

IN THE HARDIN COUNTY MUNICIPAL COURT

KENTON, OHIO

IN RE: ADOPTION OF LOCAL  
COURT RULES

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ENTRY

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In accordance with the Ohio Rules of Superintendence for Courts Rule 5, the Ohio Rules of Criminal Procedure 57 and the Ohio Rule of Civil Procedure 83, the Court hereby adopts the attached Local Court Rules to incorporate the new Court costs as passed by the Legislature, effective March 1, 2020.

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Judge Gregory A. Grimslid

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**GENERAL**

**LOCAL RULES - SCOPE AND AUTHORITY**

Effective March 1, 2020, the following local rules of the Hardin County Municipal Court are intended to be supplemental to and be used in conjunction with all Ohio Rules, including the Ohio Rules of Civil Procedure (Civil Rules), the Ohio Rules of Criminal Procedure (Criminal Rules), the Ohio Supreme Court Rules of Superintendence for Municipal and County Courts (Superintendence Rules), the Ohio Traffic Rules (Traffic Rules), and all amendments or supplements thereto as may occur from time to time.

These local rules are to be interpreted consistent with the various Ohio Rules. In case of conflict or contradiction, the Ohio Rules will prevail.

The rules of practice of the Common Pleas Court of Hardin County will be applicable to any situation covered therein for which these rules do not provide.

**RULE NUMBER 1**

**HOURS OF COURT SESSIONS - HOLIDAYS**

The offices of the Court and the Clerk of Court shall be open for the transaction of business between the hours of 8:30 A.M. and 4:00 P.M., closed daily for lunch 12:00 P.M. to 12:30 P.M. Monday through Friday, excepting legal holidays.

Holidays will be observed as approved and established by Kenton City ordinances, time shall be computed in the manner set forth in section 1.14 of the Ohio Revised Code. The Court offices may also close upon Order when the Court finds it necessary and proper to cease operations. Appropriate announcement of any closing shall be made to the news media as required.

## **RULE NUMBER 2**

### **RECORDS - FILING OF CASES**

1. RECORDS OPEN FOR INSPECTION: All indexes, dockets, journals and case files including all documents contained therein, maintained in accordance with law by the Clerk shall be open to inspection by anyone at any time during regular business hours. Original papers, however, shall not be removed from the office of the Clerk.

Any person shall be entitled to copies of any document contained in any file. The charge therefore shall be as established by state law and local Court rules.

Public access to the Court's dockets may also be obtained through the Public Docket Room or can be accessed online at [www.hardinCourts.com/MCSite](http://www.hardinCourts.com/MCSite).

2. NUMBERING: Civil, small claims, traffic and criminal actions brought in this Court shall be numbered consecutively as filed within the separate categories above described and shall be entered on the appropriate docket and indexed as numbered. All pleadings, motions or other papers filed in such case shall contain the assigned case number.

3. FILINGS: All pleadings, motions and all other papers filed in an action shall be typed or legible handwritten upon 8 1/2 x 11" paper and shall be filed in accordance with the Civil Rules.

Any pleadings, motions or other papers not in compliance with these rules or the appropriate Ohio rules shall be reported by the Clerk to the Court. The Clerk will notify the party or attorney filing non-complying documents by telephone or mail of the non-compliance.

Postage or other necessary charges will be added to the costs. If no corrective action is taken

within a reasonable time, the Court may thereafter, on its own motion, take such action as may be warranted including dismissal of an action or striking pleadings from the files.

4.       **RELEASES AND ASSIGNMENTS:** An assignment, cancellation or release of judgment shall be in writing and filed as other papers in the case.

5.       **RECORD CHECKS:** The Court's staff will do record checks only when the request is made in writing. The request shall contain at a minimum the following: the reason for the request, and the full name and date of birth for the person on which the check is requested. The request shall be accompanied by the appropriate fee as established by local Court rules.

### **RULE NUMBER 3**

#### **COSTS AND SECURITY FOR COSTS**

1. PRIOR COSTS: When a case in this Court is dismissed for want of prosecution or for failure to comply with an order of the Court, or by Plaintiff without prejudice before judgment, all the proceedings by the Plaintiff in the same case or in any subsequent suit upon the same cause of action shall be stayed until the costs in the former action are paid, unless otherwise ordered by the Court.

2. FILING FEE: No action or proceeding shall be accepted for filing by the Clerk of this Court by any Plaintiff or attorney of record if there remain costs due on any case involving the Plaintiff. When a cost deposit is exhausted, the Clerk shall charge costs and the same shall be paid as they accrue. Further, no action or proceeding shall be accepted for filing by the Clerk of this Court without the required deposit, unless the refusal of the filing would cause the expiration of time limitations for filing. Upon representation of indigency, the Court shall investigate the accuracy of such representation and upon finding by the Court that such indigency does exist, the security for costs shall be waived.

3. COST DEPOSITS:

A. A deposit of \$100.00 in civil cases, excepting small claims and forcible entry and detainer, shall be required to be made at the time of the filing of the complaint for one Defendant. Each additional Defendant named in a civil suit shall require an additional \$20.00 deposit at the time of filing of the complaint. Deposit required for forcible entry and detainer will vary



depending on the location of the property; initial deposit is \$120.00-\$150.00 with and additional \$20.00-\$50.00 for each additional Defendant.

- B. A deposit of \$25.00 shall be made in all cases upon the filing of a cross-complaint or upon the filing of a third-party complaint.
- C. In any case wherein service is to be made by publication, an additional deposit in the amount of the probable cost thereof, but not less than \$100.00 will be required. Such deposit shall be first applied to pay the cost of such publication and any balance applied to other costs.
- D. An additional deposit of \$30.00 is required as security for foreign service for each county in which service is to be made, if such foreign service is to be made through the sheriff's office. An additional deposit of \$30.00 is required as security for personal service within Hardin County for each person to be served.
- E. A deposit of \$300.00 is required for the issuance of an execution against personal property.
- F. In cognovit cases, the costs shall be paid upon the filing of the judgment.
- G. A deposit of \$55.00 shall be required for a debtor's examination.
- H. In any case in which the Court has approved a poverty affidavit, the Court may, upon request by such party's attorney, waive deposit for costs of publication. However, in such cases, it shall be the responsibility of the attorney making the request to advise the publisher in writing at the time

the legal notice is presented for publication, that no funds have been deposited with the Clerk for payment of the publication costs, and at the same time the attorney shall file with the Clerk a written certification signed by the attorney stating that he has so advised the publisher.

I. A deposit shall be collected in the amount designated by law as payable to the Victim's Assistance Fund.

4. REFUNDS:

A. No refunds will be made for less than \$10.01 for any overpayments or refunds of deposits and/or bonds.

5. ACCEPTED FORMS OF PAYMENT: The Court will accept money orders, business checks, cashier's checks/certified checks and cash. **No coin/change payments over \$10.00 will be accepted.**

A copy of the current schedule of costs and fees for the Hardin County Municipal Court is attached hereto for the convenience of these Rules.

**SCHEDULE OF COSTS  
MUNICIPAL COURT**

1	For each cause	\$30.00
2	Issuing notices, per person	2.00
3	Issuing subpoena, swearing witnesses, entering attendance, certifying fees, each name	5.00
4	Calling jury	50.00
5	Making complete record, including indexing each page, per document	1.00

6	Acknowledging all instruments in writing, each	5.00
7	Making certificates of judgments (includes praecipe)	10.00
8	Each cause of action for judgment by confession, including all docketing, indexing and entries on the journal	40.00
9	Docketing and indexing each aid in execution or petition to vacate, revive, or modify judgment, including the filing and notice of all necessary documents	15.00
10	Docketing and indexing appeals, including the filing and noting of all necessary documents	50.00
11	Receiving and disbursing money-commission on the first \$10,000.* Receiving and disbursing money-commission on all exceeding \$10,000.* <i>*other than costs and fees, paid to or deposited with the Clerk in pursuance of an order of Court or on judgments, including moneys invested by order of the Court and interest earned on them</i>	2% 1%
12	For each electronic transmission of a document (1st page) For each additional page These fees are to be paid by the party requesting the electronic transmission	3.00 1.00
13	For each photocopy	.25
14	For the issuance of a writ of restitution	15.00
15	For the issuance of ordinary mail with a certificate of mailing	2.00
16	For the issuance of certified mail	12.00
17	For the issuance of a notice of failure of service	5.00
18	For the issuance of a certified copy	2.00
19	For the filing of motions or entries, each	5.00
20	For the filing of a jury demand	10.00
21	Continuance fee for hearing other than small claims trial- includes motion and entry	15.00
22	Continuance fee for small claims trial- includes motion and reassignment	5.00
23	Filing and issuance of summons	5.00
24	Filing and issuance of warrants	25.00
25	Bailiff service fee	3.00

26	Issuance of debtor's exam, each	15.00
27	Issuance of writ of execution	85.00
28	Issuance of garnishment for personal earnings in civil cases	105.00
	Issuance of garnishment for personal earnings in small claims cases	50.00
29	For each record check requested	5.00
30	Issuance of garnishment for other than personal earnings	35.00, plus \$1 for bank
31	Taking bonds, or recognizances, each	5.00
32	Issuing writ for contempt	25.00
33	For the filing and issuance of a protection order	10.00
34	For the modification, reissuance or termination of protection order	5.00
35	For the issuance of a show cause	10.00
36	For the issuance of a supplemental summons	15.00
37	For the filing of a request for driving privileges	15.00
38	Issuance of driving privileges with updated insurance coverage date	5.00
39	For the filing of a probation violation	25.00
40	Pre-sentence investigation fee	10.00
41	Filing of indigency affidavit and finding of the Court	5.00
42	Issuance of second or more payment schedule	5.00
43	Issuance of jail papers	10.00
44	Filing of expungement* *If Defendant is convicted of a violation and files for expungement/ sealing of record, the costs of \$75 will be disbursed per O.R.C. 2953.32, with the balance going to local costs. If the case is dismissed or a finding of not guilty, the \$75 will be disbursed to local costs	75.00
45	Preparation and issuance of bindover	20.00
46	Issuance of public service rules	5.00
47	Pay to stay jail fee (per day)	45.00
48	Issuance of wage withholding	5.00
49	Wedding fee	25.00

50	Fee for returned check	25.00
51	Additional deposit required to proceed in active civil case if all monies on deposit are depleted	25.00

## **RULE NUMBER 4**

### **BRIEFS**

1. An issue or case shall be submitted to the Court for decision without briefs unless the Court requests briefs, or grants a request of counsel to present briefs.

