

ORDINANCE NO: 17 – 1151

AN ORDINANCE TO AMEND CHAPTER 171 OF THE CODIFIED ORDINANCES IN THE VILLAGE OF RUSSELLS POINT, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the Village of Russells Point codified ordinances contain policies and procedures governing Mayor's Court; and

WHEREAS, it is necessary to update the policies of the Court from time to time to ensure compliance with new technologies;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Russells Point, Ohio:

SECTION I: That Chapter 171 of the Codified Ordinances, shall be amended as follows:

171.01 REIMBURSEMENT FOR CONFINEMENT COSTS.

(a) A person who has been convicted of an offense other than a minor misdemeanor and who is confined in the Logan County jail as provided in Ohio R.C. 1905.35, shall reimburse the Village for expenses incurred by reason of that confinement, including, but not limited to, the expenses relating to the provisions of food, clothing, medical care, and shelter. The amount of reimbursement shall be determined by a Court at a hearing held pursuant to subsection (b) hereof.

(b) When a Judge of the Bellefontaine Municipal Court sentences a person under the ordinances of the Village Russells Point, Ohio, to a term of imprisonment for an offense, other than a minor misdemeanor, the Judge also shall hold a hearing to determine whether the person has the ability to pay the reimbursement. The person whose ability to pay is being determined shall have an opportunity to be heard and may be represented by counsel at the hearing. A record shall be made of the hearing. This hearing shall be dispensed with if the person has been considered an indigent throughout the particular proceeding.

(c) Reimbursable expenses shall include, but are not limited to, actual per diem expenses charged by any confinement facility and the expenses relating to the provisions of food, clothing, medical care, and shelter to the person while imprisoned and during any time the person is incarcerated before sentencing that is credited against his term of imprisonment. The reimbursement shall be made through the Bellefontaine Municipal Court to the Village of Russells Point, Ohio, for expenses incurred during any time that the person serves in jail.

(d) Before holding a hearing on reimbursement or appointing counsel to represent the person at such a hearing pursuant to this section, the Judge shall investigate or cause to be investigated, the person's ability to pay the reimbursement and possible reimbursement schedules and methods. The amount of reimbursement shall be determined at the hearing in light of the sentence of imprisonment given and according to the person's ability to pay. However, the actual amount to be paid shall not exceed the actual cost of the confinement or forty dollars (\$40.00) for each day of confinement, whichever is less. In determining the convicted person's ability to pay, all of the following shall be considered.

(1) The financial resources of the incarcerated excluding the funds saved from the incarcerated's wages derived from labor or employment during the period of incarceration of the incarcerated.

(2) Any obligation to support dependents of the incarcerated.

(3) Any obligation of the incarcerated to make restitution to the victim of the offense of which the incarcerated is convicted.

(4) The income, assets, liabilities, ability to borrow, household expenses and any other factor that may affect the financial ability of the incarcerated to make reimbursement.

(e) Upon authorization of Council, the Village Solicitor may institute an appropriate civil action in the name of the Village in a court of competent jurisdiction to recover from the person incarcerated any

unpaid reimbursement for such expenses, plus interest and costs. Any amounts recovered shall be paid into the treasury of the Village.

(Ord. 658. Passed 8-5-85.)

171.02 CLERK.

(a) There is hereby created the Office of Clerk of the Mayors Court.

(b) The Clerk must be at least twenty-one years of age, be a resident of the Village, and have the commission of Notary Public.

(c) The duties of the Clerk shall be to:

(1) Administer oaths;

(2) Take affidavits and sworn statements;

(3) Set recognizances;

(4) Set bail in all misdemeanor cases;

(5) Set bond;

(6) Do any and all clerical functions of the Mayor in the Mayors Court.

(d) The Clerk shall be appointed by the Mayor with the concurrence of the Legislative Authority and shall upon taking oath, assume the aforesaid duties.

(Ord. 245. Passed 3-16-59.)

171.03 ACCEPTANCE OF OVERPAYMENT OF FINES FOR MAYOR'S COURT.

Any overpayment of \$5.00 or less will be receipted as an additional ticket processing fee, and sent to the Village's General Fund.

(Ord. 10-1050. Passed 10-4-10.)

171.04 RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

The Mayors Court shall follow the Rules of Superintendence for the Courts of Ohio.

171.05 USE OF ELECTRONICALLY PRODUCED TICKETS

(A) The Mayors Court may use a ticket that is produced by computer or other electronic means. A ticket produced by computer or other electronic means shall not require the signature of the defendant. A ticket produced by computer or other electronic means shall conform in all substantive respects to the "Ohio Uniform Traffic Ticket" set forth in the Ohio Traffic Rules Appendix of Forms.

(B) The provisions of the Ohio Traffic Rules relative to the color and weight of paper, size, and method of binding shall not be applicable to a ticket that is produced by computer or other electronic means. The ticket paper shall be of sufficient quality to allow the court record copy to remain unchanged for the period of the retention schedule for the various traffic offenses as prescribed by Rule 26.05 of the Rules of Superintendence for the Courts of Ohio.

(C) The court record of the ticket shall be filed with the court or may be filed electronically as authorized by this rule and the Ohio Traffic Rules. If a ticket is issued at the scene of an alleged offense, the issuing officer shall serve the defendant with the defendant's paper copy of the ticket as required by the Ohio Traffic Rules.

(D) A law enforcement officer who files a ticket pursuant to this rule and the Ohio Traffic Rules and electronically affixes the officer's signature thereto, shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to this rule and the Ohio Traffic Rules.

SECTION II: 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 any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of the Ohio Revised Code.

SECTION IV: That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the Village of Russells Point. This Ordinance shall go into immediate effect provided that it receives a two thirds vote of all members of Village Council.

John Huffman
President Pro Tem of Council

Robin Reames
Mayor

Attested: _____
Jeff Weidner
Fiscal Officer

Approved as to form:
Robert N. Eshenbaugh Jr.
Village Solicitor