

**WAYNE COUNTY MUNICIPAL COURT**

**WAYNE COUNTY, OHIO**

**LOCAL RULES**

**EFFECTIVE JANUARY 20, 2006**

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## **RULE 1. GENERAL PROVISIONS**

### **A. Jurisdiction of Court**

The territorial jurisdiction of the Wayne County Municipal Court is Wayne County; the monetary jurisdiction of the Court is up to and including \$15,000 exclusive of interest and costs.

### **B. Location of Court**

The Court shall maintain a branch in Wooster, branch in Orrville pursuant to statute, and such other locations as the Court determines appropriate; each branch shall include a courtroom, a Clerk's Office, Judge's chambers, Jury room and related facilities. Any document to be filed with the Wayne County Municipal Court can be filed in any branch of the Court.

### **C. Times of Holding Court**

The sessions in each branch of the Court shall be from 7:30 A.M. until 4:30 P.M., Monday through Friday, legal holidays excepted. The Clerk's Office shall be open for business during the hours in which the Court is open, unless otherwise designated in writing by the Presiding/Administrative Judge of the Court. At least one (1) Deputy Clerk shall remain in the Clerk's Office until the conclusion of court, should court continue after 4:30 P.M.

### **D. Disposition of Cases**

Each judge shall have full discretion in the disposition of assigned work. The Judges shall hold meetings as necessary to consider matters of importance to the Court. These meetings may be

called by any Judge.

E. Assignment of Cases

The judges of the court shall be centered in the Wooster branch of the court with regular sessions of court to be held in the Orrville branch.

Upon receipt of each complaint by the Clerk's Office, the Clerk shall assign a number to that case in compliance with Rule 36 of the Rules of Superintendence for Municipal Courts and the Rules of this Court. A judge shall be assigned to each new case by random selection by the Court's software in compliance with Ohio Supreme Court guidelines. Upon filing of an answer or motion including a motion for default judgment in civil cases, or a plea of "Not Guilty" in criminal and traffic cases, the Clerk shall transfer the case to the Assignment Commissioner for assignment of a trial date. When a case is disposed of (*e.g.*, waivers, pleas, default judgments and dismissals), the Clerk shall enter the appropriate termination in the administrative log.

The Assignment Commissioner shall have charge of all criminal and traffic cases pending and assigned to an individual Judge. Upon final disposition, he/she shall return the case to the Clerk's Office. Any correspondence or motion received by the Clerk related to any case that has been assigned to a Judge shall be forwarded to the assigned Judge for review.

The Clerk of Courts shall assign each case, whether civil, criminal or traffic, to an individual Judge by "lot" as immediately upon assigning a case number to the case.

All post-plea proceedings in the case (*e.g.*, pre-sentence investigation reports of the probation department, competency examinations, reports of the alcohol education program, probation and home arrest violations) shall ordinarily be conducted by the Judge originally assigned.

F. Administrative Judge

The Administrative Judge shall be chosen for each calendar year as provided in Sup. R. 4 or as otherwise as agreed by the Judges of the Court. The Administrative Judge shall be responsible for the assignment and orderly disposal of cases in the Court and for completing and filing the case and motion reports as required by the Ohio Supreme Court.

G. Designation of Trial Attorney

An attorney, not a party, will designate his/her capacity as trial counsel on all pleadings in civil and criminal cases; the attorney shall indicate his/her Supreme Court Registration Number, office address, zip code, telephone, and fax numbers (if applicable). A law firm is not to be named as trial attorney.

H. Duties of Counsel

Once trial counsel is designated, such designation shall remain until termination of the case. Counsel shall not be allowed to withdraw from trial counsel responsibility without the written permission of the assigned Judge or the Administrative Judge where provided by rule. Withdrawal of counsel within less than five (5) court days of a trial or hearing shall not be permitted. Application for withdrawal will be considered only if:

- (1) A written motion is presented stating the reason for the application; and
- (2) the application contains certification of service to opposing counsel; and
- (3) the application contains certification of service to the last known address of the client.

The assigned judge or the Administrative Judge may require alternate trial counsel.

All pleadings, motions, interrogatories and all other papers filed in an action shall state in the caption the general nature of the pleadings, *e.g.* complaint, answer, motion, memorandum, *etc.*

The party filing a complaint or other documents requiring service by the court, shall file with the Court an original and sufficient number of copies as there are separate parties to be served.

All pleadings and motions must be filed within the time limits of all applicable rules, in writing, and accompanied by sufficient memoranda. If an oral hearing is requested, such request must be included in the first page of the motion. If no oral hearing is requested, the matter shall be deemed submitted on the written briefs unless opposing counsel requests an oral hearing within seven (7) days of receiving the motion. All motions will be decided by the assigned Judge or the Magistrate.

I. *Conflict of Trial Court Dates Assignment Dates - Continuances*

Requests for continuances of hearing dates shall be submitted to the Judge assigned to the case at least five (5) court days prior to the hearing date. Requests for continuances shall be by motion which must include all of the following:

- (1) The time and date of the current hearing date.
- (2) The time and date of the new assignment which must be obtained from the Assignment Commissioner by the attorney requesting such continuance.
- (3) The reason for the request. If the reason is another case assigned for trial or hearing in another court, the court, the case number, the date and time of the conflicting case shall be set forth. A copy of the

conflicting case assignment shall be attached to the motion.

J. Review of Cases

The Clerk of Courts shall maintain a list of "active" cases containing the number and name of cases wherein:

- (1) In a civil case, an answer has been filed.
- (2) In a criminal case, a "Not Guilty" or "Not Guilty by Reason of Insanity" has been filed.
- (3) Active trusteeships.
- (4) In any case where the proceedings are not complete. (Examples: A defendant has been given time to pay a fine or restitution, where an appeal has been filed which is not completed, where sentencing or execution of sentence is delayed; where a warrant has been issued for non-appearance.)

This list, which shall be divided into appropriate categories, shall be made available at all times to the assigned judge, the Administrative Judge and the Assignment Commissioner and shall be furnished to each of those people by the Clerk of Courts every 60 days. The Administrative Judge, the assigned judge and the Assignment Commissioner shall review this list to determine cases which should be "terminated".

Termination refers to the state of the case at which the Judge to whom the case is assigned is entitled to report to the Supreme Court of Ohio that the case falls within one of nine (9) categories of completion.

An inactive civil case is a case assigned to a Judge which has been on the docket for six (6) months and which has not been tried; is not awaiting trial assignment or is not stayed by order of the Judge to whom the case is assigned. An inactive case shall be dismissed after written notice to counsel of record for failure to proceed, unless good cause to the contrary is shown. The Clerk of Courts shall immediately notify the assigned judge whenever a case becomes an inactive case.

Active civil cases shall be terminated by the filing of a written judgment entry signed by the Judge to whom the case is assigned or by the Administrative Judge. Counsel for the party in whose favor an order of judgment is rendered, shall prepare the journal entry, unless the Judge has prepared and filed the entry. The entry disposing of the case shall be filed within fifteen (15) days after the decision. Entries of settlement may be filed at any time prior to trial.

Satisfaction of judgment must be entered on the docket by the Clerk or made by entry signed by the Judge and filed with the Clerk. Payment of costs is required prior to the recording of the satisfaction. All costs accruing in a case must be paid prior to the filing of an order of revival of judgment.

Criminal and traffic cases shall be terminated by the written entry of the Judge hearing the case by:

- (1) A "Not Guilty" finding.
- (2) A dismissal of the case by the Court's motion or upon motion for a *Nolle Prosequi* filed by the state and approved by the Court.
- (3) A finding of the court that probable cause is not shown in a felony preliminary hearing.
- (4) A dismissal by the Court for the failure of the state to provide the

defendant with a "speedy trial" as provided in O.R.C. 2945.71, *et. seq.*

(5) Pronouncement and execution of sentence.

(6) An order of community control or an order terminating community control.

K. Filing of Journal Entries

All journal entries submitted to the Court for approval shall be signed by a Judge before they are time-stamped.

Unless otherwise ordered by the Court, counsel for the party in whose favor a decree, judgment or order is rendered, shall, within seven (7) days, prepare the proper journal entry and submit the same to all counsel for endorsement; if counsel for the prevailing party fails to do so, then counsel for the other party may prepare and submit such entry; counsel to whom entry is submitted shall approve or reject the same within three (3) days after receipt. Entries of settlement must be approved and filed with the court prior to the date set for trial.

L. Reports and Information

It shall be the duty of the Administrative Judge to prepare and file the reports required by the Supreme Court regarding the docket and caseload. The Assignment Commissioner and the Clerk of Courts shall prepare and present to the Administrative Judge such case information as the Administrative Judge requires to prepare the reports.

The Presiding Judge shall perform all duties as prescribed by the Rules of Superintendence

or the Supreme Court of Ohio.

M. Publicizing Court Proceedings

The Judge presiding at a trial or public hearing shall permit the publicizing of the Court proceedings as provided in Sup. R.12.

N. Duties of Clerk of Courts

(1) Records of Court. The Clerk shall keep an "Index and Appearance Docket" for criminal, traffic, and civil cases in which shall be entered in consecutive order all cases brought in this Court, together with all proceedings had thereon, properly dated, including the entry of every filing, judgment order and decree of this Court, which journal shall be the final and complete record of said case, except as hereinafter provided, in each of the two locations of this Court, as follows:

- (a) A General Criminal and Traffic Index containing an alphabetical list of all names of defendants. Such index shall be of the type used in the Municipal Courts in Ohio.
- (b) A General Civil Index containing an alphabetical list of all names of plaintiffs and defendants, direct and reverse, in civil and small claims cases. Said index shall be of the type used in the Common Pleas Court of Wayne County.
- (c) A Civil Appearance and Execution Docket in which shall be entered in consecutive order all civil cases, except small claims filed in said Court together with all proceedings had therein, properly dated, which docket shall be the final and complete record of said case, except as hereinafter provided.
- (d) A "Half Sheet" to be affixed to each new civil case file at the top page thereof;

and on which sheet he/she shall cause to be entered chronologically each transaction and a statement of each order, judgment or other entry of the Court pertaining to such case. The object and purpose of this requirement shall be to make manifest in one place, other than the appearance docket, for the advantage of the Court, the entire history of each case from beginning to end.

(e) A Miscellaneous Journal in which shall be recorded the orders of the Court. The expense of making such a record shall be taxed as additional costs and the Clerk is authorized to charge such fees as are prescribed in the Court of Common Pleas for similar services.

(f) A current record of cases appealed and an annual report thereof submitted to the Presiding Judge on or before the 20th day of January of each year shall be made.

(g) The Clerk shall furnish in writing, such statistical data as the Judge may request.

(2) Numbering of Cases. Upon receipt of each complaint by the Clerk's Office, the Clerk shall assign a number to that case according to the following system: CRA = felony, CRB = misdemeanor, TRC = O.V.I., TRD = other traffic, CVF = forcible entry and detainer, CVG = personal injury and property damage, CVH = other civil. The Clerk of Courts will stamp the case with the name of the judge to whom the case is assigned. The Clerk shall not accept for filing any criminal complaint which fails to designate the degree of crime charged. The Clerk may refuse to accept any papers which do not reflect the case number assigned until such number is affixed.

(3) Transfer to Assignment Commissioner. When a case requires assignment for trial or pretrial hearing, the Clerk of Courts shall immediately forward the case file to the Assignment Commissioner. When a jury demand is filed, the Clerk shall transfer the jury demand, together with

the case to the Assignment Commissioner not later than one day after filing. The Clerk shall make monthly reports to the Administrative judge, on forms approved by the Administrative Judge, by the tenth day of each month in which a report must be made to the Supreme Court.

O. Holding of Jury Trials

Jury trials will be held throughout the year except between Christmas and New Year's unless the Administrative Judge so designates. The costs of the jury will be added as court costs to the case.

In all criminal and civil cases, a demand for trial by jury shall be filed with the court in accordance with the Ohio Rules of Criminal Procedure, the Ohio Rules of Civil Procedure or the Ohio Traffic Rules.

