

WILLOUGHBY MUNICIPAL COURT

**4000 Erie Street
Willoughby, Ohio**

JUDGE LARRY ALLEN

LOCAL RULES OF COURT

&

CASE MANAGEMENT

Effective: January 1, 2007

Amended March 29, 2007
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Amended February 1, 2008
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Serving: Eastlake, Kirtland, Kirtland Hills, Lakeland Community College, Lakeline,
Timberlake, Waite Hill, Wickliffe, Willoughby, Willoughby Hills, Willowick

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WILLOUGHBY MUNICIPAL COURT LAKE COUNTY, OHIO

LOCAL RULES OF COURT

The Willoughby Municipal Court, Lake County, Ohio, (hereinafter, "the Court") hereby adopts the following Rules of Court for the handling of cases and management of the Court. These Rules are adopted pursuant to the authority of the Rules of Superintendence the Courts of Ohio, and are intended to:

1. Supplement and complement the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Ohio Traffic Rules, the Rules of Superintendence for Municipal and County Courts, and other controlling rules and statutes in the application and administration of proceedings within this court, and repeal any and all Rules of the Court previously enacted.
2. Apply to all parties, counsel of record, and subject matter of all actions, civil, criminal, or traffic, filed on and after the effective date hereof.
3. Be applied, construed, and enforced so as to avoid inconsistency with other rules of court and statutes, governing proceedings, functions, and services of this Court. In their application and administration they shall be construed and employed so as to provide fairness and simplicity in procedure, to avoid technical and unjustifiable delay, and to secure just, expeditious, and inexpensive determination of all actions and proceedings.

RULE 1. HOURS OF REGULAR SESSION.

The offices of the Court shall be open between the hours of 7:30 a.m. and 7:30 p.m. Monday, and 7:30 a.m. and 4:30 p.m. Tuesday through Friday. These hours may be extended or diminished by Court Order. The Court is closed for all legal holidays.

RULE 2. FACSIMILE FILING.

All pleadings and other papers may be filed with the Court by facsimile transmission subject to the following provisions:

1. A FAX document will be accepted as original and the signature accepted as original consistent with Civil Rule 5(E). No additional paperwork needs to be filed.
2. Documents may not exceed ten (10) pages, including the cover sheet.
3. The Clerk's office will time-stamp the transmittal cover sheet and return a copy of it to the filing party

4. Facsimile filing costs shall be One Dollar (\$1.00) per transmission plus One Dollar (\$1.00) per page plus applicable filing fees. (Court costs additional.)
5. It is the obligation of the filing party to insure that pleadings were received by the Court.

RULE 3. CONTINUANCES.

All motions for continuance shall be submitted to the Court in writing at least seven (7) days prior to a scheduled hearing, and must contain a brief in support setting forth the reasons requiring the continuance, along with a proposed order for the Court's review and approval. A continuance that has not been ruled on by the date of any hearing shall be considered to be denied.

When a continuance is sought for the reason that counsel is scheduled to appear in another case assigned for trial or hearing on the same date in another Court in the State, the movant shall append to the motion a copy of the notice received from the other Court, along with a copy of the notice received from this Court. Motions for continuance sought due to a conflict in hearing or trial schedules shall be decided in accordance with Rule 41(B) of the Rules of Superintendence for the Courts of Ohio.

Motions for continuance, when submitted within the required seven (7) days, will be granted only upon the showing of good cause constituting extreme hardship, unforeseen circumstances, or other unavoidable conditions.

RULE 4. FILING FEES.

The schedule of filing fees in civil and criminal cases has been adopted by the Court (Appendix B), and may be amended from time-to-time by Court Order. Copies of such schedules are available from the Court website at www.willoughbycourt.com.

LOCAL RULES IN CIVIL CASES

RULE 5. DEFAULT DISMISSAL BY COURT.

In all civil cases where the defendant(s) have failed to answer or further plead within sixty (60) days after the service of summons, the Court shall serve notice upon the plaintiff, with a copy to the defendant(s), pursuant to Civil Rule 41 that the Court will dismiss the case for want of prosecution unless good cause is shown. If the plaintiff fails to move the Court for an Order granting judgment by default pursuant to Rule 55(A) within thirty (30) days from the date of mailing the Rule 41 notice, the court shall dismiss the action for the want of prosecution.

RULE 6. MOTION PRACTICE.

- A. **General Motion Practice.** All motions shall have appended a brief in support of the motion containing a short, concise, factual statement of the basis of the motion, the relief sought, and the appropriate authorities supporting such motions.

In all motions directed to the Court, unless otherwise provided in these rules or in the Ohio Rules of Civil Procedure, the failure of a party against whom a motion is made to file a brief in opposition within fourteen (14) days from the date of service of such

motion may be construed by the Court as an admission that the motion may be granted. Motions to extend the time for filing of briefs in opposition shall be requested prior to the expiration of the fourteen (14) day period.

All motions shall be accompanied by a proposed journal entry for the Court's review and consideration.