2. When requested by a party or by the Court, briefs shall be submitted to the Court by the Plaintiff or moving party within fourteen (14) days, and by the opposing party within fourteen (14) days thereafter. A reply brief, if appropriate, will be filed within seven (7) days thereafter. The Court may extend or shorten the time for good cause. Upon failure of either party to file a brief within time, the case may be disposed of without the assistance of briefs.

## **RULE NUMBER 5**

### **WITHDRAWAL OF COUNSEL**

Counsel shall withdraw from a case in writing. If the withdrawal is with the approval of the party, said approval shall be endorsed upon the withdrawal when filed. If approval has not been obtained, the matter shall be set for hearing, of which all parties and counsel shall be notified. Withdrawal of counsel shall be permitted for any good and sufficient reason. Upon permitting withdrawal of counsel, the Court will make such order respecting scheduling of the case and obtaining new counsel as will serve the interest of justice.

If counsel dies or is dismissed by a party, the party of substitute counsel must notify the Court in writing forthwith. If the Court is not notified, the case will proceed as if original counsel were available and participating.

## **RULE NUMBER 6**

### **CRIMINAL PROCEDURE - GENERAL**

All rules set forth previously with reference to civil proceedings shall, where applicable, be effective in criminal/traffic proceedings before this Court. In addition thereto, the following rules shall prevail:

1. **CRIMINAL/TRAFFIC CASES - FILING:** The Clerk shall not accept traffic citations or criminal complaints for filing except those prepared by the Kenton City Law Director, Assistant Kenton City Law Director, Hardin County Prosecuting Attorney, Assistant Hardin County Prosecuting Attorney, a Village Solicitor who will be prosecuting the case, or a duly authorized law enforcement officer having authority to act within the territorial jurisdiction of this Court unless the complaint is initialed for approval by the Kenton City Law Director, Assistant Kenton City Law Director or a Village Solicitor who will be prosecuting the case.
  - A. All citations traffic and criminal issued within this Court's jurisdiction shall be filed with the Court promptly after issuance to Defendant. Any citation not filed within 24 hours of the date set for the Court appearance is subject to dismissal.
2. **INFORMATION ACCOMPANYING CITATIONS:** A statement of fact by a citing officer or other person shall be provided to the Assistant Kenton City Law Director. Information concerning the Defendant's record shall be provided to the Court by the citing officer or person prior to or at the initial hearing.
3. **WRITTEN PLEAS OF NOT GUILTY:** Written pleas of not guilty will be accepted in advance of the scheduled appearance date.
4. **COURT COSTS - CRIMINAL ACTION:** All costs for traffic and criminal actions



are imposed pursuant to Sections 311.17, 1901.26, 2743.70 and 2949.091 together with other applicable sections of the Ohio Revised Code.

5. WITHDRAWAL OF CHARGES - CRIMINAL/TRAFFIC CASES: All recommendations for withdrawal or dismissal of a criminal or traffic case and the reasons therefore shall be made in writing or in open Court. No dismissal will be granted except with approval of the attorney in charge of prosecution.

6. REDUCTION OF CHARGES - OVI AND CRIMES INVOLVING VIOLENCE: All motions for reduction of an OVI or crime of violence and the reasons therefore shall be made on the record or in writing.

**RULE NUMBER 7**

**COURT APPOINTED COUNSEL**

1. All attorneys in private practice in Hardin County, except those who notify the Court of their desire to not be so included, and interested out of town attorneys in private practice, with the exception of the Prosecuting Attorney, his/her assistants, the Kenton City Law Director, his/her assistants, and their associates shall be entered on the list of counsel available for appointment.
2. In order to be added to the Court appointed counsel list, an interested attorney must submit such request in writing and provide the Court with a copy of his/her Ohio Supreme Court registration card.
3. Attorneys must agree to meet clients in Hardin County in order to receive appointments.
4. Any attorney wishing to be removed from the Court appointed list shall be excused from said service upon written request made to the Court.
5. Appointment shall be made by the Court on a rotating basis except that appointments may be made out of rotation in order to avoid conflicts of interest, conflicts with counsel's schedule, conflicts with the Court's schedule, and in instances where the gravity of the offense requires counsel with greater experience than the person next on the list.
6. COMPENSATION:
  - A. Assigned counsel shall receive compensation for professional services and

shall be reimbursed for expenses in accordance with section 2941.51, Ohio Revised Code. In all cases and upon the completion of the service, it shall be the duty of such assigned counsel, within 90 days, to submit an itemized statement upon forms approved for such purpose, of the services rendered and the time spent in connection with said services in the preparation and trial or other disposition of the same, and any out of pocket expenses incurred therein. Upon approval by the Court, the same shall be transmitted to the Hardin County Auditor, or the fiscal officer of the municipality charged with payment of such fees, provided such municipality has provided a fund for payment of assigned counsel fees.

- B. The Court, after due consideration of such statement, shall determine the amount of compensation within the statutory limit thereon, in accordance with schedule of fees adopted from time to time by the Board of County Commissioners of Hardin County. No fees or expenses in excess of the maximum prescribed therein will be allowed without approval by the Court.

## **RULE NUMBER 8**

### **CASE MANAGEMENT FOR CRIMINAL AND TRAFFIC CASES**

The purpose of this rule is to establish a system for speedy disposition and management of criminal and traffic cases which will also provide for the fair and impartial administration of justice. These rules shall be construed and applied to eliminate unnecessary delay and to improve the administration of justice to all parties.

### **SCHEDULING OF PROCEEDINGS**

Upon appearance at arraignment, or upon the filing of a not guilty plea, the scheduling of further proceedings begins in accordance with the following guidelines.

1. **PRETRIALS:**

A. At, or after, arraignment for all misdemeanor cases, pretrial shall be scheduled by defense counsel and the prosecutor. In specific cases, the Court on its own motion may schedule within 30 days of the date of arraignment or request. Pursuant to Criminal Rule 17.1, a request or demand for a pretrial shall be construed as a motion for pretrial, and as such, shall toll the time within which the Defendant must be brought to trial, pursuant to O.R.C. Section 2945.72(H).

B. The pretrial shall be conducted in accordance with Criminal Rule 17.1,

and upon conclusion, a pretrial report shall be filed by the parties (See Attachment A). Any attorney, or party, who fails to appear for pretrial without just cause may be punished for contempt of Court or as otherwise sanctioned in accordance with law.

- C. If after the conclusion of the pretrial the case is not settled, and if the matter has not previously been set for trial, the assignment commissioner is directed to set the matter for trial to the Court, unless a jury is demanded, or it is a serious misdemeanor violation. Upon the conclusion of the pretrial conference, no further continuances shall be granted unless it is clear that a further continuance is an absolute necessity, or is in the interests of justice.

2. MOTIONS: All motions to the Court shall be made in writing and shall be accompanied by a written memorandum containing the statement of facts and the legal arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure, and further shall comply with Criminal Rule 47 and Traffic Rule 11. Motions shall be set for oral hearing only upon request of counsel or by order of the Court. Otherwise, all motions will be deemed submitted when filed. Pretrial motions, where applicable, shall toll the time within which the Defendant must be brought to trial until a judgment entry is filed reflecting the Court's decision as to said motion (See O.R.C. Section 2945.72(H)). Motions for continuances shall set forth the reason for the continuance, and be accompanied by a time waiver and an appropriate journal entry which shall contain a signature line bearing the original signature of opposing counsel or indicating refusal of same. Motions for continuances filed due

to a scheduling conflict with another Court shall be accompanied by a copy of the Court-issued assignment notice of the conflicting hearing.

3. TRIALS: Any case not scheduled for, or resolved at pretrial or by motion to the Court, if not already scheduled, shall be set for trial to the Court in a timely fashion. If a jury demand is timely filed in the case, then the case shall be scheduled for jury trial. Jury trials are normally scheduled on Fridays, but may be scheduled at other times. Attorneys must notify the Court in accordance with the Court's Jury Management Plan to avoid paying jury fees.

4. PLEA:

A. Once a plea date is set, no continuance of said plea date shall be granted unless a written motion and order is filed and provided to the Court setting forth the reasons for the continuance.

B. If a pre-sentence investigation is conducted, the matter shall be set for a sentencing hearing within thirty days unless otherwise ordered by the Court.

5. PROBATION; POST TRIAL COMPLIANCE MATTERS: Any Defendant who is placed on probation or ordered to participate in programs such as Driver's Intervention Program, Community Service, etc., must report to the probation officer at the appropriate time and place to register for said programs. Failure of any Defendant to report as required may result in re-imposition of a jail sentence or a citation alleging contempt of Court, for which the Defendant may also be fined and jailed.

**RULE NUMBER 9**

**BAIL - FINES AND COSTS - RESTITUTION**

1. The following shall constitute the schedule of bonds to be used for the release of persons before their appearance before the Court:

A. Felonies (including aggravated felonies):

Fifth degree felony	\$2,500.00
Fourth degree felony	5,000.00
Third degree felony	10,000.00
Second degree felony	15,000.00
First degree felony	20,000.00
Capital offense	To be set by Court in all cases

\ B. Misdemeanors:

Minor misdemeanor/Unclassified misdemeanor	\$500.00
Fourth degree misdemeanor	250.00
Third degree misdemeanor	500.00
Second degree misdemeanor	750.00

First degree misdemeanor	1,000.00
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No pre-arraignment release shall be granted a person charged with a violation of Ohio Revised Code Sections 2903.11, 2903.12, 2903.13, 2903.211, 2919.211, 2919.25 or 2919.27, wherein there has been a motion filed for a temporary protection order. In instances where no temporary protection order has been requested, bond shall apply as in all other cases unless no bond is specifically noted or stated on the warrant.

In all cases, the above shall be a cash or surety bond until appearance before the Court.

No bond shall be required in a minor misdemeanor case if processed by the Violations Bureau.

A misdemeanor, for which the maximum fine is greater than that of a minor misdemeanor but for which no jail sentence is provided, shall be considered a fourth degree misdemeanor. A misdemeanor for which a jail sentence is provided (the maximum of which sentence is greater than that permitted for one degree but lesser than that permitted for the next higher degree) shall be considered an offense of the next higher degree. In all cases in which a jail sentence is a part of the permissible penalty, the maximum length of such sentence shall determine the degree of misdemeanor for purpose of this schedule.

C. Bond of the type described above or the deposit of driver's license under O.R.C. section 2935.27 or O.R.C. Section 2937.221 shall not be required of any person if, in the judgment of the arresting officer, the issuance of summons under Rule 4(F), such person may be released by the Clerk of this Court or officer in charge of the facility



to which the person is brought, pursuant to Criminal Rule 46(D).

