

IN THE STOW MUNICIPAL COURT
MUNICIPAL COURT OF SUMMIT COUNTY, OHIO

2024 APR 17 A 10: 50

STOW, OHIO
IN RE: Local Rule No. 40) MISC. CASE NO. 2670
Traffic Camera Citations)
) ORDER
)

Whereas, Ohio Revised Code Section 4511.092 through 4511.0914 governs the operation of traffic camera citations in the State of Ohio; and

Whereas, exclusive jurisdiction of traffic camera citations are vested in the municipal courts;

NOW THEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED that Local Rule 40 of the Stow Municipal Court hereby be adopted and shall remain in effect unless modified by the Court. The Clerk shall post this order on the Court website for a period of thirty (30) days for public comment, which may result in modification hereof as set forth in Ohio Rules of Superintendence, Rule 5(A)(2).


Rule 40. Traffic Camera Citations

- A. The local authority issuing a traffic camera ticket shall be designated as the Plaintiff and the recipient of a traffic camera ticket shall be designated as the Defendant.
- B. The Ohio Rules of Civil Procedure shall apply to all traffic camera cases except where the Rules conflict with the Ohio Revised Code, whereupon the Ohio Revised Code shall take precedent.

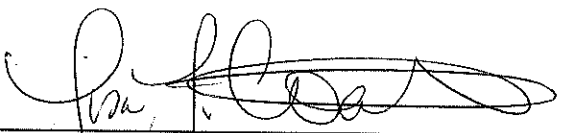
- C. The Ohio Rules of Evidence shall apply to all traffic camera cases except where the Rules conflict with the Ohio Revised Code, whereupon the Ohio Revised Code shall take precedent.
- D. The Ohio Criminal and Traffic Rules do not apply to traffic camera cases as these cases are deemed civil actions under the Ohio Revised Code.
- E. The Clerk shall provide to Court users, on the Court website and at the Clerk's office, forms approved by the Court suitable to effectuate the purposes of the Ohio Revised Code.
- F. If a transfer of liability affidavit is filed, the Clerk shall notify the Plaintiff forthwith in accordance with the Ohio Revised Code.
- G. If a transfer of liability affidavit is incomplete, the Clerk shall reject the affidavit and notify the Defendant.
- H. The Plaintiff shall serve the traffic camera ticket upon the Defendant within thirty (30) days of the traffic law violation by ordinary mail pursuant to Ohio Revised Code Section 4511.096 and shall be required to demonstrate to the Court and litigants that the service achieved as evidenced by the US Post Office Certificate of Mailing for each traffic camera ticket served.
- I. If the traffic camera ticket which was mailed by the Plaintiff to the Defendant is returned to the Clerk for failure of service by the US Post Office, the Clerk shall notify the Plaintiff forthwith.
- J. The Plaintiff shall pay the filing fee for each traffic camera case by advanced deposit on or before the actual date of filing of the traffic camera ticket with the Clerk.
- K. The Plaintiff shall provide each Defendant with a form, prescribed by the Court and which sets forth the rights of the Defendant, at the time notice of the ticket is mailed to the Defendant by the Plaintiff as required in the Ohio Revised Code.
- L. If the Defendant fails to exercise the rights set forth in Ohio Revised Code within thirty (30) days of receipt of the notice of violation by failing to pay the ticket amount, filing a transfer of liability affidavit, or by requesting a hearing, default judgment may be granted in favor of the Plaintiff.

- M. If the Defendant requests a hearing within thirty (30) days of receipt of the notice of violation, the Court shall set the case for pretrial forthwith. If the case is not resolved at the pretrial or prior thereto, the matter shall be set for trial.
- N. All traffic camera cases shall be concluded within six (6) months from the date of filing with the Clerk of Court. A traffic camera case shall be deemed concluded if one of the following occur:
- 1) The Defendant pays the full penalty amount;
 - 2) The Defendant files a transfer of liability affidavit and final judgment is entered relieving the Defendant of liability;
 - 3) The Defendant files a request for hearing and a final judgment is subsequently entered;
 - 4) The Defendant takes no action and default judgment is entered;
 - 5) The ticket is dismissed for failure of service, failure to prosecute or for any other reason.

IT IS SO ORDERED.



KIM R. HOOVER, Administrative Judge



LISA L. COATES