In a civil case, a security for jury costs, in the amount of four hundred dollars (\$400.00) must be advanced by the party requesting the jury trial. Said deposit must accompany the jury demand. If such advance deposit is not made, the demand for a jury trial is deemed waived.

P. Selection and Number of Jurors

Jurors shall be selected for service in the court by the Juror Commissioners of Wayne County as provided in R.C. Section 2313.01 to 2313.26 inclusive. The Administrative Judge shall arrange to have the Juror Commissioners provide to the Court a list of jurors for each term in a number determined by the Administrative Judge to be sufficient for the jury trials conducted in this Court.

The terms of the jurors so selected shall be two (2) months.

The number of jurors to be provided for each of the terms shall be 325, unless the Administrative Judge determines otherwise.

Q. Discharge of Jurors

The discharge of a juror for a particular jury trial date may be made by the assigned Judge. The discharge of a juror for an entire term shall be made only by the Administrative Judge . The discharge of a juror shall be excused pursuant to the provisions of R.C. § 2313.16.

R. Record of Proceedings

Proceedings before the Court shall be recorded by the use of audio electronic recording devices installed in each location of the court (cassette tape recording system or digital recording system), pursuant to Sup. R. 11.

Cassette tapes or digital compact discs containing proceedings of cases not yet terminated shall be kept by the bailiffs in the Court location in which the proceedings took place and shall be indexed by date, case number and name. Tapes or digital compact discs of cases which have been terminated, shall be kept as provided above for the period of one year past termination.

The transcript of proceedings prepared by the Court's designated and appointed court reporter(s), pursuant to R.C. 1901.33, shall be the official court record of any proceedings conducted in the Court.

The expense of copies of transcripts of recorded proceedings shall be paid by the requesting party; the Court shall employ adequate court reporter(s) to promptly provide transcripts of recorded proceedings as may be requested. The compensation for the court reporter for preparing a transcript

of proceedings and copies thereof, shall be as set forth in Appendix "A", Schedule of Court Costs. Before the court reporter shall begin preparing a written transcript, the party requesting the transcript shall deposit with the court reporter an amount sufficient to cover the estimated cost of the transcript as determined by the court reporter. When the transcript is completed, any outstanding balance shall be paid before the written transcript is released.

Any application for extension of time for transmitting a record to the Court of Appeals shall include an entry which sets forth the factual findings constituting good cause for such extension. No application will be entertained which would extend time beyond the seventieth day after the filing of the notice of appeal. The court reporter shall certify all transcripts of proceedings.

S. Costs

The fees to be charged in both civil and criminal cases shall be as provided in Appendix "A", Schedule of Court Costs.

T. Practice of Law

Only attorneys regularly admitted to the practice of law in the state of Ohio shall be permitted to practice in this Court. No official of this Court shall be permitted to prepare or assist in preparing any pleadings in any case to be filed or pending in this Court, except as may be required by law in the Small Claims division of the Court.

U. Filing of Documents by Electronic Means

Pursuant to Civ. R. 5(E), all documents other than complaints may be filed by electronic means. It is the responsibility of the filing party to verify that all electronically filed documents have

been received by the Court. Upon receipt, the documents shall be immediately time stamped by the Clerk of Courts.

Electronic filings shall be received between the hours of 7:30 a.m. and 4:30 p.m. Monday through Friday (excepting holidays) and shall be considered filed. The Clerk of Courts shall immediately time stamp any document received by electronic means between the hours of 7:30 a.m. and 4:30 p.m. Monday through Friday (excepting holidays). Any document filed by electronic means that requires payment of an accompanying fee to the Clerk shall not be considered filed until such fee has been paid.

A document filed by electronic means shall be considered the original filing. There is no requirement that another “original” or any other copies be filed with the court by mail or in person, except as otherwise provided by these rules. If additional copies are required to be filed under these rules, said copies may be filed by mail, in person, or electronically. Any signature on electronically transmitted pleadings or papers shall be considered that of the attorney or party it purports to be from for all purposes. If it is established that the pleadings or papers were transmitted without authority, the court shall order the filing stricken.

“Electronic means” refers to facsimile transmission or FAX.

## **RULE 2. CIVIL RULES**

### **A. Deposits - Court Costs**

Civil complaints, counterclaims, replevins and actions in forcible entry and detainer shall,

when filed, be accompanied by the appropriate security deposit, as set forth in Appendix "A", to secure the payment of the costs that may accrue in the action or proceeding. The deposit to secure costs may be waived by the Court if the party filing the action also files an affidavit of indigency and a judge of the court makes the determination that the party is, in fact, indigent..

Whenever the Clerk determines that the amount deposited as security for costs is not sufficient, that fact shall be communicated to the Administrative Judge who may then require that an additional deposit be paid to the Clerk. No further proceedings shall be conducted until the deposit is made.

**B. Rule Days**

Upon good cause shown and upon such terms as are just, the time for filing pleadings may be extended for such reasonable time as the Court may order. In no case, whether by agreement of counsel or otherwise, shall the period of one extension exceed 28 days. Every extension shall be made by journal entry. Upon the Court ruling upon a motion to a pleading, the rule day for amending or pleading further shall be 28 days from the date of the ruling by the Court. Any civil matter which has had no activity for sixty (60) days or more is subject to a Civil Rule 41 dismissal after proper notice.

**C. Pretrial Procedure**

A pretrial conference may be ordered by the Judge to whom a civil case is assigned. The Assignment Commissioner shall attach a copy of this rule to the pretrial notice. Upon notice of the scheduling of a pretrial conference, it shall be the duty of counsel to contact each other and make a

sincere effort to dispose of the matter by settlement and to agree on any matters of evidence about which there is no genuine dispute. Prior to the date of the pretrial conference, counsel shall exchange reports of expert witnesses expected to be called by each party and shall exchange medical reports and hospital records if such are involved.

At the pretrial hearing, it shall be the duty of counsel to do the following:

- (1) The attorney who will be trial counsel and who is fully authorized to act and negotiate on behalf of the party must be present.
- (2) All parties in interest must be present at the pretrial unless such presence is excused in writing by the trial Judge.
- (3) Each counsel shall present to the Court in writing a statement of the issues involved, of the matters stipulated and of all questions of law which it is expected will be involved in the case.
- (4) Each counsel shall bring to the pretrial all exhibits which are to be offered in evidence at the trial. If the exhibits are not marked and exchanged prior to trial, the exhibits will not be admitted.
- (5) Each counsel claiming special damages shall present in writing to the Court an itemization of all special damages claimed.
- (6) Each counsel shall present to the Court in writing a statement indicating the names of all witnesses expected to be called at the trial, whether a view will be requested, whether a jury previously requested will be waived;
- (7) Each counsel shall come to the pretrial fully prepared and

authorized to negotiate toward settlement of the case.

(8) A complete set of jury instructions shall be prepared and submitted at the pretrial for all jury trials.

(9) Be prepared to give the court counsel's best estimate of the time required to try the case.

Failure to be prepared for or attend a pretrial conference may result in sanctions as provided by law.

The Court shall make a written memorandum which recites the action taken at the pretrial conference. The Court shall file the memorandum and submit copies to the parties. The memorandum, subject to Civil R. 60(A) shall control the subsequent course of the action, unless modified at or before trial to prevent manifest injustice.

*D. Assignment for Trial*

The Assignment Commissioner shall assign dates for trial of civil cases. When a case has been assigned a trial date, it cannot be continued except on order of the Court for good cause shown; otherwise, the case must be either tried or dismissed. For good cause, trial of a case may be advanced by order of the Court.

The Clerk of Courts shall, at least quarterly, prepare a list for dismissal of cases which have been assigned to a Judge and which have been pending six (6) months and which have not been assigned for trial. The Clerk of Courts shall, at least quarterly, prepare a list of cases which have been pending six (6) months in which no service of summons or service by publication has been obtained.

E. Jury Trials and Trial Briefs

A demand for a civil jury trial shall be accomplished by an additional security deposit of four hundred dollars (\$400.00) or an affidavit of indigency. If a civil case is settled or dismissed prior to trial and it is not possible to notify all jurors of the cancellation, the party who demanded the jury shall bear the cost of juror fees for those jurors who report for trial.

In all civil jury cases, unless otherwise ordered by the court, attorneys for all parties to the action shall, on the direction of the Court, or at least fourteen (14) days before date of trial, furnish to the Court a brief of the issues and a complete set of jury instructions. Jury instructions shall be filed with the court in writing and on a compact disc in either WordPerfect or Microsoft Word format.

F. Journal Entries

Agreed journal entries presented to a Judge shall bear the endorsement of all counsel of record in the case. When a Judge signs a journal entry, the Judge shall submit the entry to the Clerk for filing.

G. Executions - Sale

In all attachments or executions, the judgment creditor shall describe in detail those items which are to be seized. An instruction "levy upon all goods and chattels of the defendant" will not be sufficient. It is necessary for the Bailiff to know the type, size and number of items to be levied upon so that the bailiff can make an accurate estimate as to the costs to be forthcoming before proceeding with the execution or attachment.

If the item to be levied upon is an automobile or other motor vehicle, the party or his/her attorney shall furnish the Court with an accurate description of the automobile or vehicle along with either the license number or serial number of the vehicle along with a written statement as to whether or not there is a lien of record. Before the Bailiff shall levy on an automobile, the Bailiff shall determine the "Blue Book" value of said automobile. If there is a lien on said automobile, the name of the holder of the lien shall appear on the notice of sale and notice of said sale shall be given to the lienholder. If the Bailiff determines that the sale of the automobile may not bring a sufficient sum to pay for the costs of towing, storage, advertising and other court costs, the bailiff shall require the party to post an additional cost deposit as provided in Appendix "A" to cover these expenses before proceeding with the execution.

The Bailiff of this Court shall follow the rules prescribed by R.C. 2329.13 *et. seq.* in the advertising and sale of property on attachment, execution or foreclosure of security interests. If the sale is to encompass many items, the Bailiff may secure the services of an auctioneer and proceed according to R.C. 2335.021.

#### H. Garnishment Proceedings

All garnishment proceedings shall be conducted in accordance with R.C. 2716.01, *et. seq.*

#### I. Forcible Entry and Detainer

Should actual, physical removal of property be required pursuant to a writ of restitution of premises, the plaintiff shall arrange for sufficient workers and/or equipment to be present, at the plaintiff's expense, to accomplish the set-out under the supervision of the Bailiff. If the plaintiff fails

to arrange for sufficient workers and/or equipment to be present, the Bailiff may make such arrangements, at the plaintiff's expense, as are necessary to fulfill the court's order. (See Appendix "A" for schedule of fees).

Evictions involving manufactured homes shall be conducted in compliance with R.C. Chpt. 1923 and R.C. Chpt. 3733. The plaintiff in such a case shall contact the assigned bailiff who shall determine the appropriate cost deposit. The eviction shall not proceed until such deposit has been paid to the court. The plaintiff is responsible for paying any amount by which the actual expenses of the eviction exceed the cost deposit.

### **RULE 3. CRIMINAL/TRAFFIC RULES**

The following rules are promulgated in accordance with and subject to the Ohio Rules of Criminal Procedure, Ohio Traffic Rules and Rules of Superintendence for Municipal and County Courts.

#### A. Arraignment - Initial Appearance - Crim. R. 10 and Traf. R. 8.

The arraignment/initial appearance of cases in which the defendant has been served with a summons, or has been released on bail, shall be held according to the schedule set forth in Appendix "B". All persons ordered to appear for criminal or traffic arraignments shall so appear unless the defendant's attorney has, on a written form provided by the Court, and upon approval of the court, entered the defendant's plea of "not guilty"; consented to waive his/her appearance at arraignment, and obtained the written approval of the prosecuting attorney. Persons charged with a violation of a municipal ordinance or state statute relating to operation of a vehicle while under the influence of alcohol or drugs of abuse may not waive arraignment.

#### B. Bail Procedure - Crim. R. 46

The procedures and rules of the Wayne County Municipal Court with regard to bail are as set forth in Crim. R. 46, Traf. R. 4, and R.C. 2937.03, 2937.23, 2935.15 and 2919.251.