D. In determining whether to permit a recognizance or other unsecured bond or one of those bonds specified in Criminal Rule 46(D), such Clerk or officer may consider the residence of the person, the nature and gravity of the offense, family and community ties, employment, and financial resources, character and physical, mental, and emotional condition of the person, past criminal or traffic record, history of appearance, or any fact permitted by O.R.C. Section 2935.26 and other relevant factors in particular cases.

E. There shall be no differentiation between traffic offenses and criminal offenses for the purpose of this bond schedule unless otherwise provided herein.

2. Unless otherwise specifically ordered by the Court, all monies for bail shall be deposited and accepted in the name of the Defendant only.

3. When a Defendant in a criminal or traffic case has been found guilty, all posted bail money shall be applied first to Court costs in all cases (from oldest to newest) and then to the fine in the oldest criminal/traffic case in which Defendant has an outstanding balance and shall next be applied to reduce arrearage in more recent criminal/traffic cases in like manner until all outstanding arrearages have been paid. Any remaining balance will be applied then to current fines and Court ordered restitution, in that order. When any of a Defendant's cases have been sent to collections, money will be applied first to all cases not in collections, and then collections cases. Any bail money remaining after the foregoing payments will be returned to the Defendant.

4. All monies paid after conviction by or for a person convicted of an offense will be applied in the manner above described.

5. Whenever a person is charged with any offense other than a traffic offense that is not a moving violation and posts bail, the person shall pay a surcharge of twenty-five dollars. The Clerk of Court shall retain the twenty-five dollars until the person is convicted, pleads guilty, forfeits bail, is found not guilty, or has the charges dismissed. If the person is convicted, pleads guilty or forfeits bail, the Clerk shall transmit the twenty-five dollars to the Treasurer of State on or before the twentieth day of the month following the month in which the person was convicted, pleaded guilty, or forfeited bail. The Treasurer shall deposit the twenty-five dollars into the indigent defense support fund created under Section 120.08 of the Ohio Revised Code. If the person is found not guilty or the charges are dismissed, the Clerk shall return the twenty-five dollars to the Defendant.

#### **RULE NUMBER 10**

#### **VIOLATIONS BUREAU**

1. Pursuant to Traffic Rule 13, Criminal Rule 4.1 and Superintendence Rule 11, a Violations Bureau is hereby established for the acceptance of pleas of guilty in those traffic and criminal cases not prohibited by said Rules or by order of Court not inconsistent therewith.

A. The Clerk of this Court is hereby appointed as Clerk of the Violations Bureau, and may assign one or more Deputy Clerk to administer the Bureau. The Chief of the Kenton City Police Department is hereby

appointed as Deputy Violations Bureau Clerk, only for the purposes of receiving bonds, waivers, guilty pleas, fines and costs during hours when the Court is not open for business.

- B. In accordance with Criminal Rule 4.1(E) and Traffic Rule 13C, this Court establishes the fines and costs for traffic and criminal offenses which may be processed through the Violations Bureau in accordance with the schedule attached hereto and made a part hereof.
- C. The Misdemeanor Violations Bureau shall accept appearance bonds, waivers of trial, pleas of guilty and payment of fines and costs for offenses within its authority as provided on the attached pages which are hereby incorporated by reference.

### **COURT COSTS**

In addition to fines, the Clerk or Deputy Clerk shall collect and receipt the amount of \$30.00 per case as Court costs, \$6.00 per case for the Court special projects fund and \$5.00 per case for the Court computerization fund. Also, the Clerk or Deputy Clerk shall collect and receipt the amount designated by law currently \$39.00 for state costs, totaling \$80.00.

### **AUTHORITY OF VIOLATIONS BUREAU**

In accordance with said Rule 13, Ohio Traffic Rules, all traffic offenses except those listed in subsection (1) through (9) of this subdivision may be disposed of by a traffic violations bureau. The following traffic offenses shall not be processed by a traffic violations bureau:

- (1) Indictable offenses;
- (2) Operating a motor vehicle while under the influence of alcohol or any drug of abuse;
- (3) Leaving the scene of an accident;
- (4) Driving while under suspension or revocation of driver's license;
- (5) Driving without being licensed to drive;
- (6) Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
- (7) Willfully eluding or fleeing a police officer;
- (8) Drag racing;
- (9) Other offenses as indicated in this schedule or as to other offenses not listed or referred to in this schedule for which the law specifically provides for license suspension or jail sentence;
- (10) Any case in which the arresting officer designates a personal appearance requirement or the Court deems appearance to be in the interest of justice.

#### **DEFENDANT'S APPEARANCE, PLEA, AND WAIVER OF TRIAL**

A Defendant charged with an offense which can be processed by a Traffic Violations Bureau may pay in full before the Court date:

- (1) Appear in person at the Traffic Violations Bureau, sign a plea of guilty and waiver of trial provision of the ticket and pay the total amount of the fine and costs, or enter into a thirty day agreement for payment of same
- (2) Sign the guilty plea and waiver of trial provision of the ticket and mail the ticket and payment for the total amount of the fine and costs to the Traffic Violations Bureau
- (3) Pay the total amount of fine and costs online.

Remittance in person, by mail or payment online of the fine and costs to the Traffic Violations Bureau constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the ticket are signed by the Defendant.

**SCHEDULE OF FINES**

This schedule of fines and costs shall be distributed to all law enforcement agencies operating within the jurisdiction of this Court and shall be prominently displayed at the place in the Traffic Violations Bureau where fines are paid.

**Any offense which is currently waivable in the Violations Bureau, or substantially similar Municipal or Village Ordinance, may be processed by the Traffic or Criminal Violations Bureau.**

\*Indicates non-moving

<b><u>K.C.O. NUMBER</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>WAIVER</u></b>
412.04	Toy Vehicles on Roadway as 1 <sup>st</sup> offense	\$76.00*
432.36	Shortcutting on Private Property	115.00
440.01	Load Limits	115.00
452.04C	Improper Parking-Facing Wrong Direction <b>Plus the cost of the parking ticket</b>	76.00*
452.05	Fail to pay Parking Ticket <b>Plus the cost of the parking ticket</b>	76.00*
452.16	Fail to pay Parking Ticket <b>Plus the cost of the parking ticket</b>	76.00*

<b><u>O.R.C. NUMBER</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>WAIVER</u></b>
<b><u>Chapter 4503</u></b>	<b><u>Vehicle Licensing Violations</u></b>	
.05	Misuse of farm tags	\$115.00
.06	Failure to register house trailer	115.00
.11	Expired registration	155.00
.182(A)	Temporary license	115.00
.19	County I.D. sticker	115.00
.21	Display of license plates	115.00
.28	Dealer registration	115.00
.30	Dealer display of placards	115.00
.301	Demonstration placards	115.00
.32	Special license plates	115.00
.34	Drive-away operator application	115.00

**Chapter 4505**      **Certificate of Title Violations**

Appearance required.

**Chapter 4509**

**Financial Responsibility**

.74 Failure to report accident 130.00

**Chapter 4510**

**Driver's License Violations**

.12 Expired less than 6 months A/R  
Expired over 6 months A/R  
Driving without valid license A/R

**Chapter 4511**

**Traffic Laws**

.03 Emergency vehicles- proceed cautiously 115.00  
.12 Obeying traffic control devices 115.00  
.13 Signal lights 115.00  
.131 Signals over reversible lanes 115.00  
.14 Pedestrian control signals 115.00  
.15 Flashing traffic signals 115.00  
.16 Unauthorized signs and signals 145.00  
.17 Alteration, defacing or removal of sign 180.00  
.20 Reckless operation 115.00  
**if no predicate offenses are marked & Officer has not marked appearance required.**  
.202 Failure to have reasonable control 115.00  
.204 Driving while texting (all subsections) 155.00  
.21 SPEED- speed in excess of legal limit:

**15 MILE ZONE**

1st Offense

2nd Offense

16-25 \$15.00+CC=\$ 95.00 : \$45.00+CC=\$125.00

26-35 25.00+CC= 105.00 : 65.00+CC= 145.00

36-39 35.00+CC= 115.00 : 85.00+CC= 165.00

40-45 50.00+CC= 130.00 : 105.00+CC= 185.00

46 and up Appearance is required.

**20 MILE ZONE**

1st Offense	2nd Offense
21-30 \$15.00+CC=\$ 95.00	:\$45.00+CC=\$125.00
31-35 25.00+CC= 105.00	: 65.00+CC= 145.00
36 and up	Appearance is required.

**SCHOOL ZONE:** Speed in excess of legal limit in a school zone, for speed 21 to 35 mph, the fine is \$150.00+CC=\$230.00. For speed 36 mph and up, appearance is required.

### **25 MILE ZONE**

1st Offense	2nd Offense
26-35 \$15.00+CC=\$ 95.00	:\$45.00+CC= \$125.00
36-45 25.00+CC= 105.00	: 65.00+CC= 145.00
46-49 35.00+CC= 115.00	: 85.00+CC= 165.00
50-55 50.00+CC= 130.00	: 105.00+CC= 185.00
56 and up	Appearance is required.

### **35 MILE ZONE**

1st Offense	2nd Offense
36-45 \$15.00+CC=\$ 95.00	:\$45.00+CC= \$125.00
46-55 25.00+CC= 105.00	: 65.00+CC= 145.00
56-59 35.00+CC= 115.00	: 85.00+CC= 165.00
60-65 50.00+CC= 130.00	: 105.00+CC= 185.00
66 and up	Appearance is required.

### **45 MILE ZONE**

1st Offense	2nd Offense
46-55 \$15.00+CC=\$ 95.00	:\$45.00+CC= \$125.00
56-65 25.00+CC= 105.00	: 65.00+CC= 145.00
66-69 35.00+CC= 115.00	: 85.00+CC= 165.00
70-75 50.00+CC= 130.00	: 105.00+CC= 185.00
76 and up	Appearance is required.

### **50 MILE ZONE**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense
51-65	\$15.00+CC=\$95.00 :	\$45.00+CC=\$125.00
66-75	25.00+CC=105.00 :	65.00+CC= 145.00
76-79	35.00+CC=115.00 :	85.00+CC= 165.00
80-85	50.00+CC=130.00 :	105.00+CC= 185.00
86 and up		Appearance is required.

### **55 MILE ZONE**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense
56-65	\$15.00+CC=\$ 95.00 :	\$45.00+CC= \$125.00
66-75	25.00+CC= 105.00 :	65.00+CC= 145.00
76-79	35.00+CC= 115.00 :	85.00+CC= 165.00
80-85	100.00+CC= 180.00 :	150.00+CC= 230.00
86 and up		Appearance is required.

