

**ORDINANCE NO.: 2015-36**

INTRODUCED BY: Councilman Anthony Cefaratti

MOTION FOR ADOPTION BY:

**AN ORDINANCE REQUIRING THE CLERK OF COUNCIL TO DELIVER TO THE CUYAHOGA COUNTY BOARD OF ELECTIONS A PROPOSED AMENDMENT TO THE MAPLE HEIGHTS CHARTER TO LIMIT THE USE OF PHOTO-MONITORING DEVICES TO DETECT CERTAIN TRAFFIC LAW VIOLATIONS, IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY**

**WHEREAS**, on November 4, 2014, a Charter Amendment was passed by the electorate of the City of Maple Heights restricting the use of photo monitoring devices in the City of Maple Heights; and

**WHEREAS**, since the Charter Amendment, the increase of speeding throughout the City has escalated in several areas and is detrimental to the safety of the residents in the City; and

**WHEREAS**, the Council of the City of Maple Heights desires to amend the Charter Amendment restricting the use of photo monitoring devices to comply with Ohio Law.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Maple Heights, State of Ohio, Cuyahoga County:

**Section 1.** It is resolved by the Council of the City of Maple Heights to submit to the electors the issue of whether or not Article XXII in the Maple Heights City Charter should be amended in the Maple Heights City Charter to limit the use of Photo Monitoring Devices according to the laws of the State of Ohio.

Shall Article XXII of the Maple Heights City Charter, which presently reads:

The City shall not use any traffic law photo-monitoring device for the enforcement of a qualified traffic law violation, unless a law enforcement officer is present at the location of the device and personally issues the ticket to the alleged violator at the time and location of ;the violation, and that the City shall not enter into renew, amend modify or make any payment under a contract with a vendor for traffic law photo-monitoring devices or services unless the same is permitted under Ohio laws; if the contract involves payment to the vendor that is contingent upon the number of tickets issued or the amount of fines levied or and that qualified traffic violations shall be tried only before a judge or magistrate in either a Mayor's, Municipal or Common pleas court, and the accused will be afforded all rights then generally afforded to defendants in criminal cases under the constitutions and laws of the United States and the State of Ohio, be amended to read as follows:

The City shall not use any traffic law photo-monitoring device for the enforcement of a qualified traffic law violation, unless a law enforcement officer is present at the location of the device, and that the City shall not enter into a contract with a vendor for traffic law photo-monitoring devices or services unless the same is permitted under Ohio laws; and that qualified traffic violations shall be tried only before a judge or magistrate in either a Mayor's, Municipal or Common pleas court, and the accused will be afforded all rights then generally afforded to defendants in criminal cases under the constitutions and laws of the United States and the State of Ohio?

**Section 2.** That Council directs the Clerk of Council to deliver to the Cuyahoga County Board of Elections by the September 4, 2015 the foregoing amendment to the Charter of the City of Maple Heights for the November 3, 2015 General Election.

**Section 3:** This Ordinance constitutes an emergency measure necessary to ensure the safety of the residents of the City and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force from and after the earliest period allowed by law.

**Section 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting on the date indicated below, and that all deliberations of this Council an of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED: \_\_\_\_\_, 2015

\_\_\_\_\_  
Jackie Albers, President of Council

ATTEST: \_\_\_\_\_  
Katherine Unger, Clerk of Council

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Jeffrey A. Lansky, Mayor

I, Katherine M. Unger, Clerk of Council of the City of Maple Heights, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that same has been and will remain duly posted as required by law.

\_\_\_\_\_, 2015

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Katherine M. Unger, Clerk of Council