ONTARIO MAYOR'S COURT
LOCAL RULES

[EFFECTIVE 08-25-2016]

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IN THE ONTARIO MAYOR'S COURT
ONTARIO, OHIO

IN THE MATTER OF
THE RULES OF COURT

JUDGMENT ENTRY

It is hereby ORDERED, ADJUDGED AND DECREED that all the Rules of Court, heretofore existing are repealed, revoked, and annulled.

It is further ORDERED, ADJUDGED AND DECREED that the following rules set forth numerically shall become, and are, forwith the Rules of Practice and Procedure of the Court.

It is further ORDERED, ADJUDGED AND DECREED that the following rules shall become effective August 25, 2016.

Magistrate, Amy E. Skropits

Mayor, Randy Hutchinson

GENERAL PROVISIONS

Rule 1 - Scope & Effective Date

A. These Local Rules of Court are adopted for the governance of the practice and procedures in Ontario Mayor's Court, pursuant to the Court's inherent authority as set forth in the rules of Civil and Criminal Procedure and Rules of Superintendence. These rules may be cited as Ontario Mayor's Court Rules i.e. " M.C. Rule 1(A) etc." The purpose of these rules is to facilitate the expeditious disposition of cases that come before the court.

B. Except as otherwise noted herein, these rules are effective as of August 25, 2016, and shall govern all proceedings filed subsequent to that date.

C. The rules may be amended from time to time by orders of the Mayor or Magistrate.

Rule 2 – Jurisdiction of Court

The territorial jurisdiction of the Ontario Mayor's Court includes the City of Ontario.

Rule 3 – Sessions and Hours

The sessions of this Court shall begin at 9:30 a.m. on every Thursday, legal holidays excepted. These times and days are subject to temporary modification by the Court to meet emergencies or the requirements of particular cases. The office of the Clerk shall be open for the transaction of business Monday through Friday 8:30 a.m. to 4:30 p.m.

Rule 4 – Clerk of Court

A. The clerk of Mayor's Court shall be responsible for the processing of all documents filed with the Mayor's Court, maintaining the docket of the court, administering the traffic violations bureau, collecting and distributing to the proper sources all fines, costs and fees imposed by the court.

B. The Clerk of Court shall submit all documents of court record and other information required to the Ohio Bureau of Motor Vehicles in a timely manner.

C. The Clerk of Court shall follow retention schedules according to the City Records Commission utilizing microfilm and computers for storage whenever possible.

D. The Clerk's Office shall receive and time-stamp all motions including but not limited to: not guilty pleas, continuances, appearances of counsel, discovery requests and all other legal motions to transfer, dismiss, and suppress. The clerk shall schedule all matters for trial by coordinating necessary evidence, notifying the officers, witnesses, interpreters, or any other relevant persons.

E. The Clerk of Court shall prepare and maintain a docket and other records that are required, all of which shall be the public record of the court.

F. The Clerk shall permit any person to examine and to make a copy of any papers designated by O.R.C. 149.43 as a public record after the Clerk has made illegible any and all social security numbers that may appear on said documents. No original papers or dispositions in any case or proceeding shall be removed from the office of the Clerk, except for use in Court or by the Court, except on written Order of the Court.

G. Assignment of Case Numbers: The Clerk of Courts shall assign a case number to each complaint or ticket as follows:

11TRD0000 - Year, Traffic Complaint, numerical order number
11TRC0000 – Year, OVI Complaint, numerical order number
11CRB0000 - Year, Criminal Complaint, numerical order number
11TRP0000 - Year, Parking Complaint, numerical order number

H. The Clerk is responsible for receipting, posting and balancing all court related court costs and fines. Additionally, the Clerk is responsible for disbursing those funds back to the state and the City of Ontario as directed by law.

I. The Clerk will be responsible for balancing the monthly bank statement against all receipts and disbursements.

Rule 5 - Transfers

The clerk is responsible for processing cases transferred to Richland County Municipal Court. A transfer to the municipal court can be accomplished by: 1) The Court lacks jurisdiction (O.R.C. 1905.01); 2) demand for jury trial (O.R.C. 2937.08); 3) Defendant files a written notice of appeal (O.R.C. 1905.23); Magistrate's option (O.R.C. 1905.032).