**If charged with a third offense or more, appearance required.**

### **Chapter 4511      Traffic Laws- Continued \*indicates non-moving**

.21A	Assured clear distance ahead	115.00
.213	Fail to move or slow for public safety vehicle/officer	130.00
.22	Slow speed	115.00
.23	Speed on bridges	115.00
.25	Lanes of travel	115.00
.26	Vehicles traveling in opposite directions	115.00
.27	Overtaking and passing vehicles	115.00
.28	Overtaking and passing on right	115.00
.29	Left of centerline	115.00
.30	Driving left of center	115.00
.31	Hazardous zones	115.00
.32	One-way highway and traffic islands	115.00
.33	Marked lanes	115.00
.34	Space between moving vehicles	115.00
.35	Divided roadways	115.00



.36	Turns at intersections	115.00
.37	Turning in roadway (U-turn)	115.00
.38	Starting and backing	115.00
.39	Turn and stop signals	115.00
.41	Right-of-way at intersection	115.00
.42	Right-of-way when turning left	115.00
.43	Stop signs/yield signs/right-of-way at through highways	115.00
.431	Stopping at sidewalk	115.00
.44	Right-of-way from private drives	115.00
.45	Right-of-way of public safety vehicle	130.00
.451	Funeral procession	115.00
.452	Pedestrian yield to public safety vehicle	86.00*
.46	Pedestrian on cross-walk	115.00
.47	Right-of-way yielded to blind person	130.00
.48	Pedestrian not on cross-walk	86.00*
.481	Intoxicated pedestrian	86.00*
.49	Pedestrians in cross-walk	115.00
.50	Use of walks and roadway by pedestrian	86.00*
.51	Hitch hiking while on highway/riding on outside of vehicle	86.00*
.511	Pedestrian pass RR gate	86.00*
.521	Operation of motorized bicycles	115.00
.53	Bicycles, motorcycles & snowmobiles	115.00
.54	Attaching bicycles & sleds to M/V	130.00
.55	Riding bicycles & motorcycles abreast	115.00
.56	Signal device on bicycles	115.00
.60	Safety zone	115.00
.61	Stop signs at RR crossings	115.00
.63	Vehicles required to stop at RR	115.00
.64	Slow vehicle at railroad crossing	115.00
.66	Parking on highway	86.00*
.661	Unattended vehicle	86.00*
.68	Parking prohibitions	86.00*
.681	Parking prohibitions/private property	86.00*
.69	Parking near curb-handicapped parking	86.00*
.70	Obstruction affecting view and control of driver	115.00
.701	Occupying travel trailer while in motion	115.00
.71	Driving on closed highway	115.00
.711	Driving upon sidewalk area	115.00
.712	Obstructing passage of other vehicles	115.00
.72	Following emergency vehicle	130.00
.73	Driving over fire hose	130.00
.74(A)	Placing injurious material on road	130.00

.76	School bus regulations	115.00
.761	School bus inspection	115.00
.762	School bus not used for school	115.00
.763	Licensing school bus	115.00
.764	Registration & identification of school bus	115.00
.77	School bus marking	115.00
.79	Driving with impaired alertness	130.00
.81	Child safety restraint	115.00
	Second Violation	A/R
.82	Littering from motor vehicle	130.00
.84	Operating motor vehicle with headsets	115.00
.991	Distracted driving (secondary offense only)	130.00

**Chapter 4513**

**Equipment- Loads \*indicates non-moving**

.02	Unsafe vehicle	115.00
.021	Bumpers	115.00
.03	Lighted lights	115.00
.04	Headlights	115.00
.05	Tail and license lights	115.00
.06	Red reflectors	115.00
.07	Safety lighting, commercial vehicle	115.00
.071	Stop light regulations	115.00
.08	Obscured lights	115.00
.09	Red light or flag	115.00
.10	Lights on parked vehicle	115.00
.11	Slow moving vehicle	115.00
.12	Spotlights	115.00
.13	Back-up lights, etc.	115.00
.14	Two lights displayed	115.00
.15	Headlights required	115.00
.16	Lights of less intensity	115.00
.17	Number of lights permitted, red & flashing lights	115.00
.19	Focus & aim of headlights	115.00
.20	Brake equipment	115.00
.21	Horns, sirens, etc.	115.00
.22	Mufflers	115.00
.23	Rear view mirrors	115.00
.24	Illegal window tint	115.00
.241	Windshields and wipers	115.00
.25	Solid tires	115.00
.26	Safety glass	115.00

.261	Directional signals	115.00
.262	Installation & sale of seat belts	86.00*
.263(B)(1)	Use of safety belts by operator	81.00*
	Second Violation	126.00*
.263(B)(2)	Use of safety belts, operator not requiring passenger (per person, not to exceed \$110.00)	71.00*
.263(B)(3)	Use of safety belts by passenger	71.00*
.27	Extra signal equipment	115.00
.28	Disabled vehicle	115.00
.29	Transporting explosives	115.00
.30	Load extension on left side of M/V	115.00
.31	Unsecure loads	115.00
.32	Towing	115.00
.33	Weighing vehicle	115.00
.34	Special permits	115.00

**Chapter 4517**

**Auto Dealers**

.02	Licensing	230.00
.43	Confidential information disclosure	230.00
.44	Failure to keep records	230.00
.45	Attaching placards	230.00

**Chapter 4519**

**Special Vehicles**

The waiver for violation of any provisions of Chapter 4519 which may be processed by the Violations Bureau shall be \$115.00, unless otherwise provided below in subsections (a), (b), (c), and (d).

(a) .22	Prohibitions, commercial	130.00
(b) .40	Prohibitions, use	A/R
(c) .44	Licensing	A/R
(d) .45	Maintenance for hire	A/R

**Chapter 4919**

**Safety Violations**

.79	Safety violations	A/R
.79	Radar in semi	A/R

**Chapter 4921 & 4923**

**PUCO Violations**

Minor misdemeanor	130.00
Unclassified misdemeanors involving safety	115.00
All hazardous materials violation	130.00

**Chapter 4549**      **Motor Vehicles Crimes**

.01	Stop when signaled (horse-drawn vehicle or horseback)	115.00
.10	Operating without license plates	115.00
.11	Operating with license plates of former owner	115.00
.12	Resident operating w/license plates issued by another state	115.00
.18	Display of certificate of registration	115.00

**\*\*NOTE:** Any **non-moving** violation issued out of the same incident, as the second, third, etc., charge contained on the same citation, would have \$21.00 subtracted from the waiver amount listed for that offense.

Any **moving** violation issued out of the same incident, as the second, third, etc., charge contained in the same citation, would have \$50.00 subtracted from the waiver amount listed for that offense.

**Chapter 5728**      **Highway Use Tax**

.02	Highway Use Tax	130.00
.04	Fuel use tax authority	115.00

**Chapter 5577**      **Vehicle Weight/Size Violations as follows:**

5577.05	Vehicle size violations (over width/length/height)	130.00
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**OVERLOAD SCHEDULE**

Axle overload (2,000 lbs. or less)	136.00
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Gross overload (2,000 lbs. or less)

156.00

Gross and/or axle overloads between 2,000 and 5,000 lbs.

(\$100.00 + \$1.00/hundred + \$80.00 Court costs = Total Waiver)

<u>POUNDS</u>	<u>WAIVER</u>	<u>POUNDS</u>	<u>WAIVER</u>
2,000	200.00	3,600	216.00
2,100	201.00	3,700	217.00
2,200	202.00	3,800	218.00
2,300	203.00	3,900	219.00
2,400	204.00	4,000	220.00
2,500	205.00	4,100	221.00
2,600	206.00	4,200	222.00
2,700	207.00	4,300	223.00
2,800	208.00	4,400	224.00
2,900	209.00	4,500	225.00
3,000	210.00	4,600	226.00
3,100	211.00	4,700	227.00
3,200	212.00	4,800	228.00
3,300	213.00	4,900	229.00
3,400	214.00	5,000	230.00
3,500	215.00		

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Gross and/or axle overloads between 5,000 and 10,000 lbs.

(\$130.00 + \$2.00/hundred + \$80.00 Court costs = Total Waiver)

<u>POUNDS</u>	<u>WAIVER</u>	<u>POUNDS</u>	<u>WAIVER</u>
5,100	312.00	7,600	362.00
5,200	314.00	7,700	364.00
5,300	316.00	7,800	366.00
5,400	318.00	7,900	368.00

5,500	320.00	8,000	370.00
5,600	322.00	8,100	372.00
5,700	324.00	8,200	374.00
5,800	326.00	8,300	376.00
5,900	328.00	8,400	378.00
6,000	330.00	8,500	380.00
6,100	332.00	8,600	382.00
6,200	334.00	8,700	384.00
6,300	336.00	8,800	386.00
6,400	338.00	8,900	388.00
6,500	340.00	9,000	390.00
6,600	342.00	9,100	392.00
6,700	344.00	9,200	394.00
6,800	346.00	9,300	396.00
6,900	348.00	9,400	398.00
7,000	350.00	9,500	400.00
7,100	352.00	9,600	402.00
7,200	354.00	9,700	404.00
7,300	356.00	9,800	406.00
7,400	358.00	9,900	408.00
7,500	360.00	10,000	410.00

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Gross and/or axle overloads exceeding 10,000 lbs.

(\$160.00 + \$3.00/hundred + \$80.00 Court costs = Total Waiver)

<u>POUNDS</u>	<u>WAIVER</u>	<u>POUNDS</u>	<u>WAIVER</u>
10,100	543.00	10,600	558.00
10,200	546.00	10,700	561.00
10,300	549.00	10,800	564.00
10,400	552.00	10,900	567.00
10,500	555.00	11,000	570.00

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Gregory A. Grimslid, Judge  
Hardin County Municipal Court

**COURT COSTS**

In addition to the fines, the Clerk or Deputy Clerk shall collect and receipt the amount of \$30.00 per case as Court costs, \$6.00 per case for the Court special projects fund and \$5.00 per case for the Court computerization fund. Also, the Clerk or Deputy Clerk shall collect and receipt

the amount designated by law currently \$29.00 for state costs totaling \$70.00.

**AUTHORITY OF VIOLATIONS BUREAU**

The Criminal Violations Bureau shall process misdemeanors, except when the arresting officer designates a personal appearance requirement or the Court deems appearance to be in the best interest of justice.

**DEFENDANT’S APPEARANCE, PLEA, AND WAIVER OF TRIAL**

A Defendant charged with an offense which can be processed by a Criminal Violations Bureau may pay in full before the Court date:

- (1) Appear in person at the Criminal Violations Bureau and pay the total amount of the fine and costs
- (2) Mail the ticket and payment for the total amount of the fine and costs to the Criminal Violations Bureau
- (3) Pay total amount of fine and costs online.

Remittance in person, online or by mail of the fine and costs to the Criminal Violations Bureau constitutes a guilty plea and waiver of trial.