Individuals charged with felony offenses shall not be released from custody pursuant to a bond or bail schedule but shall be brought before a judge or magistrate of the court to have bail set.

#### C. Preliminary Hearings

The time and date for a preliminary hearing shall be set by the Judge or Magistrate who presides at initial appearance on a felony charge. The preliminary hearing shall be set within the

time requirements provided by Crim. R 5(B)(1), unless the accused waives those requirements in writing.

Any waiver of preliminary hearing must be entered in person by the defendant and may not be entered without appearing before a judge or magistrate.

D. Waivers - Minor Misdemeanors

The Court has adopted a waiver schedule for traffic cases and for criminal minor misdemeanor cases as provided for in Traf. R. 13, Crim. R 4.1 and R.C. 2935.26 respectively. The waiver schedule is set forth in Appendix "D".

E. Appointment of Counsel for Indigent Defendants

In felony and misdemeanor cases, if a defendant claims indigency, the defendant may request court appointed counsel. The court shall make a preliminary determination as to the defendant's eligibility for appointed counsel. The Wayne County Public Defender shall take an affidavit setting forth the defendant's financial standing and if found to be indigent, file an appearance. If the Public Defender Program finds the defendant not to be indigent, the defendant's affidavit shall be forwarded to the Court for review. All affidavits forwarded to the Court shall be kept by the Court and shall be made part of the record is each.

The court shall assess a processing fee for determination of indigency by the Wayne County Public Defender in compliance with R.C. 120.36.

F. Jury Trials

All criminal and traffic jury trials will be conducted in compliance with Crim. R. 23 and Traf.

R. 9.

G. Pretrial Procedure

A pretrial conference may be held in all cases.

The pretrial conference shall be conducted between the assistant county prosecutor assigned to the particular case and the defendant's counsel. The defendant and the complainant or alleged victim must attend the pretrial conference. Counsel are responsible for securing the attendance of the defendant and complainant or alleged victim. Where the complainant is an employee of a law enforcement agency, the complainant's attendance is optional. The assigned judge shall not participate in these discussions.

If the discussions at the pretrial conference result in an agreement wherein the defendant will enter a plea of guilty or no contest to one or more charges, the assigned Judge shall be so informed. If the agreement involves the dismissal by the state of any pending charges, the prosecutor shall explain the reasons for such dismissal in open court and on the record. The court has the discretion to reject any proposed plea agreement.

If the pretrial conference results in an agreement wherein the defendant will enter a plea of "guilty" or "no contest" to one or more charges, that agreement will be executed at the conclusion of the pretrial conference unless the parties' counsel and the parties agree to execute said agreement at a later date and the court approves such agreement in writing. The court has the discretion to withdraw its approval of any plea agreement which is not executed on the date of the pretrial conference. In any case set for trial by jury, if a party intends to change his/her plea on the morning of trial, the

defendant shall execute a written waiver of jury trial at the pretrial conference. Changes of plea on the morning of trial will be taken starting at 8:00 a.m. and all parties and counsel shall be present in court at that time.

If the pretrial conference does not result in an agreement wherein the defendant will enter a plea of guilty or no contest to one or more of the charges, the court will assume that the case will be tried on the assigned date and will proceed accordingly.

A written memorandum of the pretrial conference shall be completed and signed by the parties, their counsel and the assigned Judge.

The court will not participate in any discussion of suggested or contemplated sentence other than to afford the defendant and both counsel the opportunity to address the issue in open court as provided in Crim. R. 32(A).

#### H. Probation Department

The Court shall maintain a probation department consisting of an adequate number of probation officers and employees to serve the needs of the Court.

The probation department shall prepare Pre-sentence Investigations and Reports; coordinate the Court's use of the alcohol counseling and other social service agencies available to the Court; supervise persons placed on community control by the Court, and any other duties as may be assigned by the Judges.

The Court shall adopt "Rules of Probation" governing those persons placed on probation to the Municipal Court Probation Department and shall be set forth in Appendix "E".

I. Transfers from Mayors Courts

Upon transfer of a case from a Mayor's Court within the jurisdiction of the Wayne County Municipal Court, the following procedure shall be used:

a) The Mayor's Court shall complete a Judgment Entry of Transfer from Mayor's Court (see Appendix "G") and file it in the Wayne County Municipal Court together with all papers, motions, complaints and bond relevant to the case.

b) The case shall be scheduled for arraignment at the next regular traffic arraignment or criminal arraignment session at the court branch selected by the Mayor transferring the case.

J. Uniform Traffic Citations - Issuance

Pursuant to Rule 3(D) of the Ohio Traffic Rules, the Wayne County Municipal Court shall be the designated authority for the issuance of traffic tickets to all law enforcement agencies in the County, except the Ohio State Highway Patrol.

The Court Secretary shall issue the tickets and provide the necessary reporting forms. Each agency purchasing traffic tickets from the Court shall report the following information to the Court quarterly on April, July, October and January :

- (1) Name or person to whom the ticket was issued;
- (2) Court in which the ticket was filed;
- (3) Return all "void" tickets.

The price charged for each book shall be the actual cost to the Court.

K. Home Arrest Confinement (HAC) Program

1. Requirements for HAC Program

a. Each participant must have the following before being considered for the

House Arrest Program:

1) A stable residence,

2) A desk top telephone, either a touch tone or rotary dial.

NOTE: A wall line mounting may be acceptable, however, NO WALL PHONES WILL BE PERMITTED,

3) The telephone service must be a private line only. No Call-waiting, call-forwarding, Three-way dialing, party lines, cordless telephones or answering machines will be permitted.

b. The telephone line must be within 10 feet of an electrical outlet.

c. Each participant must provide the name, address, and telephone number of a reliable and trustworthy sponsor to handle business transactions, shopping for groceries, transportation, etc.

d. If a work release is granted, the participant must secure a written form from the Wayne County Municipal Court. This form must be signed by the employer agreeing to notify the Probation Department, if the participant doesn't appear for work, is sent home early, or doesn't conduct himself/herself properly while at work, etc.

e. No firearms or other known weapons will be permitted in the residence during the Home Arrest period.

f. The cost of participation in the program shall be paid by the participant in accordance with the fee schedule of the Home Arrest Department.

g. Participants must be available for installation of the equipment during the hours of 8:00 a.m. - 4:00 p.m. Monday through Friday.

h. participation in the home arrest program is voluntary. Each participant must agree to the aforementioned terms and conditions. All fines and costs must be paid in full or arrangements made to pay prior to final consideration for Home Arrest.

j. The home arrest program will be offered only one time on a first come, first served basis. Once a defendant has been turned down or declines to participate in the Home Arrest program, the defendant's jail commitment papers will be forwarded to the Sheriff's Department of the Wayne County Justice Center. A defendant who is not approved for the HAC program shall not have a right to a hearing to review such denial.

## 2. Violation Procedures

The following procedures are to be followed when a person is suspected of violating the terms of their home arrest. Consultation with the sentencing judge is encouraged during the process. If the sentencing judge is not available, consultation should be with the other judge of the court. It is recognized that situations will occur which make consultation impossible, e.g. unavailability of a judge, extreme time constraints, etc. When such a situation occurs, home arrest personnel shall proceed without prior consultation with a judge but shall report their actions to a judge of the court at the earliest opportunity. Consultation may be either oral or written but will generally be oral as time is of the essence. A complete summary of all oral

consultations shall be included in the violation report.

a. When it comes to the attention of a home arrest officer that an individual may be in violation of his/her home arrest, the home arrest department shall **immediately** investigate and determine if facts exist to support the existence of a violation. The investigating officer(s) shall prepare a written report of the investigation (this will normally be done after the investigation is completed and enforcement action, if any is warranted, is taken). A copy of the written report shall be submitted to the sentencing judge with the original to be kept in the defendant's home arrest file.

b. If the investigation reveals facts that would warrant a reasonable person concluding that a violation of HAC has occurred or is occurring, the facts shall be presented, orally or in writing, to the sentencing judge, if available, or to the other judge of the court who will decide if the defendant is to be taken into custody and booked into the Wayne County jail. If neither judge is available, an officer of the home arrest department may take enforcement action, arrest the defendant and book him/her into the Wayne County jail but shall then report such action to a judge of the court at the earliest opportunity.

c. Upon completion of the investigation, if a violation is found and enforcement action taken, the facts forming the basis of the violation shall be compiled in the form of an affidavit which shall be executed by an officer of the Home Arrest Department and filed with the court under the defendant's original case number(s). This affidavit is the charging document which informs the defendant of

the allegations upon which the claimed violation is based. A copy of this affidavit shall be promptly served upon the defendant.

d. A defendant who has been taken into custody for an home arrest violation shall appear before a judge or referee of the court at the earliest opportunity, but in no event later than the next business day after being taken into custody. The appearance of the defendant before the court shall be in person or by video arraignment system. The court shall determine that a copy of the affidavit has been served on the defendant and shall explain the following to the defendant:

- 1) The allegations contained in the affidavit;
- 2) The consequences which will result if the defendant is found to be in violation of any term of his/her home arrest;
- 3) That the defendant may have an evidentiary hearing which will be conducted within five (5) business days of the date on which the defendant was taken into custody;
- 4) That the defendant may have counsel present at said hearing.

e. A hearing shall be scheduled unless the defendant waives his/her right to hearing. The hearing shall be scheduled within five (5) business days of the date on which the defendant was taken into custody for the violation. The court may, for good cause, conduct said hearing later than five (5) days after the date on which the defendant was taken into custody. The defendant shall be held in custody without bond pending the hearing unless the assigned judge permits the defendant to bond. If, at the conclusion of the defendant's hearing, the defendant is found not to have violated the terms of his home arrest, the defendant shall be placed back on home

arrest and any period of incarceration shall be credited against the defendant's assigned period of home arrest.

f. The hearing shall be before a judge or magistrate of the court. The Ohio Rules of Evidence shall **not** apply at the hearing.

g. The defendant, or counsel, shall have full right of cross examination, subject to any limitations thereon which the court may in its discretion impose.

h. The burden shall be upon the State to prove a violation of home arrest by the greater weight of the evidence.

i. At the completion of the hearing, the court shall make a general finding. The court may, but is not required to, make specific findings of fact. The court's finding(s) shall be set forth in writing and a copy furnished to the defendant, the defendant's counsel (if any) , the sentencing judge and the Home Arrest Department.

j. The court's findings shall include, in the case of a finding of a violation, such disposition as the court deems appropriate under the law.

#### **RULE 4. TRAFFIC VIOLATIONS BUREAU**

##### **A. Traffic Violations Bureau**

The traffic violations bureau of the Wayne County Municipal Court is established for the purpose of accepting appearance, waiver of trial, pleas of guilty and payment of fine and costs pursuant to the Court's waiver schedule. (Appendix "D")

The Clerk of Courts of Wayne County is the Violations Clerk. The Violations Clerk shall accept waivers in the Clerk's Office at each branch of the Municipal Court between the hours of 8:00 A.M. to 4:30 P.M., Monday through Friday. The Court may, from time to time, appoint Deputy Violations Clerks in various "Waiver Stations" throughout the county for the purpose of accepting appearance, waiver of trial, pleas of guilty and payment of fine and costs pursuant to the Court's waiver schedule during those times that the office of the Clerk of Courts of Wayne County is not open for business.

## **RULE 5. SMALL CLAIMS DIVISION**

### **A. Administrative Assistant**

The Court may appoint an Administrative Assistant pursuant to R.C. 1925.01(C). The Administrative Assistant shall perform such duties, including conducting mediation hearings, in the Small Claims Division as designated by the Court. The Administrative Assistant shall act as the mediator in conciliation proceedings.

### **B. Court Aides**

The Court may appoint Court Aides pursuant to R.C. 1901.33 to assist the Administrator in conducting business in the Small Claims Division and to administer oaths when required.

### **C. Procedure**

The Administrative Assistant shall serve as the Clerk of the Small Claims Division and shall be bonded according to law. (R.C 1901.31) The Administrative Assistant shall establish procedures for conducting business in the Small Claims Division. The procedures shall be consistent with the Rules of Civil Procedure except as otherwise provided by R.C. Chpts. 1925, 1901, 2307, and by these Rules. The procedures shall be approved by the Court.

