

ORDINANCE NO. 2019-040

DIRECTING THE WARREN COUNTY BOARD OF ELECTIONS TO SUBMIT TO THE ELECTORS OF THE VILLAGE OF WAYNESVILLE, OHIO, AT THE NOVEMBER 5, 2019, GENERAL ELECTION, A CHARTER AMENDMENT TO SECTION 3.13 OF THE VILLAGE CHARTER (MAYOR'S COURT MAGISTRATE)

WHEREAS, the Council for the Village of Waynesville has the authority to submit proposed amendments to the Charter of the Village of Waynesville to the electorate; and

WHEREAS, it is the intent of the Village Council to submit such amendment to the electors of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Waynesville, Ohio, 5 members elected thereto concurring:

Section 1. That the following amendment to the Charter of the Village of Waynesville, attached hereto as Exhibit A and incorporated herein by reference, shall be submitted to the electors of the Village of Waynesville at the general election to be held on the 5th day of November, 2019, at the regular places of voting in said Village as established by the Board of Elections.

Section 2. That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Board of Elections of Warren County, Ohio, and the Clerk is directed to provide notice of the proposed Charter amendments to the electors of the Village as required by law.

Section 3. That this Ordinance provides for the submission of a question to the electorate and shall be effective immediately upon its passage pursuant to Section 4.08 of the Village of Waynesville Charter.

Passed this 19th day of August, 2019.

Attest:

Mayor

 

 

CERTIFICATE

The undersigned, Clerk of Council of the Village of Waynesville, hereby certifies this to be a true and exact copy of Ordinance No. 2019-040, adopted by the Council of the Village of Waynesville on August 19, 2019.

i
v u —

EXHIBIT A

PROPOSED CHARTER AMENDMENT

VILLAGE OF WAYNESVILLE

A majority affirmative vote is necessary for passage.

Shall section 3.13 of the Village of Waynesville Charter be amended to read as follows:

SECTION 3.13 MAYOR'S COURT MAGISTRATE.

- (A) *Jurisdiction of Magistrate.* Jurisdiction shall extend to violations of all municipal ordinances, all criminal causes involving any moving traffic violation occurring on a state highway located within the boundaries of the municipal corporation, and to hear and determine criminal causes involving a violation of Ohio Revised Code Section 4511.19. In hearing and determining prosecutions and causes filed within the Mayor's Court, the Magistrate shall be deemed to have the same powers, duties, and authority as does the Mayor, including, but not limited to, the power and authority to decide the prosecution or cause, enter judgement, and impose sentence. Judgement entered and a sentence imposed by the Mayor's Court Magistrate herein does not have to be reviewed or approved by the Mayor and shall have the same force and effect as if it had been entered or imposed by the Mayor.
- (B) *Qualifications of Magistrate.* The Magistrate shall be an attorney licensed to practice in the State of Ohio, and for a total of at least three years has been engaged in the practice of law in the State or served as a Judge of a Court of record in any jurisdiction in the United States.
- (C) *Appointment of Magistrate.* The Mayor may appoint a person as Mayor's Court Magistrate to hear and determine prosecutions and criminal causes in the Mayor's Court that are within the jurisdiction of the Mayor's Court, as set forth in section 1905.01 of the Revised Code.
- (D) *Compensation.* The municipal corporation shall pay the compensation for the services of the magistrate, which shall be either a fixed annual salary set by the legislative authority of the municipal corporation or a fixed annual amount or fees for services rendered set under a contract the magistrate and the municipal corporation enter into.