**SCHEDULE OF FINES**

The following fines are established for offenses which may be processed by the Criminal Violations Bureau:

**Any offense which is currently waivable in the Criminal Violations Bureau or substantially similar Municipal or Village Ordinance, may be processed by the Traffic or Criminal Violations Bureau.**

<b><u>K.C.O. NUMBER</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>WAIVER</u></b>
648.14	Noise Limitations (1st offense)	170.00
	(2nd offense)	A/R
1604.02	Open burning	105.00
<b><u>O.R.C. NUMBER</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>WAIVER</u></b>
<b><u>Title 29</u></b>	<b><u>Criminal Code</u></b>	
2913.441	Fraudulent display of law emblem	170.00
2915.04	Gambling in public	170.00

2917.04	Failure to disperse	A/R
2917.11	Disorderly conduct	120.00
2921.23	Failure to aid officer	145.00
2923.03	Complicity with another in minor misdemeanor	A/R

**Chapter 955**

**Dogs**

.10	Fail to require dog to wear tag (1st offense)	105.00
	(2nd offense)	145.00
.11(B)(C)	Seller fail to give notice upon transfer of dog's behavior	
	(1st offense)	105.00
.11(B)(D)	Seller fail to give notice upon transfer of dangerous/ vicious dog (1st offense)	170.00
.11(B)(E)	Seller fail to give buyer a certificate	105.00
.21	Failure to register dog kennel (1st offense)	105.00
	(2nd offense)	145.00
.22	Confinement or restrain dog (1st offense)	105.00
.24	Obstruct capture of dog (1st offense)	105.00
	(2nd offense)	145.00
.25	Unlawful tag	105.00

**Chapter 959**

**Domestic Animals**

.01	Abandon dog, cat, or domestic animal	120.00
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**Chapter 3719**

**Controlled Substances**

.32	Sale of poisons	170.00
.33	Labeling of poisons	170.00

**Chapter 4301**

**Liquor**

.62	Open Container	A/R
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Gregory A. Grimslid, Judge  
Hardin County Municipal Court



**RULE NUMBER 11**

**FAILURE TO APPEAR**

1. TRAFFIC CASES: Failure of a Defendant to appear in response to a citation or summons shall cause the Court to proceed in accordance with Traffic Rule 7 and as follows:
  - A. The bond, if posted, shall be subject to forfeiture.
  - B. In cases other than minor misdemeanor traffic violations, the Defendant shall be notified to appear at a subsequent arraignment hearing and failure to appear will result in the issuance of a bench warrant, subject to appropriate bond.
  - C. If after notification to appear on a minor misdemeanor, an Ohio resident fails to appear within thirty (30) days, or fails to pay the waiver amount for such violation(s), the Court will forward to the Bureau of Motor Vehicles a Declaration forfeiting Defendant's driving privileges until such violation(s) are paid in full per Ohio Revised Code.
  - D. Failure of a non-resident to appear will result in proceedings in accordance with the non-resident violator compact.
2. CRIMINAL CASES: If a Defendant fails to appear in response to a citation or summons, proceedings will be as above provided the extent applicable.

**RULE NUMBER 12**

**CASE MANAGEMENT FOR CIVIL CASES**

1.     **PURPOSE:** The purpose of this rule is to establish a system for the speedy resolution or disposition of all civil cases, which will also achieve and promote the fair and impartial administration of justice.
  
2.     **SCHEDULING OF EVENTS:** The scheduling of a case begins when it is filed. Thereafter, all civil cases shall be governed by the following procedures:
  
3.     **SERVICE:**
  - A.     Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the Clerk shall notify counsel immediately. If counsel fails to obtain service of summons within two (2) months from the date of the filing of the action, the Clerk shall notify counsel that the case will be dismissed within ten (10) days unless good cause is shown to the contrary.
  
  - B.     Upon perfection of service, the Clerk shall notify counsel of any default. Counsel shall be required to submit a default entry within ten (10) days of notification, otherwise the case may be dismissed.
  
  - C.     In the event a responsive pleading is filed, the Clerk shall forward the case file to the Judge for review.

D. If no action has been taken on a case for a period of thirty (30) days or more, and the case has not been set for trial, the Clerk shall notify the party or parties that the case will be dismissed within ten (10) days unless good cause is shown.

E. When a file has been marked "settlement entry to be forwarded to the Court" and the entry has not been received within thirty (30) days of said note, the Clerk shall notify the parties that the case will be dismissed unless that entry is received within ten (10) days.

4. JUDICIAL REVIEW:

A. After an answer or final responsive pleading is filed, the Clerk will forward the case file to the Court for review. The Court will review the file to determine if a first pretrial is necessary. Said pretrial may be conducted in person, or by telephone if requested by the parties in writing or directed by the Court. In the event that a telephone pretrial is requested, the party making such request will be responsible for initiating such telephone pretrial. Counsel for either party may also request a first pretrial conference.

B. Any demand for jury will be governed by Ohio Law and this Court's Jury Management Plan.

5. MOTIONS: All motions must be in writing and accompanied by a written memorandum containing citations and the legal arguments of counsel. Opposing counsel shall answer in like manner within fourteen (14) days after receipt of said motion. All motions will be considered submitted at the end of the said fourteen (14) day period unless time is extended by

the Court. No oral hearings will be granted in said motions unless specifically requested by a party and the Court deems said oral hearing necessary.

6. PRETRIALS:

A. For the purpose of this rule, the "first pretrial conference", shall mean a conference chiefly designed to set discovery deadlines, discuss disputed issues, and the possibility of settlement and to set a trial date.

B. For the purpose of this rule, a "final pretrial" means a Court supervised conference chiefly designed to produce an amicable settlement and resolve any trial issues. The term "party" or "parties" used hereinafter shall mean the party or parties to the action, and their attorneys of record, if any.

C. Any attorney or party who fails to attend a scheduled pretrial conference without just cause may be punished for a contempt of Court, or otherwise sanctioned in accordance with Civil Rule of Procedure 37.

D. Notice of pretrial conference designating the type of pretrial shall be provided to all counsel of record or parties by mail or by telephone from the assignment commissioner not less than fourteen (14) days prior to said conference. Any application for continuance of said conference shall be addressed to the Court by motion.

E. Counsel attending a pretrial conference must have their parties present, or have full settlement authority. Corporations shall be represented by an officer or employee having knowledge of the factual matters to be tried and who is authorized to act on behalf of said corporation. All attorneys attending a pretrial

must complete the appropriate Pretrial Report and file it with the Court and opposing counsel at least one week prior to the scheduled pretrial date (See Attachments B and C.)

F. At the final pretrial the Court shall attempt to narrow legal issues, to reach stipulations as to facts in controversy and, in general, to shorten the time and expense of any proposed trial. The Court will file a pretrial statement to become part of the record and will encompass all stipulations, admissions, and other matters which have been resolved at pretrial. The Court shall at that time determine whether or not trial briefs should be submitted and shall fix a date for their filing. The Court will further determine whether or not an additional pretrial conference will be necessary before a trial is commenced. The Court shall have the authority to dismiss the action for want of prosecution on the motion of Defendant upon failure of Plaintiff, and/or counsel, to appear in person at any pretrial conference or trial. The Court may also order Plaintiff to proceed with the case and to decide and determine all matters ex parte upon the failure of the Defendant to appear in person, or by counsel, at any pretrial conference or trial as may be required. The Court also retains the full discretion to make such other orders as the Court may deem appropriate and necessary under the circumstances, including sanctions.

G. No additional pretrials will be granted without prior Court approval. Upon completion of the final pretrial, the case will be set for trial if the case is unresolved. Any request for a further pretrial conference shall be made in writing

and set forth the reasons therefore, and shall include whether or not the intervention of the Court is necessary.

7. TRIAL: If the case cannot be settled at pretrial, the case will be assigned for trial at a time agreeable to all parties. Unless a jury demand is timely filed with the appropriate deposit, all trials shall be to the Court.

8. CONTINUANCES:

A. No party shall be granted a continuance of a trial or a hearing without a written motion from the party, or his/her counsel, stating the reasons for the continuance. Opposing counsel shall have the right to respond to said continuance request before a ruling is made.

B. When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial Court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial in accordance with the Rules of Superintendence. The granting of any other request for continuance of a scheduled trial date is within the discretion of the Court.

C. If a designated trial attorney has such a number of cases assigned for trial in Courts of this state so as to cause undue delay in the disposition of such cases, the judge may require the trial attorney to provide substitute counsel.

9. JUDGMENT ENTRIES:

A. Counsel for the party in whose favor an order or judgment is rendered

shall prepare the appropriate journal entry unless the Court directs otherwise. That entry shall be submitted to opposing counsel within five (5) days of the Court's decision. Opposing counsel shall approve or reject the entry within five (5) days thereafter. Within fifteen (15) days of the Court's decision, the journal entry shall be submitted to the Judge, or, thereafter, the Court will be free to prepare its own journal entry.

B. The avoidance of trial by settlement of the parties shall be allowed without appearance so long as an entry reflecting the settlement of the case is filed within thirty (30) days of the date set for trial. If the parties fail to file said entry in a timely fashion, the case may be dismissed by the Court on its own motion for want of prosecution. All journal entries settling cases shall state which party will pay the costs.

C. Upon notification from the Clerk that the case has defaulted, prevailing counsel shall submit an application for default judgment within ten (10) days or the case will be dismissed for want of prosecution.

**ALL CIVIL HEARINGS REQUIRE THE PERSONAL ATTENDANCE OF COUNSEL  
UNLESS THE ATTORNEY FILES A MOTION AND ENTRY TO APPEAR BY  
TELEPHONE FOR THE JUDGE TO REVIEW AND CONSIDER FOR APPROVAL.**

This rule shall not apply to Small Claims cases.

**RULE NUMBER 13**

**FORCIBLE ENTRY AND DETAINER**

1. Actions in forcible entry and detainer shall be filed and proceedings conducted in accordance with provisions of Chapter 1923 of the Revised Code of Ohio and these rules and any amendments made thereto according to law. Motions in forcible entry and detainer cases shall be disposed of at the commencement of the trial or at the initial hearing if the trial is continued.

2. If an action in forcible entry and detainer contains an additional cause of action for money judgment, then such additional cause of action shall proceed under all applicable Ohio Rules of Civil Procedure. If the Defendant is present in such action the Court may proceed to the issue of damages at the time of the forcible entry and detainer, providing time has elapsed or been waived by Defendant.

3. When it is necessary to forcibly vacate real property, counsel shall request that a writ of restitution be issued to the Kenton Police Department or Hardin County Sheriff's



Department. Unless otherwise ordered by the Court, Plaintiff shall post the required deposit of \$85.00 before the writ issues.