- B. Motion for Summary Judgment.** Unless otherwise ordered by the Court, motions for summary judgment shall be heard on briefs and supporting documentation authorized by Civil Rule 56(C) without oral hearing. Adverse parties shall serve and file opposing briefs and documentation within fourteen (14) days of the filing of the motion.
- C. Motion for Default Judgment.** Unless otherwise ordered by the Court, motions for default judgment must be accompanied by an affidavit on personal knowledge current within thirty (30) days of the Motion, showing affirmatively that the affiant is competent to testify to the matters stated therein and setting forth such facts as would be admissible in evidence in support of the allegations contained in plaintiff's complaint, and delineating the amount of damages to be considered by the court without oral hearing.

The Court will not accept affidavits of the plaintiff's attorney in support of a motion for default judgment unless the attorney is also the plaintiff.

Motions for default judgment which are not accompanied by an affidavit shall be set down for an evidentiary hearing pursuant to Civil Rule 55(A) to establish the truth of the averments in the complaint and to determine the amount of damages to which plaintiff is entitled. Failure of movant to appear and present evidence at the scheduled motion hearing will result in the dismissal of plaintiff's complaint, without prejudice for want of prosecution.

RULE 7. WITHDRAWAL OF COUNSEL.

Only attorneys of record shall be considered as representatives of any party in a case. Withdrawal of such counsel shall be only upon a timely application submitted to the Judge with a journal entry prior to trial. Said request shall be served upon the client and counsel for all parties. Upon allowance of withdrawal by the Court, such withdrawn counsel shall serve copies of said journal entry upon the client together with a forwarding letter, a copy of which shall be filed with the Clerk's office. The letter shall provide the current address of the client and will be used for future service.

RULE 8. EXECUTION ON JUDGMENTS.

In addition to the requirements of the Ohio Revised Code, all post-judgment pleadings shall be dealt with promptly. In the event such pleadings include court costs, the costs shall only include costs incurred in this court and/or costs included in a judgment transferred to this Court.

When the execution requests the attachment of funds at a financial institution, the party may include up to four (4) financial institutions per motion for order of attachment.

RULE 9. MAGISTRATES.

- A.** Pursuant to Civil Rule 53 and the Rules of Superintendence, certain types of cases, as set forth below, shall be referred to a duly-appointed Magistrate of the Court and the reference of each such case shall be deemed to be journalized:
 - 1.** Civil matters in which the parties are not entitled to, or have waived their right to, a trial by jury;
 - 2.** Small claims;
 - 3.** Judgment debtor and garnishment proceedings;

4. Any other matter in which the parties agree, in writing, to hearing or trial by a Magistrate.
 5. Such other matters as the Court may assign.
- B.** Magistrates shall file their reports and recommendations with the Clerk within fifteen (15) days after conclusion of the trial or hearing before them, except in rare and unusual cases in which the complexity of the facts or of the law requires additional time for consideration by the Magistrate, in which case the Magistrate shall file an interim report setting forth the reasons for the delay. In cases where such a report is filed with the Clerk, the Magistrate shall file the completed reports and recommendations not later than thirty (30) days after the conclusion of the trial or hearing, unless the court, by Order, approves an extension of time.

RULE 10. CASE MANAGEMENT PROGRAM.

- A. Pretrial.** All civil cases, except forcible entry and detainer, replevin, and small claims, shall be set for a combined pretrial and case management conference, if the case is at issue.

Counsel who will be trial counsel and who is fully authorized to act and negotiate on behalf of the party must be present at the pretrial. All parties in interest must be present at the pretrial unless such presence is excused by the trial judge. Insurance adjusters may substitute for their insured if they have authority to settle the case on behalf of their insured. Counsel will be encouraged at the pretrial by the Judge or Magistrate to review the possibility of settlement of the action, to simplify and narrow the issues for trial, to reach stipulations of fact not in controversy, to shorten the time and expense of trial and to consider such other matters as may aid in the disposition of the action, including any appropriate and available alternative dispute resolution programs.

Counsel should be prepared at the pretrial to enter into a joint pretrial statement and binding case management schedule setting forth the possibility or probability of settlement, facts which can be stipulated and those remaining in contention, special legal issues, if any, and a timetable for the amendment of pleadings, the filing of motions, the exchange of expert witness reports and medical and hospital records, the termination of discovery, and the trial of the action. Such statement and hearing schedule shall thereafter be adopted as an Order by the Court.

At the time of the pretrial, the Judge or Magistrate may consider other appropriate pretrial matters in accordance with Civil Rule 16, including the imposition of sanctions as authorized by Civil Rule 37 and other such matters as may aid in the disposition of the case.