The Administrative Assistant shall establish a regular schedule for conducting business in the Small Claims Division in each branch of the Court, which shall be subject to the Court's approval.

### **D. Filing**

An action in the Small Claims Division shall be commenced upon the filing of a complaint which shall state the amount and the nature of the claim. When a claim is based on an account, or other written instrument, a copy thereof must be attached or the reason for omission must be stated.

The claim may be filed by a real party in interest or by his/her attorney. If the plaintiff is a corporation, the claim may be filed by an attorney or by a bona fide officer or salaried employee of the corporation. (R.C. 1925.17)

If the claim is related to an automobile accident, the plaintiff shall provide the court with two estimates of damage, a police report (if any), the name of any insurance company involved, the amount of the plaintiff's deductible and a statement of any payments received from any insurance company for damage or injury from the accident.

Hearings shall be set not less than fifteen (15) nor more than forty (40) days after the service of summons on the defendant(s).

#### E. Jurisdiction

Civil actions may be filed in the Small Claims Division for the recovery of money only. The Small Claims Division has no jurisdiction over the following matters:

- \* Libel
- \* Slander
- \* Replevin
- \* Malicious Prosecution
- \* Abuse of Process
- \* Claim Brought by an Assignee or Agent

\* Punitive or Exemplary Damages

\* Amount Exceeding the Monetary Limits Imposed by Statute

Territorial jurisdiction and venue are concurrent with the territorial jurisdiction and venue of the General Division of the Court.

F. Assistance by the Court Aides

The Court shall assist persons in filing complaints and shall provide the plaintiffs with a copy of the plaintiff's information sheet upon the filing of a complaint.

The Administrative Assistant and Aides shall enter all complaints in the index and docket, set hearing dates, receive Court costs and money judgments and properly account for the same.

The court shall assist the parties in the preparation and filing of proceedings in aid of execution. The Administrative Assistant shall act as the Clerk of the Small Claims Division and shall be properly bonded according to law.

G. Notice: Service

Notice of filing shall be served on the defendant as provided by the Rules of Civil Procedure. All process shall be by certified mail unless the party files a written request for personal or residential service.

The Court shall serve a copy of the complaint including a summons to appear and a copy of the defendant's information sheet upon the defendant. If the envelope containing the process is returned for failure of delivery, the Court shall proceed pursuant to the Rules of Civil Procedure.

H. Answer

No defendant shall be required to file an answer or statement of defense. An answer will not be accepted in lieu of appearance. The Court may order a party against whom a counterclaim or set-off is filed to file a response.

I. Transfer to Regular Docket

Upon the Court's own motion or upon the motion of a party against whom a claim, counterclaim or cross-claim is instituted, or upon the filing of a counterclaim in excess of the statutory monetary limits, provided the motion is accompanied by the affidavit required by Section 1925.10, the case shall be transferred to the regular civil docket of the Court.

When a case is transferred to the regular civil docket, on other than the Court's own motion, the requesting party shall advance the required deposit for costs.

Except for the Court's own motion, no transfer will be allowed unless the motion for transfer is filed at least five (5) court days prior to the date set for trial.

J. Continuances

For good cause, the Court may grant one continuance for not more than thirty (30) days. A request for continuance must be filed in writing at least seven (7) days prior to trial and must include the current trial date and specific reason for the request. If the Court grants the continuance, the Court shall notify all parties affected. If the continuance is not granted, the Court shall immediately notify the requesting party.

K. Hearing (Amended 12/12/06)

Each case shall first be scheduled for a mediation hearing. Attendance of both plaintiff and defendant shall be required at the mediation hearing and both parties shall be notified of the date and location of said hearings. ***In accordance with Sup.Rule 16, parties may, if they wish, appear with or through an attorney.***

Failure of either party to appear will result in the dismissal of the case or the granting of a default judgment.

In the event that mediation results in settlement of the case, such settlement shall be reduced to judgment and journalized by the court.

In the event that mediation does not result in the resolution of the case, a trial date shall be immediately set and both parties notified thereof.

The Court shall administer an oath to the witnesses and proceed to a trial on the merits. Trial shall be conducted in an informal manner with the purpose of accomplishing substantial justice. Substantive Rules of Evidence shall be adhered to; however, the Court may consider as evidence, estimates, bills or other statements which purport to show monetary damages.

L. *Interest*

Interest on judgments shall be computed as provided by O.R.C. Section 1343.02 or 1343.03 on the amount of judgment or as otherwise ordered by the Court.

M. *Record*

Trial proceedings in the Small Claims Division shall be recorded by the use of the audio electronic recording devices presently installed in each location of the Court pursuant to Sup. R. 11. Any party may purchase a transcript of proceedings prepared by the Court Reporter pursuant to Rule

1 (Q) of these Local Rules. Mediation hearings are not recorded.

N. Schedule of Fees - Effective October 3, 2005

- (a) Filing fee (1 defendant).....\$35.00  
includes legal aid & computer fee
- (b) Each additional defendant.....\$5.00
- (c) Counter- or crossclaim (1 defendant).....\$15.00  
(2) defendants).....\$20.00
- (d) Personal or residential service.....\$15.00 plus mileage  
Wayne County Only
- (e) Judgment Debtor Examination.....\$25.00
- (f) Sheriff's Fees - Deposit.....\$20.00
- (g) Wage Garnishment.....\$30.00
- (h) Bank Attachment.....\$10.00 plus \$1.00 to bank
- (i) Writ of Execution.....\$15.00 plus deposit as required by Bailiff
- (j) Bench Warrant.....\$15.00
- (k) Certificate of Judgment.....\$ 5.00
- (l) Witness fees .....\$6.00 plus mileage
- (m) Appeal .....\$140.00
- (n) Motion to revive judgment .....\$5.00 per defendant
- (o) Triple Seal Certificate (transfer to another state) ....\$15.00
- (p) Filing Amended Complaint .....\$5.00 per defendant

O. Fees for Aid in Execution

Fees for aid in execution shall be the same as the fees in the regular civil division and bailiff's fee schedules as set forth in Appendix "A" of these Rules.

P. Forms

The Administrative Assistant shall maintain a binder entitled "Appendix of Forms" which shall contain all forms to be used in Small Claims which have been approved by the Court.

## **RULE 5. TRUSTEESHIP**

Trusteeships shall be governed by R.C. §§ 2329.70, 2329.71 and these Local Rules.

### **A. Application**

The Debtor must file an application under oath, which shall contain the following information:

- (1) Name and address of the debtor (must be Wayne County resident);
- (2) Name and address of employer;
- (3) Weekly wage and how paid;
- (4) List of dependents;
- (5) Names and addresses of secured and unsecured creditors with liquidated claims and the amount owed to each. If the account is being administered by someone other than the creditor, list their name and address.
- (6) Proof of earnings for a thirty (30) day period before the date of application.

Each application must be accompanied by a 15-day demand pursuant to law and must be filed within fifteen (15) days of the receipt of the demand.

### **B. Fees**

The Clerk shall collect a filing fee of \$10.00 upon the filing of an application. The Clerk shall retain \$5.00 at the time of each distribution to cover the costs of distribution.

C. Notice to Creditors

After an application is filed, the Clerk shall notify each creditor listed in the application that the debtor has applied for trusteeship. The notice shall include the date of application, the amount of money due and owing and whether or not the creditor has been listed as secured or unsecured. It shall also contain a notice to report any incorrect amount listed and notice to secured creditors pursuant to O.R.C. 2329.71.

D. Receipt of Money

After the application is filed, the Court shall appoint the Clerk as trustee. Upon the filing of this order, the debtor shall pay to the Clerk 25% of his/her disposable personal earnings, and any additional sums voluntarily paid by the debtor.

Payment shall be made in cash, money order or certified check. Payment shall be made to the Clerk within five (5) days after the debtor is paid by his/her employer.

E. Payment to Creditors

The Clerk shall disburse equal amounts to all creditors quarterly. Payment made directly by a debtor to a creditor must be reported by the debtor to the Clerk. Payments made directly will not excuse the debtor from making full payment on the trusteeship account when it is due.

F. Additional Creditors

If the application omits a creditor, the creditor or debtor may apply to the Court, with notice

to the other party, for permission to include such creditor in the trusteeship. Any person who becomes a creditor after the appointment of a trustee, may be included in the trusteeship and shall share in any distribution made by the trustee.

#### G. Termination

The trusteeship shall terminate as follows:

- (1) Upon satisfaction of all debts due and owing;
- (2) Upon the failure of debtor to make required payments, except, that a debtor may request an extension of time because the debtor has not worked due to illness or layoff. Any request for extension must be in writing and must contain proof of illness or layoff. No extension shall remain in effect for more than sixty (60) days.

#### H. Execution

No proceedings in attachment, aid of execution or other action to subject the personal earnings of the debtor to the payment of claims shall be brought or maintained while the debtor is in compliance with the terms of his/her trusteeship. A secured creditor who has elected not to participate in the trusteeship shall not be prohibited from asserting his/her lien or other encumbrance.

#### I. Reinstatement

A trusteeship dismissed for non-payment shall not be reinstated nor shall the debtor file a new trusteeship for a period of six (6) months from the date of dismissal unless upon a motion

supported by affidavit, he/she proves to the satisfaction of the Court that his/her failure to maintain the trusteeship agreement was not due to wilful neglect.

## **RULE 6. COURT SECURITY**

### **A. Screening**

The Presiding Judge may, by journal entry, require that all persons entering the courtroom or any other area of the court facility, be screened. Screening shall be done by a bailiff of the court or by any duly appointed law enforcement officer as designated by the Presiding Judge. Screening shall be done using methods approved by the court. When screening is ordered, it shall include all those persons who wish to enter including attorneys, witnesses, etc. Any person who refuses to be screened shall not be admitted.

### **B. Court security officers**

The bailiffs of the court are the primary security officers for the court in the courtroom. The court shall also employ a court security staff who shall be responsible for maintaining the overall security of the court facilities. The bailiffs and all court security personnel shall complete training and certification as designated by the court.

The court may appoint additional constables as is deemed necessary or may request law enforcement assistance for high risk trials.

### **C. Weapons**

No firearms or other weapons are permitted in Wayne County Municipal Court facilities except as provided in this policy.

## **Firearms**

Firearms are generally not permitted in either the Wooster or Orrville court facilities. Court security personnel, however, will be armed at all times with approved firearms and ammunition while performing their duties in connection with court security. “Approved firearms and ammunition” are firearms and ammunition which have been approved by the court and with which the security officer has been trained and has demonstrated proficiency by successfully completing the OPOTA firearms qualification test.

No weapons of any kind are permitted in the prisoner holding cells on the second floor of the Wooster court facility at any time.

Immediately upon entering the Wooster court facility, law enforcement officers shall place all firearms, knives and other lethal weapons in a locked secured box provided by the court at the court entrance. The key to the locked box shall be kept by the law enforcement officer while in the building and shall be returned to court security personnel when leaving the building. Sworn law enforcement officers are permitted to bring non-lethal weapons (e.g. mace, pepper spray, tasers) into court facilities.

The facilities of the Orrville court branch of the Wayne County Municipal Court do not provide for the securing of law enforcement weapons. Therefore, sworn law enforcement officers acting in their official capacity are permitted to bring firearms into the Orrville court facility.

It is anticipated that there will be occasions when it may be necessary to request the assistance of law enforcement agencies to provide additional security for high profile or other cases. The decision to request additional assistance in a particular case shall be made by the

security personnel of the court. Security personnel should first consult with the judge involved in the case and/or the presiding and administrative judge of the court if it is practicable to do so.

When law enforcement officers come to the Wooster court facility in response to such a request, such officer(s) will be permitted to bring firearms into the Wooster facility while in the building pursuant to such request. Once the situation for which the officers were requested has been concluded, said officer(s) will once again be subject to the general policy regarding firearms.

