ORDINANCE RECORD

VILLAGE OF NEWBURGH HEIGHTS, OHIO

**AMENDED ORDINANCE: 2023-18**

Introduced by: Mayor Traore and All of Council

**AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTIONS 315.05(a) and 315.05(a)(3) and 315.05(b) AND 317.05(a)(3) and 317.05(b) 317.07(a) and TO DISTINGUISH TICKETS ISSUED IN A SCHOOL ZONE AND TO UPDATE VILLAGE ORDINANCES 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, 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 to provide notice to motorists in compliance with applicable law;

WHEREAS, the Village wishes to have consistency of references throughout its ordinances to reflect its practices; and

WHEREAS, the Village wishes to operate a traffic camera enforcement program in school zones;

WHEREAS, motorists travelling at excessive speeds remains a problem in the Village, and school age children are among the most vulnerable as a result of such speeding infractions;

WHEREAS, the Vill
age wishes to provide a deterrent to speeding in school zones;

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 315.05(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; except that a nonrefundable filing fee shall not be required in connection with any ticket issued based on evidence recorded by a traffic law photo monitoring device when the traffic camera photo monitoring device was located in a school zone. 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 on the Garfield Heights Municipal Court by filing a Request for Hearing with the Garfield Heights Municipal Court, or by filing a Transfer of Liability Form with the Garfield Heights Municipal Court, or by availing themselves of any of the elections set forth in Ohio Revised Code Section 4511.098.

Section 2. Codified Ordinance Section 315.05(a)(3) is hereby amended to read in its entirety as follows:

(a)(3) The Registered Owner may provide the ~~Village Police Department~~ Garfield Heights Municipal Court with one of the following affidavits or requisite notification:

Section 3. Codified Ordinance Section 315.05(b) is hereby amended to read in its entirety as follows:

(b) When the Garfield Heights Municipal Court receives an affidavit or notification described in this Section 315.05 from a Registered Owner, the Village or its designee may proceed to send a Ticket that conforms with the requirements set forth in Section 315.04 to the Designated Party. The Village or its designee shall send the Ticket to the Designated Party by ordinary mail not later than twenty-one (21) days after receipt of the affidavit or notification.

Section 4. Codified Ordinance Section 317.05(a)(3) is hereby amended to read in its entirety as follows:

(a)(3) The Registered Owner may provide the ~~Village Police Department~~ Garfield Heights Municipal Court with one of the following affidavits or requisite notification:

Section 5. Codified Ordinance Section 317.05(b) is hereby amended to read in its entirety as follows:

> (b) When the Garfield Heights Municipal Court receives an affidavit or notification described in this Section 315.05 from a Registered Owner, the Village or its designee may proceed to send a Ticket that conforms with the requirements set forth in Section 317.04 to the Designated Party. The Village or its designee shall send the Ticket to the Designated Party by ordinary mail not later than twenty-one (21) days after receipt of the affidavit or notification.

Section 6. 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; except that a nonrefundable filing fee shall not be required in connection with any ticket based on evidence recorded by an officer-operated handheld traffic law enforcement device when the officer-operated handheld traffic law enforcement device was located in a school zone. 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 on the Garfield Heights Municipal Court by filing a Request for Hearing with the Garfield Heights Municipal Court, or by filing a Transfer of Liability Form with the Garfield Heights Municipal Court, or by availing themselves of any of the elections set forth in Ohio Revised Code Section 4511.098.

Section 7. Codified Ordinance Sections 315.05(a), 315.05(a)(3), 315.05(b) and 317.05(a)(3), 317.05(b) and 317.07(a) as in existence immediately prior to the passage of this ordinance are hereby repealed. The remaining provisions of Codified Ordinance Sections 315.05 and 315.07 and 317.05 and 317.07 shall remain in full force and effect.

Section 8. 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 121.22 of the Ohio Revised Code.

Section 9. 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 to allow the Village to operate a new traffic enforcement program in a school zone in a manner consistent with applicable law.

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

PASSED: May 2, 2023

Gigi Traore, Mayor
Village of Newburgh Heights, Ohio

Approved as to Form

Solicitor

Cathleen Nagorski, Fiscal Officer
Village of Newburgh Heights, Ohio

1ST Reading: _____
2ND Reading: _____
3RD Reading: _____

1ST Reading: 5/2/23
2ND Reading: 5/2/23
3RD Reading: 5/2/23