

ORDINANCE NO.: 104 -2018
INTRODUCED BY: Mayor Roche

**AN ORDINANCE REPEALING SECTION 509.09, "VAGRANTS", OF
THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND
HEIGHTS; AND DECLARING AN EMERGENCY.**

WHEREAS, Section 509.09 of the Codified Ordinances of the City of Richmond Heights may prohibit certain activities that may have been found by the courts to be lawful since its adoption in 1972;

WHEREAS, Section 509.09 of the Codified Ordinances of the City of Richmond Heights prohibits other activities that are prohibited elsewhere in the Codified Ordinances;

WHEREAS, the City has not enforced Section 509.09 of the Codified Ordinances in many years, if ever;

WHEREAS, City law enforcement personnel do not issue citations or warnings under Section 509.09 of the Codified Ordinances, and there are no pending prosecutions enforcing Section 509.09 of the Codified Ordinances;

WHEREAS, this Council desires to repeal Section 509.09 in its entirety from the Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1. Existing Section 509.09, "Vagrants", of the Codified Ordinances of the City of Richmond Heights is repealed in its entirety, to wit:

~~" 509.09 VAGRANTS.~~

~~—(a) "Vagrant", within the meaning of this section, means any person able to work and support himself or herself, in any honest and respectable calling, trading or business, who lives idly and without any visible means to support himself or herself; and~~

~~(1) Who shall be found loitering or strolling about in any street, alley, park or any public or private place within the Municipality; or~~

~~—(2) Who shall go about begging in the Municipality, not having any regular lawful business; or~~

~~—(3) Who shall occupy for the purpose of lodging any barn, shed, shop or place other than such as is provided for the purpose, without permission of the owner or person entitled to possession thereof; or~~

~~(4) Who shall be the keeper, proprietor or exhibitor of any device or swindling, or shall be an assistant or attendant to any such device; or~~

~~(5) Who, for the purpose of gaming or gambling, travels about from place to place or frequents taverns or public places in the Municipality for that purpose; or~~

~~(6) Upon whom shall be found any instrument or thing used for the commission of burglary, or for picking locks or pockets, and who shall fail to give a good account of his possession of the same; or~~

~~(7) Who shall be engaged in any fraudulent scheme, device or trick upon the streets or public or private places in the Municipality.~~

~~—(b) Whoever violates this section is guilty of a minor misdemeanor.”~~

Section 2. 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 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the general welfare of the City and for the further reason that it is immediately necessary for the City to ensure that lawful activities are not subject to criminal penalty; wherefore, this Ordinance shall be in effect immediately upon its passage and signature by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

September 11, 2018


David H. Roche, Mayor

APPROVED:

September 11, 2018

ATTEST:


Betsy Traben, Clerk of Council


Eloise Cotton-Henry, President of Council