4. PROCEDURE FOR EXECUTING WRITS OF RESTITUTION:

- A. Once the Court has issued the writ of restitution, the Plaintiff/Landlord shall contact the Kenton Police Department if the property is located within the Kenton City limits or the Hardin County Sheriff's Department for property located anywhere else in Hardin County. The police department contact person shall be the Chief, and the sheriff's contact person shall be the Sheriff.

Upon contact, the police department shall proceed in accordance with their local policy in such matters. The following is a suggested list of local policies:

1. Upon receiving contact from a writ holder, the location of the premises shall be determined. If the premises are within the jurisdiction of the police department, then a time shall be arranged to serve the writ. The time arranged shall be set according to manpower and shift requirements, but shall be as timely as possible to prevent damage to the premises.

Once a time has been arranged, an officer shall meet the writ holder at the premises and shall serve the writ upon the person(s) named therein. If the person(s) named in the writ cannot be located at the premises, the writ shall be served by posting a copy of same to the door of the premises. The officer shall then stand by while the writ holder enters the premises to insure that the same can be done with safety and without interference. If the person(s) named in the writ

are not present, or likely to appear, the officer shall return to his/her normal duties and return the writ to the Court. If the person(s) named in the writ are present, the officer will stand by the premises to insure that the writ holder can remove items from the residence without interferences. The writ holder, and not the police department, is responsible for obtaining manpower to remove items from the premises. The officer should not participate in removing any items from the premises. Once the items of property have been removed from the premises, the officer should see that the person(s) named in the writ leave the area, and then return the writ to the Court.

2. Upon the Sheriff's Department receiving a contact from a writ holder, the sheriff shall determine if a full time deputy or an auxiliary deputy will handle the request. The Sheriff shall have the deputy contact the writ holder as soon as possible to arrange a time to execute the writ. If an auxiliary deputy is used, any fees collected shall be paid to same. The procedure outlined above for the police department shall then be followed by the deputy executing the writ.

3. A Writ of Restitution for Forcible Entry and Detention must be served within 20 days from the file stamp date. If the Writ of Restitution has not been served, the law enforcement agency will return the writ to the Court.

**RULE NUMBER 14**

**SMALL CLAIMS DIVISION**

The Small Claims Division of the Hardin County Municipal Court having heretofore been established by Chapter 1925 of the Ohio Revised Code, the following supplemental rules are adopted:

1. The cost deposit for a small claims case shall be \$55.00 for one Defendant. Each additional Defendant named in a small claims case suit shall require an additional \$15.00 deposit at the time of filing of the petition. Costs and fees will accrue and be paid as in other civil cases.

2. The Deputy Clerk administering the Small Claims Division shall provide to any

person requesting the same a printed complaint on a form acceptable to the Court to be filled out and filed by the person on his or her own behalf or on behalf of a corporation or partnership which such person is authorized to represent. A Small Claims petition prepared otherwise than on the form provided by the Court shall not be rejected if it contains all necessary information and other matters included on the approved form.

3. The Plaintiff(s) and Defendant(s) names and addresses must be full, complete and current. If the Defendant(s) cannot be located at the address(es) provided, the Court will notify Plaintiff by mail of the failure of service.

4. Upon the filing of the complaint, the case will be set for trial and notice thereof included with the copy of the petition sent to Defendant.

5. A Deputy Clerk shall assist the person in filling out the petition upon the request of that person. Such assistance shall not include the giving of legal advice or the wording of the claim, but shall be limited to technical matters within the scope of the Deputy Clerk's normal duties and the mechanics of completing the form. The person filing the petition upon requesting such assistance shall execute a form prepared by the Court acknowledging the basis upon which assistance is granted.

6. The Plaintiff(s) should file a copy of the document that is the basis of the claim. Copies of the supporting documents may be supplied by the Court for service up to a total of five copies. Any copies required in excess of five shall be charged pursuant to the Court rules.

7. A request for a continuance of the trial date for a period not exceeding two weeks later than the original scheduled hearing date may be made at the Clerk of Court's office in writing on a special form provided by the Clerk. No continuances will be allowed unless

requested by Friday of the week preceding the trial.

8. All Small Claims cases will be heard by the Magistrate unless otherwise determined by the Court.

**RULE NUMBER 15**

**TRUSTEESHIPS**

(Ohio Revised Code Section 2329.70)

1. FORM: The application for the appointment of a trustee shall include a complete and accurate statement, under oath, of
  - a. The debtor's name, address and marital status.
  - b. The name and address of his/her employer or employers.

- c. The amount of his/her gross earnings for a period of thirty days.
- d. A copy of the fifteen day written notice of proceeding against his/her earnings with the name and address of the judgment creditor sending it.

2. APPLICATION:

- a. Upon the filing of an application, the Judge shall appoint a trustee to distribute such funds to the creditors of the debtor.
- b. The filing of the application shall stay all proceedings against personal earnings of the applicant, provided that, if the order of attachment or the order in aid of execution is served upon the employer or garnishee prior to the time of filing of the application, the personal earnings subject to the order of the Court shall be paid to the Clerk for distribution in the case in which said order was made. In the event the application is filed prior to the time the order of attachment or order in aid of execution is served upon the employer or garnishee, the personal earnings subject to the order of the Court shall be ordered paid to the trustee.

3. NOTICE REQUIREMENTS:

- a. All creditors listed will be notified as required by law and the Clerk will assess appropriate amounts to cover mailing costs.
- b. Additional creditors may be enlisted in the trusteeship upon application and service of a notice to each additional creditor as hereto provided. If such application is made by a creditor, a similar notice must be given to

the debtor, unless the creditor has obtained a judgment in a Court of record.

4. DISTRIBUTION:

a. The trustee shall make no distribution to anyone except a creditor, an attorney of record for the creditor or an agent of the creditor duly authorized by the creditor to receive such distribution.

b. The Clerk, or appointed Deputy, shall supervise payments of debtors and distribute the funds. Where a debtor pays directly into the trusteeship, the Clerk shall require the debtor to produce payroll stubs or similar records. The Clerk may refuse to accept payments or installments thereof which do not equal the amount required by law. If the payments made within a thirty day period are less than the amount required by law, the trusteeship shall be dismissed and the proceeds distributed.

5. DISMISSAL: The dismissal of a trusteeship by rule of Court or upon motion of counsel for one of the creditors listed therein shall make the debtor filing said trusteeship ineligible for reinstatement or refiling an application for another trusteeship for a period of six months from the date of the dismissal. Provided, however, that such trusteeship will be reinstated upon the tender and payment to the Clerk as trustee the amount of money required by law to make such trusteeship current to the date of such tender, and approval of the Court is first obtained.

**RULE NUMBER 16**

**PROCEEDINGS IN AID OF EXECUTION**

1. Orders in aid of execution shall be served and scheduled pursuant to law and the Civil Rules.



2. A praecipe requesting an order in aid of execution shall be accepted by the Clerk for preparation of the execution.
3. In the event a judgment creditor or the creditor's attorney fails to appear for the examination of a judgment debtor who does appear, the presence of the debtor will be noted on the docket and the debtor excused at the creditor's costs.
4. Except for good cause, made known to the Court, no citation in contempt for failure to appear may be issued where more than sixty (60) days have elapsed after the date on which the debtor was ordered to appear.
5. Orders in aid of execution and citations in contempt shall be prepared and filed by the party requesting the orders in a form acceptable to the Court.
6. Requests for execution of other than personal earnings shall describe specifically and in detail (including model and serial numbers if known) all property to be seized on execution.
7. A copy of the notice of the sale of personal property shall be mailed by the creditor or their attorney to all parties and to attorneys of record in the case.
8. Entries of confirmation and distribution shall be prepared by the party who requested the sale and shall contain a statement that the sale was regular and proper in every respect unless otherwise directed by the Court, together with a statement of the balance, if any, still due on the judgment.

#### **RULE NUMBER 17**

#### **JURY MANAGEMENT PLAN**

This local Rule of Practice is being implemented in compliance with Municipal Court

Superintendence Rule 18(C), which requires that each Municipal Court, prior to July 1, 1994, develop and implement a Jury Management Plan. It is the purpose of this Rule to implement an efficient and comprehensive system of jury use and management for the Hardin County Municipal Court.

1. JURY ELIGIBILITY

- A. To ensure that the jury pool is representative of the adult population of Hardin County, Ohio, all persons are eligible to serve on a jury, except as follows:
  - a. Persons less than 18 years of age.
  - b. Persons who are not current residents of Hardin County.
- B. All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

2. PROCEDURE FOR JURY SELECTION

- A. Potential jurors shall be drawn from a jury source list, which shall constitute a list of all registered voters in Hardin County by the use of random selection procedures using automated data processing equipment in conformity with O.R.C. Section 2313.08, and O.R.C. Section 2313.21.
- B. In January, April and August of each year, the Jury Commissioners, duly appointed by the Common Pleas Court, pursuant to Revised Code Section 2313.01, shall convene and select a venire of persons to cover potential jury trial dates throughout the statutory jury terms. The jury source list shall be reviewed and unsuitable names purged from the list in accordance

with the powers provided the jury commissioners by O.R.C. Section 2313.01.

- C. In the event a venire of persons drawn are insufficient to meet the needs for the Court in the calendar year, the Jury Commissioners shall reconvene as necessary to select an additional venire, in accordance with O.R.C. Section 2313.01.
- D. If, in the opinion of the Court, this jury source list is not representative of the adult population of the jurisdiction, additional source lists shall be utilized as authorized by law.
- E. Further, random selection processes shall be utilized to assign prospective jurors to specific venires and for assignment during voir dire.
- F. Departures from random selection shall be permitted only as follows:
  - a. To exclude persons ineligible for service.
  - b. To excuse or defer prospective jurors.
  - c. To remove prospective jurors for cause or if challenged peremptorily.
  - d. To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel.
- G. All prospective jurors shall be notified by regular mail of their requirement of jury service by the issuance of a summons directing them to appear on the date assigned (See Attachment D). Further, all prospective jurors shall be required to complete a juror questionnaire (See Attachment

E) and, if appropriate, a request for excuse, exemption or a deferral (See Attachment F). Said summons shall be phrased so as to be readily understood by an individual unfamiliar with the legal process, and shall be delivered by ordinary mail. Said summons shall clearly explain how and when the recipient must respond and the consequences for his/her failure to respond. Any person who fails to respond to a duly served summons may be served with a citation for contempt of Court, and must appear to answer on said summons or, if appropriate, shall be arrested and detained for examination as to why they failed to attend.

