

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2023-

By: _____

Sponsor: 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 passed 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 2023 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 That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law: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

703.081	Impounding Vehicles on Private Residential or Agricultural Property.	(Amended)
703.082	Private Tow-Away Zones.	(Amended)
703.083	Impounding Vehicles on Public Property.	(Amended)
703.991	Committing an Offense While Distracted Penalty.	(Amended)
731.35	Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or Mobile Home While in Motion.	(Amended)
733.01	OVI; Willful Misconduct; Speed.	(Amended)
733.03	Maximum Speed Limits; Assured Clear Distance Ahead.	(Amended)
733.09	Electronic Wireless Communication Device Use Prohibited While Driving.	(Amended)
735.07	Driving Under Suspension or License Restriction.	(Amended)
735.071	Driving Under OVI Suspension.	(Amended)
735.072	Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension.	(Amended)

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Traffic Code (Cont.)

735.073	Driving Without Complying With License Reinstatement Requirements.	(Amended)
735.074	Driving Under License Forfeiture or Child Support Suspension.	(Amended)
737.10	Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors, and Animal-Drawn Vehicles.	(Amended)
737.16	Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights.	(Amended)
737.22	Windshield and Windshield Wiper; Sign or Poster Thereon.	(Amended)
741.01	Commercial Drivers Definitions.	(Amended)
751.06	Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages.	(Amended)

General Offenses Code

901.01	General Provisions and Penalty Definitions.	(Amended)
901.99	Penalties for Misdemeanors.	(Amended)
909.04	Disturbing a Lawful Meeting.	(Amended)
909.08	Impeding Public Passage of an Emergency Service Responder.	(Added)
913.01	Drug Abuse Control Definitions.	(Amended)
913.03	Drug Abuse; Controlled Substance Possession or Use.	(Amended)
913.04	Possessing Drug Abuse Instruments.	(Amended)
913.12	Drug Paraphernalia.	(Amended)
913.121	Marihuana Drug Paraphernalia.	(Amended)
917.08	Raffles.	(Amended)
921.09	Spreading Contagion.	(Added)
925.05	Failure to Report a Crime, Injury or Knowledge of Death.	(Amended)
925.15	Assaulting Police Dog or Horse or an Assistance Dog.	(Amended)
929.07	Open Container Prohibited.	(Amended)
933.01	Obscenity and Sex Offenses Definitions.	(Amended)
933.06	Voyeurism.	(Amended)
933.08	Procuring; Engagement in Sexual Activity for Hire.	(Amended)
937.03	Assault.	(Amended)
937.06	Menacing.	(Amended)
937.07	Endangering Children.	(Amended)
937.15	Temporary Protection Order.	(Amended)
937.19	Hazing Prohibited.	(Added)
945.05	Misdemeanor Theft.	(Amended)
949.02	Carrying Concealed Weapons.	(Amended)
949.04	Improperly Handling Firearms in a Motor Vehicle.	(Amended)
949.10	Possessing Replica Firearm in School.	(Amended)
949.12	Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession.	(Added)

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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, 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:

President of Council

ATTEST: _____

Clerk of Council

APPROVED:

APPROVED AS TO FORM:

Mayor

Director of Law