537.21	Illegal Use of a Tracking Device or Application. (Added)
545.01	Theft and Fraud Definitions. (Amended)
545.05	Misdemeanor Theft. (Amended)
549.15	Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Amended)

SECTION 3. The aforementioned amendments to the Codified Ordinances, as revised, recodified and consolidated into component codes, titles, chapters and sections within the 2025 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

SECTION 4. It is found and determined that all formal actions of the Council relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 5. 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 or by posting the full text of this Ordinance to the City of Cleveland Heights website.

SECTION 6. 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.

ORDINANCE NO. 150-2025(COTW)



TONY CUDA
President of Council



ADDIE BALESTER
Clerk of Council

PASSED: August 4, 2025

Presented to Mayor: 08/07/2025 Effective Date: 08/15/2025*

KAHLIL SEREN
Mayor

*Effective date per Article IV, Section 5 of the Codified Ordinances of the City of Cleveland Heights

EXHIBIT A

303.01 Compliance with Lawful Order of Police Officer; Fleeing. (Amended) (Amends violation provisions.)

333.01 Driving or Physical Control While Under the Influence. (Amended) (Adds "oral fluid" to what may be submitted for testing and evidence.)

333.07 Street Racing, Stunt Driving and Street Takeovers Prohibited. (Amended) (Adds "stunt driving" and "street takeover" prohibitions.)

335.04 Certain Acts Prohibited. (Amended) (Amends requirements in subsection (a)(5).)

335.072 Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Amended) (Amends restrictions in subsection (a). Amends violation provision in subsection (d).)

335.074 Driving Under License Forfeiture or Child Support Suspension. (Amended) (Deletes an ORC reference in subsection (a)(1).)

337.26 Child Restraint System Usage. (Amended) (Adds "clinical nurse specialist or certified nurse practitioner" to exceptions in subsection (h).)

513.01 Definitions. (Amended) (Amends definitions in (uu)(5) and (7).) (Adds new subsection (uu)(38) to the list of "professionally licensed persons".)

513.02 Gift of Marihuana. (Amended) (Former Ohio R.C. from which Section 513.02 was derived was superseded by the changes made to Ohio R.C. 3780.36 enacted by Initiative Petition. See Section 513.16 for relevant provisions.)

513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended) (Adds additional ORC citation to subsection (b)(1) A.)

513.04 Possessing Drug Abuse Instruments. (Amended) (Adds 2 additional ORC citations to subsection (b)(1). Amends violation provisions in subsection (d).)

513.05 Permitting Drug Abuse. (Amended) (Amends the sanctions for violation in subsections (d) and (e).)

513.07 Possessing or Using Harmful Intoxicants. (Amended) (Amends the sanctions for violation in subsection (c).)

513.08 Illegally Dispensing Drug Samples. (Amended) (Adds 3 additional ORC citations to subsection (b). Amends the sanctions for violation in subsection (d).)

513.12 Drug Paraphernalia. (Amended) (Adds 2 additional ORC citations to subsection (d)(1). Amends the sanctions for violation in subsection (g).)

513.17 Pseudoephedrine Sales. (Added) (Adds regulations for the sale of pseudoephedrine products or ephedrine products.)

ORDINANCE NO. 150-2025(COTW)

525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended) (Adds provisions for “licensed medical professionals” in new subsection (f). Re-letters the following subsections.)

533.01 Obscenity and Sex Offenses Definitions. (Amended) (Adds definition for “licensed medical professional”.)

533.03 Unlawful Sexual Conduct with a Minor. (Amended) (Removes reference to “spouse of the offender”.)

533.04 Sexual Imposition. (Amended) (Removes reference to “spouse of the offender”.) (Amends prohibitions in subsection (a) to align with ORC changes.)

533.16 Grooming. (Added) (Adds regulations prohibiting “grooming” of a minor.)

537.02 Vehicular Homicide and Manslaughter. (Amended) (Adds “utility vehicle” and “mini-truck” to the restrictions.) (Amends subsections (a)(1) to (3) to align with ORC. Adds 2 definitions to subsection (e).)

537.021 Vehicular Assault in a Construction Zone. (Amended) (Adds “utility vehicle” and “mini-truck” to the restrictions.)

537.14 Domestic Violence. (Amended) (Amends subsection (d)(4) to align with ORC.)

537.21 Illegal Use of a Tracking Device or Application. (Added) (Adds regulations prohibiting illegal use of a tracking device or application.)

545.01 Theft and Fraud Definitions. (Amended) (Adds an additional ORC citation to subsection (k)(1).)

545.05 Misdemeanor Theft. (Amended) (Amends penalty provisions for theft violations in subsections (b) and (c).)

549.15 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Amended) (Adds fire investigator to exceptions in new subsection (b)(5)D). (Adds immunity for nonprofit corporations in new subsection (b)(2) B.4.)