At any pretrial conference or trial, the Judge or Magistrate shall have authority:

1. To dismiss an action for want of prosecution **upon its own Motion or** Motion of the Defendant for failure of the Plaintiff or Plaintiff's counsel to appear at any pretrial conference or trial.
 2. To order the Plaintiff to proceed with the case and to decide and determine all matters exparte upon failure of the Defendant or Defendant's counsel to appear in person at any pretrial conference or trial.
 3. To make such order as the Court may deem appropriate under all the circumstances, including the imposition of other sanctions.
- B. Trials.** All trials shall be scheduled before the court unless a party to the action files a timely jury demand or otherwise is accorded a right to a jury pursuant to law.
- C. Jury Trials.** All jury trials shall be conducted consistent with the proceedings adopted in this court's Jury Use & Management Standards. Such demand must be in writing and filed with the clerk of court no less than ten days prior to the date set for trial, or on or before the third day following receipt of notice of the date set for trial, whichever is later.

In cases other than Small Claims, the final pretrial shall be scheduled in the week prior to the trial in a final attempt to resolve the case without trial. The parties and attorneys (if represented) shall attend the final pretrial.

- D. Settlement or Dismissal.** In cases of settlement or dismissal, the Court will accept a telephone call or notice of same by telephone call from the appropriate parties. An entry must be submitted by the responsible party within seven (7) days of telephone notification, unless otherwise authorized by the Court.

If no entry is received within the time allowed, the Court will prepare an entry for dismissal at the plaintiff's cost.

RULE 11. FORCIBLE ENTRY & DETAINER ACTIONS.

- A.** Claims for forcible entry and detainer and claims for past due rent and money damages in the same case shall be heard separately by the court.
- B.** In cases in which the court has issued a writ of restitution in actions in forcible entry and detainer, it shall be the responsibility of the plaintiff or his agents to provide for the actual moving out of the defendant from the residence premises, including the post move-out storage of any personal property of the defendant. The bailiff's office shall schedule the move-out and shall be in attendance at the time of the execution of the writ of restitution, but shall not make advanced arrangements for movers or conduct the move-out. Nothing in this rule shall prevent a party from recovering the costs of restitution of premises as damages in an appropriate case pursuant to law.
- C.** Notice of Dismissals will be allowed by telephone pursuant to the provisions of Local Rule 10 D.
- D.** Writs of Restitution will be issued only upon the written request and the payment of the journalized filing fee by the prevailing party. Requests to issue Writs of Restitution shall be filed only after the Judgment for Restitution has been journalized by the Clerk.

RULE 12. JUDGMENT ENTRIES - NOTICE TO PARTIES & COUNSEL.

- A. Notice.** Within three (3) days of the journalization of any judgment entry or order, the Clerk of Court shall serve the entry or order upon every party who is not in default for failure to appear. Service shall be made in the manner provided in Civil Rule 5. In general, this will mean service via ordinary U.S. Mail upon the party's attorney or, if the party is a *pro se* litigant, upon the party.
- B. Docket Notation.** The Clerk shall make a notation in the case docket indicating that the required service has been made.
- C. Notice Deemed to Be Served.** Once the Clerk has served the notice of the entry and entered the appropriate notation in the docket, the notice shall be deemed to have been served. The failure of any party to receive such notice shall not effect the validity of the judgment or the running of the time for appeal.
- D. Final Appealable Order.** The obligation to distinguish between interlocutory orders and final appealable orders is with the parties and their counsel and not with the Clerk or Deputy Clerks of this Court.

RULE 13. SERVICE BY PUBLICATION.

In cases where there is a request for service by publication pursuant to Civil Rule 4.4, the Clerk shall cause service of notice to be made by publication in a newspaper of general circulation in the County. The Clerk shall notify the publisher that the payment of the cost of the publication shall be the responsibility of the plaintiff. Payment arrangements shall be made directly by the plaintiff with the publisher without the court assessing the publication costs as costs of suit or without the

requirement of an advanced deposit by the plaintiff to the court for payment of the publication costs. Nothing in this rule shall prevent a party from recovering the costs of publication as damages or court costs in an appropriate case pursuant to law.

RULE 14. SMALL CLAIMS COURT.

- A. A small claims action is commenced by filing a small claims complaint pursuant to O.R.C. Section 1925.04. No defendant is required to file an answer or statement of defense. However, should the defendant, after being duly served, fail to appear for the hearing, a default judgment may be entered against said defendant. All pleadings will be construed to accomplish substantial justice.
- B. Upon filing of motion and affidavit, as required by O.R.C. Section 1925.10, payment of the required cost and upon Court approval, a small claims action may be transferred to the regular docket. No transfer will be considered until the filing costs are paid.
- C. The hearing shall be conducted by the Judge or Magistrate who shall place all parties planning to offer evidence under oath and, thereafter, allow the plaintiff and defendant to state their cases. The plaintiff and defendant may subpoena and call witnesses if they desire to do so. The Ohio Rules of Evidence and the Ohio Rules of Civil Procedure may be modified in small claims hearings to permit hearing consistent with the intent of O.R.C. Chapter 1925.
- D. The Magistrate shall thereafter submit a copy of the decision to the Judge for consideration. The Court will adopt or modify the decision by Judgment Entry, forward its judgment and decision to the plaintiff and defendant, and inform the parties that they may file objections, in writing, to the decision within fourteen (14) days. In such instances, the judgment will be stayed pending a determination by the Court on the objections.
- E. All parties are required to be present at the time of hearing. Failure to appear may result in dismissal of the action for want of prosecution or a judgment by default.
- F. Employees of the Court shall assist the prevailing parties in collecting their judgments pursuant to O.R.C. Section 1925.13.
- G. Dismissals by telephone will be allowed pursuant to Local Rule 10 D.
- H. Corporations may commence a small claims action and proceed with the same only in accordance with O.R.C. 1925.17 which reads: A corporation which is a real party in interest in any action in a small claims division may commence such action and appear therein through an attorney at law. Such corporation may, through any bona fide officer or salaried employee, file and present its claim or defense in any action in a small claims division arising from a claim based on a contract to which the corporation is an original party or any other claim to which the corporation is an original claimant, provided such corporation does not, in the absence of representation by an attorney at law, engage in cross-examination, argument, or other acts of advocacy.
- I. Corporate judgment creditors shall only be permitted to commence attachment of personal earnings and other than personal earnings through an attorney at law.

