

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 075

By: Mayor Perciak and All Members of Council

AN ORDINANCE APPROVING AND ADOPTING REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY, REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS, in order to conform with the changes adopted by the Ohio General Assembly and with current State law as required by the Ohio Constitution, it is necessary for the City to amend certain provisions within its Traffic and General Offenses Codes; and

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

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish the aforesaid amendments and revisions.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That the additions and amendments to the Traffic and General Offenses Codes of the Codified Ordinances of the City of Strongsville, as prepared by the Walter H. Drane Company in order to comply with current State law, be and are hereby approved and adopted; and the ordinances of Strongsville of a general and permanent nature, as revised, re-codified, rearranged and consolidated into component codes, titles, chapters and sections within the 2013 replacement pages to the Codified Ordinances be and are hereby approved and adopted, all as set forth in Exhibit A attached hereto and incorporated herein by reference.

Section 2. That any other ordinances or resolutions or parts thereof in conflict with any of the above Ordinances shall, to the extent of any conflict, be and are hereby repealed.

Section 3. 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 any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City; and for the further reason that there exists an imperative necessity for the earliest publication and distribution of the aforesaid amendments to the Codified Ordinances to the officials and residents of the City, so as to facilitate the administration and daily operation of the City and its departments, 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.

Michael Daymut
 President of Council

Approved: Thomas B. Buresel
 Mayor

Date Passed: April 7, 2014

Date Approved: April 7, 2014

	<u>Yea</u>	<u>Nay</u>
Carbone	<u>✓</u>	<u>_____</u>
Daymut	<u>✓</u>	<u>_____</u>
DeMio	<u>✓</u>	<u>_____</u>
Dooner	<u>✓</u>	<u>_____</u>
Maloney	<u>✓</u>	<u>_____</u>
Schonhut	<u>✓</u>	<u>_____</u>
Southworth	<u>✓</u>	<u>_____</u>

Attest: Aimee Prinka
 Clerk of Council

ORD. No. 2014-075 Amended: _____
 1st Rdg. 04/07/14 Ref: _____
 2nd Rdg. suspended Ref: _____
 3rd Rdg. suspended Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: 04/07/14 Defeated: _____

EXHIBIT "A"

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2013-072	3-4-13	2012 Replacement Pages
2013-075	2-18-14	1262.04, 1262.05
2013-091	4-15-13	252.01(a)
2013-092	4-15-13	250.01(b)
2013-109	6-17-13	1402.03; Repeals Ch. 286, 1412, 1434, 1414.06
2013-153	7-1-13	296.09
2013-160	7-15-13	1402.01
2013-161	7-15-13	1404.01
2013-162	7-15-13	1023.08, 1420.01 to 1420.06
2013-165	7-15-13	250.01(b)
2013-202	9-13-13	291.01 to 291.04
2013-272	12-2-13	266.03
2013-276	12-2-13	252.01
2013-223	1-6-14	1023.01 to 1023.08
2013-224	1-6-14	1024.01 to 1024.25, 1024.99
2013-225	1-6-14	1025.02, 1025.03, 1025.06, 1025.07
2013-226	1-6-14	1228.01
2013-241	1-21-14	1256.04

EXHIBIT "A" (Cont.)

Traffic Code

402.05	Bicycle. (Amended)
414.03	Traffic Signal Indications. (Amended)
434.01	Driving or Physical Control While Under the Influence. (Amended)
434.03	Maximum Speed Limits. (Amended)
434.11	Texting While Driving Prohibited. (Amended)
436.032	Electronic Wireless Communication Device Prohibited. (Amended)
440.03	Maximum Width, Height and Length. (Amended)
474.02	Riding Upon Seats; Handle Bars; Helmets and Glasses. (Amended)

General Offenses Code

606.01	Definitions. (Amended)
606.10	Falsification. (Amended)
606.12	Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
612.01	Liquor Control Definitions. (Amended)
612.07	Open Container Prohibited. (Amended)
618.051	Cruelty to Companion Animals. (Amended)
624.01	Drug Abuse Definitions. (Amended)
624.03	Drug Abuse; Controlled Substance Possession. (Amended)
630.01	Gambling Definitions. (Amended)
630.02	Gambling. (Amended)
636.02	Assault. (Amended)
636.08	Criminal Child Enticement. (Amended)
636.14	Misuse of 9-1-1 System. (Amended)
642.01	Theft and Fraud Definitions. (Amended)
642.02	Petty Theft. (Amended)
642.22	Receiving Stolen Property. (Amended)
654.03	Duties of Locomotive Engineer. (Amended)
672.01	Weapons and Explosives Definitions. (Amended)
672.02	Carrying Concealed Weapons. (Amended)
672.04	Improperly Handling Firearms in a Motor Vehicle. (Amended)

EXHIBIT "A" (Cont.)

