

ORDINANCE NO. 2016-1

**AN ORDINANCE
AMENDING SECTION 541.05 OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF WAITE HILL,
OHIO, TO PROVIDE THAT A FIRST OFFENSE WILL BE
A MINOR MISDEMEANOR FOR A FIRST OFFENSE AND
IN THE ABSENCE OF AGGRAVATING
CIRCUMSTANCES.**

WHEREAS, the Village of Waite Hill's Codified Ordinances currently provide that criminal trespassing is a fourth degree misdemeanor, subject to a fine of up to two hundred fifty dollars (\$250) and up to thirty (30) days in jail; and

WHEREAS, the Village's Chief of Police has recommended that Council amend the first offense of criminal trespass in the Village to make "minor criminal trespass" a minor misdemeanor, which would be punishable by a fine of up to one hundred fifty dollars (\$150), provided that the offender ceases trespassing and leaves the property after being requested to do so by the property's owner or a law enforcement officer;

WHEREAS, the Chief of Police has advised Council that amendment of Section 541.05(d), Criminal Trespass, of the Codified Ordinances to create the offense a minor criminal trespass, and make that offense a minor misdemeanor, would be a very effective way to punish, appropriately, a first-time offender, deter future trespassing by the first-time offender, and not unnecessarily consume police department time when the circumstances do not warrant the expenditure of such time.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAITE HILL, LAKE COUNTY, STATE OF OHIO:

SECTION 1. That existing subsection (d) Section 541.05, "Criminal Trespass," of Chapter 541 of the Codified Ordinances of Waite Hill, Ohio, is amended as follows:

541.05 CRIMINAL TRESPASS.

(d) (1) **Except as otherwise provided in this section, W**whoever violates this section is guilty of **minor** criminal trespass, a **minor** misdemeanor ~~of the fourth degree.~~

(2) **Whoever violates this section after having previously been convicted of or pleaded guilty to a violation of this section, or whoever refuses to leave the property at the request of the property owner or at the direction of a law enforcement officer, is guilty of criminal trespass, a misdemeanor of the fourth degree.**

(23) Notwithstanding Section **501.99**, if the person, in committing the violation of this section, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.

(34) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, or state

law, and the offender, in committing each violation, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than sixty days. In such a case, Ohio R.C. 4519.47 applies.

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SECTION 2. That existing Section 541.05(d) of the Codified Ordinances of Waite Hill, Ohio, and any ordinances in conflict herewith, are repealed to the extent of the conflict.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the Village of Waite Hill.

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

PASSED: _____, 2016

Council President

Submitted to the Mayor for
his approval on this

_____ day of _____, 2016

Approved by the Mayor

_____, 2016
ATTEST:

Clerk-Treasurer

Mayor