

VILLAGE OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2017-08

**AN ORDINANCE REVISING AND INCREASING COURT COSTS AND FEES FOR
THE VILLAGE OF SOUTH LEBANON MAYOR'S COURT, AND DECLARING AN
EMERGENCY**

WHEREAS, the Court Clerk, Magistrate, and Solicitor have conducted a review of the current court costs, fees, and bond schedule of the Village of South Lebanon Mayor's Court; and,

WHEREAS, the Court staff have recommended revisions to the South Lebanon Mayor's Court Cost and Fee Schedule (attached hereto as Exhibit A), and the South Lebanon Mayor's Court Bond Schedule (attached hereto as Exhibit B);

WHEREAS, said recommendations reflect changes permitted by the Ohio Revised Code and are comparable to other local municipal and mayor's court costs and fees;

WHEREAS, immediate action is required to institute these costs and fees for upcoming court cases and in order to preserve the public peace, health, or safety of the Village.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of South Lebanon, Ohio, at least two-thirds of all members elected hereto concurring:

Section 1. That the attached costs, fees, and bond schedule, attached hereto as Exhibits A and B are hereby approved.

Section 2. That the Council is acting in its administrative capacity in accordance with Ohio Rev. Code § 733.48.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 4. That this Ordinance is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and, this Ordinance shall be in full force and effective immediately upon its passage.

Section 5. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 6th day of July, 2017.

Attest:

Nicole Armstrong James D. Smith
Nicole Armstrong, Fiscal Officer/Clerk James D. Smith, Mayor

Rules Suspended: 7/6/2017 (if applicable)

Effective Date – / /2017

Vote - 6 Yeas

_____ Nays

First Reading – / /2017

Effective Date – / /2017

Second Reading – / /2017

Third Reading – / /2017

Vote - _____ Yeas

_____ Nays

Prepared by and approved as to form:

PAUL R. REVELSON
VILLAGE SOLICITOR
SOUTH LEBANON, OHIO

By: _____

Date: 7/6/2017

CERTIFICATE OF POSTING

I, Nicole Armstrong, Fiscal Officer of the Village of South Lebanon, Ohio do hereby certify I posted a true and accurate copy of this ordinance or resolution, summary of ordinance or resolution, or statement, order, proclamation, notice or report, at five public places within the Village as authorized by Section 731.25 of the Ohio Revised Code and Ordinance 98-08 of Village of South Lebanon, Ohio.

7/7/17
Date

Nicole Armstrong
Nicole Armstrong
Fiscal Officer
Village of South Lebanon,
Ohio

SOUTH LEBANON MAYOR'S COURT BOND SCHEDULE

Effective: July 6, 2017

VIOLATIONS WHERE APPEARANCE MAY NOT BE REQUIRED

For the violations listed in this section, the Defendant may pay, by mail or in person, the fines listed for the respective offense(s) in lieu of court attendance, except where "Required Appearance" is indicated. Traffic offenders must show proof of insurance.

Failure to either pay the fines as described or appear in Court will result in a warrant to be issued for your arrest and/or cancellation of your operator's license.

SPEEDING VIOLATIONS

Up to 15 miles over	\$180.00
16 to 30 miles over	\$200.00
31 to 34 miles over	\$240.00
35 and over	Required Appearance
Second speeding offense within 12 months (up to 34 miles over)	\$290.00
Second or more speeding offense within 12 months (35 miles & over)	Required Appearance
Third or more speeding offense within 12 months	Required Appearance
School Zone	
First offense within 12 months (up to 15 miles over)	\$240.00
Second offense within 12 months or 16 miles and over	Required Appearance
Construction Zone (with or without workers)---The fine amount will be doubled and then costs added on.	
Failure to Stop for a school bus	Required Appearance
Reckless Operation (Disregard of Safety—1st)	\$290.00
Expired Registration (Reg. Violation / Fail to file for Reg.)	\$190.00
Fictitious Registration	\$290.00
No Operators License (includes No M/C Endor, Correc.Lense)	Required appearance
Expired Operators License	
Expired up to 6 months	\$190.00
Expired OVER 6 months	Required Appearance
Other Minor Misdemeanor <i>MOVING</i> Traffic offense without an accident	\$180.00
Other Minor Misdemeanor <i>NON-MOVING</i> Traffic offense without an accident	\$175.00
Other Minor Misdemeanor Traffic offense with accident, no injuries	\$210.00
Other Minor Misdemeanor Traffic offense with accident, with injuries	\$255.00

