

Proposed Amended Ordinance 36-20

(Red line = changes to existing 648.09 proposed at by Ordinance 36-20 as introduced)

(Green line and red-strikeouts = proposed amendments to Ordinance 36-20 to be suggested on 2-23-21)

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 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) Any such "State of Emergency" proclamation, shall be:

~~■ Limited to 45 days or less for the emergency stated in the proclamation.~~

■ **A "State of Emergency" and Executive Orders issued thereunder** ~~Specific provisions may be extended 45 days if affirmed to by a majority voice vote of Council may, at anytime, be rescinded by Council Ordinance or Resolution.~~

■ ~~Specific provisions can only be extended beyond 90 days from the original proclamation, if it is approved in an ordinance passed by Council, or if the emergency is so severe that a Council~~

~~meeting with a quorum cannot be achieved, in which case the provisions may continue until the time that a Council meeting with quorum is achieved.~~

(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 he deems 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 ~~city employee; 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 ~~fore-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 subsection (c) hereof, or~~ **violates** subsection (c) hereof, or any proclamation issued in accordance with subsection (a), (b) ~~hereof, or violates subsection (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: _____, 2021

Lori Ann Feibel - President of Council

Attest: _____
William Harvey - Clerk of Council

Approved: _____, 2020

Benjamin J Kessler, Mayor

First Reading 8-25-2020

Second Reading 9-08-2020

Third Reading 9-22-2020 & Tabled