

ORDINANCE NO. 06-12
CITY OF CENTERVILLE, OHIO

Sponsored by Council Member John Beals on the 19th day of March, 2012.

**AN ORDINANCE AMENDING SECTIONS OF CHAPTER
642 OF THE CENTERVILLE MUNICIPAL CODE TO
MAKE CHAPTER 642 CONSISTENT WITH THE OHIO
REVISED CODE.**

PREAMBLE AND PURPOSE

WHEREAS, The City of Centerville has enacted regulations in the Centerville Municipal Code for offenses related to property; and

WHEREAS, The Ohio General Assembly has amended various sections of the Ohio Revised Code to increase various criminal act offenses from five-hundred dollars (\$500.00) to one-thousand dollars (\$1,000.00); and

WHEREAS, the City will revise sections of Chapter 642 of the Centerville Municipal Code to increase these amounts in order to be consistent with the Ohio Revised Code.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the following amendments to Chapter 624 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

642.02 THEFT.

(b) Whoever violates this section is guilty of theft. Except as otherwise provided in this division, a violation of this section is petty theft, a misdemeanor of the first degree. If any of the following criteria are met, then a violation of this section is a felony to be prosecuted under appropriate State law:

- (1) If the value of the property or services is ~~five hundred dollars (\$500.00)~~ *one thousand dollars (\$1,000.00)* or more;
- (2) If the property stolen is any of the property listed in Ohio R.C. 2913.71;
- (3) If the victim of the offense is an elderly person or disabled adult;
- (4) If the property stolen is a firearm or dangerous ordnance;
- (5) If the property stolen is a motor vehicle;
- (6) If the property stolen is any dangerous drug, or if the offender previously has been convicted of a felony drug abuse offense;
- (7) If the property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog; or
- (8) If the property stolen is anhydrous ammonia.

642.05 UNAUTHORIZED USE OF PROPERTY.

(f) Whoever violates division (a) of this section is guilty of unauthorized use of property. Except as otherwise provided in this division, unauthorized use of property is a misdemeanor of the fourth degree.

(1) 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 whichever of the following is applicable:

A. Except as otherwise provided below, unauthorized use of property is a misdemeanor of the first degree.

B. If the value of the property or services or the loss to the victim is ~~five hundred dollars (\$500.00)~~ *one thousand dollars (\$1,000.00)* or more, it is a felony to be prosecuted under appropriate State law.

(2) If the victim of the offense is an elderly person or disabled adult, unauthorized use of property is a felony to be prosecuted under appropriate State law.

642.09 ARSON.

(b) Whoever violates this section is guilty of arson. Except as otherwise provided in this division, violation of this section is a misdemeanor of the first degree. If the value of the property or the amount of physical harm involved is ~~five hundred dollars (\$500.00)~~ *one thousand dollars (\$1,000.00)* or more, then the violation is a felony to be prosecuted under appropriate State law.

642.14 PASSING BAD CHECKS.

(f) Whoever violates this section is guilty of passing bad checks. Except as otherwise provided in this division, 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 ~~five hundred dollars (\$500.00)~~ *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 dollars (\$1,000.00) or more, passing bad checks is a felony to be prosecuted under appropriate State law.

642.146 CRIMINAL SIMULATION.

(b) Whoever violates this section is guilty of criminal simulation. Except as otherwise provided in this division, criminal simulation is a misdemeanor of the first degree. If the loss to the victim is ~~five hundred dollars (\$500.00)~~ *one thousand dollars (\$1,000.00)* or more, criminal simulation is a felony to be prosecuted under appropriate State law.

642.15 MISUSE OF CREDIT CARDS.

(d) Whoever violates this section is guilty of misuse of credit cards.

(1) Except as otherwise provided in division (d)(3) of this section, a violation of division (a), (b)(1), or (c) of this section is a misdemeanor of the first degree.

(2) Except as otherwise provided in this division or division (d)(3) of this section, a violation of division (b)(2), (3), or (4) of this section is a misdemeanor of the first degree. If the cumulative retail value of the property and services involved in one or more violations of division (b)(2), (3), or (4) of this section which violations involve one or more credit card accounts and occur within a period of 90 consecutive days commencing on the date of the first violation, is ~~five hundred dollars (\$500.00)~~ *one thousand dollars (\$1,000.00)* or more, misuse of credit cards is a felony to be prosecuted under appropriate State law.

(3) If the victim of the offense is an elderly person or disabled adult, and if the offense involves a violation of division (b)(1) or (b)(2) of this section, misuse of credit cards is a felony to be prosecuted under appropriate State law.

642.18 TAMPERING WITH RECORDS.

(b) Whoever violates this section is guilty of tampering with records.

(1) Except as provided in division (b)(3) of this section, if the offense does not involve data or computer software, tampering with records is whichever of the following is applicable:

A. If division (b)(1)B. of this section does not apply, it is a misdemeanor of the first degree.

B. If the writing or record is a will unrevoked at the time of the offense, it is a felony to be prosecuted under appropriate State law.