From time to time, it will be necessary for firearms or other lethal weapons to be brought into court facilities for use as evidence in a trial or hearing. In the case of a firearm, the court's security officers shall take steps to render such firearm incapable of firing. This shall be done by the use of a cable inserted through the action of the weapon or other means as necessary. In no event shall both a firearm and ammunition therefore be taken to the jury room. If a jury wishes to view a firearm and/or ammunition, the firearm and ammunition may be taken separately to the jury room by the bailiff as directed by the judge presiding over the case.

Probation officers, bailiffs and home arrest officers employed by the court may from time to time carry a firearm or other lethal weapon in the course of their employment. These personnel are permitted to bring firearms into the Wooster and Orrville court facilities subject to the following conditions. In the Wooster court facility, such firearm shall be brought directly into the work area of the probation officer, bailiff or home arrest officer and shall immediately be secured in a locked box provided by the court. There are four (4) such boxes in the probation/home arrest work area. If such a box is not available, the firearm shall be taken immediately to the security area at the front entrance to the court and locked in a secure box at that location. The probation officer, bailiff or home arrest officer shall immediately notify the

court's security personnel that the firearm is in the building.

A judge of the court may, from time to time, find it necessary to carry a firearm or other weapon for purposes of self-defense. Such firearm may be brought into the facilities of the Wayne County Municipal Court. A firearm brought into a court facility by a judge shall be secured either in a locked box or by locking in a desk drawer. The judge shall immediately inform the court security staff that the firearm is in the building.

A law enforcement officer who enters either branch of the court other than in his/her capacity as a law enforcement (e.g. as a party to a lawsuit, a civilian witness to an incident, to obtain an auto title) shall not bring firearms or other weapons into the court and will be treated in the same manner as any citizen who attempts to bring a firearm into a court facility.

If a person, other than a law enforcement officer acting in his/her official capacity or a court employee as referenced in this policy, attempts to bring a firearm into any Wayne County Municipal Court facility, the security personnel of the court shall immediately seize that firearm and shall detain the person until the appropriate law enforcement agency is summoned. The firearm and the person shall then be turned over to the appropriate law enforcement agency for further proceedings according to law.

Certain members of the court's probation staff have been designated as alternate court security personnel. When acting in that capacity, they shall be considered court security officers for purposes of this policy.

### **Other Weapons**

Weapons of any kind are not permitted in any Wayne County Municipal court facility except as provided in this policy.

As noted above, law enforcement officers who enter either the Wooster or Orrville court facilities in their official capacities are permitted to carry weapons other than firearms or knives. Likewise, court security officers, probation officers, bailiffs and home arrest officers are permitted to carry weapons other than firearms or knives while in court facilities.

Except in the case of law enforcement officers, probation officers, home arrest officers, bailiffs and judges, weapons other than firearms shall be seized by court security personnel and held at the security station until the person leaves the court facility. Firearms shall be seized and treated as referenced above in this policy. The court's security personnel shall have the discretion to determine what objects constitute weapons.

*D. Prisoner transport and holding*

When at all possible the court shall conduct hearings by the closed circuit video system which exists in the Wooster branch of the court and the justice center. This eliminates the security risks associated with transporting prisoners.

Prisoners brought from the jail for a hearing shall be the responsibility of the transporting officer. No physical contact with any member of the public will be allowed. All prisoners being transported should be handcuffed with their hands behind their back. It is the duty of the transporting agency to notify the court of any prisoner who is a security risk.

Persons who appear in court and are sentenced to jail shall be the responsibility of the sheriff. The bailiff should immediately place the person in the holding area. The sheriff shall also be responsible to make arrangements for transportation to the jail. The bailiff of the court or any ex-officio bailiff may assist the sheriff in the above procedures as needed.

Any person who leaves the custody of the sheriff while awaiting transportation to jail shall be considered an escapee and may be charged as such.

E. Duress alarms

Duress alarms should be available in each branch of the court. Alarms should be on the bench as well as the Clerk of Court's office. It is the responsibility of the security staff of the court to periodically test the alarms to make sure they are working properly.

F. Access to offices

The court may restrict access to the judges chambers. Access to the courtroom shall be unrestricted except by order of the Presiding Judge (see security section of these rules). Access to the Clerk's office shall be limited to the outside of the counter area.

G. Incident reporting

It is the duty of all court and clerk staff to report any threat made against any individual employee or against the court as an entity. Reports should be made to the security staff and the Presiding Judge. Each incident or threat will be evaluated and a report made to the appropriate law enforcement agency. Any other information which might cause concern for the safety of any person shall also be reported to the security staff and the Presiding Judge. All reports will be evaluated and notice sent as deemed necessary.

A record of all incident reports shall be maintained and reported annually to the Supreme Court of Ohio.

Instances concerning infectious disease shall be dealt with pursuant to the court's policy manual.

#### H. Facilities and parking

The court shall see that adequate and safe parking is provided for staff and visitors to the court. The court shall be especially aware of parking areas provided for jurors. Only court staff with a permit or magnetic key are permitted to park in the lots adjacent to the court facilities.

#### I. Miscellaneous events

##### 1. Evacuations

Certain events may occur which make it necessary to consider evacuation of the building. One possible event is a bomb threat. Evacuations shall be conducted in accordance with the court policy manual. Any threats shall be reported immediately to the court security staff and to the Presiding Judge.

##### 2. Persons intoxicated

Persons entering the court facility under the influence of alcohol or drugs may be asked to leave immediately. The clerks should report such a person to the court security staff for possible removal. The security staff may request a blood alcohol test from any person suspected of being intoxicated.

**APPENDIX "A"**

**COURT COSTS**

Pursuant to O.R.C. Section 1901.26, the Clerk shall charge the following fees for services rendered in the Wayne County Municipal Court. Fees shall not be charged to any department of Wayne County or department or division of the State of Ohio.

1. Civil Cases

The filing fee is \$53.00 which shall include:

- (1) Docketing in appearance docket,
- (2) Filing necessary documents,
- (3) Issuing certificate of deposit,
- (4) Entering cause on trial docket,
- (5) Entering cause on motion docket,
- (6) Indexing suits,
- (7) Indexing judgments,
- (8) Noting on docket, all papers mailed,
- (9) Certificate for fees,
- (10) Preparing cost bill,
- (11) Entering any pleading,
- (12) Entering costs on docket and cash book,
- (13) Service of original complaint by certified mail,

- (14) Issuing writs, orders or notices, subpoena,
- (15) Judgment entries,
- (16) Entering on journal, indexing and posting on appearance docket.

An additional fee of five dollars (\$5.00) shall be charged for service on each additional defendant by certified mail. An additional fee of fifteen dollars (\$15.00) shall be charged for personal service for one defendant or two defendants at the same address.

An additional deposit of four hundred dollars (\$400.00) shall be collected by the Clerk in any action in which a jury is demanded.

Cognovit judgment.....	\$ 63.00
Calling a jury.....	\$ 20.00
Bailiff's Fees.....	\$ 15.00
<b>New Complaint, One defendant, Certified mail.....</b>	<b>\$ 53.00</b>
<b>Each additional defendant .....</b>	<b>\$ 5.00</b>
Personal Service .....	\$ 65.00
Cognovit Note One Defendant, Certified Mail .....	\$ 63.00
Each additional defendant .....	\$ 5.00
<b>BMV License Suspension Appeals .....</b>	<b>\$ 50.00</b>
Supplemental Summons	
<b>Certified Mail .....</b>	<b>\$ 5.00 each defendant</b>
<b>Personal Service .....</b>	<b>\$ 15.00</b>
Out-of-County Sheriff Service .....	\$ 20.00
Wage Attachment .....	\$ 60.00
Bank Attachment .....	<b>\$ 10.00</b>
	<b>(Separate \$1.00 required for bank)</b>

**Judgment Debtor Exam/Show Cause**

<b>Certified Mail</b> .....	\$ 10.00
Personal Service .....	\$ 25.00
Out-of-County Sheriff's Service .....	\$ 35.00

**Writ of Restitution** .....\$ 45.00 (\$25.00 on deposit)

**Writ of Execution** .....\$ 45.00 (\$25.00 on deposit)

Jury Demand Deposit .....\$400.00

Certified Copy .....\$ 2.00

Appeal .....\$140.00

Certificate of Judgment .....No Cost to Issue

The Clerk or bailiff may require a deposit of any additional amount to cover anticipated costs not specified in the fee schedule.

2. Criminal and Traffic

Each cause - \$15.50; Victim reparation fund in applicable cases - \$9.00, General fund - \$15.00, Computer fund - \$8.50 and such other costs as may be applicable. (Total - \$48.00)

3. Bureau of Motor Vehicle Appeal

(a) Implied Consent.....	\$50.00
(b) 12-point Suspension.....	\$50.00

4. Expungement

(a) Application.....	\$50.00
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5. Witness Fees - Civil and Criminal

(a) Half day.....	\$ 6.00 plus mileage*
(b) Full day.....	\$12.00 plus mileage*

6. Small Claims Division - Effective October 3, 2005

(a) Filing fee (1 defendant).....	\$35.00
includes legal aid & computer fees	
(b) Each additional defendant.....	\$5.00
(c) Counter- or crossclaim (1 defendant).....	\$12.00
(2 defendants).....	\$20.00

- (d) Personal or residential service.....\$15.00 plus mileage  
Wayne County Only
- (e) Judgment Debtor Examination.....\$25.00
- (f) Sheriff's Fees - Deposit.....\$20.00
- (g) Wage Garnishment.....\$30.00
- (h) Bank Attachment.....\$10.00 plus \$1.00 to bank
- (i) Writ of Execution.....\$15.00 plus deposit as required by Bailiff
- (j) Bench Warrant.....\$15.00
- (k) Certificate of Judgment.....\$5.00
- (l) Witness fees .....\$6.00 plus mileage
- (m) Appeal .....\$140.00
- (n) Motion to revive judgment .....\$5.00 per defendant
- (o) Triple Seal Certificate (transfer to another state) .....\$15.00
- (p) Filing Amended Complaint .....\$5.00 per defendant

7. Appeals

The Clerk shall collect a fee of \$15.00 for docketing and indexing each appeal (civil or criminal) pursuant to R.C. 1901.30(B) and R.C. 2303.20(V); this fee is in addition to the deposit made pursuant to Rule 1, Rules of the 9th District Court of Appeals.

8. Costs for Preparation of Written Transcript of court proceedings

**\$ 2.50 per page for the original**

**\$ 1.25 per page for copies**

9. Costs for a digital recording copy of the court proceedings

cost will be actual cost of the CD and postage

**APPENDIX "B"**

**ARRAIGNMENT/ INITIAL APPEARANCE SCHEDULE**

This schedule applies to defendants who have been served with a summons or who have been released from jail on a bond.

**Wooster Branch**

Tuesday at 8:30 a.m.	Highway Patrol Traffic Arraignments.
Tuesday at 10:00 a.m.	All other Traffic Arraignments.
Tuesday at 1:30 p.m.	Criminal Arraignments.

**Orrville Branch**

Wednesday at 9:30 a.m. for all criminal and traffic cases.

**APPENDIX "C"**

**BAIL (BOND) SCHEDULE**

The following Bail (Bond) Schedule is hereby established for use in cases where cash, 10 percent or surety (bail) is required.

	<u>Cash/ Surety</u>	<u>10% (Initial Cash Deposit)</u>
First Degree Misdemeanor	\$3,000.00	\$300.00
Second Degree Misdemeanor	2,250.00	225.00
Third Degree Misdemeanor	1,500.00	150.00
Fourth Degree Misdemeanor	1,000.00	100.00
Minor Misdemeanor	1,000.00	100.00

**APPENDIX "D"**  
**WAIVER SCHEDULE**

1. O.R.C. 4511.21 - Speeding

First offense within a 12-month period and less than 25 mph over the limit, waiver amount equals a fine of \$2.00 per mile over the limit plus court costs. Second offense within a 12-month period and less than 25 mph over the speed limit is a waivable offense with a fine of \$75.00 plus court costs. Third offense within a 12-month period or 25 mph over the speed limit requires appearance of the defendant at arraignment.

2. O.R.C. 4511.21 - Assured Clear Distance

Waiver amount is \$35.00 plus court costs.

