

ORDINANCE RECORD

VILLAGE OF NEWBURGH HEIGHTS, OHIO

ORDINANCE NO. 2022-80, as amended

INTRODUCED BY: Council Member Graora, Giersz, Dunman, and Kray

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 317.06 ENTITLED “CIVIL PENALTIES” BY RAISING THE AMOUNT OF CIVIL PENALTIES, AND DECLARING AN EMERGENCY

WHEREAS, rising inflation has greatly impacted the Village’s costs of operation;

WHEREAS, for numerous reasons, the costs of operating a traffic camera program have increased; and

WHEREAS, pursuant to Revised Code Section 4511.099, the Village is required to file a nonrefundable advanced deposit with the Garfield Heights Municipal Court for each and every citation issued, regardless of whether the Village prevails in any given civil action, and regardless of whether the motorist pays such citation;

~~WHEREAS, additional revenues are needed to justify the operational costs of running the Village’s traffic camera program; and~~

WHEREAS, the continued operation of the Village’s traffic camera program is necessary to reduce speeds and reduce accidents on Harvard Avenue and I-77;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE VILLAGE OF NEWBURGH HEIGHTS, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council hereby amends Codified Ordinance Section 317.06 entitled “Civil Penalties” which amendment shall be in the form attached hereto as Exhibit A, and which exhibit is incorporated herein by reference as if fully rewritten.

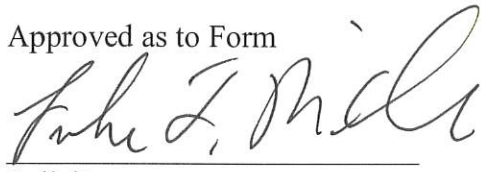
Section 2. Codified Ordinance Section 317.06 in existence immediately prior to the passage of this ordinance is hereby repealed.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in such formal action occurred in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

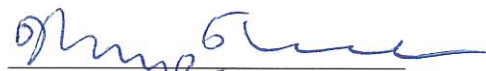
Section 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health and safety of the inhabitants of the Village of Newburgh Heights, such emergency being the need to raise sufficient revenues to make the advance deposits to the Garfield Heights Municipal Court; wherefore, provided it receives the affirmative vote of four (4) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

PASSED: December 20, 2022

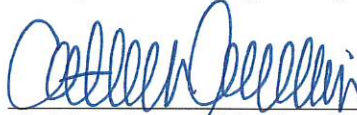
Approved as to Form



Solicitor



Gigi Traore, Mayor
Village of Newburgh Heights, Ohio



Cathleen Nagorski, Fiscal Officer
Village of Newburgh Heights, Ohio

1ST Reading: 12/20/22
2ND Reading: 12/20/22
3RD Reading: 12/20/22

EXHIBIT A

317.06 CIVIL PENALTIES.

(a) Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, or unless an exception or defense to liability set forth in Section 317.05 applies, the owner or responsible party for the motor vehicle is subject to a civil penalty of the motor vehicle is recorded by a law enforcement officer using an Officer-Operated Handheld Traffic Law Enforcement Device while being operated in violation of this Chapter.

(b) The civil penalty under this chapter shall be the following:

(1)

Miles Per Hour Over Speed Limit	Amount of Penalty
1-19	\$175.00 <u>150.00</u> <u>180.00</u>
20-29	\$225.00 <u>200.00</u> <u>250.00</u>
30 or more	\$325.00 <u>300.00</u> <u>375.00</u>
within a school zone or within the boundaries of a state or local park or recreation area	
1-19	\$150.00 <u>195.00</u>
20-29	\$200.00 <u>260.00</u>
30 or more	\$300.00 <u>390.00</u>

(2) If the civil penalty is paid more than thirty (30) calendar days, but within forty-five (45) calendar days after date of issuance of the notice of liability, an additional late fee of twenty-five dollars (\$25.00) shall be added to the amount of the civil penalty;

(3) If the civil penalty is paid more than forty-five calendar days after date of issuance of the notice of liability, an additional late fee of eighty dollars (\$80.00) shall be added to the amount of the civil penalty;

(4) In addition to any civil penalty and any additional late fee, any and all costs or expenses incurred by the Village in connection with the placement of a traffic law violation ticket or notice of liability issued hereunder with outside counsel for litigation or collection thereof shall be assessed against the person or entity found to be liable hereunder.

(5) In addition to any civil penalty and any additional late fee, any and all costs or expenses incurred by the Village in collecting any amount owed hereunder shall be assessed against the person or entity found to be liable hereunder. Amounts owed hereunder may be referred to a collection agency or other service provider for collection. In the event that the Village makes a referral to any such collection agency or service provider for collection of the civil penalty and

any additional amounts owed hereunder, the costs or expenses incurred by the Village in collecting said amounts will be thirty-five percent (35%) of the amount due and owing. Said thirty-five percent (35%) collection fee shall not preclude any other charge, expense or fee allocable under this chapter to a registered owner of a designated party of a motor vehicle.

(6) The failure to respond to a notice of liability in a timely fashion as set forth in this ordinance shall constitute a waiver of the right to contest liability for the violation under Section 317.05 of this Chapter.

(7) Persons who choose to pay the civil penalty without appearing before the Garfield Heights Municipal Court as set forth in Codified Ordinance Section 317.07 may do so in the manner indicated on the notice of liability.

(8) A violation for which a civil penalty is imposed under this chapter is not a moving violation for the purpose of assessing points under Ohio Revised Code Section 4507.021 for minor misdemeanor moving traffic offenses and may not be recorded on the driving record of the owner or operator of the motor vehicle and shall not be reported to the Bureau of Motor Vehicles, nor shall a violation be recorded in the driving record of the owner or operator of the vehicle involved in the violation.