RULE 15. TRUSTEESHIP.

In order to enter into a trusteeship pursuant to O.R.C. Section 2329.70, an applicant must be qualified by having received a demand for garnishment of personal earnings.

At the time of application, the applicant shall submit to the court a legal fifteen (15) day notice received from a creditor listed in his application within thirty (30) days prior to filing of trusteeship application.

At the time of application, the debtor shall disclose to the clerk his or her pay day, and whether it is weekly, bi-weekly, semi-monthly or monthly. At the time of filing, the debtor must pay the filing fee. At every pay day after the trusteeship is established, the debtor shall appear and show his or her pay stub to a deputy clerk, as trustee, and make payment in accordance with O.R.C. Section 2329.70 in an amount equal to 17.5% of the debtors gross earnings less deductions allowed by law. Failure to make regular payments as set forth above will be cause for termination of the trusteeship.

The Court shall cause notice to be forwarded to each creditor by certified mail with request to verify the account with election to participate or not to participate in the trusteeship. Failure to elect within ten (10) days after receipt of notice shall cause trustee to declare creditor a participant in the trusteeship under O.R.C. Section 2329.71. The election to participate shall constitute a waiver of all interest, penalties, and late charges as may be provided in the security agreement, or any other indebtedness.

If the debtor desires to make payments to creditors out of exempt pay, such payments may be made as follows:

1. Paying direct to any secured creditor (holder of mortgage on any property) such amounts as desired, provided payment of the amount required has been made to the Clerk, as trustee, but only if such creditor is not listed as a creditor in the schedule, or such creditor has refused to participate in the trusteeship, or an agreement has been filed with and approved by the court.
2. Making payment of such amount to the Clerk for distribution to the creditors. In no event shall the debtor make any payment directly to a listed creditor who is participating in proceeds of the trusteeship without approval of the court.

Any payment made in violation of this rule shall be grounds for termination of the trusteeship and the Clerk, on final distribution, shall omit the amount of such preferred creditor in calculating the distribution.

The Clerk, as Trustee, shall deduct two percent (2%) of amount collected as a poundage fee which shall be forwarded to the City of Willoughby monthly.

In the event a debtor fails to make any scheduled payment within ten (10) days after the payment is due, the Clerk shall forward a letter by ordinary mail to the debtor at the address listed by the debtor, requiring the debtor to appear at a date not less than five (5) days nor more than ten (10) days from the date of the letter to show cause why the trusteeship shall not be terminated. If the debtor appears, hearing may be had before a Judge or Magistrate at debtor's request. If the debtor fails to appear, the Clerk shall forthwith prepare an entry terminating the trusteeship for cause.

The Clerk shall not be required to make distribution to creditors more often than once every ninety (90) days except that she shall disburse all funds including a the two percent (2%) fee to the City of Willoughby, at the end of the month in which the termination of any trusteeship occurs.

RULE 16. GENERAL PROVISIONS.

- A. In all instances wherein a party requests a copy of a time-stamped pleading or entry be returned by mail, a return self-addressed stamped envelope shall accompany the request.
- B. Pleadings that do not conform to the Rules set forth herein are subject to being rejected and returned to the filing party.
- C. Costs associated with any filing are to be paid at the time of filing unless prior arrangements have been made with the Clerk's office.

LOCAL RULES IN CRIMINAL CASES

RULE 17. CASE MANAGEMENT PROGRAM - PRETRIAL.

All criminal cases wherein the defendant pleads not guilty at the initial appearance or in which the case is not otherwise disposed of, shall be immediately set for a pretrial conference. The notice of the pretrial conference date shall be provided to the defendant and/or his attorney prior to leaving Court.

