

ORDINANCE NO. 190

AN ORDINANCE TO AMEND CERTAIN SECTIONS IN THE GENERAL OFFENSES CODE TO COMPLY WITH CURRENT STATE LAW AND DECLARING AN EMERGENCY.

WHEREAS, Am. Sub. Senate Bill 199 and Am. Sub. House Bill 269 have increased from one hundred and fifty dollars (\$150.00) to three hundred dollars (\$300.00) the value of affected property or services involved in determining whether certain offenses are felonies or misdemeanors, or misdemeanors of the first or second degree, effective January 5, 1983;

WHEREAS, the Ohio Constitution requires ordinances which are enacted as an exercise of the Municipality's police powers to comply with general state law; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE OTTOVILLE, COUNTY OF PUTNAM, AND STATE OF OHIO:

Section 1. That Sections 505.05, 517.05, 541.02, 545.09, 545.10, 545.15 and 545.18 are hereby amended to read as follows:

505.05 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity. (ORC 959.02)

(b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree. (ORC 959.99(B))

517.05 CHEATING.

(a) No person, with purpose to defraud or knowing that he is facilitating a fraud, shall engage in conduct designed to corrupt the outcome of:

- (1) The subject of a bet;
- (2) A contest of knowledge, skill, speed, strength or endurance;
- (3) A scheme or game of chance.

(b) Whoever violates this section is guilty of cheating, a misdemeanor of the first degree, if the potential gain from cheating is less than three hundred dollars (\$300.00), or if the offender has not previously been convicted of any gambling offense or of any theft offense as defined in Section 545.01. (ORC 2915.05)

Post Title 2-26-83

541.02 ARSON.

(a) No person, by means of fire or explosion, shall knowingly cause or create a substantial risk of physical harm to any property of another without his consent.

(b) This section does not apply if the violation is done with purpose to defraud or the property involved is a statehouse or a courthouse, school building or other structure owned or controlled by the State or any of its political subdivisions, or any department, agency or instrumentality of either, and used for public purposes.

(c) Whoever violates this section is guilty of arson, a misdemeanor of the first degree, if the value of the property or the amount of physical harm involved is less than three hundred dollars (\$300.00). (ORC 2909.03)

545.05 PETTY THEFT.

(a) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

- (1) Without the consent of the owner or person authorized to give consent;
- (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
- (3) By deception;
- (4) By threat.

(b) Whoever violates this section is guilty of petty theft, a misdemeanor of the first degree, if the value of the property or services stolen is less than three hundred dollars (\$300.00), if the property is not listed in Section 545.03 and if the offender has not previously been convicted of a theft offense. (ORC 2913.02)

545.09 PASSING BAD CHECKS.

(a) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored.

(b) For purposes of this section, a person who issues or transfers a check or negotiable instrument is presumed to know that it will be dishonored, if either of the following occurs:

- (1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later.
- (2) The check or instrument was properly refused payment for insufficient funds upon presentment within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, indorser or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.

(c) Whoever violates this section is guilty of passing bad checks, a misdemeanor of the first degree, if the check or other negotiable instrument is for payment of less than three hundred

dollars (\$300.00) and if the offender has not previously been convicted of a theft offense. (ORC 2913.11)

545.10 MISUSE OF CREDIT CARDS.

(a) No person shall do any of the following:

- (1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;
- (2) Knowingly buy or sell a credit card from or to a person other than the issuer.

(b) No person, with purpose to defraud, shall do any of the following:

- (1) Obtain control over a credit card as security for a debt;
- (2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that such card has expired or been revoked, or was obtained, is retained or is being used in violation of law;
- (3) Furnish property or services upon presentation of a credit card, knowing that such card is being used in violation of law;
- (4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that such representation is false.

(c) No person, with purpose to violate this section, shall receive, possess, control or dispose of a credit card.

(d) Whoever violates this section is guilty of misuse of credit cards. Violation of subsection (a), (b)(1) or (c) hereof is a misdemeanor of the first degree if the offender has not previously been convicted of a theft offense. If the cumulative retail value of the property and services involved in one or more violations of subsection (b)(2), (3) or (4) hereof, which violations involve one or more credit card accounts and occur within a period of ninety consecutive days commencing on the date of the first violation, is less than three hundred dollars (\$300.00) and if the offender has not previously been convicted of a theft offense, then misuse of credit cards is a misdemeanor of the first degree. (ORC 2913.21)

545.15 SECURING WRITINGS BY DECEPTION.

(a) No person, by deception, shall cause another to execute any writing which disposes of or encumbers property, or by which a pecuniary obligation is incurred.

(b) Whoever violates this section is guilty of securing writings by deception, a misdemeanor of the first degree, if the value of the property or obligation involved is less than three hundred dollars (\$300.00). (ORC 2913.43)

545.18 RECEIVING STOLEN PROPERTY.

(a) No person shall receive, retain or dispose of property of another, knowing or having reasonable cause to believe that the property has been obtained through commission of a theft offense.

(b) Whoever violates this section is guilty of receiving stolen property, a misdemeanor of the first degree, if the value of the property involved is less than three hundred dollars (\$300.00), if the property is not listed in Section 545.03 and if the offender has not previously been convicted of a theft offense. (ORC 2913.51)

Section 2. That former Sections 505.05, 517.05, 541.02, 545.05, 545.09, 545.10, 545.15 and 545.18 are hereby repealed.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety and for the further reason that there exists an imperative necessity to amend the General Offenses Code to comply with current State law.

PASSED: 2-7-83

ATTEST:

APPROVED:

Richard J. Wink
Clerk

Larry A. Hollbein
Mayor