

ORDINANCE NO. 2011-17

ORDINANCE AMENDING MAYOR’S COURT FEE SCHEDULE AND
RELATED ORDINANCES FOR PARKING AND TRAFFIC FINES

WHEREAS, Amberley Village established a Mayor’s Court to hear and consider certain criminal charges, including those pertaining to violations of the Village Municipal Code of Ordinances;

WHEREAS, certain fines and fees have been established by the Village for violation of the Municipal Code of Ordinances;

WHEREAS, certain existing ordinances imposing punishment for violation of the Municipal Code of Ordinances are inconsistent or need to be updated;

WHEREAS, Council determines it is in the best interest of the Village to revise the existing fines and fees in order to cover the cost of Mayor’s Court proceedings and provide an effective deterrent against violations of the Municipal Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE Council of Amberley Village, State of Ohio, five (5) members elected thereto concurring:

SECTION 1: Council hereby adopts and approves the following fee schedule and pay-out information for violations of the Amberley Village Traffic Code.

<u>SECTION</u>	<u>OLD FINE (\$)</u>	<u>NEW FINE (\$)</u>
72.74 (passenger)	45.00	95.00
72.74 (driver)	55.00	95.00
76.10	33.00	85.00
74.37	30.00	85.00
74.11	35.00	55.00
74.35	35.00	55.00
76.02	35.00	55.00
76.03	35.00	55.00
76.05	35.00	55.00
76.06	35.00	55.00
76.07	35.00	55.00
77.01	35.00	55.00
70.08	75.00	95.00
70.23	75.00	95.00
71.29(B)(2)	75.00	95.00
72.40	75.00	95.00
72.41	75.00	95.00
73.03	75.00	95.00

74.01	75.00	95.00
74.02	75.00	95.00
74.03	75.00	95.00
74.04	75.00	95.00
74.05	75.00	95.00
74.06	75.00	95.00
74.07	75.00	95.00
74.08	75.00	95.00
74.09	75.00	95.00
74.10	75.00	95.00
74.12	75.00	95.00
74.13	75.00	95.00
74.14	75.00	95.00
74.15	75.00	95.00
74.16	75.00	95.00
74.17	75.00	95.00
74.19	75.00	95.00
74.22	75.00	95.00
74.28	75.00	95.00
74.29	75.00	95.00
74.30	75.00	95.00
74.31	75.00	95.00
74.40	75.00	95.00
74.41	75.00	95.00
75.01	75.00	95.00
75.02	75.00	95.00
75.03	75.00	95.00
75.04	75.00	95.00
76.08	75.00	95.00
77.02	75.00	95.00
77.03	75.00	95.00
77.04	75.00	95.00
70.06	85.00	105.00
70.21	85.00	105.00
70.24	85.00	105.00
70.25	85.00	105.00
71.01	85.00	105.00
71.07	85.00	105.00
71.09	85.00	105.00
71.10	85.00	105.00
71.22	85.00	105.00
72.01	85.00	105.00
72.02	85.00	105.00
72.03	85.00	105.00
72.04	85.00	105.00
72.05	85.00	105.00
72.06	85.00	105.00
72.08	85.00	105.00

72.09	85.00	105.00
72.10	85.00	105.00
72.12	85.00	105.00
72.13	85.00	105.00
72.14	85.00	105.00
72.15	85.00	105.00
72.16	85.00	105.00
72.20	85.00	105.00
72.21	85.00	105.00
72.22	85.00	105.00
72.23	85.00	105.00
72.24	85.00	105.00
72.25	85.00	105.00
72.26	85.00	105.00
72.28	85.00	105.00
72.29	85.00	105.00
72.32	85.00	105.00
72.42	85.00	105.00
72.51	85.00	105.00
72.52	85.00	105.00
72.65	85.00	105.00
72.67	85.00	105.00
72.69	85.00	105.00
72.74(B)(2)	85.00	105.00
73.08	85.00	105.00
73.11	85.00	105.00
74.23	85.00	105.00
74.27	85.00	105.00
74.43	85.00	105.00
74.44	85.00	105.00
76.04	85.00	105.00
70.09	90.00	110.00
70.26(A)(2)	90.00	110.00
71.04	90.00	110.00
71.05	90.00	110.00
71.06	90.00	110.00
71.24	90.00	110.00
72.07	90.00	110.00
72.11	90.00	110.00
72.30	90.00	110.00
72.31	90.00	110.00
72.33	90.00	110.00
72.70	90.00	110.00
73.10(A)	90.00	110.00
74.18	90.00	110.00
74.26	90.00	110.00
73.06	115.00	150.00

73.07	115.00	150.00
73.15	120.00	150.00
72.73	130.00	130.00

Speeding violations pursuant to § 73.10(C):

		<u>OLD</u>	<u>NEW</u>
(a) School Zone	(restricted times)		
	(Over 20 MPH but not over 40 MPH)	90.00	110.00
	(Over 40 MPH but not over 45 MPH)	105.00	125.00
(b) 25 MPH Zone	(Over 25 MPH but not over 50 MPH)	90.00	110.00
	(Over 50 MPH but not over 60 MPH)	105.00	125.00
(c) 35 MPH Zone	(Over 35 MPH but not over 55 MPH)	90.00	110.00
	(Over 55 MPH but not over 65 MPH)	105.00	125.00
(d) 55 MPH Zone	(Over 55 MPH but not over 65 MPH)	90.00	110.00
	(Over 65 MPH but not over 75 MPH)	105.00	125.00

All other speeding violations under §73.10 et seq. shall remain at \$150.00.