The defendant and his attorney shall be required to personally appear at the pretrial conference unless expressly excused by court order. No cases will be scheduled for a second pretrial without the Court's consent. In the event of (additional) pretrial(s), the prosecutor shall note for the file that a pretrial was conducted and the reason for the additional pretrial. All cases which are not disposed of at the conclusion of the pretrial conference(s) shall be set for final pretrial and trial unless specifically indicated otherwise by the Court. Prior to leaving Court at the conclusion of the pretrial conference notice of the final pretrial and trial date shall be delivered to the defendant and/or his attorney. No final pretrial will be initiated by phone.

RULE 18. CASE MANAGEMENT PROGRAM - TRIAL.

- A. All trials shall be scheduled before the court unless the defendant files a timely jury demand or otherwise is accorded a right to a jury pursuant to law.
- B. In cases other than minor misdemeanors, the final pretrial may be scheduled in the week prior to the trial in a final attempt to resolve the case without trial. The defendant and attorney (if represented) shall attend the final pretrial. In cases in which there will be a change of plea, the change of plea will be scheduled no later than the date of trial.
- C. All jury trials shall be conducted consistent with the proceedings adopted in this Court's Jury Use & Management .

RULE 19. WITHDRAWAL OF COUNSEL.

Only attorneys of record shall be considered as representatives of any party in a case. Withdrawal of such counsel shall be only upon a timely application submitted to the Judge with a journal entry prior to trial. Said request shall be served upon the client and counsel for all parties. Upon allowance of withdrawal by the Court, such withdrawn counsel shall serve copies of said journal entry upon the client together with a forwarding letter, a copy of which shall be filed with the Clerk's office. The letter shall provide the current address of the client and will be used for future service.

RULE 20. MOTIONS.

All motions in criminal proceedings shall be made in accordance with Criminal Rule 12. Any motion which, by its nature, is capable of determination without hearing shall be ruled on without hearing.

RULE 21. CASES HEARD ON SCHEDULED DATE.

All criminal cases shall be heard only at the regularly-scheduled date and time. Defendants may appear for hearing or disposition of their case at a time other than the regularly-scheduled date and time only with prior leave of Court.

RULE 22. DISMISSALS.

When the prosecutor desires to dismiss a criminal charge he shall file a written application therefore pursuant to the provisions of Rule 48, Ohio Rules of Criminal Procedure. The prosecutor shall state in the written application the reasons for the requested dismissal. Pursuant to this Rule, a criminal charge may only be dismissed by the State by leave of Court.

RULE 23. NOTIFICATION TO VICTIMS OF CRIME.

In cases involving a charge under O.R.C. § 2903.05, Negligent Homicide; § 2903.06, Vehicular Homicide; § 2903.13, Assault; § 2903.21, Aggravated Menacing; § 2903.211, Menacing by Stalking; § 2903.22, Menacing; § 2907.06, Sexual Imposition; § 2919.25, Domestic Violence; §2921.04(A), Intimidation of Attorney, Victim or Witness in criminal case (or any successor statute), or a violation of any substantially equivalent municipal ordinance, it shall be the duty of the prosecutor in the case to provide the alleged victim of the act that was the basis of the charge or a representative member of the alleged victim's family with the information required under O.R.C. § 2930.06. The prosecutor shall provide the information, either orally or in writing, upon his earliest contact with the alleged victim after the charges have been filed.

The prosecutor shall notify the Court of the date of such notice at the time of sentencing. In cases which are disposed of by plea, trial, reduction to another charge, or which are requested to be dismissed, it shall be the duty of the prosecutor to advise the Court at the time of disposition whether or not the alleged victim, or his/her representative in such case, is present in the courtroom so that they may be given an opportunity to address the Court prior to Court action pursuant to such statutes.

RULE 24. TRAFFIC VIOLATIONS BUREAU.

- A.** Pursuant to the authority of Ohio Traffic Rule 13 and Criminal Rule 4.1, there is hereby established at the Willoughby Municipal Court a Traffic Violations Bureau and the Clerk of Court is hereby appointed as the Violations Clerk.

The purpose of the Violations Bureau shall be to accept appearances, waivers of trial, pleas of guilty, and payments of fines and costs for offenses within the authority of the Violations Bureau.

- B.** The Violations Bureau shall have authority to dispose of all traffic offenses and minor misdemeanor offenses except as follows:
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 or commercial driver's license;
 5. Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six (6) months or less;
 6. Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for purpose of receiving or discharging a school child;

7. Willfully eluding or fleeing a police officer;
 8. Street racing;
 9. Speeding violations in school zones where the speed exceeds 15 mph over the posted limit.
 10. Any minor misdemeanor traffic offense in which an accident occurred that resulted in injury to person, where the violator can not verify the existence of proof of financial responsibility covering the operation of the vehicle at the time of the offense;
 11. A third moving traffic offense within a twelve (12) month period;
 12. If there are outstanding fines and/or costs due to the Court.
- C. The Court hereby establishes and publishes a Waiver Schedule of fines and costs (Appendix B), for all offenses subject to the authority of the Violations Bureau. This schedule shall be distributed to all law enforcement agencies operating within the jurisdiction of the court and shall be displayed at the Court.
- D. A defendant charged with an offense which can be processed by a Traffic Violations Bureau may, within seven (7) days after the date of issuance of the ticket:
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
 2. Sign the guilty plea and waiver of trial provision of the ticket, and mail the ticket and a check or money order for the total amount of fines and costs to the Traffic Violations Bureau.
- E. Remittance of the fine and costs to the Traffic Violations Bureau by any means other than by personal appearance at the Bureau constitutes a guilty plea and a waiver of trial whether or not the guilty plea and waiver of trial provision of the ticket are signed by the defendant.

