

BRUNSWICK CITY SAFETY & ENVIRONMENT COMMITTEE

Agenda OCTOBER 10, 2016 6:25 PM

1. Discussion Items
 - (a) **ORD. NO. 65** - An emergency ordinance amending Section 624.121 of the Codified Ordinances of the City of Brunswick to reflect revisions to Ohio Revised Code Section 2925.141 - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Ken Fisher*)
2. General Discussion
3. Adjournment

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 10/10/2016

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 65** - An emergency ordinance amending Section 624.121 of the Codified Ordinances of the City of Brunswick to reflect revisions to Ohio Revised Code Section 2925.141 - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Ken Fisher*)

BACKGROUND: Ohio Revised Code Section 2925.141 was revised to provide for discretionary driver's license suspensions for the illegal use or possession of marijuana drug paraphernalia, effective September 13, 2015. The City Prosecutor recommended that the City of Brunswick Codified Ordinance Section 624.121, which presently provides for mandatory driver's license suspensions, be amended to reflect the Ohio Revised Code Section 2925.141.

**PURPOSE AND
EXPLANATION:**

IMPLEMENTATION

SCHEDULE: Adopt on Oct. 10, 2016 as an emergency with suspension of rules at the first reading.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

**RECOMMENDED
ACTION:**

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

Recommended to adopt as an emergency with suspension of the rules on October 10, 2016 to immediately reflect amendments to State law.

ADDITIONAL

INFORMATION:

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 65-16

BY: Mr. Hanek, Mr. Capretta and Mr. Johnson

AN EMERGENCY ORDINANCE AMENDING SECTION 624.121 OF THE
CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK TO REFLECT
REVISIONS TO OHIO REVISED CODE SECTION 2925.141.

WHEREAS: Ohio Revised Code Section 2925.141 was revised to provide for discretionary driver's license suspensions for the illegal use or possession of marihuana drug paraphernalia, effective September 13, 2016; and

WHEREAS: The City Prosecutor has recommended that City of Brunswick Codified Ordinance Section 624.121, which presently provides for mandatory driver's license suspensions, be amended to reflect revisions to Ohio Revised Code Section 2925.141.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That Section 624.121 of the Codified Ordinances is hereby amended to read as follows:

- (a) ***
- (b) ***
- (c) ***
- (d) ***
- (e) ***
- (f) ***
- (g)

- (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court ~~shall~~ may suspend for not ~~less than six months or~~ more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.
- (2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this Section prior to the effective date of this amendment may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which

the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (g)(2) of this Section, the sentencing court, in its discretion, may terminate the suspension.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to immediately reflect amendments to State law. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
 Clerk of Council
 Barbara J. Ortiz, CMC