(2) Except as provided in division (b)(3) of this section, if the offense involves a violation of division (a) of this section involving data or computer software, tampering with records is whichever of the following is applicable:

A. Except as otherwise provided in division (b)(2)B. of this section, it is a misdemeanor of the first degree;

B. If the value of the data or computer software involved in the offense or the loss to the victim is ~~five hundred dollars (\$500.00)~~ *one thousand dollars (\$1,000.00)* or more or if the offense is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services and the value of the property or services or the loss to the victim is five thousand dollars (\$5,000.00) or more, it is a felony to be prosecuted under appropriate State law.

(3) If the writing, data, computer software, or record is kept by or belongs to a local, State, or Federal governmental entity, it is a felony to be prosecuted under appropriate State law.

642.19 SECURING WRITINGS BY DECEPTION.

(b) Whoever violates this section is guilty of securing writings by deception. Except as otherwise provided in this division, securing writings by deception is a misdemeanor of the first degree. If the value of the property or the obligation involved is ~~five hundred dollars (\$500.00)~~ *one thousand dollars (\$1,000.00)* or more, securing writings by deception is a felony to be prosecuted under appropriate to State law. If the victim of the offense is an elderly person or disabled adult, securing writings by deception is a felony to be prosecuted under appropriate State law.

642.205 DIMINISHING OR INTERFERING WITH FORFEITABLE PROPERTY.

(b) Whoever violates this section is guilty of interference with or diminishing forfeitable property. Except as otherwise provided in this division (b), interference with or diminishing forfeitable property is a misdemeanor of the first degree. If the value of the property is ~~five hundred dollars (\$500.00)~~ *one thousand dollars (\$1,000.00)* or more, interference with or diminishing forfeitable property is a felony to be prosecuted under appropriate state law.

642.21 DEFRAUDING CREDITORS.

(b) Whoever violates this section is guilty of defrauding creditors. Except as otherwise provided in this division, defrauding creditors is a misdemeanor of the first degree. If the value of the property involved is ~~five hundred dollars (\$500.00)~~ *one thousand dollars (\$1,000.00)* or more, defrauding creditors is a felony to be prosecuted under appropriate State law.

642.22 RECEIVING STOLEN PROPERTY.

(c) Whoever violates this section is guilty of receiving stolen property. Except as otherwise provided in this division, receiving stolen property is a misdemeanor of the first degree. If any of the following criteria are met, then a violation of this section is a felony to be prosecuted under appropriate State law:

- (1) The value of the property involved is ~~five hundred dollars (\$500.00)~~ *one thousand dollars (\$1,000.00)* or more;
- (2) The property involved is any of the property listed in Ohio R.C. 2913.71;
- (3) The property involved is a firearm or dangerous ordnance, as defined in Ohio R.C. 2923.11;

642.29 INSURANCE FRAUD.

(c) Whoever violates this section is guilty of insurance fraud. Except as otherwise provided in this division, insurance fraud is a misdemeanor of the first degree. If the amount of the claim that is false or deceptive is ~~five hundred dollars (\$500.00)~~ *one thousand dollars (\$1,000.00)* or more, insurance fraud is a felony to be prosecuted under appropriate State law.

642.30 WORKERS' COMPENSATION FRAUD.

(b) Whoever violates this section is guilty of workers' compensation fraud. Except as otherwise provided in this division, workers' compensation fraud is a misdemeanor of the first degree. If the value of premiums and assessments unpaid pursuant to actions described in divisions (a)(5), (a)(6), or (a)(7) of this section, or goods, services, property, or money stolen is ~~five hundred dollars (\$500.00)~~ *one thousand dollars (\$1,000.00)* or more, workers' compensation fraud is a felony to be prosecuted under appropriate State law.

642.31 MEDICAID FRAUD.

(e) Whoever violates this section is guilty of medicaid fraud. Except as otherwise provided in this division, medicaid fraud is a misdemeanor of the first degree. If the value

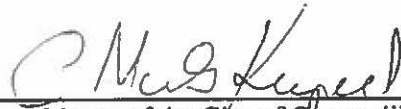
of the property, services or funds obtained in violation of this section is ~~five hundred dollars (\$500.00)~~ *one thousand dollars (\$1,000.00)* or more, medicaid fraud is a felony to be prosecuted under appropriate State law.

(h) Medicaid Eligibility Fraud.

(2) A. Whoever violates this division (h) is guilty of medicaid eligibility fraud. Except as otherwise provided in this division, a violation of this division (h) is a misdemeanor of the first degree. If the value of the medicaid benefits paid as a result of the violation is ~~five hundred dollars (\$500.00)~~ *one thousand dollars (\$1,000.00)* or more, a violation of this division (h) is a felony to be prosecuted under appropriate State law.

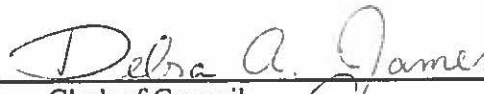
Section 2. This ordinance shall become effective from and after the earliest date allowed by law.

PASSED THIS 19th day of March, 2012.



Mayor of the City of Centerville, Ohio

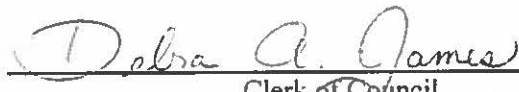
ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 06-12, passed by the Council of the City of Centerville, Ohio on the 19th day of March, 2012.



Clerk of Council

Approved as to form,
consistency with existing
ordinances, the charter
and constitutional provisions:

Department of Law
Scott Liberman
Municipal Attorney

