

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2017-29

By Jim Maxwell Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

REVISING THE CODIFIED ORDINANCES OF THE CITY OF BEREA BY ADOPTING CURRENT REPLACEMENT PAGES, AND DECLARING AN EMERGENCY.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, County of Cuyahoga, State of Ohio:

SECTION 1. That the Ordinances of the City of Berea, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2017 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION 2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

Traffic Code

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| 701.04 | Bicycle; Motorized Bicycle; Moped. | (Amended) |
| 701.19 | Motorcycle. | (Amended) |
| 703.081 | Impounding Vehicles on Private Residential Property. | (Amended) |
| 703.082 | Tow Away Zones. | (Amended) |
| 713.09 | Driver's Duties Upon Approaching Ambiguous Traffic Signal. | (Amended) |
| 731.03 | Overtaking, Passing to Left; Driver's Duties. | (Amended) |
| 731.21 | Right of Way of Public Safety or Coroner's Vehicle. | (Amended) |
| 731.211 | Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. | (Added) |
| 733.01 | Driving Under the Influence. | (Amended) |
| 735.021 | Ohio Driver's License Required for In State Residents. | (Added) |
| 735.09 | Display of License Plates. | (Amended) |
| 735.10 | Expired or Unlawful License Plates. | (Amended) |
| 735.111 | Registration Within Thirty Days of Residency. | (Added) |
| 735.12 | Stopping After Accident Upon Streets. | (Amended) |
| 735.13 | Stopping After Accident Upon Property Other Than Street. | (Amended) |

General Offenses Code

| | | |
|--------|---|-----------|
| 901.01 | General Definitions. | (Amended) |
| 901.06 | Limitation of Criminal Prosecution. | (Amended) |
| 913.02 | Gift of Marihuana. | (Amended) |
| 913.03 | Drug Abuse; Controlled Substance Possession or Use. | (Amended) |
| 913.04 | Possessing Drug Abuse Instruments. | (Amended) |
| 913.05 | Permitting Drug Abuse. | (Amended) |
| 913.07 | Possessing or Using Harmful Ingredients. | (Amended) |
| 913.08 | Illegally Dispensing Drug Samples. | (Amended) |
| 913.11 | Possessing Nitrous Oxide in Motor Vehicle. | (Amended) |
| 913.12 | Drug Paraphernalia. | (Amended) |

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| 913.121 | Marihuana Drug Paraphernalia. | (Amended) |
| 913.13 | Counterfeit Controlled Substances. | (Amended) |
| 925.05 | Failure to Report a Crime, Injury or Knowledge of Death. | (Amended) |
| 929.01 | Liquor Control Definitions. | (Amended) |
| 929.07 | Open Container Prohibited. | (Amended) |
| 937.051 | Menacing by Stalking. | (Amended) |
| 937.10 | Telecommunications Harassment. | (Amended) |
| 937.17 | Criminal Child Enticement. | (Amended) |
| 937.18 | Contributing to Child Delinquency. | (Amended) |
| 941.02 | Arson. | (Amended) |
| 941.04 | Criminal Mischief. | (Amended) |
| 941.09 | Vehicular Vandalism. | (Amended) |
| 949.01 | Weapons Definitions. | (Amended) |
| 949.02 | Carrying Concealed Weapons. | (Amended) |

Fire Prevention Code

1519.04 Fireworks Possession, Sale or Discharge Prohibited. (Amended)

SECTION 3. That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit "A". Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4. That 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 5. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that there exists an imperative necessity for the earliest publication and distribution of current replacement pages to the officials and residents of the City, so as to facilitate administration and daily operation, and to avoid practical and legal entanglements. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: May 15, 2017

ATTEST: [Signature]
Clerk of Council
(Acting)

APPROVED: May 16, 2017
[Signature]
Mayor

Approved as to Form:

[Signature]
Director of Law