Traffic Code

402.05 Bicycle. (Simplifies the definition of a "bicycle" to mean a device propelled by human power having two or more wheels any of which is more than fourteen inches in diameter.)

414.03 Traffic Signal Indications. (Clarifies the turns that may be made by vehicular traffic facing a steady red signal indication in subsection (c).)

434.01 Driving or Physical Control While Under the Influence. (Changes Ohio Revised Code references from Chapter 3793 to Chapter 5119 and titles pertaining to Alcohol and Drug Addiction Programs.)

434.03 Speed Limits. (Revises speed limits on highways, expressways and freeways.)

434.11 Texting While Driving Prohibited. (Adds new subsection (e) providing that a prosecution under Section 333.11 does not preclude a prosecution under Ohio R.C. 4511.204. However, if the offender is found guilty of both violations, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.)

436.032 Use of Electronic Wireless Communication Device Prohibited While Driving. (Adds new subsection (d) providing that if a person is adjudicated a delinquent child or juvenile traffic offender under Section 335.032 and Ohio R.C. 4511.205, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.)

440.03 Maximum Width, Height and Length. (Changes 40 feet to 50 feet in subsection (c)(8).)

474.02 Riding Upon Seats; Handlebars; Helmets and Glasses. (Changes the permitted height of handlebars in subsection (g).)

General Offenses Code

606.01 Definitions. (Amends subsection (k) "Law enforcement officer".)

606.10 Falsification. (Adds "or health care coverage from a state retirement system" to subsection (a)(4).)

606.12 Failure to Report a Crime, Injury or Knowledge of Death. (Changes reference in subsection (g)(5) to Ohio R.C. 5119.36.)

612.01 Liquor Control Definitions. (Redefines "intoxicating liquor" and "liquor" as set forth in subsection (b) thereof.)

612.07 Open Container Prohibited. (Adds new subsection (c)(6) regulating the possession of beer and intoxicating liquor on the grounds of an outdoor motorsports facility.)

618.051 Cruelty to Companion Animals. (Adds new subsection (c)(1) to (4) and new subsection (d) pertaining to prohibiting a person in charge of a dog kennel from negligently harming a companion animal.)

624.01 Drug Abuse Control Definitions. (Adds definition of "controlled substance analog". Amends definition of "standard pharmaceutical reference manual".)

624.03 Drug Abuse; Controlled Substance Possession or Use. (Adds "controlled substance analog" to subsection (a); deletes offense under subsection (c)(4) which is now felonious.)

630.01 Bingo Definitions. (Redefines "scheme of chance" under subsection (c); adds "a scheme of chance or a sweepstakes" to subsection (o)(2); adds subsection (aaa) "sweepstakes terminal device" and subsection (bbb) "sweepstakes".)

630.02 Gambling. (Adds subsections (a)(5) and (6) which prohibits conducting a sweepstakes with the use of a sweepstakes terminal device.)

636.02 Assault. (Adds felony classification if the victim of the assault is a health care worker or security officer of a hospital; or a judge, magistrate, prosecutor or court official; adds reference to Ohio R.C. 3311.77 to subsection (d)(6)A. Adds new subsection (a)(3) and redrafts subsection (a)(4) pertaining to offenses occurring on the grounds of a Correctional or Department of Youth Services Institution.)

636.08 Criminal Child Enticement. (Adds new subsection (c) proscribing additional conduct prohibited by subsection (a) thereof.)

636.14 Misuse of 9-1-1 System. (Changes Ohio Revised Code reference from Chapter 5507 to 128; changes references from Public Utilities Commission to steering committee.)

General Offenses Code (Cont.)

642.01 Theft and Fraud Definitions. (Changes reference in subsection (e) from Ohio R.C. 4930.40 to Ohio R.C. 5507.01).

642.02 Petty Theft. (Adds subsection (b)(8) pertaining to special purpose articles and bulk merchandise containers.)

642.22 Receiving Stolen Property. (Adds subsection (c)(2)D. pertaining to special purpose articles and bulk merchandise containers.)

654.03 Duties of Locomotive Engineer. (Deletes former subsection (a)(2).)

672.01 Weapons Definitions. (Adds subsections (n) and (o) defining “concealed handgun license” and “valid concealed handgun license”.)

627.02 Carrying Concealed Weapons. (Changes terminology concerning handgun licenses to “concealed handgun licenses” and “valid concealed handgun licenses”.)

672.04 Improperly Handling Firearms in a Motor Vehicle. (Changes terminology concerning handgun licenses to “concealed handgun licenses” and “valid concealed handgun licenses”; redefines “unloaded” in subsection (h)(2) and adds subsection (i).)