The Clerk's office shall certify and copy all transferred cases in their entirety. The transferred case documents and any bond money posted shall be either hand delivered or mailed to the Richland County Municipal Court within a period of no more than 1 working day.

Rule 6 - Court Costs

The court costs for Ontario Mayor's Court are $75.00 for all criminal cases, $75.00 for all non-moving violations and $75.00 for all moving violations. This sum shall be distributed as follows:

$24.00 General Fund of the City of Ontario for non-moving violations
$26.00 General Fund of the City of Ontario for criminal and moving violations
$10.00 Courts improvement fund for all cases
$25.00 Indigent Support Defense Fund for moving violations (State)
$20.00 Indigent Support Defense Fund for criminal violations (State)
$10.00 Indigent Support Defense Fund for non-moving violations (State)
$ 9.00 Victims of Crime for moving and criminal violations (State)
$ 3.50 Drug Law Enforcement Fund for moving violations(State)
$ 1.50 Indigent Driver's Alcohol Treatment for moving violations (State)

In addition to the basic court costs above, the following additional costs shall be assessed for each of the following unless ordered waived by the mayor or magistrate:

$150.00	Diversion
$35.00	Service fee for bad check
$150.00	Tide
$10.00	Certified mail fees
$ .10	Copies
$50.00	Expungement filing fee
**	Interpreting Fee
$20.00	Warrant
$15.00	Warrant block processing fee
$15.00	License forfeiture processing fee
$65.00	Cost of Incarceration (per day)

The Court may amend the costs as the Court deems necessary.

Rule 7 – Facsimile Filing

The Court provides for the filing of pleadings and other papers by electronic means. All pleadings and other papers may be filed with the Court by facsimile (419) 529-6132, subject to the following provisions:

A. A document filed by facsimile transmission will be accepted as original and the signature accepted as original. The facsimile documents need not be followed with the original pleadings or other papers, but the originals must be maintained by the filing party and are subject to inspection by the Court if requested.

B. The attorney or other parties must provide the following information on the fax cover page:
   1. the name of the court;
   2. the title of the case;
   3. the case number;
   4. the title of the document being filed;
   5. the date of transmission;
   6. the transmitting fax number;
   7. an indication of the number of pages included in the transmission, including the cover page;
   8. if a case number has not been assigned, state that fact on the cover page;
   9. the name, address, telephone number, fax number, Supreme Court registration number, and, if available, an e-mail address of the person filing the fax document, if available.

C. The clerk shall notify the attorney or other parties if the transmitted document cannot be filed for any reason. All documents submitted will be considered filed only when the date/time has been stamped by the Clerk and the document has been properly docketed.

D. The Clerk may accept for filing by facsimile transmission any document except those which the Clerk is required to collect a specific filing fee pursuant to statute or court rule or to effectuate service and summons.

Rule 8 - Journal Entries

All judgments, orders, decisions or rulings entered by the Court shall constitute the journal entries unless otherwise ordered by the Court or required by counsel.

The magistrate may require attorneys or parties in any case to prepare journal entries and to submit them to opposing counsel or parties who shall approve or reject the same within ten days from the date received. The magistrate must approve such entry.

Rule 9 - Payment of Fines and Costs

A. Any overpayment of five dollars ($5.00) or less for fines and costs will not be refunded.

B. The Court will not accept any more than $5.00 worth of change when paying fines and/or costs.

C. Fines and costs may be paid twenty-four (24) hours a day. They shall be paid with the Clerk of Courts. If the Clerk of Courts is closed or otherwise unavailable, payments shall be made at the police department or by obtaining an envelope from the police department and dropping the payment and identifying information in the drop box located in the lobby of City Hall.

