

181.05 CONTEMPT OF COURT.

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181.05 CONTEMPT OF COURT.

CHAPTER 181 Mayor's Court

CHAPTER 181

Mayor's Court

EDITOR'S NOTE: The Mayor has jurisdiction to hear and determine any prosecution for the violation of a Municipal ordinance, and has jurisdiction in all criminal causes involving moving traffic violations occurring on State highways located within the corporate limits, subject to the right of the defendant to trial by jury and before an impartial magistrate.

Ohio R.C. 2945.17 provides that an accused has a right to be tried by a jury at any trial in any court for the violation of any Ohio statute or of any Municipal ordinance, except in cases in which the penalty involved does not exceed a fine of one hundred fifty dollars (\$150.00). Ohio R.C. 2937.08 and Criminal Rule 23(A) provide that if the court in which a defendant is charged with an offense is not a court of record (the Mayor's Court), and the charge is such that a right to a jury trial exists, such matter shall not be tried before him and shall be transferred to a court of record in the County if the defendant:

- (a) Does not waive his right to trial by jury in a serious offense case for which the penalty established by laws includes confinement for more than six months, or
- (b) Demands a jury trial in a petty offense case in which the penalty prescribed is a fine greater

than one hundred fifty dollars (\$150.00) and/or imprisonment for not more than six months. "Such demand must be in writing and filed with the clerk of court not less than ten days prior to the date set for trial, or on or before the third day following receipt of notice of the date set for trial, whichever is later. Failure to demand a jury trial as provided in this subdivision is a complete waiver of the right thereto."

In *Ward v. Village of Monroe*, 393 U.S. 80 (1968), the United States Supreme Court held that where the mayor before whom the defendant was compelled to stand trial was responsible for municipal finances and the mayor's court provided a substantial portion of municipal revenues, defendant was denied a trial before a disinterested and impartial magistrate as guaranteed by the due process clause of the United States Constitution.

The Supreme Court of Ohio has adopted the "Ohio Traffic Rules" which prescribe the procedure to be followed in the Mayor's Court in traffic cases. Rule 9(A) thereof states the jury demand shall be made pursuant to Criminal Rule 23 referred to above. Rule 9(B) sets forth the conditions under which the Mayor may hear a traffic case incorporating therein the holding in *Ward v. Village of Monroe* as further interpreted in *State, ex rel. Brockman v. Procter*, 35 Ohio St. 2d 79 (1973): "Where, in a mayor's court, a defendant is entitled to a jury trial and a jury demand is made pursuant to Criminal Rule 23, the Mayor shall transfer the case pursuant to subdivision (C). If a jury demand is not made pursuant to Criminal Rule 23, and (or?) the defendant waives his right to jury trial in writing, a mayor may try the case if (1) his compensation as a judge is not directly dependent upon criminal case convictions, or (2) he is not the chief executive and administrative officer of the municipality and as such responsible for the financial condition of the municipality. Guilty and no contest pleas may be taken by any mayor including mayors whose compensation as a judge is directly dependent upon criminal case convictions and mayors who as chief executive and administrative officer of the municipality are responsible for the financial condition of the municipality."

The procedure for transferring a case to a court of record is set forth in Rule 9(C): "Where a transfer is required, the mayor's court shall make a written order directing the defendant to appear at the transferee court, continuing the same bail, if any, and making appearance before the transferee court a condition of bail, if any. Upon transfer, the mayor's court shall transmit to the clerk of the transferee court the ticket and all other papers in the case, and any bail taken in the case. Upon receipt of such papers the clerk of the transferee court shall set the case for trial and shall notify the defendant by ordinary mail of his trial date."

Rule 13 provides that a court shall establish a traffic violation bureau and specifies certain restrictions as to the designated offenses and schedule of fines to be accepted as waiver payment in lieu of court appearance.

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CROSS REFERENCES

Disposition of fines and costs - see Ohio R.C. 733.40

Mayor's powers and duties - see Ohio R.C. 1905.20 et seq.

