

ORDINANCE NO.: 79-2011  
INTRODUCED BY: Henry

AN ORDINANCE AMENDING SECTIONS 509.06(c), 509.07(c), 517.05(B), 537.10(c)(3), 541.02(c), CHAPTER 545, 545.05(B)(1), 545.07(c), 545.08(d)(1), 545.09(F), 545.10(d)(1), 545.13(b), 545.14(b), 545.15(b)(1), 545.17(b), 545.18(c)(1) OF THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS; AND DECLARING AN EMERGENCY.

WHEREAS, The Ohio Legislature passed H.B. 86 which makes changes to many sections of the Ohio Revised Code that address criminal activity; and

WHEREAS, the changes in H.B. 86 would render the above-captioned sections inconsistent with the Ohio Revised Code which change the dollar amount at which a crime becomes a felony, and are required to be changed.

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that :

Section 1: Sections 509.06(c), 509.07(c), 517.05(B), 537.10(c)(3), 541.02(c), Chapter 545, 545.05(B)(1), 545.07(c), 545.08(d)(1), 545.09(F), 545.10(d)(1), 545.13(b), 545.14(b), 545.15(b)(1), 545.17(b), 545.18(c)(1) of the Codified Ordinances of the City of Richmond Heights are amended as follows:

**509.06 INDUCING PANIC.**

(c) Whoever violates this section is guilty of inducing panic, a misdemeanor of the first degree. If inducing panic results in physical harm to any person, economic harm of ~~five hundred one thousand~~ dollars (\$~~5~~ 1,000.00) or more, if the public place involved in a violation of this section is a school or an institution of higher education, or if the violation pertains to a purported, threatened or actual use of a weapon of mass destruction, inducing panic is a felony and shall be prosecuted under appropriate State law.

**509.07 MAKING FALSE ALARMS.**

(c) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. If a violation of this section results in economic harm of ~~five hundred one thousand~~ dollars (\$~~5~~ 1,000.00) or more, or if a violation of this section pertains to a purported,

threatened, or actual use of a weapon of mass destruction, making false alarms is a felony and shall be prosecuted under appropriate State law.

## **517.05            CHEATING.**

(b) Whoever violates this section is guilty of cheating. Except as otherwise provided in this subsection cheating is a misdemeanor of the first degree. If the potential gain from the cheating is ~~five hundred one thousand~~ dollars (~~\$51,000.00~~) or more, or if the offender previously has been convicted of any gambling offense or of any theft offense as defined in Ohio R.C. 2913.01, cheating is a felony and shall be prosecuted under appropriate State law.

## **537.10            TELECOMMUNICATION HARASSMENT.**

(c)

(3) Whoever violates subsection (a)(4) hereof is guilty of a misdemeanor of the first degree for a first offense. For each subsequent offense or if a violation of subsection (a)(4) hereof results in economic harm of ~~five hundred one thousand~~ dollars (~~\$51,000.00~~) or more, a violation of subsection (a)(4) hereof is a felony and shall be prosecuted under appropriate State law.

## **541.02 ARSON.**

(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 ~~five hundred one thousand~~ dollars (~~\$51,000.00~~) or more, arson is a felony and shall be prosecuted under appropriate State law.

## **CHAPTER 545** **Theft and Fraud**

(b) Whoever violates this section is guilty of petty theft, a misdemeanor of the first degree. Petty theft is a felony and shall be prosecuted under appropriate State law if:

(1) The value of the property or services stolen is ~~five hundred one thousand~~ dollars (~~\$51,000.00~~) or more; or

## **545.07            INSURANCE FRAUD.**

(c) Whoever violates this section is guilty of insurance fraud a misdemeanor of the first degree. If the amount of the claim that is false or deceptive is ~~five hundred one thousand~~ dollars (~~\$51,000.00~~) or more, insurance fraud is a felony and shall be prosecuted under appropriate State law.