Minor Misdemeanor Possession offense\$205.00

PARKING VIOLATIONS

Fire Lane Violation ..(Appearance Not Required)	\$140.00
Handicap Parking Violation ..(Appearance Not Required)	\$315.00
Other M-M Parking Violation ..(Appearance Not Required)	\$125.00

SAFETY VIOLATIONS (NON-MOVING VIOLATIONS)

Seat Belt	
Driver	\$111.00
Passenger	\$101.00
Child Restraint	\$185.00
Unsafe Vehicle	\$285.00
Open Container in a Motor Vehicle	\$230.00
Intoxicated Pedestrian on Highway	\$285.00
Consumption in a Motor Vehicle	\$325.00

DOG & KENNEL

Fail to Give Transfer of Ownership Certificate	\$280.00
Violation of Rabies Quarantine	\$280.00
Fail to Obtain License	\$200.00
Fail To Confine Dog(s)	
First Offense	\$200.00
Second (or more) Offense within one year	Required appearance
Kinder Capture of Unregistered Dog or Examination of	
Dog Wearing Tag	\$200.00
Harboring Dog Wearing Unlawful Tag	\$200.00

PUCO

Operating An Out-of-Service Vehicle	Required Appearance
Out-of-Service Driver Operating A Vehicle	\$580.00
Possession of Intoxicating Beverage	Required Appearance
ALL OTHER PUCO VIOLATIONS (Example: Permit Viol.)	\$290.00
Insecure load, Overlength, Overwidth	\$290.00
Equipment Violation (1 st Offense).....	\$280.00
Overweight5	
0 – 2,000 lbs.	\$220.00
2,001 – 2,099 lbs.	\$260.00
In excess of 2,099 – 5,000 lbs.	
(Plus \$1.00 per hundred Wt. In excess of 2,000 pounds) (use \$.01).....	\$260.00
5,001 – 5099 lbs.	\$370.00
5,100 – 10,000 lbs.	
(Plus \$2.00 per hundred Wt. In excess of 5,000 pounds) (use \$.02)	\$370.00
10,001 – 10,099 lbs.	\$600.00
10,100 – 30,000 lbs.	
(Plus \$3.00 per hundred Wt. In excess of 10,000 pounds) (use \$.03)	\$600.00

Example Formula for figuring bond amount:

If defendant is charged with 9,450 lbs. overweight:

$$9,450 \text{ lbs.} - 5,000 \text{ lbs.} = 4,450 \text{ lbs.} \times \$0.02 = \$89 + \$335 = \$394$$

Or you can use:

$$9,450 \text{ lbs.} - 5,000 \text{ lbs.} = 4,450 \text{ lbs. divided by } 100 = \$44.50 \times \$2.00 = \$89 + \$335 = \$394$$

WILDLIFE LAWS

M-1 Offenses	Required Appearance
M-2 Offenses	Required Appearance
M-3 Offenses	(Appearance Not Required*) \$280.00
M-4 Fishing Violations	(Appearance Not Required*) \$180.00
M-4 Offenses	(Appearance Not Required*) \$230.00
M-M Offenses	(Appearance Not Required*) \$200.00
Hunting Without License	(Appearance Not Required*) \$280.00

*Upon requirement of the citing officer, or if serious injuries or death occurred, the Defendant must appear.

WATERCRAFT LAWS

M-1 Offenses	Required Appearance
M-2 Offenses	Required Appearance
M-3 Offenses	Required Appearance
M-4 Offenses	\$230.00
M-M Offenses	(Appearance Not Required*) \$200.00

*Upon requirement of the citing officer, or if serious injuries or death occurred, the Defendant must appear.

