

ORDINANCE RECORD

VILLAGE OF NEWBURGH HEIGHTS, OHIO

ORDINANCE: 2023-13

Introduced by: All of Council

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTIONS 315.07 ENTITLED "CONTESTING TICKETS" AND 317.07 ENTITLED "CONTESTING TICKETS," AND DECLARING AN EMERGENCY.

WHEREAS, the Village operates a traffic camera citation program (the "Program") to issue civil citations to motorists who engage in speeding infractions on roadways located in the Village;

WHEREAS, in connection with the Program, the Village issues citations from automated fixed-unit cameras located on Harvard Avenue, and from handheld cameras manually operated by police officers who witness speeding events on I-77 in the Village;

WHEREAS, Codified Ordinance Chapter 315 governs citations issued from automated fixed-unit cameras, and Codified Ordinance Chapter 317 governs citations issued from handheld cameras manually operated by police officers;

WHEREAS, the provisions of H.B 62 were upheld by the Ohio Supreme Court in *Village of Newburgh Heights v. State of Ohio* and, following that decision on May 19, 2022, the custom of the Village has been to file traffic camera citations with the Garfield Heights Municipal Court and at the same time to pay to the Garfield Heights Municipal Court a non-refundable filing fee, as set forth in state law;

WHEREAS, Council wishes to update and clarify its ordinances to reflect this practice and the requirements of state law;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS, CUYAHOGA COUNTY, OHIO, at least two-thirds of all the members elected thereto concurring, that:

Section 1. Codified Ordinance Section 315.07(a) is hereby amended to read in its entirety as follows:

- (a) Upon issuance of a Ticket for a civil violation, the Village shall file the Ticket for a civil violation with the Garfield Heights Municipal Court, and shall at the same time pay to the Court a non-refundable filing fee in the amount established by the Court. When a person or entity named in a Ticket for a civil violation elects to

contest a Ticket, the person or entity shall request a hearing in the Garfield Heights Municipal Court by filing a Request for Hearing with the Garfield Heights Municipal Court.

Section 2. Codified Ordinance Section 315.07(a) as in existence immediately prior to the passage of this ordinance is hereby repealed. The remaining provisions of Codified Ordinance Section 315.07 shall remain in full force and effect.

Section 3. Codified Ordinance Section 317.07(a) is hereby amended to read in its entirety as follows:

- (a) Upon issuance of a Ticket for a civil violation, the Village shall file the Ticket for a civil violation with the Garfield Heights Municipal Court, and shall at the same time pay to the Court a non-refundable filing fee in the amount established by the Court. When a person or entity named in a Ticket for a civil violation elects to contest a Ticket, the person or entity shall request a hearing in the Garfield Heights Municipal Court by filing a Request for Hearing with the Garfield Heights Municipal Court.

Section 4. Codified Ordinance Section 317.07(a) as in existence immediately prior to the passage of this ordinance is hereby repealed. The remaining provisions of Codified Ordinance Section 317.07 shall remain in full force and effect.

Section 5. 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 and of any of its committees that resulted in such formal action, were in open meetings for the public, in compliance with all legal requirements, including Section 1231.22 of the Ohio Revised Code.

Section 6. That this Ordinance be, and hereby is declared to be an emergency measure, the emergency being the continued necessity to provide for the public health, peace and welfare of the citizens of the Village of Newburgh Heights, by causing the Village's ordinances to reflect its practices and the requirements of state law, thereby causing all handheld camera citations to be filed in the Garfield Heights Municipal Court.

WHEREFORE, this ordinance shall be in full force and effect from and immediately after its passage and approval.

PASSED: _____, 2023

Approved as to Form

Gigi Traore, Mayor
Village of Newburgh Heights, Ohio

Solicitor

Cathleen Nagorski, Fiscal Officer
Village of Newburgh Heights, Ohio

1ST Reading: 4/10/2023
2ND Reading: ~~_____~~
3RD Reading: ~~_____~~

Amended version presented