

ORDINANCE NO. 14-2021 (AS)

By Council Member Seren

An Ordinance to approve current replacement pages to the Cleveland Heights Codified Ordinances; and declaring an emergency.

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 a contract with the Walter H. Drane Company to update the City's Codified Ordinances to reflect the legislation and amendments recited above.

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 2021 Replacement Pages to the Codified Ordinances, are hereby approved and adopted:

<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
23-2018	6-1-20	Repeals 107.01 (c)(9)
108-2019	7-6-20	749.03(n), 749.12 (b) to (d), 749.13 (a)
Res. 20-2020	3-16-20	351.09(c)
24-2020	3-16-20	111.12 to 111.131
50-2020	6-1-20	111.13
51-2020	7-6-20	111.21
54-2020	7-6-20	943.01 to 943.33, 943.99
81-2020	7-6-20	Ch. 155 Ed. Note
124-2020	12-7-20	1345.99, 1351.33, 1351.34
128-2020	11-16-20	935.01, 935.02, 935.99
129-2020	11-16-20	Repeals 143.08(b)
133-2020	12-7-20	Ch. 155 Ed. Note
Res. 137-2020	12-7-20	351.09

SECTION 2. The following sections and chapters of the Codified Ordinances shall be, and hereby are added, amended or repealed in order to conform with changes in State Law.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 2021 Replacement Pages to the Codified Ordinances. A summary of the amendments is

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set forth in Exhibit A which is attached to this Ordinance.

Traffic Code

331.42	Wearing Earplugs or Earphones Prohibited. (Amended)
335.09	Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
335.091	Operating Without Dealer or Manufacturer License Plates. (Added)

General Offenses Code

513.01	Drug Abuse Control Definitions. (Amended)
537.17	Reserved. (Previously "Criminal Child Enticement")

SECTION 3. The aforementioned amendments to the Codified Ordinances, as revised, recodified and consolidated into component codes, titles, chapters and sections within the 2021 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 at the earliest time possible. 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.

JASON S. STEIN
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED: February 16, 2021

EXHIBIT A

331.42 Wearing Earplugs or Earphones Prohibited. (Expands definitions for earphones and earplugs. Adds exception for hearing protection while operating a motorcycle.)

335.09 Display of License Plates or Validation Stickers; Temporary License Placard. (License plate and temporary license placard to be displayed on the rear of vehicle.)

335.091 Operating Without Dealer or Manufacturer License Plates. (Adds new section regulating operating a manufacturer or dealer vehicle without license plates or placards.)

513.01 Drug Abuse Control Definitions. (Completely rewrites section to comply with ORC 2925.01.)

537.17 Criminal Child Enticement. (Deleted. This section was based on ORC 2905.05. The Ohio Supreme Court held that ORC 2909.05(A) was unconstitutionally overbroad in violation of the First Amendment.)