PARKS & RECREATION

M-1 Offenses	Required Appearance
M-2 Offenses	Required Appearance
M-3 Offenses	Required Appearance
M-4 Offenses	Required Appearance
M-M Offenses	(Appearance Not Required*) \$200.00
M-M Parking Violations	(Appearance Not Required*) \$140.00

*Upon requirement of the citing officer, or if serious injuries or death occurred, the Defendant must appear.

Speeding offenses within parks use SPEED Bond Schedule, above.

OTHER

Littering	\$280.00
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CRIMINAL AND TRAFFIC VIOLATIONS – APPEARANCE REQUIRED

MISDEMEANOR OFFENSES

Domestic Violence	No Bond Until Arraignment ¹
Violation of TPO	No Bond Until Arraignment ¹
M-1 Offense of Violence	\$ 20,000.00
M-1 Non-violent Offense	\$ 15,000.00
M-2 Offense of Violence	\$ 10,000.00
M-2 Non-violent Offense	\$ 7,500.00
M-3 Offenses	\$ 5,000.00
M-4 Offenses	\$ 2,500.00
M-M Offenses (see below)	\$ 2,100.00 ²

¹ Unless otherwise set by the Judge pursuant to R.C. § 2919.251.

² Upon requirement of citing officer, or if serious injury occurred the defendant must appear. Drug offenses must appear.

FELONY OFFENSES

F-1 Offenses	\$ 200,000.00
F-2 Offenses	\$ 150,000.00
F-3 Offenses	\$ 100,000.00
F-4 Offenses	\$ 50,000.00
F-5 Offenses	\$ 25,000.00

For offenses of Murder, Rape or Major Drug Offenders, the Judge shall be contacted to set the proper bond amount. In the absence of a bond determination by the Judge, the Defendant shall be held until arraignment without bond.

GENERAL PROVISIONS

Pursuant to Rule 46 of the Ohio Rules of Criminal Procedure, the following bond schedule is established for use in the Warren County Court.

Bonds may be satisfied by any of the following:

- 1) A surety bond;
- 2) A bond secured by real estate or securities as allowed by law.
- 3) The sum of ten percent (10%) of the amount of the bond in cash deposited with the Court.

Any bond money deposited with the Court will be returned to the person who deposited the bond on behalf of the defendant upon disposition of his/her case, after full payment of fines and costs and completion of all court orders, less a 10% fee retained by the Court pursuant to CrimR. 46(2).

All bail bonds posted will have a \$25.00 bail surcharge added to the defendant's case as a cost that is assessed by the State of Ohio. If the defendant is convicted, pleads guilty, or forfeits bail, the clerk sends the \$25.00 to the Treasurer of State (R.C. 2937.22).

No individual may be jailed for a minor misdemeanor traffic offense.

APPROVED:

Date: 7-6-17

Magistrate, Corwin Keith Nixon JR

Corwin Keith Nixon, Jr.

South Lebanon Mayor's Court

Court Cost and Fees

Cost:

\$75.00

Fees:

Warrant \$50.00

Warrant Mileage Varies

Warrant Block \$10.00

Diversion \$200.00

Licenses Cancellation \$20.00

Registration Block \$20.00

Driving Privileges \$15.00

Witness & Subpoena \$5.00

*(including for Deputies)

Certified Mail Cost per Post Office

Failure to Appear Fee \$15.00

Continuance Fee 1st one no charge

*(if Magistrate cont.'s no 2nd & on \$10.00

fee. If setting for

Pre-Trial or Trial no fee)

Capital Recovery % Calculated by CRS

Returned Check \$15.00

Court Appointed Attorney \$25.00

Payment Plan \$10.00

*(if Magistrate sets for pay or appear
no fee.)

Payment Plan Modification Fee \$10.00

Personal/Service Fee (from SO) \$20.00

Appeal to Warren Co. Court \$20.00

Bond Administration Fee

10% of posted bond