

**CITY OF ENGLEWOOD**

**IN**

**MONTGOMERY COUNTY, OHIO**

**ORDINANCE: 23-11**

**PASSED: November 14, 2023**

**AN ORDINANCE: AMENDING “PART SIX – GENERAL OFFENSES CODE” OF THE ENGLEWOOD CODIFIED ORDINANCES BY AMENDING SECTION 642.04, UNAUTHORIZED USE OF A VEHICLE, VEHICLE TRESPASS.**

**WHEREAS**, the City has enacted Section 642.04 of the Codified Ordinances of the City of Englewood, Ohio that substantially mirrors the Ohio Revised Code; and

**WHEREAS**, the City has enacted Section 642.04(e) of the Codified Ordinance of the City of Englewood, Ohio which establishes the criminal offense of vehicle trespass; and

**WHEREAS**, the City, like many communities, has experienced a notable increase in the incidents of criminals entering unlocked motor vehicles; and

**WHEREAS**, the Director of Police has recommended that the penalty for this criminal offense be enhanced to a misdemeanor of the fourth degree; and

**WHEREAS**, the City Council, desiring to protect the public health, safety and welfare of the citizens of the City, has determined it is in the best interest of the City to adopt this ordinance; and

**WHEREAS**, the City has authority as a Charter municipality to exercise all powers of local self-government.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, MONTGOMERY COUNTY, OHIO AS FOLLOWS:**

**SECTION I** That Section 642.04 of the Codified Ordinances of the City of Englewood, Ohio be amended by the addition of red unlined text and the removal of ~~red strikethrough text~~, to read:

642.04 UNAUTHORIZED USE OF A VEHICLE; VEHICLE TRESPASS.

(a) No person shall knowingly use or operate an aircraft, motor vehicle, motorcycle, motorboat, or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(b) No person shall knowingly use or operate an aircraft, motor vehicle, motorboat, or other motor- propelled vehicle without the consent of the owner or person authorized to give consent, and either remove it from this State, or keep possession of it for more than 48 hours.

(c) The following are affirmative defenses to a charge under this section:

(1) At the time of the alleged offense, the actor, though mistaken, reasonably believed that he or she was authorized to use or operate the property.

(2) At the time of the alleged offense, the actor reasonably believed that the owner or person empowered to give consent would authorize the actor to use or operate the property.

(d) Whoever violates this section is guilty of unauthorized use of a vehicle.

(1) Except as otherwise provided in this division (d)(1), a violation of division (a) of this section is a misdemeanor of the first degree. If the victim of the offense is an elderly person or disabled adult and if the victim incurs a loss as a result of the violation, a violation of division (a) of this section is a felony to be prosecuted under appropriate State law.

(2) A violation of division (b) of this section is a felony to be prosecuted under appropriate State law.

(ORC 2913.03)

(e) No person shall knowingly enter in or upon a motor vehicle, motorcycle or other motor- propelled vehicle without the consent of the owner thereof or of a person authorized to give consent.

(f) Whoever violates division (e) of this section is guilty of vehicle trespass, a ~~minor~~ misdemeanor of the fourth degree.

Statutory reference:

Theft offense involving motor vehicle, offender to pay towing and storage fees, see Ohio R.C. 2913.82

## **SECTION II**

It is hereby found and determined that all formal actions of this Council concerning and relating to the Passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION III**

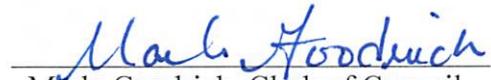
That this Ordinance shall be in full force and effect at the earliest date allowed by law.

PASSED this 14th day of November, 2023.

  
Thomas Franz

Thomas Franz, Mayor

ATTEST:

  
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Marla Goodrich, Clerk of Council

## C E R T I F I C A T E

I, Marla Goodrich, Clerk of Council of the City of Englewood, Montgomery County, Ohio, do hereby certify the foregoing is a true and correct copy from the *Record of Proceedings* of said City. **WITNESS** my signature this 14th day of November, 2023.



Marla Goodrich, Clerk of Council

## C E R T I F I C A T E O F P O S T I N G

I, Marla Goodrich, Clerk of Council of the City of Englewood, Montgomery County, Ohio, do hereby certify publication of the foregoing **ORDINANCE** was made as designated by Sections 224.01 and 24.02 of the Englewood Code.



Marla Goodrich, Clerk of Council