

ORDINANCE NO. 71-90By: Mark R. Masser

An Ordinance to amend Section 436.07 of the Codified Ordinances regarding driving under suspension or revocation and to declare an emergency.

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

Section 1. That Section 436.07 of the Codified Ordinances is hereby amended as follows:

436.07 DRIVING UNDER SUSPENSION OF REVOCATION

(a) No person, whose operator's or chauffeur's license or permit or nonresident's operating privilege has been suspended or revoked pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by him or her to be operated by another person in the Municipality, during the period of the suspension or revocation, except as specifically authorized by Ohio R.C. Chapter 4509.

(b) No person, whose operator's or chauffeur's license or permit has been suspended pursuant to Ohio R.C. 4511.191 or 4507.16(B), shall operate any motor vehicle in this Municipality until after he or she has paid the license reinstatement fee required by Ohio R.C. 4511.191(J) and until the license or permit has been returned to the person.

(c) No person, whose operator's or chauffeur's license or permit or nonresident operating privilege has been suspended or revoked under any provision of the Ohio Revised Code other than Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued, shall operate any motor vehicle upon the highways or streets within this Municipality during the period of the suspension or within one year after the date of revocation. No person who is granted occupational driving privileges by any court shall operate any motor vehicle upon the highways or streets in this Municipality except in accordance with the terms of the privileges.

(d) It is an affirmative defense to any prosecution brought pursuant to subsection (a), (b) or (c) hereof that the alleged offender drove under suspension because of a substantial emergency, provided that no other person was reasonably available to drive in response to the emergency. (ORC 4507.02(B) to (E))

(e) Whoever violates subsection (a) or (c) hereof is guilty of driving under suspension or revocation, a misdemeanor of the first degree. Whoever violates subsection (b) hereof is guilty of driving without paying a license reinstatement fee, a misdemeanor of the first degree. Punishment shall be provided as in Section 408.01. Such penalties shall be in addition to or independent of the impoundment of a certificate of registration and identification license plates of any motor vehicle registered in the name of the person, as provided in Ohio R.C. 4507.02(F). Such penalties shall also be in addition to or independent of the license suspension provided for an Ohio R.C. 4507.99(A) and 4511.99(B). ~~At least three days of imprisonment is mandatory under this subsection.~~ (ORC 4507.02, 4507.99(A), 4511.99(B))

Section 2. That Section 436.07 as presently in effect is hereby repealed.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, said emergency being the need to provide for the uninterrupted and judicious administration of Mayor's Court, and shall be in force immediately upon its passage and approval by the Mayor.

PASSED: September 11, 1990

Robert K. Edmity
President of Council

ATTEST: John Adams
Clerk of Council

APPROVED: 9/11, 1990

D. Madison
David H. Madison, Mayor

*Sept. 11, 1990 - 1st reading
Susp. & Adopt.*