**RULE 25. NONRESIDENT VIOLATOR COMPACT.
(4511.95 & 4511.951, O.R.C.)**

Pursuant to the provisions of the Nonresident Violator Compact, any police officer issuing a traffic citation for any offense other than to a resident of a member jurisdiction shall not require the violator to post collateral to secure his or her appearance if the arresting officer receives the violator's signed personal recognizance that he or she will comply with the summons. Any police officer issuing a citation to a nonresident motorist from a compact member jurisdiction for one of the following offenses shall not accept the violator's personal recognizance but shall instead require the violator to post security in accordance with the Court-adopted Bail Schedule (Appendix D) or, in lieu thereof, take the violator into custody and hold the violator in custody for an immediate appearance in Court at the first available Court session:

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 or commercial driver's license;
5. Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six (6) months or less;
6. Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for purpose of receiving or discharging a school child;

7. Willfully eluding or fleeing a police officer;
8. Street racing;
9. Speeding violations in school zones where the speed exceeds 15 mph over the posted limit.
10. Any minor misdemeanor traffic offense in which an accident occurred that resulted in injury to person, where the violator can not verify the existence of proof of financial responsibility covering the operation of the vehicle at the time of the offense;
11. A third moving traffic offense within a twelve (12) month period;

RULE 26. NONRESIDENT VIOLATOR.
(Not a Member of Interstate Violators Compact)

Any law enforcement officer issuing a traffic citation to a violator who is not a resident of Ohio but is a resident of a State which is not a signatory to the Nonresident Violator Compact shall require the violator to post security in accordance with the court-adopted bond schedule or, in lieu thereof, shall take the violator into custody and hold the violator in custody for an immediate appearance in court at the first available court session.

RULE 27. OHIO VIOLATOR.

Any law enforcement officer issuing a traffic citation to a violator who is resident of the State of Ohio shall not require the violator to post collateral to secure his appearance if the arresting officer receives the violator's signed personal recognizance that the violator will comply with terms of the citation. Provided, however, any such violator who has been charged with one of the following offenses shall instead be required to post security in accordance with the court-adopted bond schedule or, in lieu thereof, the violator shall be taken into custody and held for an immediate appearance in Court at the first available court session:

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 or commercial driver's license;
5. Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six (6) months or less;
6. Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for purpose of receiving or discharging a school child;
7. Willfully eluding or fleeing a police officer;
8. Street racing;
9. Speeding violations in school zones where the speed exceeds 15 mph over the posted limit.
10. Any minor misdemeanor traffic offense in which an accident occurred that resulted in injury to person, where the violator can not verify the existence of proof of financial responsibility covering the operation of the vehicle at the time of the offense;
11. A third moving traffic offense within a twelve (12) month period.

RULE 28. REPEAT TRAFFIC OFFENDER.

Any law enforcement officer issuing a traffic citation to be filed in the Willoughby Municipal Court shall indicate on the face of the citation in the section marked "Description of Offense" whether or not it is a second, third or subsequent violation within a twelve (12) month period.

RULE 29. NO OPERATOR'S LICENSE/EXPIRED OPERATOR'S LICENSE.

Any law enforcement officer issuing a traffic citation to be filed in the Willoughby Municipal Court involving a violation of a motor vehicle with an expired operator's license shall indicate on the face of the citation in the place marked "Description of Offense" whether or not the license has been expired for six (6) months or less.

RULE 30. CONTINUING TRAFFIC APPEARANCE.

The date of any defendant's initial appearance on a traffic citation shall not be continued by the Court unless the defendant files a written motion with the Court in advance of the appearance date along with a brief memorandum or statement of facts setting forth the reasons requiring the continuance.

RULE 31. GENERAL PROVISIONS.

- A. In all instances wherein a party requests a copy of a time-stamped pleading or entry be returned by mail, a return self-addressed stamped envelope shall accompany the request.
- B. Pleadings that do not conform to the Rules set forth herein are subject to being rejected and returned to the filing party.
- C. Costs associated with any filing are to be paid at the time of filing unless prior arrangements have been made with the Clerk's office.

RULE 32. ISSUANCE OF ARREST WARRANTS.

All arrest warrants shall be issued by the Judge or Magistrate of the Willoughby Municipal Court upon a finding of adequate probable cause during court hours.