### 3. SUMMONING OF PROSPECTIVE JURORS

- A. Prospective jurors shall be summoned only upon the filing of a written jury demand, if required. In civil cases, a jury deposit of seven hundred fifty dollars (\$750.00) shall be assessed. If the jury demand is made upon the filing of a complaint or made upon the filing of a responsive pleading, one hundred dollars (\$100.00) of the deposit shall accompany said pleading. An additional deposit of six hundred fifty dollars (\$650.00) shall be tendered no less than three weeks before trial date providing that the jury trial is expected to last only one day. If the jury trial is expected to exceed one day, an additional deposit will be required. In the event either deposit is not made, no jury will be summoned, and the failure to make said deposit shall be deemed a waiver of the right to trial by jury. A person determined to be indigent may petition the Court for a waiver of the jury

deposit requirement.

- B. In criminal cases, no deposit shall be required.
- C. Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Panels of twenty five (25) persons per trial shall be summoned for civil cases and thirty five (35) persons for traffic/criminal trials unless the Court determines that a lesser or greater number is necessary for a particular trial.
- D. Every effort shall be made to resolve cases prior to summoning juries. A jury panel shall not be summoned unless it appears that there is a substantial likelihood of trial. If it appears that trial is inevitable, a jury panel shall be summoned at least fourteen (14) days in advance of trial. Those costs associated with the summoning of a jury shall be assessed against the party requesting the trial.
- E. In cases where multiple trials are set for the same date, jury costs shall be assessed to the last trial settled on that date. If a trial is settled on the day of the trial, all lawful jury costs shall be assessed against the party who requested the jury.
- F. Persons summoned for jury service shall receive compensation in the amount of thirty dollars (\$30.00) for a full day and fifteen dollars (\$15.00) for a half day. Such fees shall be promptly paid from the City or County Treasury, as appropriate for jury trials other than civil. In civil jury trials, such fees shall be promptly paid by the Court from the deposit.

- G. Any juror wishing to waive his/her fee for service shall be permitted to do so in writing at the Clerk's office. All waived fees shall be returned to the City or County Treasury, as appropriate.
- H. The term of service for any prospective panel shall be one day, or the completion of one trial, whichever is longer.

4. EXEMPTION, EXCUSE, AND DEFERRAL

- A. All persons, except those who exercise their right to exemption, are subject to service. Eligible persons who are summoned may be excused from service only if it is determined that their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, or that service upon a jury would constitute a significant hardship to them or members of the public. Persons excused from service shall be deferred and may be subject to jury service at a later time. All requests for excuse, exemption or deferral must be made on the form provided, and shall be accompanied by appropriate documentation. These documents shall be retained by the Court.
- B. The following facts constitute a partial, although not exclusive, list of excuses for which a person may be excused or deferred from jury service:
  - a. The interests of the public will be materially injured by the juror's attendance.
  - b. The juror's spouse or a near relative of the juror has recently died or is dangerously ill.

- c. The juror is a cloistered member of a religious organization.
- d. The prospective juror has a mental or physical condition that causes the prospective juror to be incapable of performing jury service. The prospective juror or the prospective juror's personal representative must provide the Court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the prospective juror unfit for jury service for a period of up to twenty-four months.
- e. Jury service would otherwise cause undue or extreme physical or financial hardship to the prospective juror or a person under the care or supervision of the prospective juror. A Judge of the Court for which the prospective juror was called to jury service shall make undue or extreme physical or financial hardship determinations.
- f. The juror is over seventy-five (75) years of age, and the juror requests to be excused.
- g. The prospective juror is an active member of a recognized Amish sect and requests to be excused because of the prospective juror's sincere belief that as a result of that membership the prospective juror cannot pass judgment in a judicial matter.
- h. Any person who has served on a jury within the last year.

A prospective juror who requests to be excused from jury service under

this section shall take all actions necessary to obtain a ruling on that request by no later than the date on which the prospective juror is scheduled to appear for jury duty.

- C. No person shall be excused from jury service, except by the Judge or an individual specifically authorized to excuse jurors. Once a prospective juror has submitted his/her request for excuse, the prospective juror must report for service unless otherwise notified by the Court.

## 5. EXAMINATION OF PROSPECTIVE JURORS

- A. Examination of prospective jurors shall be limited to matters relevant to determining whether to remove a juror for cause, and to determine the juror's fairness and impartiality.
- B. All prospective jurors shall be placed under oath in accordance with the Ohio Revised Code. The oath administered shall incorporate an oath to assure the truthfulness of the answers provided on jury questionnaires.
- C. Juror questionnaires indicating basic background information concerning panel members shall be made available to counsel the week of the date on which jury selection is to begin, even though all questionnaires may not have been returned. Counsel is permitted to record or note the information contained on the questionnaires, except addresses and telephone numbers, in the Clerk's office. For the protection of the jurors, no questionnaire may be removed from the Court facility. Under no circumstances may counsel or a party retain any juror questionnaire.



- D. Neither counsel nor party will be permitted to question prospective jurors as to matters contained in the questionnaire. Parties and counsel may be permitted to ask follow up questions concerning such information.
- E. The Court shall conduct a preliminary voir dire examination concerning basic and relevant matters, and counsel shall be permitted a reasonable period of time to question panel members thereafter. Counsel or parties shall conform their voir dire questioning to the following rules:
- a. Counsel may not examine prospective jurors concerning the law or possible instructions.
  - b. Counsel may not ask prospective jurors to base answers on hypothetical questions.
  - c. Counsel may not argue the case while questioning prospective jurors.
  - d. Counsel may not engage in efforts to indoctrinate prospective jurors.
  - e. Prospective jurors may not be asked what kind of verdict they might return under any circumstances. No promises may be elicited from prospective jurors.
  - f. Questions are to be asked collectively of the panel whenever possible.
  - g. Counsel may inquire by general questions concerning the validity and philosophy of reasonable doubt or the presumption of

innocence.

- F. In the event there exists a potential for sensitive or potentially invasive questions, the Court or the parties may request a hearing preceding voir dire to consider these questions.
- G. In all cases, voir dire shall be held on the record, but may be conducted outside the presence of other jurors in order to protect juror privacy, or to avoid juror embarrassment.
- H. If it is determined by the Court during the voir dire process that an individual is unable or unwilling to sit in a particular case fairly and impartially, the individual shall be removed from the panel. Such motion for removal for cause may be made by counsel, a party if unrepresented, or upon the motion of the Court. Further, Ohio Revised Code Section 2313.42 and Ohio Criminal Rule of Procedure 24(B) set forth additional cause challenges which may be made against potential jurors.
- I. Peremptory challenges shall be exercised alternatively as presently established by Revised Code Section 2945.23, and Civil Rule 47, and Criminal Rule 24, unless prior to trial the parties agree on the record to another method. Unless otherwise agreed, all challenges shall be made in open Court. In special circumstances, challenges may be made outside the hearing of the prospective jurors. There shall be no limit to challenges for cause, however peremptory challenges shall be limited to that number as established by the Rules of Civil and Criminal Procedure.

- J. Challenges to the jury array shall be made in accordance with established rules or procedure.
- K. In criminal cases, the jury shall consist of eight regular jurors and one alternate juror. In civil cases, the number of jurors shall be by agreement unless no agreement can be reached, then the Rules of Civil Procedure shall apply. In special circumstances, additional alternate jurors may be selected.

6. JURY ORIENTATION

- A. Jurors shall report for service no later than 8:45 A.M., unless otherwise directed. After orientation, voir dire shall commence promptly. All unresolved trial issues must be brought to the attention of the Court before the completion of orientation. No motions shall be entertained by the Court the day of trial, except those which the Court must consider by law or by rules of procedure.
- B. Prospective jurors shall be provided with written orientation materials upon their initial appearance and prior to service. The Court shall give preliminary instructions to all prospective jurors, as well as additional instructions following the impaneling of the jury to explain the jury's role, trial procedures of the Court, along with other basic and relevant legal principals.
- C. Upon the completion of the case, and prior to jury deliberations, the Court shall instruct the jury on the law and the appropriate procedures to be

followed during the course of deliberations. In accordance with Civil and Criminal Rules of Procedure, the parties or their counsel may request that special instructions be given to the jury.

- D. A final jury charge shall, whenever possible, be committed to writing, and shall be provided to the jury for its use during deliberations.
- E. All jurors may be permitted to take notes during the course of the presentation of evidence after proper instruction by the Court. Upon agreement of counsel, jurors shall be permitted to ask questions of witnesses subject to Court approval, and upon appropriate instruction.
- F. Upon appearance for service, all prospective jurors shall be placed under the supervision of assigned personnel and shall direct any questions or communications to such Court personnel for appropriate action.
- G. All communications between the Judge and the members of the jury panel, from the time of report to the Court through dismissal, shall be committed to writing or placed on the record in open Court. Counsel for each party shall be informed of any communication, and shall be given the opportunity to be heard as to such communications. Under no circumstances shall counsel, a party, or other witnesses have any contact with jurors.
- H. All jury deliberations shall be conducted in the jury deliberation room. Jury deliberation rooms shall include furnishings and facilities conducive to reaching a fair verdict. Court personnel shall endeavor to secure the

safety of all prospective jurors, and shall arrange and conduct all activities so as to minimize contact between jurors, parties, counsel and public.

Upon the commencement of deliberations, all jurors shall remain in the care of Court personnel and shall not be permitted to leave the Court without permission.

- I. Deliberations shall not continue after a reasonable hour, unless the trial Judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors, and are required in the interest of justice. Jurors shall be consulted prior to any decision.
- J. If jury deliberations are halted, jurors shall be permitted to be separated, unless for good cause shown, the Court finds that sequestration is necessary. If a jury is sequestered, the Court shall undertake the responsibility to oversee the conditions of sequestration and the transportation of all jurors.
- K. Upon reaching a verdict, all jurors shall return to the courtroom where the verdict or verdicts shall be read in open Court. Upon the reading of the verdict in criminal cases, either party may request that the jury be polled.
- L. Upon the completion of service, each juror shall be given a personalized certificate of appreciation. (See Attachment G).

## 7. CONCLUSION

- A. The Court shall collect and analyze information regarding the performance of this jury management plan to evaluate the representatives of the jury

pool; the effectiveness of individual citizens to jury summons; the efficient use of jurors; the cost effectiveness of this plan; and overall jury satisfaction.

- B. To achieve these goals, the Court shall adopt and utilize a juror exit survey (See Attachment H) along with maintaining regular data on all jury pools.

**RULE NUMBER 18**

**RECORDS MANAGEMENT AND RETENTION PLAN**

Pursuant to Rule 26(C) of the Rules of Superintendence for the Courts of Ohio, the Hardin County Municipal Court adopts the following Records Management and Retention Rules.

