

ORDINANCE NO.: 2023 - 53

FIRST READING SEPTEMBER 11, 2023

INTRODUCED BY: RUTH CAVANAGH

SECOND READING WAIVED

THIRD READING WAIVED

ORDINANCE AMENDING SECTION 642.05 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SOUTH RUSSELL REGARDING THE UNAUTHORIZED USE OF PROPERTY BY INCLUDING THE CORRECT CROSS-REFERENCE TO THE AFFIRMATIVE DEFENSES THERETO AND DECLARING AN EMERGENCY.

WHEREAS, Council desires to amend Section 642.05 of the Codified Ordinances of the Village of South Russell, specifically subsection (b), to include the correct cross-reference to the affirmative defenses to the charge of unauthorized use of property as provided in Section 642.04(c) of the Codified Ordinances of the Village of South Russell.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of South Russell, Geauga County, Ohio:

SECTION 1. Section 642.05 of the Codified Ordinances of the Village of South Russell currently reads as follows:

“642.05 UNAUTHORIZED USE OF PROPERTY.

“(a) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent.

“(b) The affirmative defenses contained in Section 642.06(c) are affirmative defenses to a charge under this section.

“(c) Whoever violates this section is guilty of unauthorized use of property. Except as provided in subsection (d) hereof, unauthorized use of property is a misdemeanor of the fourth degree.

“(d) If unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is a misdemeanor of the first degree. If unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, and if the value of the property is one thousand dollars (\$1,000) or more, unauthorized use of property is a felony and shall be prosecuted under appropriate State law.”

SECTION 2. Section 642.05 of the Codified Ordinances of the Village of South Russell is hereby deleted and replaced in its entirety as follows:

“642.05 UNAUTHORIZED USE OF PROPERTY.

“(a) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent.

“(b) The affirmative defenses contained in Section 642.04(c) are affirmative defenses to a charge under this section.

“(c) Whoever violates this section is guilty of unauthorized use of property. Except as provided in subsection (d) hereof, unauthorized use of property is a misdemeanor of the fourth degree.

“(d) If unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is a misdemeanor of the first degree. If unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, and if the value of the property is one thousand dollars (\$1,000) or more, unauthorized use of property is a felony and shall be prosecuted under appropriate State law.”

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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 on or after December 2, 1975, that resulted in formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 4. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the inhabitants of the Village and for the further reason to allow for the correct cross-reference to be codified; wherefore, provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor.



Mayor - President of Council

ATTEST:



Fiscal Officer

I certify that Ordinance No. 2023 - 53 was duly enacted on the 11TH day of SEPTEMBER, 2023, by the Council of the Village of South Russell, and published in accordance with the Ordinances of the Village.



Fiscal Officer