3. O.R.C. 4511.21 - Speed for Conditions

Waiver amount is \$35.00 plus court costs.

An officer shall not mark the traffic citation "Personal Appearance Required" unless the traffic rules or the Court requires an appearance.

<b>DESCRIPTION OF VIOLATION</b> <b><u>Criminal Offenses</u></b>	<b>APP.</b> <b>REQ</b> <b>?</b>	<b>WAIVER</b> <b>AMOUNT</b>	<b>DEGREE</b> <b>OFFENSE</b>
<b><u>Drugs</u></b>			
2925.11(C) Possession of Marijuana	Yes	N/A	Minor
2925.03(E) Gift of Marijuana	Yes	N/A	M-3
<b><u>Gambling</u></b>			
2915.04 Public Gaming, 1st off.	No	\$50 + costs	Minor
Subsequent Offenses	Yes	N/A	M-4
2915.09 Bingo Operation, 1st off.	No	\$25 + costs	Minor
(A)(1),(3), (4),(5),(B),and (C)	Yes	N/A	M-1
Subsequent Offenses	Yes	N/A	F-3
(A)(2)			
<b><u>Public Peace</u></b>			
2917.04 Failure to Disperse	No	\$100 + costs	Minor
2917.11 Disorderly Conduct	No	\$50 + costs	Minor
2917.13 Misconduct @ Emergency	No	\$100 + costs	Minor
<b><u>Offense against Public Administration</u></b>			
2921.23 Failure to Aid a Law Enforcement Officer	No	\$50 + costs	Minor
<b><u>Littering</u></b>			
3767.20 Littering	Yes	N/A	M-3
3767.31 Littering Waterways	No	\$50 + costs	Minor
3767.32 Littering Waterways	Yes	N/A	M-3

<b>DESCRIPTION OF VIOLATION</b> <i><u>Dogs and Animals 955</u></i>	<b>APP.</b>	<b>WAIVER</b> <b>AMOUNT</b>	<b>DEGREE</b> <b>OFFENSE</b>
955.11 Transfer Certificate	<b>REQ</b> <b>?</b> No	\$25 + costs	Minor
955.21 Registration - Dog, 1st Offense	No	\$25 + costs	Minor
- Kennel, 1st Offense	No	\$100 + costs	Minor
Subsequent Offense	No Yes	N/A	M-4
955.22 Failure to Confine, 1st Offense	No	\$25 + costs	Minor
Subsequent Offense	No	N/A	M-4
Dangerous Dog	Yes	N/A	M-4, M-3
Viscous Dog	Yes Yes	N/A	M-1, F-4
955.23 Failure of Duty of Dog Warden	No	\$25 + costs	Minor
955.24 Hindering	No	\$25 + costs	Minor
955.25 Unlawful Tag	No	\$25 + costs	Minor
955.261 Duties after Dog Bite, 1 <sup>st</sup> Offense	No	\$50 + costs	Minor
Subsequent Offense	No Yes	N/A	M-4
955.39 Rabies Quarantine, 1st Offense	No	\$50 + costs	Minor
Subsequent Offense	No Yes	N/A	M-4
955.50 Regulation of Sales, 1st Offense	No	\$100 + costs	Minor
Subsequent Offense	No Yes	N/A	M-4
959.01 Abandoning Animals	No	\$100 + costs	Minor
959.18 Killing Carrier Pigeon	No	\$25 + costs	Minor
959.19 Servicing Mare in Public Street	No	\$25 + costs	Minor



<b>DESCRIPTION OF VIOLATION</b> <b><u>Liquor Control 4300</u></b>	<b>APP.</b> <b>REQ</b>	<b>WAIVER</b> <b>AMOUNT</b>	<b>DEGREE</b> <b>OFFENSE</b>
4301.14 Rationing violation	?	N/A	M-3
4301.15 Rationing violation	Yes	N/A	M-4
4301.22(A),(B),(C) Restrictions on sale	Yes	N/A	M-3
4301.22(D) Restrictions on sale	Yes	N/A	M-4
4301.251 Emergency suspension	Yes	N/A	M-1
4301.47 Records violation	Yes	\$100 + costs	Minor
4301.48 False Entry	No	\$100 + costs	Minor
4301.49 Interference	No	\$100 + costs	Minor
4301.58 Prohibited Activities	No	N/A	M-1
4301.59 Misrepresentation	Yes	N/A	M-1
4301.60 Illegal Transportation	Yes	N/A	M-1
4301.62 Open container	Yes	\$75 + costs	Minor
4301.63 Underage Purchase	No	\$100 + costs	Minor
4301.633 Misrepresentation of age	Yes	N/A	M-1
4301.634 Misrepresentation of age	Yes	N/A	M-1
4301.636 Furnishing false ID card	Yes	N/A	M-1
4301.64 Consumption in a MV	Yes	N/A	M-4
4301.66 Obstructing search	Yes	N/A	M-1
4301.67 Illegal Possession	Yes	N/A	M-4
4301.68 Diluted liquor	Yes	N/A	M-1
4301.69 Sale to Underage Persons/ Underage Possession	Yes	N/A	M-1
4301.70 Misc. prohibitions		\$75 + costs	Minor
4301.74 Injunction violation	No	N/A	M-1
4303.36 Misc. prohibitions	Yes	\$25 + costs	Minor
4303.37 Misc. prohibitions	No	\$50 + costs	Minor
4305.03 Prohibition against false entry	No	\$100 + costs	Minor
4305.04 Hindering inspection	No	\$100 + costs	Minor
4307.11 False entry	No	\$100 + costs	Minor
4307.12 Hindering inspection	No	\$100 + costs	Minor
4399.09 Keeping place--nuisance	No	N/A	Unspecified
4399.10 Selling liquor in brothels	Yes	N/A	Unspecified
4399.11 Selling liquors in certain places	Yes	N/A	Unspecified
4399.14 Liquor in Dance Halls	Yes	N/A	Unspecified
4399.15 Poisonously adulterated liquors	Yes	N/A	Unspecified
4399.16 Tavern keeper permitting rioting	Yes	N/A	Unspecified
4399.17 Manufacturing poisoned liquors	Yes	N/A	F-4

**WAIVER SCHEDULE**  
**TRAFFIC LAW VIOLATIONS**

<b>DESCRIPTION OF VIOLATION</b> <b><u>Registration Violations 4503</u></b>	<b>APP. REQ</b>	<b>WAIVER AMOUNT</b>	<b>DEGREE OFFENSE</b>
4503.05 Misuse of restricted plates	Yes	N/A	M-4
4503.061 Failure to register house trailer	No	\$50 + costs	Minor
4503.061 Failure to display	No	\$50 + costs	Minor
4503.11 Failure to register motor vehicle	Yes	N/A	M-4
4503.12 Failure to transfer registration	Yes	N/A	M-4
4503.182(A) Misuse of temporary tag	Yes	N/A	M-4
4503.182(B) Misuse of temporary tag	Yes	N/A	M-1
4503.21 Failure to display plates	No	\$50 + costs	Minor
4503.28 Failure to register (dealer)	Yes	N/A	M-4
4503.30 Misuse of dealer's plates	Yes	N/A	M-3
4503.301 Misuse of demo plates	Yes	N/A	M-3
4503.32 Misuse of special plates	Yes	N/A	M-3
4503.44 Registration-handicapped	Yes	N/A	M-4
4503.46 Registration-POW	Yes	N/A	M-4
4503.34 Failure to obtain "in transit"	No	\$100 + costs	Minor

<b>DESCRIPTION OF VIOLATION</b> <b><u>Operator's License 4507&amp;4510</u></b>	<b>APP. REQ</b> <b>?</b>	<b>WAIVER AMOUNT</b>	<b>DEGREE OFFENSE</b>
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4507.14 License restrictions	Yes	N/A	M-1
4507.30 Prohibited Acts			
(A) display fictitious license or ID	Yes	N/A	M-1
(B) lend ID or license	Yes	N/A	M-1
(C) display another's license or ID	Yes	N/A	M-1
(D) fail to surrender	Yes	N/A	M-1
(E) false application	Yes	N/A	M-1
4507.31 Permitting unlicensed minor to operate a motor vehicle	Yes	N/A	M-1
4507.321 Employment of minor to operate a taxicab	Yes	N/A	M-1
4507.33 Unlawful entrustment	Yes	N/A	M-1
4507.35 Display of license	Yes	N/A	M-1
4507.36 False statements	Yes	N/A	M-1
4510.12 Expired license (< 6 mos.) No priors in 3 years	No	\$50 + costs	Minor

<b>DESCRIPTION OF VIOLATION</b> <b><u>Financial Responsibility 4509</u></b>	<b>APP. REQ ?</b>	<b>WAIVER AMOUNT</b>	<b>DEGREE OFFENSE</b>
4509.74 Failure to report an accident	No	\$100 + costs	Minor
4509.75 False Information	Yes	N/A	Unspecified
4509.77 Failure to return license	Yes	N/A	Unspecified
4509.78 General prohibitions	Yes	N/A	Unspecified
4509.79 Ride-sharing liability insurance	Yes	N/A	Unspecified
4509.80 Chauffeured limousine insurance	Yes	N/A	Unspecified



<b>DESCRIPTION OF VIOLATION</b> <i><u>Operation 4511</u></i>	<b>APP. REQ ?</b>	<b>WAIVER AMOUNT</b>	<b>DEGREE OFFENSE</b>
4511.03 Emergency vehicle use caution	No	\$35 + costs	Minor*
4511.051 Prohibitions on freeway use	No	\$35 + costs	Minor*
4511.12 Obeying traffic control devices	No	\$35 + costs	Minor*
4511.13 Signal lights	No	\$35 + costs	Minor*
4511.131 Signals over reversible lanes	No	\$35 + costs	Minor*
4511.132 Malfunctioning traffic signals	No	\$35 + costs	Minor*
4511.14 Pedestrian control signals	No	\$35 + costs	Minor*
4511.15 Flashing traffic signals	No	\$35 + costs	Minor*
4511.16 Unauthorized signs & signals	No	\$35 + costs	Minor*
4511.17 Tampering with sign	Yes	N/A	M-3, M-1, F-4
4511.18 Possession or sale of sign	Yes	N/A	M-3, M-1, f-4
4511.19 Driving under the influence	Yes	N/A	4
4511.192 Driving under suspension	Yes	N/A	M-1
4511.20 Reckless operation	Yes	N/A	Minor
4511.22 Slow speed	No	\$35 + costs	Minor*
4511.23 Speed on bridges	No	\$35 + costs	Minor*
4511.25 Lanes of travel	No	\$35 + costs	Minor*
4511.251 Drag racing	Yes	N/A	Minor*
4511.26 Failure to yield right half	No	\$35 + costs	Minor*
4511.27 Overtaking and passing vehicles	No	\$35 + costs	Minor*



<b>DESCRIPTION OF VIOLATION</b> <b><u>Operation 4511</u></b>	<b>APP. REQ ?</b>	<b>WAIVER AMOUNT</b>	<b>DEGREE OFFENSE</b>
4511.28 Overtake and pass on right	No	\$35 + costs	Minor*
4511.29 Left of center line	No	\$35 + costs	Minor*
4511.30 Driving upon left side of road	No	\$35 + costs	Minor*
4511.31 Hazardous zones	No	\$35 + costs	Minor*
4511.32 One-way highways	No	\$35 + costs	Minor*
4511.33 Improper lane usage	No	\$35 + costs	Minor*
4511.34 Following too closely	No	\$35 + costs	Minor*
4511.35 Divided highways	No	\$35 + costs	Minor*
4511.36 Improper turn	No	\$35 + costs	Minor*
4511.37 Improper U-turn	No	\$35 + costs	Minor*
4511.38 Improper starting and backing	No	\$35 + costs	Minor*
4511.39 Improper signal	No	\$35 + costs	Minor*
4511.41 Right-of-way at intersections	No	\$35 + costs	Minor*
4511.42 Right-of-way when turning left	No	\$35 + costs	Minor*
4511.43 Right-of-way-stop & yield signs	No	\$35 + costs	Minor*
4511.431 Stop at sidewalk area	No	\$35 + costs	Minor*
4511.432 Stops signs on private road	No	\$35 + costs	Minor*
4511.44 Right-of-way on public highway	No	\$35 + costs	Minor*
4511.441 Pedestrian right-of-way	No	\$35 + costs	Minor*

