



City of Powell, Ohio

ORDINANCE 2017-52

Adopted October 17, 2017

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES, CITY OF POWELL, OHIO TO PROVIDE AMENDMENTS TO GENERAL OFFENSES, POWELL CITY CODE CHAPTERS 501-557; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Powell, Ohio is authorized by its Charter and Ohio law to adopt ordinances relating to its property, affairs and local government.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That the Codified Ordinances of the City of Powell, Ohio (meaning City Municipal Code) is hereby amended by adding the provisions as provided under Exhibit A, Exhibit B, and Exhibit C, which are included as an attachment to this ordinance.

Section 2: The addition, amendment, or removal of Municipal Powell City Code Chapters when passed in such form as to indicate the intention of the governing authority of the City of Powell, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.

Section 3: The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Codified Ordinances of the City of Powell, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the City's Municipal Code.

Section 4: Supplementation of Code.

(a) In preparing a supplement to City's Municipal Code, all portions of this ordinance which have been repealed shall be excluded from the City's Municipal Code by the omission thereof from reprinted pages.

(b) When preparing a supplement to the City's Municipal Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for Chapters and other subdivisions of the City's Municipal Code printed in the supplement, and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to Chapters and other subdivisions to be inserted in the City's Municipal Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "Chapters _____ to _____" (inserting

section numbers to indicate the Chapters of the City's Municipal Code which embody the substantive Chapters or the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance Chapters inserted into the City's Municipal Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodies in the City's Municipal Code.

(c) In preparing a supplement to the City's Municipal Code, the pages of a supplement shall be so numbered that they will fit properly into the City's Municipal Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the City's Municipal Code will be current through the date of the adoption of the latest ordinance included in the supplement.

Section 5: Provisions of Exhibit A that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

Section 6: The following Chapters and subchapters of the Municipal Code are new or have been amended with new matter in the Municipal Code, and are hereby approved, adopted and enacted:

- 501.06 Limitation of criminal prosecutions (amended)
- 501.99(a) Penalties for misdemeanors; financial sanctions (amended)
- 513.02 Gift of marihuana (amended)
- 513.03 Drug abuse; controlled substance possession or use (amended)
- 513.04 Possessing drug abuse instruments (amended)
- 513.05 Permitting drug abuse (amended)
- 513.06 Illegal cultivation of marihuana (amended)
- 513.07 Possessing or using harmful intoxicants (amended)
- 513.08 Illegally dispensing of drug samples (amended)
- 513.11 Harmful intoxicants; possessing nitrous oxide in a motor vehicle (amended)
- 513.121 Marihuana drug paraphernalia (amended)
- 513.12 Drug paraphernalia (amended)
- 513.13 Counterfeit controlled substances (amended)
- 513.15 Immunity for administering or providing epinephrine (**new**)
- 525.15 Assaulting police dog, horse, or assistance dog; penalty (amended)
- 533.09 Soliciting (amended)
- 537.02 Vehicular homicide and manslaughter (amended)
- 537.051 Menacing by stalking (amended)
- 537.10 Telecommunications harassment (amended)
- 537.15 Temporary protection order (amended)
- 537.17 Criminal child enticement (amended)
- 541.01 Determining property value in arson (amended)
- 541.02 Arson (amended)
- 541.04 Criminal mischief (amended)
- 541.10 Vehicular vandalism (amended)
- 549.12 Specification concerning use of firearm by violent career criminal to facilitate offense (**new**)
- 549.13 Unlawful use of a weapon by a violent career criminal (**new**)

Section 7: The following Chapters and subchapters of the Municipal Code have been repealed in the Municipal Code, and are hereby deleted and removed from the Municipal Code:

None.

Section 8: If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this

City Council

Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendan Newcomb

Daniel Swartwout

Ordinance or its application to other persons or circumstances. The governing authority of the City of Powell, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more Chapters, subchapters, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable


Section 9: All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 10: That this Ordinance shall take effect on the earliest possible date permitted by law.

VOTE ON ORDINANCE 2017-52:

Y 7

N 0



Brian Lorenz
Mayor

10/20/17
Date




Karen J. Mitchell
City Clerk

10/23/2017
Date

EFFECTIVE DATE:

November 16, 2017



This legislation has been posted in accordance with the City Charter on this date 10/23/2017.


City Clerk