During the hours the court is closed, a police officer in need of an arrest warrant, may contact the Judge of the Willoughby Municipal Court or his designee to give probable cause for said arrest warrant. Upon the Judge finding sufficient probable cause, the police officer shall note, on the complaint, the date and time of said findings of sufficient probable cause by the Judge or the issuance of the arrest warrant. Thereafter, the police officer shall file the complaint with the Clerk of Court, a deputy clerk, or officer of the Court designated and authorized by the Judge under Criminal Rule 4, so that the arrest warrant may be served or executed.

RULE 33. BROADCASTING AND PHOTOGRAPHY.

The Judge presiding at the trial or hearing shall permit the broadcasting or recording by electronic means and the taking of photographs in Court proceedings open to the public as provided by the Rules of Superintendence for the Courts of Ohio, Rule 12. The Judge, after consultation with the media, shall specify the place or places in the courtroom where the operators and equipment are to be positioned. Requests for permission for broadcasting, televising, recording, or taking of photographs in the courtroom shall be in writing and the written order of the Judge required by Sup. R. 12 shall be made part of the record of the proceedings.

Use of more than one portable television, video tape/dvd or movie with one operator shall be allowed only with the permission of the Judge.

Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the Judge. Still photographers shall be limited to two (2) cameras with two (2) lenses for each camera.

For radio broadcast purposes, not more than one (1) audio system shall be permitted in court. Where available and suitable, existing audio pickup systems in the court facility shall be used by the media. In the event no such systems are available, microphone and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible but shall be visible.

Visible audio recording equipment may be used by news media reporters with the prior permission of the Judge.

Arrangements between or among media for "pooling" of equipment shall be the responsibility of the media representatives authorized to cover the proceeding. Such arrangements are to be made outside the courtroom and without imposing on the Judge or court personnel. If disputes arise over arrangements between or among media representatives, the Judge may exclude all contesting representatives from the proceeding.

The use of electronic or photographic equipment which produces distracting sound or light shall be prohibited by the Judge. No artificial lighting other than that normally used in the courtroom shall be employed, provided that if the normal lighting in the courtroom can be improved without becoming obtrusive, the Judge may permit modification.

Still photographers and television, and radio representatives shall be afforded a clear view but shall not be permitted to move about in the courtroom during court proceedings from the places where they have been positioned by the Judge, except to leave or enter the courtroom.

The changing of film or recording tape in the courtroom during Court proceedings is prohibited.

There shall be no audio pickup or broadcast of conferences conducted in the Court facility between attorneys and clients or co-counsel, or of conferences conducted at the bench between counsel and the Judge.

The Judge shall have the discretion to limit the photographing of victims, witnesses, or jurors.

This rule shall not be construed to grant media representatives any greater rights than permitted by law wherein public or media access or publication is prohibited, restricted, or limited.

Media representatives shall not be permitted to transmit or record anything other than the Court proceedings from the courtroom while the Court is in session.

Failure of any media representative to comply with the conditions prescribed by the Judge or the Rules of Superintendence of the Supreme Court may result in revocation of permission to broadcast or photograph the trial or hearing.

RULE 34. SECURITY.

- A. In addition to the other duties assigned, the Chief Bailiff shall be in charge of Court security and may be assisted by deputy bailiffs, as needed.
- B. The Chief Bailiff and deputy bailiffs may carry firearms while on duty if they have completed the requirements of O.R.C. Section 109.77(D); and, provided they qualify at least once a year with a police department within the Court's jurisdiction.

- C. The Chief Bailiff and deputy bailiffs shall follow the written policies and guidelines established by the Court in its Security Policy and Procedure Manual.
- D. All persons entering the courtroom are subject to a search for weapons if deemed necessary by the Court or its bailiffs.

The rules herein governing the Willoughby Municipal Court are hereby adopted on this 29th day of December, 2006, shall be effective from and after January 1, 2007, and shall supersede and replace any and all prior Local Rules of the Willoughby Municipal Court.

JUDGE LARRY ALLEN

CIVIL DIVISION

CIVIL COMPLAINTS AND OTHER NEW CASES	
Note: All new Complaints include Capital Improvement Fund (\$10.00) General Special Projects Fee (\$10.00) and Legal Aid Society - Funding pursuant to O.R.C., (except as noted)	
Attachment Before Judgment*	\$150.00
BMV Appeals	\$115.00
Civil Complaints (with Certified/Regular Mail Service)* Including transfers of pending cases from other courts	\$130.00
Cognovit Complaint (with Certified/Regular Mail Service)*	\$105.00
Complaint in Forcible Entry & Detainer and Writ of Restitution* With Bailiff or Certified Mail Service & with Regular Mail Service With second cause of action	\$150.00 \$169.00
Replevin Complaint (with Certified/Regular Mail Service & Bailiff Service)*	\$150.00
Small Claim Complaint (with Certified/Regular Mail Service, one Defendant) Each Defendant thereafter is an additional cost	\$ 78.00 \$ 20.00
Small Claim transfer to regular docket	\$ 52.00
Third Party, Amended, and New Party Complaints * With service if needed by Certified/Regular Mail Service)	\$ 50.00
Counterclaim or Cross-Claim With service if needed by Certified/Regular Mail Service ea. Party	\$ 30.00 \$ 20.00
Transfer of Judgment from another Court (any number of defendants) (Does not include Legal Aid Society Funding)	\$ 74.00
Trusteeship – Filing Fee & mailing of Notices	\$100.00
*All Complaints (except Small Claims) include service on three (3) Defendants Each Defendant thereafter is an additional cost of	\$ 20.00
SERVICE, ALIAS SERVICE or PLURIES SERVICE	
Each Defendant – Certified/Regular Mail	\$ 20.00
Each Defendant – Express Mail	\$ 25.00
PERSONAL SERVICE OR ALIAS PERSONAL SERVICE (Subject to Modification on a per case basis)	
Bailiff Mileage (per mile)	\$.20
Bailiff Cost	\$ 1.50
Bailiff Service (within jurisdiction) \$10.00 filing fee + \$15.00 security	\$ 25.00
Sheriff Service (outside jurisdiction) \$10.00 filing fee + \$80.00 security	\$ 90.00