DESCRIPTION OF VIOLATION	APP. REQ ?	WAIVER AMOUNT	DEGREE OFFENSE
4511.45 Right-of-way public safety vehicles <u>Operation 4511</u>	No	\$35 + costs	Minor*
4511.451 Funeral procession right-of-way	No	\$35 + costs	Minor*
4511.452 Pedestrians yield right-of-way to public safety vehicles	No	\$35 + costs	Minor*
4511.46 Pedestrian on crosswalk	No	\$35 + costs	Minor*
4511.47 Right of way yielded to blind	No	\$50 + costs	Minor*
4511.48 Right-of-way yielded by pedestrian	No	\$25 + costs	Minor*
4511.481 Intoxicated pedestrian	No	\$25 + costs	Minor*
4511.49 Pedestrians	No	\$35 + costs	Minor*
4511.50 Pedestrians walking along highway	No	\$35 + costs	Minor*
4511.51 Soliciting rides	No	\$35 + costs	Minor
4511.511 Pedestrian on bridge or RR crossing	No	\$25 + costs	Minor*
4511.521(A)(D)(E) Motorized bicycles	No	\$35 + costs	Minor*
4511.53 Bicycles, motorcycles, and snowmobile violations	No	\$15 + costs	Minor*
4511.54 Bicycle and sled violations	No	\$15 + costs	Minor*
4511.55 Bicycle-motorcycle abreast	No	\$35 + costs	Minor*
4511.56 Signal device on bicycle	No	\$35 + costs	Minor*
4511.60 Driving through safety zone	No	\$35 + costs	Minor*
4511.61 Grade crossing stop sign	No	\$35 + costs	Minor*
4511.62 Crossing RR grade crossing	No	\$35 + costs	Minor*
4511.63 Stopping at RR grade crossing	No	\$35 + costs	Minor*

	<b>APP. REQ</b>	<b>WAIVER AMOUNT</b>	<b>DEGREE OFFENSE</b>
4511.64 Slow-moving vehicle crossing RR tracks	?		
<b>DESCRIPTION OF VIOLATION</b> <b><u>Operation 4511</u></b>	No	\$35 + costs	Minor*
	No	\$25 + costs	Minor*
4511.66 Parking on highway	No	\$35 + costs	Minor*
4511.661 Unattended vehicle	No	\$35 + costs	Minor*
4511.68 Parking prohibitions	No	\$35 + costs	Minor*
4511.681 Parking prohibitions on private property	No	\$25 + costs	Minor*
4511.69 Parking violations		\$75 + costs	Minor*
4511.70 Obstructed view or control		\$50 + costs	Minor*
4511.701 Occupancy while in motion		\$50 + costs	Minor*
4511.71 Driving on closed highway		\$35 + costs	Minor*
4511.711 Driving on sidewalk area		\$35 + costs	Minor*
4511.712 Obstructing passage of other vehicles		\$50 + costs	Minor*
4511.713 Bicycle paths		\$50 + costs	Minor*
4511.72 Following emergency vehicle		\$50 + costs	Minor*
4511.73 Driving over fire hose		N/A	M-1
4511.74(A) Placing injurious material on highway		N/A	Unspecified
4511.74(B) Intentionally placing injurious material on highway		\$50 + costs N/A	Minor M-4
4511.75 Stopping for school busses		\$25 + costs	Minor
4511.76 School bus regulations, 1st Subsequent offenses		\$100 + costs N/A	Minor M-4
4511.772 School bus operator seat belt			

	<b>WAIVER AMOUNT</b>	<b>DEGREE OFFENSE</b>
4511.79 Impaired alertness, 1st Subsequent offenses		
<b>DESCRIPTION OF VIOLATION</b> <b><u>Operation 4511</u></b>	\$35 + costs N/A	Minor M-4
4511.81 Child restraint, 1st Subsequent offenses	\$50 + costs N/A	Minor M-1
4511.82 Littering offenses	\$25 + costs	Minor*
4511.83 Ignition interlock systems	N/A	M-1
4511.84 Earphones or earplugs		
4511.85 Chauffeured limousines		

\*These traffic violations are minor misdemeanors on a first offense within a 12-month period and are waivable with no required appearance. A third offense within a 12-month period is a fourth degree misdemeanor and is waivable in the amount of \$75.00 + costs with no required appearance. Any subsequent offenses within a 12-month period are third degree misdemeanors which require an appearance and proof of financial responsibility.



<b>DESCRIPTION OF VIOLATION</b> <i><u>Equipment 4513</u></i>	<b>APP. REQ ?</b>	<b>WAIVER AMOUNT</b>	<b>DEGREE OFFENSE</b>
4513.02 Unsafe vehicle, 1st Subsequent offenses	No Yes	\$35 + costs N/A	Minor M-3
4513.021 Bumper violation, 1st Subsequent offenses	No Yes	\$35 + costs N/A	Minor M-3
4513.03 through 4513.19 Lighting violations, 1st Subsequent offenses	No Yes	\$35 + costs N/A	Minor M-4, M-3
4513.20 Defective brakes, 1st Subsequent offenses	No Yes	\$50 + costs N/A	Minor M-4, M-3
4513.201 Brake fluid, 1st Subsequent offenses	No Yes	\$50 + costs N/A	Minor M-4, M-3
4513.202 Minimum stds. for brakes, 1st Subsequent offenses	No Yes	\$50 + costs N/A	Minor M-4, M-3
4513.21 Horns and warning devices, 1st Subsequent offenses	No Yes	\$25 + costs N/A	Minor M-4, M-3
4513.22 Muffler, excessive smoke, 1st Subsequent offenses	No Yes	\$35 + costs N/A	Minor M-4, M-3
4513.221 Excessive noise	No	\$35 + costs	Minor
4513.23 Rearview mirrors, 1st Subsequent offenses	No Yes	\$25 + costs N/A	Minor M-4, M-3
4513.24 Windshield and wipers, 1st Subsequent offenses	No Yes	\$25 + costs N/A	Minor M-4, M-3
4513.241 Tinted glass	No	\$25 + costs	Minor
4513.25 Solid tire requirements, 1st Subsequent offenses	No Yes	\$25 + costs N/A	Minor M-4, M-3
4513.26 Safety glass, 1st Subsequent offenses	No Yes	\$25 + costs N/A	Minor M-4, M-3

<b>DESCRIPTION OF VIOLATION</b> <i><u>Equipment 4513</u></i>	<b>APP. REQ ?</b>	<b>WAIVER AMOUNT</b>	<b>DEGREE OFFENSE</b>
4513.261 Directional signals	No	\$25 + costs	Minor
4513.262 Installation of safety belts	No	\$25 + costs	Minor
4513.263(B)(1) Driver seat belt	No	\$30 + costs	Minor
4513.263(B)(3) Passenger seat belt	No	\$20 + costs	Minor
4513.27 through 4513.29			
Signal and warning devices, 1st	No	\$25 + costs	Minor
Second offense	No	\$50 + costs	M-4
Subsequent offenses	Yes	N/A	M-3
4513.30 Extended load, 1st	No	\$50 + costs	Minor
Second offense	No	\$75 + costs	M-4
Subsequent offenses	Yes	N/A	M-3
4513.31 Insecure load, 1st	No	\$50 + costs	Minor
Second offense	No	\$75 + costs	M-4
Subsequent offenses	Yes	N/A	M-3
4513.32 Towing requirements, 1st	No	\$50 + costs	Minor
Second offense	No	\$75 + costs	M-4
Subsequent offense	Yes	N/A	M-3
4513.34 Violation of special permit, 1st	No	\$100 + costs	Minor
Second offense	No	\$250 + costs	M-4
Subsequent offenses	Yes	N/A	M-3
4513.36 Resist, hinder, obstruct arrest	No	\$100 + costs	Minor
4513.64 Abandoning junk motor vehicle	No	\$50 + costs	Minor
4513.65 Uncovered junk vehicle, 1st	No	\$50 + costs	Minor
Second offense	Yes	\$100 + costs	M-4
Subsequent offenses		N/A	M-3

<b>DESCRIPTION OF VIOLATION</b> <b><u>Motor vehicle crimes 4549</u></b>	<b>APP. REQ ?</b>	<b>WAIVER AMOUNT</b>	<b>DEGREE OFFENSE</b>
4549.01 Stop for horse drawn veh. Subsequent offenses	No Yes	\$25 + costs N/A	Minor M-4
4549.02 Stopping after accident	Yes	N/A	M-1
4549.021 Stopping after accident	Yes	N/A	M-1
4549.03 Stopping after accident	Yes	N/A	M-1
4549.042 Possession of master key	Yes	N/A	M-1, F-4
4549.08 Unauthorized plates	Yes	N/A	M-4, M-3
4549.10 Operating w/o license plates Subsequent offenses	No Yes	\$50 + costs N/A	Minor M-4
4549.11 Plates of former owner, 1st	No	\$50 + costs	Minor
4549.12 Foreign plates, 1st	No	\$50 + costs	Minor
4549.18 Display of registration, 1st	No	\$50 + costs	Minor
4549.42 Tampering with odometer	Yes	N/A	M-1, F-4
4549.43 Fraudulent device	Yes	N/A	M-1, F-4
4549.44 Nonfunctional odometer	Yes	N/A	M-1, F-4
4549.45 Notice of odometer tampering	Yes	N/A	M-1, F-4
4549.46 True odometer reading	Yes	N/A	M-1, F-4
4549.62(D)(4)(c) VIN violation	No	\$25 + costs	Minor
4549.62 Remaining VIN violations	Yes	N/A	F-4, F-3

<b>DESCRIPTION OF VIOLATION</b>	<b>APP. REQ ?</b>	<b>WAIVER AMOUNT</b>	<b>BOND</b>
<b><u>Load limits 5577</u></b>			
5577.04 Overload (other than gross)			
1 - 2,000 lbs.	No	\$80 + costs	\$250 bond
2,001 - 5,000 lbs.	No	\$100 + costs + \$1 per 100	\$750 bond
5,001 - 10,000 lbs.	No	\$130 + costs + \$2 per 100	\$750 bond
10,001 lbs. or more	No	\$160 + costs + \$3 per 100	\$750 bond
Gross overload	No	\$100 + costs	Unspecified
5577.041 Solid tire limits, 1st		\$25 + costs	Minor misd
Second offense	No	N/A	\$200 bond
Subsequent offenses	Yes	N/A	\$300 bond
	Yes		
5577.05 Width-height-length violations		\$25 + costs	Minor misd
Second offense	No	N/A	\$200 bond
Subsequent offenses	Yes	N/A	\$300 bond
	Yes		
5577.10 Statement of weight		N/A	\$5000 bond
	Yes		
5577.11 Mudflaps		\$25 + costs	\$100 bond
	No		
<b><u>Miscellaneous</u></b>			
5589.081 Studded snow tires		\$35 + costs	Minor misd
	No		
5591.42 Overweight on bridges		\$25 + costs	\$100 bond
Second offense	No	N/A	\$200 bond
Subsequent offenses	Yes	N/A	\$300 bond
	Yes		
5728.02 Failure to display highway use tax		\$50 + costs	\$500 bond
	No		
5728.04 No use tax permit		\$100 + costs	\$1000 bond
	No		