Trial - see Ohio R.C. Ch. 2938

Notification to Director of liquor law convictions - see Ohio R.C. 4301.991

Record of traffic violations - see Ohio R.C. 4513.37

181.01 CLERK OF COURT.

There is hereby established the position of Clerk of Court for the Mayor's Court of the City. Such Clerk shall perform those duties normally prescribed for the Clerk of Court in municipalities as set forth in Ohio R.C. 1901.31. (Ord. 6-68. Passed 1-23-68.)

181.02 DEPUTY CLERK OF COURT.

There is hereby established the position of Deputy Clerk of Court to the Mayor's Court. Such Deputy Clerk shall perform those duties normally prescribed for a Deputy Clerk of Court in municipalities. He shall work under the direction and supervision of the Clerk of Court. (Ord. 6-68. Passed 1-23-68.)

181.03 APPOINTMENT AND TERM OF CLERKS.

(a) A full time Clerk of Courts shall be appointed by the Mayor who in addition to the regular duties of Clerks of Court shall perform other administrative and clerical functions for the Mayor, Law Director, and Finance Director as may be required from time to time.

(b) The Deputy Clerk of Courts shall be appointed by the Mayor for a term not to exceed that of the Mayor. The Mayor shall appoint not more than five Deputy Clerks of Court to serve at the same time. (Ord. 62-16. Passed 11-15-16.)

181.04 COMPENSATION.

The Clerk of Court and the Deputy Clerk of Court shall receive such compensation as Council shall provide from time to time.

181.05 CONTEMPT OF COURT.

(a) No person shall disobey or resist a lawful order, rule, judgment or command of the Mayor's Court or any officer thereof.

(b) No person shall rescue or attempt to rescue another person or any property in the custody of the Mayor's Court or any officer thereof when such person or property is lawfully being held by the Court or such officer.

(c) No person shall fail to appear before the Mayor's Court when lawfully ordered to so appear.

(d) Any person violating any of the provisions of this section is guilty of contempt of court. (Ord. 128-72. Passed 12-8-72.)

181.06 PRESIDENT OF COUNCIL AUTHORIZED TO EXECUTE CHECKS.

The President of Council is hereby authorized to execute checks on the checking account of the City Mayor's Court when the President of Council is acting as the Mayor in the place and stead of the Mayor.

(Ord. 66-88. Passed 9-13-88.)

181.07 COSTS OF INCARCERATION.

The Mayor is hereby authorized to assess as court costs, within the sound discretion of the Mayor, the cost of incarcerating prisoners sentenced to incarceration by the Mayor in his capacity as Presiding Officer of the Mayor's Court.

(Ord. 65-97. Passed 11-11-97.)

181.08 MUNICIPAL MAYOR'S COURT COMPUTER FUND.

(a) There is hereby created a Municipal Mayor's Court Computer Fund into which shall be deposited court costs from cases heard in the Sheffield Lake, Ohio Municipal Mayor's Court which court costs are charged for the purpose of computerization. Such court costs for said purpose shall be ten dollars (\$10.00) and shall not be waiverable.

(b) Proceeds received hereunder are designated by Council to be used only for payment for the Court's computerization and for any updates or maintenance required therefor.

(Ord. 54-97. Passed 9-23-97.)

181.09 MAYOR'S COURT MAGISTRATE.

The Mayor, with the approval of Council, may appoint a qualified Magistrate to conduct Mayor's Court, who shall meet the requirements of Chapter 1905 of the Ohio Revised Code as well as all applicable rules as promulgated by the Ohio Supreme Court.

(Ord. 85-15. Passed 12-29-15.)

181.99 PENALTY.

Whoever violates any of the provisions of Section 181.05 is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both.

(Ord. 128-72. Passed 12-8-72.)

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- ordinance, and has jurisdiction in all criminal causes involving moving traffic violations occurring on State highways located within the corporate limits, subject to the right of the defense
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- Ord. (the Mayor's Court), and the charge is such that a right to a jury trial exists, such matter shall not be tried before him and shall be transferred to a court of record in the County
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- ordinary mail of his trial date
- Ord. of traffic violations - see Ohio R
- Ord. 6-68
- Ord. 62-16
- order, rule, judgment or command of the Mayor's Court or any officer thereof
- ordered to so appear
- Ord. 128-72
- Ord. 66-88
- Ord. 65-97
- Ord. 54-97
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