



City of Columbus

Legislation Report

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

File Number: 1300-2010

30-Day

File Number: 1300-2010 **File Type:** Ordinance **Status:** Passed
Version: 1 **Controlling Body:** Rules and Reference Committee
File Name: City Criminal Code Updates - LEXIS updates **Introduced:** 9/8/2010
Requester: Atty Drafter **Cost:** **Final Action:** 10/28/2010
Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I , the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Melanie R. Tobias (614)-645-8876

Floor Action (Clerk’s Office Only)

Mayor’s Action		Council Action	
_____	_____	_____	_____
Mayor	Date	Date Passed/ Adopted	President of Council
_____	_____		_____
Veto	Date		City Clerk

Title: To amend various code sections in Title 23 of the Columbus City Codes, 1959, to correct inaccurate references and to mirror language used in the Ohio Revised Code.

Sponsors:

Indexes:

Attachments:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Atty Drafter	9/8/10	Sent for Approval	Atty Inbox			
	Action Note:	These are 2 corrections to the city criminal code amending the ordinances to reference the correct Revised Code or city code section. MRT					
1	CITY ATTORNEY	9/9/10	Reviewed and Approved	Atty Drafter			
	Action Note:	jsg -- added sections 3 and 4 to ordaining language					
1	Atty Drafter	9/9/10	Sent for Approval	Auditor Inbox			
	Action Note:	for review					
1	Atty Drafter	9/14/10	Sent for Approval	City Clerk Inbox			
1	Columbus City Council	10/18/10	Read for the First Time				
1	Columbus City Council	10/25/10	Approved				Pass
1	COUNCIL PRESIDENT	10/28/10	Signed				
1	ACTING MAYOR	10/28/10	Signed				
1	CITY CLERK	10/28/10	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Title

To amend various code sections in Title 23 of the Columbus City Codes, 1959, to correct inaccurate references and to mirror language used in the Ohio Revised Code.

Body

WHEREAS, as a result of the continued, extensive, city-wide, code review process conducted by Lexis-Nexis, a series of code changes were recommended for the code titles under the direction of the City Attoreny's Office in an effort to remove errors and conflicts from the Columbus City Codes; and

WHEREAS, these changes are designed not to change the content or intent but rather to correct simply typographical errors and conflicting cross-references and more closely track the language of similar Revised Code section; and

WHEREAS, this ordinance authorizes the amendments to Title 23, the Criminla Code, in order to correct cross-references errors, typographical errors, and more closely track the revised Code; now, therefore,

BE IT ORDAINED BY THE CITY OF COLUMBUS:

Section 1. That section 2313.01 of the Columbus City Codes, 1959, is hereby amended to read as follows:

(A)

"Deception" means knowingly deceiving another or causing another to be deceived by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act, or omission that creates, confirms, or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.

(B)

"Defraud" means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.

(C)

"Deprive" means to:

(1)

Withhold property of another permanently, or for such period as to appropriate a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;

(2)

Dispose of property so as to make it unlikely that the owner will recover it;

(3)

Accept, use, or appropriate money, property, or services, with purpose not to give proper consideration in return for the money, property, or services, and without reasonable justification or excuse for not giving proper consideration.

(D)

"Owner" means any person, other than the actor, who is the owner of, or who has possession or control of, or any license or interest in property or services, even though the ownership, possession, control, license, or interest is unlawful.

(E)

"Services" include labor, personal services, professional services, public utility services, common carrier services, and food, drink, transportation, entertainment, and cable television services.

(F)

"Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film, or other thing having in or upon it any written, typewritten, or printed matter, and also means any token, stamp, seal, credit card, badge, trademark, label, or other symbol of value, right, privilege, license, or identification.

(G)

"Forge" means to fabricate or create, in whole or in part and by any means, any spurious writing, or to make, execute, alter, complete, reproduce, or otherwise purport to authenticate any writing when the writing in fact is not authenticated by that conduct.

(H)

"Utter" means to issue, publish, transfer, use, put or send into circulation, deliver, or display.

(I)

"Coin machine" means any mechanical or electronic device designed to do both of the following:

(1)

Receive a coin or bill, or token made for that purpose;

(2)

In return for the insertion or deposit of a coin, bill, or token, automatically dispense property, provide a service, or grant a license.

