

**ORDINANCE NO. 2017-06**

**INTRODUCED BY: COUNCILMAN ERTEL**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 672.08 ENTITLED "UNAUTHORIZED USE OF A VEHICLE; VEHICLE TRESPASS." AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of University Heights wishes to add language to its vehicular trespass ordinance to prohibit any person from knowingly entering into or upon any motor vehicle without the consent of the owner or person authorized to give consent; and

**WHEREAS**, the existing vehicular trespass ordinance applies only in situations in which an individual uses or operates any motor vehicle without the consent of the owner or person authorized to give consent.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:**

**Section 1.** Council hereby amends Codified Ordinance Section 672.08 to read in its entirety as follows:

**672.08 UNAUTHORIZED USE OF A VEHICLE; VEHICLE TRESPASS**

(a) No person shall knowingly use or operate an aircraft, motor vehicle, motorcycle, motorboat, or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(b) No person shall knowingly use or operate an aircraft, motor vehicle, motorcycle, motorboat, or other motor-propelled vehicle without the consent of the owner or person authorized to give consent, and either remove it from this State, or keep possession of it for more than 48 hours.

(c) No person shall knowingly enter into or upon an aircraft, motor vehicle, motorcycle or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(d) The following are affirmative defenses to a charge under this section:

(1) At the time of the alleged offense, the actor, though mistaken, reasonably believed that he or she was authorized to use or operate the property.

(2) At the time of the alleged offense, the actor reasonably believed that the owner or person empowered to give consent would authorize the actor to use or operate the property.

(e) Whoever violates this section is guilty of unauthorized use of a vehicle.

(1) Except as otherwise provided in this division (e)(1), a violation of division (a) of this section is a misdemeanor of the first degree. If the victim of the offense is an elderly person or disabled adult and if the victim incurs a loss as a result of the violation, a violation of division (a) of this section is a felony to be prosecuted under appropriate State law.

(2) A violation of division (b) of this section is a felony to be prosecuted under appropriate State law.

(ORC 2913.03)

**Statutory reference:**


*Theft offense involving motor vehicle, offender to pay towing and storage fees, see Ohio R.C. 2913.82*

**Section 2.** Existing Codified Ordinance Section 672.08 is hereby repealed.

**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 that resulted in such formal action, were in meetings open to the public, in compliance of all legal requirements.

**Section 4.** This Ordinance is declared to be an emergency measure necessary for the preservation of the public peace, safety, health and welfare of the citizens of the City of University Heights; such reason being this Ordinance must be enacted as conduct is currently occurring and the City desires to be able to enforce the Ordinance as soon as possible. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

  
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SUSAN K. INFELD, MAYOR

PASSED: February 6, 2017

ATTEST:

  
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KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

  
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LUKE F. MCCONVILLE, LAW DIRECTOR