

EMERGENCY

City of Cincinnati

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An Ordinance No. 267

- 2014

MODIFYING the provisions of Chapter 759, "Use of a Motor Vehicle to Facilitate a Prostitution or Drug Related Crime," and Title XV, "Code Compliance and Hearings," by **AMENDING** Section 759-3, "Use of a Motor Vehicle for Prostitution or Solicitation Prohibited," Section 1501-9, "Class D Civil Offenses," Section 1501-11, "Class E Civil Offenses," Section 1501-99, "Civil Fines"; and further by **ENACTING** Section 1501-18, "Class E3 Civil Offenses," all for the purpose of increasing the civil penalty and thereby the deterrent associated with using a vehicle for prostitution or solicitation of a prostitute.

WHEREAS, Ohio ranks fifth in the nation for human trafficking, and 88 percent of Ohio's human trafficking involves sex trafficking; and

WHEREAS, sex trafficking and prostitution-related offenses have a devastating impact on Cincinnati communities; and

WHEREAS, it is crucial to combat commercial sex trafficking to help exploited persons and improve Cincinnati neighborhoods; and

WHEREAS, individuals use motor vehicles to engage in prostitution, and an increase the civil penalties for using motor vehicles for this purpose will discourage this particular activity; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 759-3, "Use of a Motor Vehicle for Prostitution or Solicitation Prohibited," is amended to read as follows:

Sec. 759-3. Use of a Motor Vehicle for Prostitution or Solicitation Prohibited.

No person shall operate or use or permit another to operate or use a motor vehicle to facilitate the commission or attempted commission of a crime involving sexual activity for hire pursuant to Ohio Revised Code §§ 2907.21, 2907.22, 2907.23, 2907.24, 2907.241 or 2907.25. Violation of this section is a Class ~~D~~E Civil Offense as defined by Cincinnati Municipal Code § 1501-9(b); and a person who violates this section is liable for the civil fine specified in § 1501-99 for a Class ~~D~~E Civil Offense. If a person has previously been found to have violated this section of the Cincinnati Municipal Code, that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for a Class E3 Civil Offense as defined by Cincinnati Municipal Code §1501-18.

Section 2. That Section 1501-9, "Class D Civil Offenses," is hereby amended to read as

follows:

Sec. 1501-9. Class D Civil Offenses

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class D Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with § 1501-15 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

(a) Class D Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 720-13	Private Facilities	Class E
(2)	§ 720-45	Notice of Violations	Class E
(3)	§ 720-69	Notice to Correct Drainage	Class E
(4)	Chapter 855	Rooming Houses	Class D
(5)	Chapter 895	Outdoor Advertising Signs	Class D
(6)	Chapter 1101	Administration, Cincinnati Building Code	Class E
(7)	Chapter 1106	General and Specialty Contractors	Class E
(8)	Chapter 1117	Housing Code	Class E
(9)	Chapter 1119	Building Hazard Abatement Code	Class E
(10)	Title XIV	Zoning Code	Class E
(11)	§ 1201-21	Maintenance	Class D
(12)	§ 1201-33	Evacuation	Class D

(13)	§ 1201-35	Spills and Leaks	Class D
(14)	Chapter 1235	Detectors, Early Fire Warning Systems	Class D
(15)	§ 1123-11(a)	Vacant Foreclosed Property Registration - Failure to register a vacant, foreclosed property.	Class E

(b) Class D Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 718-25	Secret Street Uses	Class E
(2)	§ 721-59	Taking Material from Streets	Class E
(3)	§ 729-63	Dumping	Class E
(4)	§ 761-14	Eviction or Retaliation by Landlord	Class E
(5)	Chapter 891	Home Improvement	Class E
(6)	§ 1201-47	Failure to Comply with Orders	Class D
(7)	§ 1219-21	Causing Fire Through Negligence	Class D
(8)	Chapter 1251	Fire Starting Apparatus	Class D
(9)	§ 759-3	Use of a Motor Vehicle for Prostitution or Solicitation	Class D
(10)	§ 759-4	Use of a Motor Vehicle to Facilitate a Drug Related Crime	Class D
(11)	Chapter 722	Management and Control of the Use of the City Right-of-Way	Class E
(12)	Chapter 730	Commercial Waste Franchises	Class E

Section 3. That Section 1501-11, "Class E Civil Offenses," is hereby amended to read as follows:

Sec. 1501-11. Class E Civil Offenses.

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99

for a Class E Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with § 1501-15 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

(a) Class E Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 883-3	Public Assembly Permit	See § 883-23
(2)	§ 883-21	Prohibitions	See § 883-23
(3)	§ 1247-15	Material Safety Data Sheets	Class E
(4)	§ 1247-17	Location of Toxic or Hazardous Substance	Class E
(5)	§ 1113-03	Prohibitions of Certain Excavations, Fills or Grades	Class E

(b) Class E Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 703-1	Blasting Unlawful Without Permit	Class E
(2)	§ 881-3	Facility for Public Assembly License	Class E
(3)	§ 881-19	Prohibitions	Class E
(4)	§ 1247-9	Labeling of Toxic and Hazardous Substances	Class E
(5)	§ 1247-27	Falsification of Information	Class E
(6)	<u>§759-3</u>	<u>Use of a Motor Vehicle for Prostitution or Solicitation Prohibited</u>	<u>Class E3</u>

Section 4. That Section 1501-99, "Civil Fines," is hereby amended to read as follows:

Section 1501-99. Civil Fines.

The civil fines for civil offenses are:

Offense	Initial Civil Fine	If Delinquent	If Sent For Collection
Class A	\$50.00	\$100.00	\$150.00
Class A1	\$87.50	\$175.00	\$262.50
Class B	\$100.00	\$200.00	\$300.00
Class B1	\$175.00	\$350.00	\$437.50
Class C	\$200.00	\$400.00	\$500.00
Class C1	\$350.00	\$700.00	\$875.00
Class D	\$500.00	\$1,000.00	\$1,250.00
Class E	\$1,000.00	\$2,000.00	\$2,500.00
Class E1	\$10,000.00	\$10,000.00	\$10,000.00
<u>Class E3</u>	<u>\$2,500.00</u>	<u>\$2,500.00</u>	<u>\$2,500.00</u>
Class F	\$15,000.00	\$15,000.00	\$15,000.00

Section 5. That Section 1501-18, "Class E3 Civil Offenses," is hereby enacted to read as follows:

Sec. 1501-18. Class E3. Civil Offenses.

A person who violates a standard of conduct set forth in a section or chapter of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class E3 Civil Offense.

Section 6. That existing Sections: 759-3, "Use of a Motor Vehicle for Prostitution or Solicitation Prohibited," 1501-9, "Class D Civil Offenses," 1501-11, "Class E Civil Offenses," and 1501-99, "Civil Fines," are hereby repealed.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to deter prostitution and solicitation of prostitution in the City of Cincinnati.

Passed: September 17, 2014



Mayor

Attest: 

Clerk

New language is underscored. Deleted language is struck through.

I HEREBY CERTIFY THAT ORDINANCE No. 267-2014
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 9-30-2014

CLERK OF COUNCIL