Rule 10 – Court Decorum and Conduct

A. The Bailiff is responsible for courtroom security & order.

B. All persons and property entering the courtroom are subject to search.

C. Weapons or other contraband may be confiscated. Those persons possessing weapons or contraband are subject to arrest if there is probable cause to believe a crime has been committed or if the law otherwise permits. This rule does not apply to police officers or security personnel who are on official business and not a party to a case before the Court.

D. Proper attire is required. No clothing with foul or offensive wording or images is permitted. Hats will be removed upon entering the courtroom. Police witnesses will be in proper uniform.

E. No purses/handbags or back packs are permitted in the court room.

F. Proper demeanor/conduct shall be observed at all times. Foul abusive language is prohibited.

G. No talking while in court except as necessary for court business.

H. Turn off all cell phones, pagers, etc. while in courtroom.

I. No person shall loiter or behave in an unseemly or disorderly manner in the Courtroom or in any halls, entryways leading thereto, or otherwise interfere with or obstruct judicial activities or proceedings.

J. Small children are not permitted in the courtroom while the Court is in session without prior approval.

K. The Court expects that counsel shall call these rules to the attention of clients and witnesses.

L. Anyone arriving to Court after Court has convened shall reschedule until the next court date to allow for proper security checks. Each person will be permitted to reschedule one time.

M. Failure to comply with any aspect of this rule may result in appropriate sanction by the Court, including continuance of the matter before the Court, removal of non-compliant person, or a charge for contempt of court.

Rule 11 – Duties of Counsel

A. Withdrawal of Counsel: Counsel wishing to withdraw from a case shall present a written motion stating the reasons for the withdrawal. Withdrawal of counsel will not be approved if application is made within 5 days of the trial date except for good cause shown.

B. Motion Practice: All motions, except those normally made at trial, shall be in writing, served on opposing counsel, and made within the time limits prescribed in the Ohio Rules of Criminal Procedure. Motions will be supported by Memoranda of Law containing applicable statutory and case law citations. (Copies of significant decisions shall be attached to the original filing only.)

Any motion, which, by its nature, is capable of being determined without a hearing, shall be ruled on without a hearing. All motions not heard or decided prior to trial will be disposed of at trial.

C. Continuances: Request for a continuance shall be by written motion and will only be granted upon showing of good cause. If a prior trial conflict exists, the date of scheduling

shall be stated, with a copy of the notice attached to the motion. All requests shall be served on opposing counsel or party. Proposed entries should accompany the motions with blanks for the new trial time and date if agreed to by opposing counsel. No requests for continuance will be considered if made less than 5 days before trial except for circumstances, which by reasonable diligence could not be determined 5 or more days prior to trial.

Rule 12 – Appeals

Defendant may file a written notice of appeal of the ruling of the Mayor's Court judgment to the Richland County Municipal Court,. The appeal must be filed within ten days of the judgment as provided in Ohio Revised Code Section 1905.23.

Rule 13 - Reserved

CRIMINAL AND TRAFFIC RULES

Rule 14 – Violations Bureau

A Traffic Violations Bureau is hereby established in accordance with Ohio Traffic Rule 13, with authority to process and dispose of those traffic offenses for which no court appearance is required by law. The Clerk of Court is hereby appointed as violations clerk thereof.

A Minor Misdemeanor Violations Bureau is hereby established in accordance with Ohio Rules of Criminal Procedure Rule 4.1, with authority to process and dispose of minor misdemeanors for which no court appearance is required. The Clerk of Court is hereby appointed as clerk thereof.

A schedule of fines and costs for matters that the traffic violations bureau handles has been adopted and is posted in the Clerks Office and at the Police Department and attached hereto as exhibit A.

If the defendant fails to pay fines and costs or fails to appear for court, the Magistrate may issue a warrant for their arrest, warrant block on their driver's license registration, registration block, or a driver's license forfeiture. If a defendant subsequently pays all fines and costs, the warrant, warrant block, or license forfeiture will be lifted by virtue of the payment. Defendant must also pay the BMV fees before being valid.

