

ORDINANCE 2019-06

VILLAGE OF NEW RICHMOND, OHIO

Council for the Village of New Richmond, Ohio met in regular session this 14 day of May, 2019 with the following members present:

Richard Feldkamp, yes Mary Allen, yes Paul Vanderbosch, yes
Melanie Slade yes Rebecca Ploucha yes Gary Skeene yes

Councilperson Skeene moved for adoption of the following:

AN ORDINANCE AUTHORIZING UTILIZATION OF TRAFFIC LAW PHOTO-MONITORING DEVICES FOR THE PURPOSE OF DETECTING TRAFFIC LAW VIOLATIONS WITHIN VILLAGE

WHEREAS, pursuant to R.C. §4511.093, Ohio law allows a municipal corporation such as the Village of New Richmond to utilize traffic law photo-monitoring devices such as the speed cameras from Sensys Gatso USA, Inc., for the purpose of detecting traffic law violations within its jurisdiction; and

WHEREAS, pursuant to R.C. §4511.092(L), "traffic law violations" means either (1) a violation of section 4511.12 of the Revised Code based on the failure to comply with section 4511.13 of the Revised Code or a substantially equivalent municipal ordinance that occurs at an intersection due to failure to obey a traffic control signal or (2) a violation of section 4511.21 or 4511.211 of the Revised Code or a substantially equivalent municipal ordinance due to failure to observe the applicable speed limit; and

WHEREAS, speeding is one of the major causes of accidents, deaths, and injuries; and

WHEREAS, studies show that speed cameras significantly reduce the number of speeding violations and crashes; and

WHEREAS, traditional enforcement forces police officers to follow and stop a violator in order to cite the violator, but traffic volume and safety considerations mean that police officers can only apprehend a fraction of the violators, putting officers, motorists, and pedestrians at risk; and

WHEREAS, in compliance with R.C. §4511.095(A)(1), the Village of New Richmond has conducted a safety study of the intersections and/or locations under consideration for placement of fixed traffic law photo-monitoring devices; and

WHEREAS, in compliance with R.C. §4511.095(A)(2), the Village of New Richmond has conducted a public information campaign to inform motor vehicle operators about the use of traffic law photo-monitoring devices be established within the Village of New Richmond prior to deploying any of the aforementioned devices; and

WHEREAS, in compliance with R.C. §4511.095(A)(3), the Village of New Richmond has published a notice in a local newspaper of general circulation that has announced the Village of New Richmond's intent to utilize traffic law photo-monitoring devices, the locations of those devices (to the extent such locations were known), and the date of June 1st, 2019 which is when the aforementioned traffic law photo-monitoring devices will become operational; and

WHEREAS, in compliance with R.C. §4511.095(A)(4), the Village of New Richmond will observe a public awareness warning period of not less than thirty days prior to the first issuance of any ticket based upon images recorded by any of the devices; and

WHEREAS, the Village of New Richmond will issue and send by regular mail tickets charging the registered owner of vehicles determined to have committed the aforementioned traffic violations within thirty (30) days of the date of the alleged traffic violation in with R.C. §4511.096; and

WHEREAS, the tickets issued via ordinary mail by the Village of New Richmond to the registered owners of the motor vehicles that are the subject of the alleged traffic law violation(s) will include all of the information as set forth by R.C. §4511.097; and

WHEREAS, the Village of New Richmond has erected signs in compliance with R.C. §4511.094 which inform inbound traffic that the Village of New Richmond utilizes traffic law photo-monitoring devices to enforce traffic laws and will annually and/or upon request document continued compliance of such erected signs with R.C. §4511.094; and

WHEREAS, the Village of New Richmond acknowledges and will afford those issued tickets and/or civil violations this Ordinance and R.C. §§4511.093-4511.099 the rights and processes set forth in R.C. §4511.098; and

WHEREAS, the Village of New Richmond believes that utilization of traffic law photo-monitoring devices and/or speed cameras will help prevent speeding and other traffic law violations and will benefit the public's health, safety, and welfare as well as the health, safety, and welfare of the residents and employees of the Village of New Richmond.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Village of New Richmond, Ohio, with _____ of its members concurring:

Section 1: Authorizes the utilization of traffic law photo-monitoring devices such as the speed cameras from Sensys Gatso USA, Inc., for the purpose of detecting and enforcing traffic law violations within its jurisdiction in compliance and as set forth in the above-referenced cited Ohio Revised Code statutes.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Council and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

Councilperson Allen seconded the motion to adopt the foregoing Ordinance and upon roll call the vote was as follows:
Richard Feldkamp yes

Mary Allen yes
Paul Vanderbosch abstain
Melanie Slade yes
Rebecca Ploucha yes
Gary Skeene yes

First Reading 04-09-2019
Second Reading 04-23-2019
Third Reading 05-14-2019

Adopted: 05-14-2019
Date

ATTEST:

Theresa Leigh
CLERK OF COUNCIL, Theresa Leigh

Ramona Carr
MAYOR, Ramona Carr

Approved as to form:

Scott Sollmann
SOLICITOR, Scott Sollmann