

ORDINANCE NO. 17-1983AN ORDINANCE TO AMEND THE TRAFFIC CODE
PENALTY TO COMPLY WITH CURRENT STATE LAW
AND DECLARING AN EMERGENCY

WHEREAS, Am. Sub. Senate Bill 432 has revised the State law relating to the penalty for operating a vehicle while under the influence of alcohol, a drug of abuse or both, effective March 16, 1983.

WHEREAS, the Ohio Constitution requires ordinances which are enacted as an exercise of the Municipality's police powers to comply with general State law; now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF RICHFIELD,
COUNTY OF SUMMIT, STATE OF OHIO:

Section 1. That Section 303.99(a)(4) of the Traffic Code is hereby amended to read as follows:

303.99(a)(4) Driving while intoxicated. Whoever violates Section 333.01(a) is guilty of a misdemeanor of the first degree, in addition to the license suspension or revocation provided in Ohio R.C. 4507.16.

A. If the offender has not been convicted, within five years of the offense, of a violation of Ohio R.C. 4511.19; a municipal ordinance relating to operating a motor vehicle while under the influence of alcohol, a drug of abuse or both; or of Ohio R.C. 2903.06 or 2903.07 or Section 537.02 of the General Offenses Code or a municipal ordinance relating to vehicular homicide in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse or both; he shall be sentenced to a term of imprisonment of three consecutive days and may be sentenced to a longer term of imprisonment. In addition, the offender shall be fined not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000).

B. If the offender has been convicted, within five years of the offense, of a violation of Ohio R.C. 4511.19; a municipal ordinance relating to operating a motor vehicle while under the influence of alcohol, a drug of abuse or both; or of Ohio R.C. 2903.06 or 2903.07 or Section 537.02 of the General Offenses Code or a municipal ordinance relating to vehicular homicide in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or both; he shall be sentenced to a term of imprisonment of ten consecutive days and may be sentenced to a longer term of imprisonment. In addition, the offender shall be fined not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000).

C. If the offender has been convicted, within five years of the offense of more than one violation of Ohio R.C. 4511.19; a municipal ordinance relating to operating a motor vehicle while under the influence of alcohol, a drug of abuse or both; or of Ohio R.C. 2903.06 or 2903.07 or Section 537.02 of the General Offenses Code or a municipal ordinance relating to vehicular homicide in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse or both; he shall be sentenced to a term of imprisonment of not less than thirty consecutive days nor more than one year. In addition, the offender shall be fined not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000).

- D. Upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to subsection (4) A. to C. hereof to continue his employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the three, ten or thirty consecutive days of imprisonment that the court is required by subsection (4) A. to C. hereof to impose. No court shall authorize work release from imprisonment during the three, ten or thirty consecutive days of imprisonment that the court is required by subsection (4) A. to C. hereof to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place of imprisonment and the time actually spent under employment.
- E. Notwithstanding Ohio R.C. 2929.51 and 2951.02 and any other section of the Ohio Revised Code that authorizes the suspension of a sentence, no court shall suspend the three, ten or thirty consecutive days of imprisonment required to be imposed by subsection (4) A. to C. hereof. (ORC 4511.99(A))
- F. As used in this section, "three consecutive days" means seventy-two consecutive hours. (ORC 4511.991)

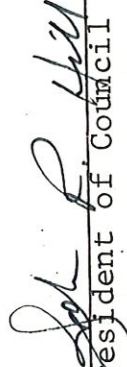
Section 2. That former Section 303.99(a)(4) is hereby repealed.

Section 3. That Sections 1 and 2 of this Ordinance shall take effect March 16, 1983.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety and for the further reason that there exists an imperative necessity to amend the Traffic Code to comply with current State law.

Passed:

3/15/83


President of Council


Mayor

Dated: 3-15-83

Attest:


Clerk of Council