



TO: Gahanna City Council
Clerk of Council

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

Cc: Mayor Laurie A. Jadwin

DATE: August 23, 2024

SUBJECT: Department of Law – Request for Council Action (August 26, 2024 Committee of the Whole)

ACTION ITEMS

ACTION ITEM #1: REQUEST FOR ADOPTION

Pursuant to contract, as amended in 2019, Municode provided an annual update of Part Five of the Codified Ordinances, i.e. the General Offenses 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 three main areas: ethnic (discriminatory) intimidation, dissemination of image of another person, and marihuana related restrictions.

Ethnic (Discriminatory) Intimidation

Due to a recent criminal case involving racial intimidation that was ultimately dismissed due to inadequate language in our city ordinance 541.08, it is the recommendation of the Department of Law to amend this section to include additional predicate offenses and to broaden the protections available.

Dissemination of Image of Another Person

It is the recommendation of the Department of Law to include Section 537.101, prohibiting nonconsensual dissemination of an image of another, which has been a recognized offense under the Ohio Revised Code since 2019 but was omitted from our City Code.

Marihuana Related Restrictions:

Due to the passage of Issue 2 in November of 2023, the State of Ohio legislature created Chapter 3780 Adult Use Cannabis Control. This Chapter is conflict with several sections of our general offenses section. The attached redline is a first pass at reconciling our ordinances with Chapter 3780; a more comprehensive review is underway. The redline includes a recommendation to replace Section 513.02 (Gift of Marihuana) with mirrored language from O.R.C. 3780.36; to repeal section 513.06 (Illegal Cultivation of Marihuana) and 513.121 (Marihuana Drug Paraphernalia); and to amend the remaining sections of Chapter 501.

Conclusion:

The Department of Law respectfully requests Council approve this ordinance.

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 General Offenses Code Update - REDLINE