It is therefore ORDERED, ADJUDGED AND DECREED that the Court adopts the following:

Pursuant to Ohio Rules of Court, Superintendence for the Courts of Ohio, Rule 26(C) and (D), Hardin County Municipal Court case records may be retained in electronic media format as an alternative to a paper record. Both electronic media format and paper records shall be considered acceptable for records retention purposes.

The Clerk of Court will provide the computer hardware and software equipment necessary to allow for inspection and copying of public records, including public records that are maintained, recorded, copied or preserved by an electronic record in accordance with division (D)(2) of Rule 26.

All exhibits and transcripts may be destroyed after the conclusion of the litigation and exhaustion of the times for direct appeal upon the following conditions:

1. The Court Reporter notifies, in writing, the party who tendered non-replaceable exhibits, that the party may retrieve the exhibits within thirty (30) days of the written notification.
2. The written notification apprises the party who tendered the exhibits of the location for retrieval of the exhibits.
3. The written notification informs the party who tendered the exhibits that they will

be destroyed within thirty (30) days if not retrieved.

4. The party who tendered the exhibits does not retrieve the exhibits within thirty (30) days from the date of notification.

**The following retention schedule shall apply to administrative records of the Clerk of Courts.**

1. **Bank Transaction Records**, whether paper or electronic, shall be retained for three (3) years or until the issuance of an audit report, whichever is later.
2. **Cash Books**, including receipt and disbursement records, shall be retained for three (3) years or until the issuance of an audit report, whichever is later.
3. **Communication Records**, including routine telephone messages on any medium where official action will be recorded elsewhere, may be destroyed in the normal course of business as soon as they are considered of no value by the person holding the record.
4. **Correspondence and General Office Records**, including all sent and received correspondence, in any medium, may be destroyed in the normal course of business as soon as they are considered of no value by the person holding the records.
5. **Drafts and Informal Notes**, consisting of transitory information used to prepare the official record in any form may be destroyed in the normal course of business as soon as they are considered of no value by the person holding the record.
6. **Employment Applications** shall be retained for two (2) years.
7. **Employee Benefit, Leave, History and Discipline Records** shall be retained for



ten (10) years after the employee's employment was terminated.

8. **Fiscal Records**, including, but not limited to, copies of the transactional budgeting and unclaimed funds shall be retained for three (3) years or until the issuance of an audit report, whichever is later.
9. **Grant Records** shall be retained for four (4) years or until the issuance of an audit report, whichever is later.
10. **Publications** received may be destroyed in the normal course of business as soon as they are considered of no value by the person holding the records.
11. **Receipt and Balancing Records** shall be retained for three (3) years or until the issuance of an audit report, whichever is later.
12. **Request for Proposals, Bids and Resulting Contracts**, received in response to requests for proposals, bids and resulting contracts shall be retained for four (4) years or until the issuance of an audit report, whichever is later.
13. **Certificates of Judgment Liens** shall be retained electronically for ten (10) years.
14. **Auditor Reports and Yearly Reports** shall be retained permanently.
15. **Rental Escrow Account Records** shall be retained for five (5) years after last deposit.
16. **Indexes, Dockets and Journals** shall be retained for twenty five (25) years.
17. **Audio and Video Tapes of Court Proceedings** shall be retained for one (1) year from the date of the recorded proceeding.
18. **Jury Records** shall be retained for one (1) year from the expiration of the term of

service.

19. **Supreme Court and Bureau of Motor Vehicles Reports** shall be retained for one (1) year.

Civil and criminal case files shall be retained as follows:

<b>Civil Cases</b>	2 years after audit on dismissed and satisfied cases.
<b>OVI Cases</b>	50 years after final order.
<b>M1-M4</b>	1st-4th degree misdemeanor traffic files shall be retained for 25 years and criminal case files shall be retained for 50 years after the date of the final order or 1 year after audit, whichever is later.
<b>MM</b>	5 years after final order or 1 year after audit, whichever is later.
<b>Search Warrants</b>	5 years after date of service or last attempt.

**RULE NUMBER 19**

**BAIL BONDSMEN**

Any person wishing to be eligible to post bail bonds in this Court shall abide by the rules set forth in Ohio Revised Code Sections 3905.83 to 3905.95.

**RULE NUMBER 20**

**ELECTRONIC SIGNATURES**

Forms such as notices, summons, etc. issued by the Court's staff with electronic signatures and bearing the official Court file stamp, shall be considered as having been personally reviewed by the signing employee.

**RULE NUMBER 21**

**PROBATION SERVICES FEES**

1. Defendants placed on probation shall pay probation services fees as follows:
  - A. A service fee of \$25.00 for any Defendant placed on unsupervised probation with the Hardin County Municipal Court Probation Department.
  - B. A service fee of \$50.00 for any Defendant placed on supervised probation with the Hardin County Municipal Court Probation Department.
  - C. A service fee of \$50.00 for any Defendant placed on supervised probation with the Hardin County Community Corrections Officer.

**RULE NUMBER 22**

**CREDIT CARD ACCEPTANCE POLICY**

Credit and debit cards will be accepted through the Court's website only, managed by a third party provider. Online payments may be made on fines and costs for Criminal and Traffic cases only. No credit or debit card payments will be accepted at the Kenton Police Department or any other law enforcement agency.

**RULE NUMBER 23**

**FILINGS BY FACSIMILE**

The filing of pleadings may be made by facsimile subject to the following definitions and provisions:

**DEFINITIONS**

- A. Facsimile transmission means the transmission of a source document by a facsimile machine that encodes a document into signals, transmits, and reconstructs the signals to print a duplicate of the source document at the receiving end.
- B. Facsimile machine means a machine that can send and receive a facsimile transmission either as a standalone device or as part of a computer system.
- C. Fax is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
- D. Source document means the document transmitted to the Court by facsimile

machine/system.

- E. Effective original document means the facsimile copy of the source document received by the Clerk of Court and maintained as the original document in the Court's file.
- F. Effective date and time of filing means the date and time that a facsimile filing is accepted by the Clerk of Court for filing.

## **PROVISIONS**

- A. All pleadings must be faxed to the Hardin County Municipal Court facsimile machine at (419) 674-4096. Facsimiles to any other number will be deemed as not filed with the Clerk of Court. Exceptions will be handled on a case by case basis in the event of equipment malfunction.
- B. If the party sending the fax needs a file stamped copy, they are to mail a self-addressed stamped envelope and a cover letter requesting said file stamped copy to the Clerk. The Clerk will then forward by mail the requested copy.

### **1. EFFECTIVE ORIGINAL DOCUMENT**

A pleading filed by facsimile transmission will be accepted as an effective original document and the signature accepted as original. The facsimile pleading need not be followed with the original source document, however the person making a fax filing must maintain in his or her records, and have available for production on request by the Court, the source document filed by fax with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing. In addition, the source document filed shall be maintained by the person making the filing until the case is closed



and all opportunities for post judgment relief are exhausted.

**2. EXHIBITS**

- A. Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Clerk of Court as a separate document, not later than five (5) business days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the Court striking the document and/or exhibit.
- B. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the Court, title of the case, the case number, name of the Judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court (See appendix for sample exhibit sheet).

**3. COVER PAGE**

- A. The person filing a document by fax shall also provide therewith a cover page containing the following information:
  - a. The name of the Court
  - b. The title of the case
  - c. The case number

- d. The assigned Judge
  - e. The title of the document being filed
  - f. The date of transmission
  - g. The transmitting fax number
  - h. An indication of the number of pages included in the transmission, including the cover page
  - i. If a Judge or case number has not been assigned, state that fact on the cover page; if a case number has been assigned, the transmission will not be accepted without the case number
  - j. The name, address, telephone number, fax number, and Supreme Court registration number, if applicable, of the person filing the fax document
  - k. If applicable, a statement explaining how costs are being submitted
- B. If a document is sent by fax to the Clerk of Courts without the cover page information listed above, the Clerk may, at its discretion:
- a. Enter the document(s) in the case docket and file the document(s).
  - b. Deposit the document(s) in the case file with a notation of the reason for the non-filing. In this instance, the document shall not be considered filed with the Clerk of Courts.

#### **4. SIGNATURE**

- A. A party who wishes to file a signed source document by fax shall either:
- a. Fax a copy of the signed source document; or
  - b. Fax a copy of the document without the signature but with the notation "/

s/" followed by the name of the signing person where the signature appears in the signed source documents.

- B. A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

**5. EFFECTIVE DATE AND TIME OF FILING**

- A. The office of the Clerk of Court facsimile machine will be available to receive facsimile transmission of documents on the basis of 24 hours per day 7 days per week. Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission.
- B. No pleading will be file stamped if the appropriate cost deposit, if applicable, is not on file with the Court.
- C. The Clerk of Court will not send any form of notice to the sending party to acknowledge receipt of a facsimile transmission.
- D. The risk of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court by telephone.

**6. FEES AND COSTS**

- A. No document received by facsimile that requires a filing fee shall be accepted by the Clerk for filing until Court costs and fees or deposits have been paid.  
Documents tendered to the Clerk without payment of Court costs and fees or

deposits, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed.

B. No additional fee shall be assessed for facsimile filings.

**7. FRAUDULENT FILINGS**

A. If it is established that any pleading(s) were transmitted without authority, the Court shall order the filing stricken.

**RULE NUMBER 24**

**ELECTRONICALLY PRODUCED TRAFFIC TICKETS**

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Hardin County Municipal Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the Defendant with a paper copy of the ticket, in compliance with Traffic Rule 3 (F)(1) and (2).

APPENDIX "A"

IN THE HARDIN COUNTY MUNICIPAL COURT

KENTON, OHIO

\_\_\_\_\_ ,

:

Plaintiff,

:

Case No: \_\_\_\_\_

vs.

:

\_\_\_\_\_, : Judge \_\_\_\_\_  
Defendant. :

\*\*\*\*\*

PLAINTIFF SMITH'S NOTICE OF FILING EXHIBIT "G"

TO PLAINTIFF SMITH'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

\*\*\*\*\*

Plaintiff Smith, through counsel, hereby files Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss. The referenced pleading was filed by facsimile transmission with the Court on date. Exhibit "G" could not be accurately transmitted by fax and is therefore being timely filed as a separate document with the Court pursuant to Local Rule 23.

\_\_\_\_\_  
Attorney Name (SCR#)  
Counsel for Plaintiff  
Address  
City, State & Zip  
Telephone Number  
Facsimile Number

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing Exhibit (G) was sent by ordinary U.S. mail on <date> to counsel for Defendant Bill Jones, <address, city, state & zip>.

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Attorney Name  
Counsel for Plaintiff