

ORDINANCE 30 -1988

Offered by Mayor Waszak

AN ORDINANCE AMENDING SECTION 355.07 OF THE TRAFFIC CODE CONFORMING THE PROHIBITIONS FOR DRIVING UNDER SUSPENSION OR REVOCATION WITH STATE LAW AND DECLARING AN EMERGENCY.

WHEREAS, State provisions prohibiting driving under suspension or revocation were amended as of September 24, 1986; and

WHEREAS, the Village of Richfield wishes to conform the provisions of its Traffic Code with State law;

Now, Therefore, Be It Ordained by the Council of the Village of Richfield, State of Ohio:

Section 1: That Section 335.07 of the Traffic Code be amended to read as follows:

"335.07 DRIVING UNDER SUSPENSION OR 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 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 Ohio R.C. 4507.16(B), shall operate any motor vehicle within this Municipality until after he has paid the license reinstatement fee required pursuant to Ohio R.C. 4511.191(J) and 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 Ohio R.C. 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 the 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. (ORC 4507.02)

(d) No person whose operator's or chauffeur's license or permit or nonresident operating privilege has been suspended under Ohio R.C. 4511.191 shall operate a vehicle upon the highways or streets within this Municipality. (ORC 4511.192)

(e) It is an affirmative defense to any prosecution brought pursuant to subsections (a) to (d) 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; 4511.192)

Section 2: That Section 335.07 of the Village of Richfield Traffic Code as it existed prior to the effective date of this Ordinance be, and the same hereby is, repealed except that any investigation or prosecution commenced under Section 335.07 of the Village of Richfield Traffic Code as it existed prior to the effective date of this Ordinance shall continue until completion.

Section 3: This Ordinance is determined to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety for the reason to conform with State Law, and provided this Ordinance receives the affirmative vote of two-thirds of the members elected or appointed, it shall take effect and be in force from and after its approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest date provided by law.

Passed: 4/5, 1988

David W. Howard
President of Council

Raymond A. Murphy
Mayor

Dated: 4-5, 1988

ATTEST:

Mary L. Hegley
Clerk of Council