All other traffic offenses not specified herein shall remain at \$85.00 per violation.

SECTION 2: Section 72.70(B) of the Municipal Code of Ordinances is amended to read as follows:

(B)(1) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

~~(2) Notwithstanding § 130.99 or R.C. §2929.28, upon a finding that a person operated a motor vehicle in violation of division (B)(3) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.~~

SECTION 3: Section 72.74(G) of the Municipal Code of Ordinances is amended to read as follows:

~~(G) —Penalty.~~

~~(1) Whoever violates division (B)(1) of this section shall be fined \$30.~~

~~———— (2) Whoever violates division (B)(2) shall be subject to the penalty set forth in § 70.99(B).~~

~~———— (3) Whoever violates division (B)(3) of this section shall be fined \$20.~~

~~———— (4) Except as otherwise provided in this division, whoever violates division (B)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (B)(4) of this section, whoever violates division (B)(4) of this section is guilty of a misdemeanor of the third degree.~~

(G) Each violation of this section shall be punishable pursuant to § 70.99

SECTION 4: Section 74.37(B) of the Municipal Code of Ordinances is amended to read as follows:

~~(B) Whoever violates this section shall be fined not more than \$25~~ Each violation of this section shall be penalized pursuant to § 70.99.

SECTION 5: Section 76.06(K)(3)(b) of the Municipal Code of Ordinances is amended to read as follows:

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (H) of this section or of a municipal ordinance that is substantially similar to that division, the offender shall not be issued a warning but shall be ~~fined not more than \$25 for each parking location that is not properly marked or whose markings are not properly maintained.~~ punishable pursuant to § 70.99.

SECTION 6: Section 76.10 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

(A) *Fire Lanes, Designation.* The Fire Chief may require and designate public or private fire lanes as deemed necessary for the efficient and effective use of fire apparatus. Fire lanes may be required by the Fire Chief to extend on any or all sides of the building perimeter. All required fire lanes shall meet the following requirements:

(1)(a) Required Access for Fire Apparatus: All premises which the Fire Department may be called upon to protect in case of fire which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all portions of all buildings on the premises are accessible to fire apparatus and public safety vehicles, as may be required by the Fire Chief.

(b) Fire lanes shall be provided for all buildings which are set back more than 50 feet from a public road or exceed 30 feet in height.

(c) Fire lanes shall be at least 20 feet in width with the road edge closest to the building at least 10 feet from the buildings. Any dead-end road more than 300 feet long shall be provided with a turn-around at the closed end at least 90 feet in diameter.

(d) The designation and maintenance of fire lanes on private property shall be accomplished as specified by the Fire Chief.

(2) Shall be capable of supporting apparatus weights of 75,000 pounds minimum.

(3) Turning radius shall be a minimum of 45 feet inside measurement.

(4) It shall be the responsibility of the property owner for the posting of “No Parking Fire Lane” signs, or signs with words otherwise authorized by the Fire Chief, with the approved lettering as required by the Fire Chief in conformance with the Ohio Revised Code.

(B) *Obstructions.* Designated fire lanes shall be maintained free of obstructions and vehicles and marked in a manner prescribed by the Fire Chief.

It shall be unlawful for any person to park a motor vehicle on, or otherwise obstruct, any fire lanes, fire hydrants, fire department connections or other fire suppression equipment.

Cross-reference:

Fire Code F-311.1.

SECTION 7: Section 76.99 of the Municipal Code of Ordinances is amended to read as follows:

§ 76.99 PENALTY.

~~Whoever violates § 76.08 shall be fined not more than \$50 for every such offense. Unless otherwise specified, whoever violates a provision of this Chapter shall be fined and/or sentenced pursuant to § 70.99.~~ Each day of violation shall constitute a separate offense and shall be punishable as such.

SECTION 8: Section 32.07 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

§ 32.07 COURT COSTS AND FINES

(A) Unless otherwise specified, all fines, penalties, fees, costs and pay-outs ~~established by ordinance are maximum limits. Such fines and penalties may,~~ at the sole discretion of the Mayor or Mayor’s Court Magistrate, be reduced by any amount or imposed up to the maximum limit.

(B) In addition to fines, forfeitures, fees, and costs otherwise provided by the Municipal Code of Ordinances, each person who appears before the Mayor’s Court shall be assessed court costs payable to the Village in the amount of ~~\$49.00~~ 50.00 for each appearance before the Mayor’s Court. Such court costs may not be reduced or altered.

SECTION 9: That this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of the Village. The reason for the said emergency is to reconcile the Mayor's Court fee schedule and ensure Mayor's Court costs are covered as soon as possible.

Passed this 12th day of December, 2011.

Mayor J.K. Byar

Attest:

Nicole Browder, Clerk of Council

Ordinance Vote: Moved: Hattenbach Second: Wolf

Byar	<u>Aye</u>
Wolf	<u>Aye</u>
Hattenbach	<u>Aye</u>
Muething	<u>Aye</u>
Bardach	<u>Recused</u>
Warren	<u>Aye</u>
Doering	<u>Absent</u>

I, Clerk of Council of Amberley Village, Ohio, certify that on the 14th day of December 2011, the forgoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

Nicole Browder, Clerk of Council