**WILDLIFE BOND SCHEDULE**

**O.R.C.VIOLATION**

**BOND AMOUNT**

**\$75.00 + \$48.00**

**FISHING**

1531.02	M4	TAKE FROGS DURING CLOSED SEASON	\$123	
1531.02	M4	OVER LIMIT OF FROGS	\$123	
1531.02	M4	BUY OR SELL FROGS	\$123	
1531.02	M4	TURTLE VIOLATIONS	\$123	
1531.02	M4	MORE THAN TWO FISHING POLES	\$123	
1531.02	M4	TAKE FISH BY ILLEGAL MEANS	\$123	
1531.02	M4	OVER LIMIT OF FISH	\$123	
1531.02	M4	UNDERSIZED FISH		\$123
1533.17	M3	FISHING WITHOUT PERMISSION	\$123	
1533.32	M4	RESIDENT FISHING WITHOUT A LICENSE	\$123	
1533.32	M4	NON-RESIDENT FISHING WITHOUT A LICENSE	\$123	
1533.32	M4	FALSELY PROCURE OR SELL LICENSE		Not Waiverable/Must Appear
1533.32	M4	FAIL TO CARRY AND EXHIBIT LICENSE	\$123	
1533.36	M4	CARRY LICENSE OF ANOTHER		\$123
1533.37	M4	FAIL TO RELEASE UNLAWFUL FISH	\$123	
1533.66	M3	TRESPASS / PRIVATE POND	\$123	

**BAIT DEALERS**

1533.40	M3	NO BAIT DEALER PERMIT	\$123	
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**HUNTING**

1531.02	M4	SMALL GAME / CLOSED SEASON	\$123	
1531.02	M4	HUNT SMALL GAME BEFORE / AFTER HOURS	\$123	
1531.02	M4	OVER LIMIT / SMALL GAME	\$123	
1531.02	M4	SHOOT FROM ROADWAY		Not Waiverable /Must Appear
1531.02	M4	HUNT WITH USE OF MOTOR VEHICLE		\$123
1533.17	M3	HUNTING WITHOUT PERMISSION	\$123	
1533.17	M2	HUNTING WITHOUT PERMISSION (2 <sup>ND</sup> offense)		Not Waiverable/Must Appear

**FUR BEARERS**

1531.02	M4	HUNT / TAKE CLOSED SEASON		\$123
1531.02	M4	MINOR TRAPPING VIOLATION		\$123
1531.02	M4	DISTURB TRAPS OF ANOTHER	\$123	

1531.02 M4	NO CONTINUOUS WHITE LIGHT	\$123
1531.02 M4	TREE CLIMBERS	\$123

**TURKEY**

1531.02 M4	CLOSED SEASON	\$123
1531.02 M4	BEFORE / AFTER HOURS	\$123
1531.02 M4	ILLEGAL MEANS	Not Waiverable/Must Appear
1531.02 M4	UNTAGGED	\$123
1531.02 M4	FAIL TO CHECK TURKEY AT CHECK STATION	\$123
1531.02 M4	OVER LIMIT	\$123

**DEER**

1531.02 M3	HUNT BEFORE / AFTER HOURS	\$123
1531.02 M3	NO HUNTER ORANGE	\$123
1531.02 M3	ILLEGAL MEANS	Not Waiverable/Must appear
1531.02 M3	LOADED GUN BEFORE / AFTER HOURS	\$123
1531.02 M3	UNTAGGED DEER	Not Waiverable/Must Appear
1531.02 M3	OVER LIMIT	Not Waiverable/Must Appear
1531.02 M3	FAIL TO FINAL TAG	Not Waiverable/Must Appear
1531.02 M3	DELIVER DEER OF ANOTHER TO CHECK STATION	Not Waiverable/Must Appear
1531.02 M3	UNLAWFUL POSSESSION	Not Waiverable/Must Appear
1531.02 M3	TAKE ANTLERLESS DEER WITHOUT PERMIT	Not Waiverable/Must Appear
1531.02 M3	MEAT PROCESSOR / RECORDS	Not Waiverable/Must Appear
1531.02 M4	HUNT ANIMAL OTHER THAN DEER / GUN SEASON	\$123
1531.02 M4	UNLAWFUL TREE STAND	\$123
1531.02 M3	CLOSED SEASON	Not Waiverable/Must Appear
1531.02 M3	HUNT UNPLUGGED SHOTGUN	Not Waiverable/Must Appear

**ENDANGERED WILD ANIMALS**

1531.02 M1	POSSESSION / SALE IF VALUE OF ANIMAL IS LESS THAN \$1,000	Not Waiverable/Must Appear
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**MIGRATORY GAME BIRDS**

1531.02 M4	HUNT WITHOUT WETLAND STAMP	\$123
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1531.02	M4	USE OF BAIT	\$123
1531.02	M4	UNLAWFUL METHOD	\$123
1531.02	M4	UNPLUGGED GUN	\$123
1531.02	M4	LEAD SHOT	\$123
1531.02	M4	BEFORE AFTER HOURS	\$123
1531.02	M4	CLOSED SEASON	\$123
1531.02	M4	OVER LIMIT	\$123

### PUBLIC AREAS

1531.02	M4	MOTOR VEHICLES OFF ROADWAY	\$123
1531.02	M4	FIRE / NONDESIGNATED AREA	\$123
1531.02	M4	FIREWORKS	\$123
1531.02	M4	ON AREA AFTER HOURS	\$123
1531.02	M4	CAMPING / NONDESIGNATED AREA	\$123
1531.02	M4	UNLAWFUL TARGET PRACTICE	\$123
1531.02	M4	IMPROPER USE OF A FIREARM ON A DESIGNATED SHOTGUN RANGE	\$123

### GINSENG

1533.882B	M1	TAKE WITHOUT PERMISSION	Not Waiverable/Must Appear
1533.882A	M1	TAKE CLOSED SEASON	Not Waiverable/Must Appear
1533.882	M1	PROHIBITED ACTIVITIES, ENDANGERED SPECIES AND PLANTS	Not Waiverable/Must Appear

### BUYING / SELLING WILDLIFE

1531.11	M4	UNLAWFUL BUYING / SELLING WILDLIFE	\$123
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**Note:** If the amount of the wild animals taken, sold or possessed is \$1,000 or greater as per the wild animal restitution schedule, the violation is a 5<sup>th</sup> degree felony.

( A )	EACH WHITETAIL DEER	\$	400
( B )	EACH FUR-BEARING ANIMAL	\$	50
( C )	EACH GAME BIRD	\$	50
( D )	EACH NON-GAME BIRD	\$	25

( E)	EACH EAGLE	\$1,000
( F)	EACH OSPREY	\$ 750
( G)	EACH HAWK OR OWL	\$ 100
( H)	EACH GAME QUADRUPED	\$ 50
( I)	EACH FISH	\$ 10
( J)	EACH WILD TURKEY	\$ 300
( K)	EACH ENDANGERED OR THREATENED SPECIES	\$ 750
( L)	EACH OTHER WILD ANIMAL	\$ 75

### AIDING

1531.02	M4	AIDING IN A VIOLATION	Not Waiverable/Must Appear
1531.02	M4	SHIELD / HARBOR AN OFFENDER	Not Waiverable/Must Appear

### STATE PROPERTY

1531.07	M3	DESTRUCTION OF STATE PROPERTY	\$123
1531.07	M1	DESTRUCTION OF STATE PROPERTY (2 <sup>ND</sup> offense)	Not Waiverable/Must Appear

### LITTER

1531.29	M3	LITTER - FIRST OFFENSE	\$123
1531.29	M1	LITTER - SECOND OFFENSE	Not Waiverable/Must Appear
1531.29	M3	CORPORATION LITTER	Not Waiverable/Must Appear
1531.29	M3	MAJOR LITTER VIOLATION	Not Waiverable/Must Appear

### NON-GAME BIRDS

1533.07	M1	TAKE OR POSSESS	Not Waiverable/Must Appear
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### LICENSES

1533.10	M4	RESIDENT HUNTING WITHOUT A LICENSE	\$123
1533.10	M4	NON-RESIDENT HUNTING WITHOUT A LICENSE	\$123
1533.10	M4	FALSELY PROCURE / SELL LICENSE	\$123
1533.11	M4	NO DEER PERMIT	\$123
1533.11	M4	NO TURKEY PERMIT	\$123
1533.14	M4	FAIL TO CARRY AND EXHIBIT	\$123
1533.14	M4	CARRY THE LICENSE OF ANOTHER	\$123

1533.111 M4 NO TRAPPING PERMIT \$123

**SPOTLIGHTING**

1533.161 M3 SPOTLIGHTING WITH HUNTING DEVICE Not Waiverable/Must Appear  
1533.161 M3 SPOTLIGHTING WITHOUT HUNTING DEVICE \$123

**PRIVATE PROPERTY**

1533.03A M4 HUNTER HARASSMENT Not Waiverable/Must Appear  
1533.03B M1 HUNTER HARASSMENT (2<sup>nd</sup> offense) Not Waiverable/Must Appear  
1533.171 M1 NEGLIGENT HUNTING Not Waiverable/Must Appear

**FUR DEALERS**

1533.23 M3 BUY FUR WITHOUT PERMIT \$123  
1233.23 M3 FAIL TO KEEP RECORDS \$123

**WILDLIFE OFFICERS**

1533.67 M1 INTERFERE, THREATEN, RESIST, DETER A WILDLIFE OFFICER Not Waiverable/Must Appear

**REVOCAATION**

1533.68 M1 HUNT / TRAP / FISH UNDER REVOCATION Not Waiverable/Must Appear

**PROPAGATORS**

1533.71 M3 BUY OR SELL ANIMALS WITHOUT PERMIT \$123  
1533.71 M3 POSSESSION WITHOUT PERMIT \$123  
1533.77 M3 FAIL TO KEEP RECORDS \$123

**APPENDIX "E"**  
**RULES OF PROBATION**

1. You are not permitted to leave the State of Ohio without the permission of your Probation Officer.
2. You shall immediately notify your Probation Officer of any change in your address or residence. Any change of residence out of Wayne County must have the prior approval of your Probation Officer.
3. You are to make every effort to obtain and keep satisfactory employment as is approved by your Probation Officer. You shall promptly advise your Probation Officer of any change in your employment status.
4. You shall not visit persons or frequent places or areas forbidden by your Probation Officer.
5. You are not permitted to possess, use, sell, distribute or have under your control any controlled substance which includes marijuana, stimulants, sedatives, hallucinogens, narcotics, or extracts containing them in any form, or instruments for administering them except by prescription of a licensed physician.
6. You are not permitted to purchase, own or operate any motor vehicle until you obtain the consent of your Probation Officer.
7. You are not permitted to use alcoholic beverages to such an extent that your health or the safety or welfare of others is placed in jeopardy or that it interferes with meeting your financial obligations, employment, family relations or acceptable behavior.
8. You will be required to follow the guidance and instructions of your Probation Officer or any other agency to which you may be referred.
9. You shall obey all laws.
10. Any special conditions made by the Court become conditions of your probation.

**APPENDIX "F"**  
**WAIVER STATIONS**

For payment of waivers when the Clerk of Courts offices of the Municipal Court are closed:

<b><u>Location</u></b>	<b><u>Building</u></b>	<b><u>Deputy Clerk</u></b>
Wooster	Wayne County Justice Center	Sheriff and his appointees
Orrville	Orrville Police Department	Chief of Police and appointees
Rittman	Rittman Police Department	Chief of Police and appointees

**APPENDIX "G"**

**JUDGMENT ENTRY OF TRANSFER FROM MAYOR'S COURT**

Defendant's Name: \_\_\_\_\_

In the \_\_\_\_\_ Mayor's Court, \_\_\_\_\_, Ohio

Case No. \_\_\_\_\_ Charge(s) \_\_\_\_\_

Upon motion of \_\_\_\_\_ and for good cause shown, this case is hereby transferred to the **WAYNE COUNTY MUNICIPAL COURT** for the reason stated below:

- The court lacks jurisdiction to proceed pursuant to section 1905.01 of the O.R.C.
- Defendant has demanded a jury trial.
- A conflict exists that prevents the Mayor from impartially deciding the case.
- Defendant has filed a written notice of appeal pursuant to section 1905.23 of the O.R.C.
- The case is transferred pursuant to section 1905.032 of the O.R.C.

The Clerk is hereby ordered to certify all original documents filed in this case and, together with a transcript of all proceedings, accrued costs, and bond posted by the Defendant, to transfer this case to the **WAYNE COUNTY MUNICIPAL COURT** for further proceedings in accordance with law.

All further proceedings in this Court are stayed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE