

Amended Ordinance 36-20

By: Richard Sharp

***An Ordinance amending Bexley Codified Ordinance 648.09 MAYOR'S EMERGENCY POWERS***

**Whereas,** Prompt but temporary measures necessary for the preservation of the public peace, health or safety of the City and its residents and visitors, may be needed in the event of a local, state or national emergency; and

**Whereas,** Such measures, due to the immediate nature of the emergency and/or the inability of the legislative body to meet, may not be able to be put in place under the normal administrative and/or legislative processes without significant adverse effects on the peace, health or safety of the City and its residents and visitors; and

**Whereas,** The existence of an emergency should not be used beyond the immediate needs of the emergency to bypass the normal legislative process, or to give on-going extraordinary powers to the Mayor or designated officials declaring the emergency

**Therefore: BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:**

**Section 1:** That Bexley Codified Ordinance 648.09 is amended as follows:

648.09 MAYOR'S EMERGENCY POWERS.

(a) **A "State of Emergency" may be proclaimed,** ~~when~~ when there is a tumult, riot, mob or body of people acting together with the intent to commit a felony or to do or offer violence to any person or property, or by force and violence to break or resist the law, or in the event of a flood, fire, snowstorm or any other disaster affecting life and property and which substantially impairs the functioning of the City government and its ability to protect the lives and property of the people.

(i) ~~any of the following named officers,~~ **The Mayor, the President of Council, the Chief of Police** acting in the order herein designated when the previously named officer or officers are absent from the City or are unavailable or incapable of so doing, are authorized to proclaim the existence of a **"State of Emergency"** in the City or within any prescribed area thereof. ~~the Mayor, the President of Council, the Chief of Police.~~

**(ii) A "State of Emergency" and Executive Orders issued thereunder may, at anytime, be rescinded by Council Ordinance or Resolution.**

(b) When a **"State of Emergency"** has been proclaimed as provided in subsection (a) hereof, any of the officers named therein, acting in accordance therewith, is authorized to issue

such ~~proclamations~~ **Executive Orders** as ~~is~~ he deemed necessary to protect life and property. Such ~~proclamations~~ **Executive Orders** may include, but are not limited to **suspension of local ordinances and regulations**, the establishment of a curfew; prohibiting the sale of beer or intoxicating liquor; prohibiting the sale of firearms; restricting or prohibiting movement into, out of or within the affected area; or prohibiting or limiting the assemblage of persons.

(c) No person shall fail to obey the lawful order of any ~~police officer, militiaman or other~~ **Bexley, local, county, state, federal** law enforcement officer; **activated National Guard member; fire or rescue personnel, or other authorized person specifically named in the "State of Emergency" proclamation**, and no person shall in any way intentionally interfere with any such **afore-mentioned** ~~police officer, militiaman or other law enforcement officer, or any fireman, rescue personnel, medical personnel or other authorized person(s)~~ in the protection or preservation of life or property during the existence of a **"State of Emergency"** proclaimed as provided in subsection (a) **and (b)** hereof.

(d)-Whoever **violates** ~~violates subsection (c) hereof, or any proclamation issued in~~ accordance with subsection **(a), (b) or (c) hereof**, is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 698.02. (Ord. 19-68. Passed 5-24-68. **Amended Ord. 36-20. Passed \_\_-\_\_-21**)

**Section 2:** That this ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: 3/9, 2021

Attest: William Harvey  
William Harvey - Clerk of Council

Lori Ann Feibel  
Lori Ann Feibel - President of Council

Approved: \_\_\_\_\_, 2020

Benjamin J Kessler  
Benjamin J Kessler, Mayor

First Reading 8-25-2020

Second Reading 9-08-2020

Third Reading 9-22-2020 & Tabled