## **545.08 UNAUTHORIZED USE OF PROPERTY.**

(d) If unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is a misdemeanor of the first degree. Unauthorized use of property is a felony and shall be prosecuted under appropriate State law if:

(1) Unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, and if the value of the property is ~~five hundred one thousand~~ dollars (~~\$51,000.00~~) or more; or

## **545.09 PASSING BAD CHECKS.**

(f) Whoever violates this section is guilty of passing bad checks. Except as otherwise provided in this subsection, passing bad checks is a misdemeanor of the first degree. If the check or checks or other negotiable instrument or instruments are issued or transferred to a single vendor or single other person for the payment of is ~~five hundred one thousand~~ dollars (~~\$1,000.00~~) or more or if the check or checks or other negotiable instrument or instruments are issued or transferred to multiple vendors or persons for the payment of one thousand **five hundred** dollars (**\$1,500.00**) or more, passing bad checks is a felony and shall be prosecuted under appropriate State law.

## **545.10 MISUSE OF CREDIT CARDS.**

(d) Whoever violates this section is guilty of misuse of credit cards, a misdemeanor of the first degree. Misuse of credit cards is a felony and shall be prosecuted under appropriate State law if:

(1) 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 ~~five hundred one thousand~~ dollars (~~\$51,000.00~~) or more; or

## **545.13 CRIMINAL SIMULATION.**

(b) Whoever violates this section is guilty of criminal simulation, a misdemeanor of the first degree. If the loss to the victim is ~~five hundred one thousand~~ dollars (~~\$51,000.00~~) or more, criminal simulation is a felony and shall be prosecuted under appropriate State law.

## **545.14 TAMPERING WITH RECORDS.**

(b) Whoever violates this section is guilty of tampering with records, a misdemeanor of the first degree. If the violation involves data or computer software the value of which or loss to the victim is ~~five hundred one thousand~~ dollars (~~\$51,000.00~~) or more, or if the writing or record is a will unrevoked at the time of the offense, tampering with records is a felony and shall be prosecuted under appropriate State law.

## **545.15 SECURING WRITINGS BY DECEPTION.**

(b) Whoever violates this section is guilty of securing writings by deception, a misdemeanor of the first degree. Securing writings by deception is a felony and shall be prosecuted under appropriate State law if:

(1) The value of the property or obligation involved is ~~five hundred one thousand~~ dollars (~~\$51,000.00~~) or more; or

## **545.17 DEFRAUDING CREDITORS.**

(b) Whoever violates this section is guilty of defrauding creditors, a misdemeanor of the first degree. If the value of the property involved is ~~five hundred one thousand~~ dollars (~~\$51,000.00~~) or more, defrauding creditors is a felony and shall be prosecuted under appropriate State law.

## **545.18 RECEIVING STOLEN PROPERTY.**

(c) Whoever violates this section is guilty of receiving stolen property, a misdemeanor of the first degree. Receiving stolen property is a felony and shall be prosecuted under appropriate State law if:

(1) The value of the property involved is ~~five hundred one thousand~~ dollars (~~\$51,000.00~~) or more; or

Section 2: Existing Sections 509.06(c), 509.07(c), 517.05(B), 537.10(c)(3), 541.02(c), 545.05(B)(1), 545.07(c), 545.08(d)(1), 545.09(F), 545.10(d)(1), 545.13(b), 545.14(b), 545.15(b)(1), 545.17(b), 545.18(c)(1) of the Codified Ordinances of the City of Richmond Heights be and the same are hereby repealed.

Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City and for the further reason that this Ordinance is required to be immediately effective so that the City may properly utilize the ordinance when bringing criminal charges; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED:\_\_\_\_\_

\_\_\_\_\_  
Daniel J. Ursu, Mayor

APPROVED:\_\_\_\_\_

ATTEST:\_\_\_\_\_

Betsy Traben  
Clerk of Council

\_\_\_\_\_  
David H. Roche  
President of Council