



TO: Gahanna City Council
Clerk of Council

FROM: Priya D. Tamilarasan, Esq., City Attorney

Cc: Mayor Laurie A. Jadwin

DATE: February 8, 2024

SUBJECT: Department of Law – Request for Council Action (February 12, 2024 Committee of the Whole)

ACTION ITEMS

ACTION ITEM #1: REQUEST FOR ADOPTION OF ORDINANCE 69-2023

Pursuant to contract, as amended in 2019, Municode provided an annual update of Part Three of the Codified Ordinances, i.e. the Traffic Code, which was further reviewed and revised by the Department of Law.

In addition to updates reflecting recent changes to state code, there were revisions made to create internal consistency and eliminate redundancy as well as substantive changes to two main areas: bicycle ordinances and texting while driving.

Bicycle Ordinances:

It is the recommendation of the Department of Law and Police Department that sections 373.11, 373.12, 373.13, 373.15, 373.16, 373.17, 373.18, 373.19, and 373.20 be removed. These sections mostly involve eliminating the requirement for a bicycle license, after which the Police Department indicate they will shift to a voluntary, free licensing program for bicycles. These changes also eliminate the age requirement for riding bicycles, impounding mechanisms for bicycles, and removing bicycles from premises of another.

The revisions also include some provisions within 331.37 allowing for bicycles to ride in crosswalks.

The revisions also include clarification that the motorized bicycle (moped) sections do not include electric bicycles or other vehicles.

Texting while Driving:

It is the recommendation of the Department of Law that the penalties for 333.11 be enhanced beyond what is provided for in the Ohio Revised Code. The ORC specifically grants municipalities the right to determine enhanced penalties. The attached proposed ordinance makes this offense an escalating misdemeanor rather than an unclassified misdemeanor. Enhancement is based upon prior offenses of the same conduct or the causation of serious injury or death.

Conclusion:

The Department of Law respectfully requests Council approve ORD 0069-2023.

Requested Legislation and Funding:

Legislation Needed:	Ordinance
Emergency/Waiver:	N/A
Vendor Name:	N/A
Vendor Address:	N/A
Already Appropriated:	N/A
Supplemental/Transfer:	N/A

Attachments:

LEG-ATT Traffic Code Update - CLEAN
LEG-ATT Traffic Code Update - REDLINE

Approvals:

- o This item has been approved by the City Attorney