Every 7 business days, the Clerk of Court shall transmit to the Bureau of Motor vehicles via electronic means the Court abstract covering convictions, license forfeitures, license releases, and modifying orders for all Mayor's Court cases.

Rule 15 – Affidavits and Complaints

All criminal and traffic cases shall be commenced in this Court by the filing of a complaint. All complaints shall state the name of the offense charged and shall contain the numerical designation of the statute or ordinance. If a warrant is requested on a complaint, the complaint shall be accompanied by an affidavit of fact pursuant to Ohio Criminal Rule 4(A)(1) whereby the Court can determine probable cause. An affidavit of fact merely phrased in statutory language and in substantially the same language as the complaint is not sufficient.

Rule 16 – Bail/Bond Schedule

The Court has established a bail schedule for certain criminal and traffic offenses by separate entry. Said schedule is available at the Clerk's Office and the Police Department. In all criminal cases where the Defendant posts a property bond, his/her attorney or attorney for the surety whose property is being used to secure the bond must provide the Clerk of the Courts with a title search, certifying the following: a) A short description of the property; b) the names that appear on the deed; c) the true value of the property as shown on the records in the County Auditor's Office; and d) whether there are any liens on file against the property.

Rule 17 – Arraignment Time

Arraignments shall be held at 9:30 a.m. every Thursday, and at such other times as the Magistrate deems appropriate.

Rule 18 – Appearance of Defendant

Persons charged with traffic and/or criminal offenses must be present at the initial appearance as well as all subsequent hearings except as set forth herein. Failure to appear may result in the issuance of an arrest warrant, a warrant block, registration block, or a Driver's License Forfeiture.

Rule 19 – Court Appointed Counsel for Indigent Defendants

When the Defendant, charged with an offense which has the possibility of incarceration, indicates to the Court that he/she is indigent and desires counsel, the Court may conduct a brief preliminary qualification to be held in open court or the Defendant may be required to complete a certification of assets, (i.e. affidavit of indigency) to verify indigence and eligibility for the appointment of counsel. The Court reserves the right to examine the document comprising the investigation of the Defendant's indigence. If the defendant is eligible for appointed counsel, the case will be transferred to the Mansfield Municipal Court.

Rule 20 – Demand for Jury Trial

If the Defendant asserts his/her rights for a jury trial than the case will be transferred to the Richland County Municipal Court as the Mayor's Court does not conduct jury trials. In criminal cases the demand for jury trial must be filed within the time limits set forth in Ohio Criminal Rule 23(A), that is not less than ten (10) days prior to trial date, or on or before the third day following receipt of notice of the day set for trial, whichever is later. Failure to demand a jury trial within the time limits set forth is a complete waiver of the right to trial by jury.

Rule 21 – Community Service

The Magistrate may sentence a defendant to perform community service work in lieu of incarceration in accordance with Ohio Revised Code 2951.02.

Rule 22 - Reserved

Rule 23

Court Security

WARNING

ALL PERSONS IN THE MAYOR'S COURT OF THIS BUILDING ARE SUBJECT TO SEARCH

NO PERSON SHALL ENTER THE COUNCIL CHAMBERS AT THE CITY OF ONTARIO MUNICIPAL BUILDING LOCATED AT 555 STUMBO ROAD, ONTARIO, OHIO, CARRING ON OR ABOUT HIS OR HER PERSON OR READY AT HAND, CONCEALED OR EXPOSED, ANY OF THE FOLLOWING:

FIREARM .....As defined by the Ohio Revised Code Section 2923.11(B), loaded or w/ ammunition ready at hand. EXCEPTION: Law Enforcement officers on official business.

EXPLOSIVE DEVICE.....As defined by Ohio Revised Code 2923.11(H).

DANGEROUS ORDNANCE.....As defined by Ohio Revised Code 2923.11(K).

KNIFE/SCICCORS/STRAIGHT RAZOR: Which have a blade of two inches or more.

If you have any of the above items turn them over to the City of Ontario Police Dept. before you enter the courtroom. **Violations of this policy and/or the Ohio Revised Code will be prosecuted and any prohibited items will be confiscated.**