(J)

"Slug" means an object that, by virtue of its size, shape, composition, or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill, or token made for that purpose.

(K)

"Theft offense" means any of the following:

(1)

A violation of Section 2313.02, 2313.03, 2313.04, 2313.11, 2313.21, 2313.33, 2313.41, 2313.43, 2313.44, 2313.45 or 2313.51 of the Columbus City Codes or Section 2913 ~~(K)(1)~~ of the Revised Code;

(2)

A violation of an existing or former municipal ordinance or law of this or any other state or of the United States, substantially equivalent to any section listed in division (K)(1) of this section;

(3)

An offense under an existing or former municipal ordinance or law of this or any other state, or of the United States,

involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit, or fraud;

(4)

An attempt to commit, or complicity in committing any offense under division(K)(1), (2), or (3) of this section.

(L)

"Computer services" includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use, or data that is contained within a computer system or computer network.

(M)

"Computer" means an electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses. "Computer" includes, but is not limited to, all input, output, processing, storage, computer program, or communication facilities that are connected, or related, in a computer system or network to such an electronic device.

(N)

"Computer system" means a computer and related devices, whether connected or unconnected, including, but not limited to, data input, output, and storage devices, data communications links, and computer programs and data that make the system capable of performing specified special purpose data processing tasks.

(O)

"Computer network" means a set of related and remotely connected computers and communication facilities that includes more than one computer system that has the capability to transmit among the connected computers and communication facilities through the use of computer facilities.

(P)

"Computer program" means an ordered set of data representing coded instructions or statements that, when executed by a computer, cause the computer to process data.

(Q)

"Computer software" means computer programs, procedures, and other documentation associated with the operation of a computer system.

(R)

"Data" means a representation of information, knowledge, facts, concepts, or instructions that are being or have been prepared in a formalized manner and that are intended for use in a computer system or computer network.

(S)

"Cable television service" means any services provided by or through the facilities of any cable television system or other similar closed circuit coaxial cable communications system, or any microwave or similar transmission service used in connection with any cable television system or other similar closed circuit coaxial cable communications system.

(T)

"Gain access" means to approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network.

(U)

"Credit card" includes, but is not limited to, a card, code, device, or other means of access to a customer's account for the purpose of obtaining money, property, labor, or services on credit, or for initiating an electronic fund transfer at a point-of-sale terminal, an automated teller machine, or a cash dispensing machine.

(V)

"Electronic fund transfer" has the same meaning as in 92 Stat. 3728,15 U.S.C.A. 1693a, as amended.

Section 2. That section 2325.58 of the Columbus City Codes, 1959, is hereby amended to read as follows:

(A)

No person, by himself or by his clerk, agent, or employee, who is not the holder of an A permit issued by the Department of Liquor Control, in force at the time, and authorizing the manufacture of beer or intoxicating liquor, or who is not an agent or employee of the Department authorized to manufacture such beer or intoxicating liquor, shall manufacture any beer or intoxicating liquor for sale, or shall manufacture spirituous liquor.

(B)

No person, by himself or by his clerk, agent, or employee, who is not the holder of a B, C, D, E, F, G, or I permit issued by the Department, in force at the time, and authorizing the sale of beer, intoxicating liquor, or alcohol, or who is not an agent or employee of the Department or the Tax Commissioner authorized to sell such beer, intoxicating liquor, or alcohol, shall

sell, keep, or possess beer, intoxicating liquor, or alcohol for sale to any persons other than those authorized by Chapter ~~2313-2325~~ of the Columbus City Codes or Chapters 4301 and 4303 of the Revised Code to purchase any beer or intoxicating liquor, or sell any alcohol at retail. This division does not apply to or affect the sale or possession for sale of any low-alcohol beverage.

(C)

No person, by himself or by his clerk, agent, or employee, who is the holder of a permit issued by the Department, shall sell, keep, or possess for sale any intoxicating liquor not purchased from the Department or from the holder of a permit issued by the Department authorizing the sale of such intoxicating liquor unless the same has been purchased with the special consent of the Department.

(ORC 4301.58)

(D)

Whoever violates this section is guilty of conducting liquor activities without a permit, a misdemeanor of the first degree.

Section 3. That existing sections 2313.01 and 2325.58 are hereby repealed.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.