SERVICE BY PUBLICATION	
Filing Fee	\$ 15.00
SERVICE BY SECRETARY OF STATE	
Corporations Section 1701.07, O.R.C., (\$20.00 + \$5.00 check to Secretary of State)	\$ 40.00
Non-resident Owners and Persons Concealing their whereabouts Section 2703.20, O.R.C. (\$20.00 + \$10.00 Security for Sheriff Service)	\$ 40.00
GARNISHMENTS & AID IN EXECUTION	
Other than Personal Earnings Garnishments	\$ 35.00
Each additional Defendant	\$ 10.00
Each additional Garnishee	\$ 10.00
Each Garnishment Fee (by separate check to each garnishee)	\$ 1.00
Examination in Aid of Execution (with Certified/Regular Mail Service) Civil and Small Claims	\$ 35.00
Personal Earnings Garnishment	\$100.00
Personal Earnings Garnishment (Small Claims)	\$ 70.00
MOTIONS (Proposed Order/Judgment Entry Required)	
Miscellaneous Motions	\$ 15.00
Motion for Default Judgment	\$ 20.00
Motion for Judgment on the Pleadings	\$ 20.00
Motion for Summary Judgment	\$ 20.00
Motion to Modify	\$ 25.00
Motion to Revive Dormant Judgment – with one (1) Defendant (Certified/Regular Mail Service)	\$ 30.00
Each additional Defendant (Certified/Regular Mail Service)	\$ 20.00
Motion to Show Cause (includes Bailiff service within jurisdiction only)	\$ 40.00
Motion to Show Cause (\$20 filing fee + \$10 CIF + \$80 security) (outside jurisdiction includes security for Sheriff Service)	\$ 110.00
Motion to Vacate Judgment or Satisfaction	\$ 25.00
Refiling of Motion to Show Cause (includes Bailiff Service within jurisdiction only)	\$ 40.00
Refiling of Motion to Show Cause (\$20 filing fee + \$10 CIF + \$80 sec) (outside jurisdiction includes security for Sheriff Service)	\$110.00

MISCELLANEOUS PROCEEDINGS	
Appraisal Fee (plus mileage)	\$ 75.00
Mileage (per mile)	\$.30
CD ROM Reproduction – per CD	\$ 10.00
Certificate of Judgment for Lien or Transfer	\$ 20.00
Certificate of Judgment to BMV	\$ 15.00
Cost Bill	\$ 2.00
Credit/Debit Card Transactions	\$ 4.00
DVD Reproduction – per DVD	\$ 15.00
Exemplified Transcript/Authenticated Judgment	\$ 15.00
Issuance of a Bench Warrant	\$ 30.00
Language interpretation fee will be assessed to Plaintiff/Defendant as charged by the Interpreter.	
Leave to Plead	\$ 15.00
Notice of Appeal (Additional deposit to be paid directly to Lake County Clerk)	\$ 50.00
Preparation of Judgment Entry/Order (only if ordered by Judge)	\$ 5.00
Rental Escrow (Court's Portion)	1% of Escrow
Return Check Fee	\$ 50.00
Transfer of Case to Another Court	\$ 35.00
Trustee Poundage (Court's Portion)	2% of Escrow
ISSUANCE OF WRITS	
Alias Writ of Execution (Eviction)	\$ 25.00
Attachment before Judgment, after Service	\$ 80.00
Writ of Execution – Personal Property (Levy)	\$ 55.00
Security Deposit to be posted w/in 15 days after service of levy	\$500.00
Alias Writ of Execution – Personal Property (Levy)	\$ 25.00
Writ of Replevin	\$ 20.00
PHOTOCOPIES OR COMPUTER PRINTOUT	
Certificate of Certification	\$ 5.00
Per page Certification of Court Documents	\$ 1.00
Per page Copy of Court Documents	\$.25
FAX TRANSMISSION FEE (Outgoing)	
Per page - local phone call	\$ 1.00
Per page – long distance phone call	\$ 2.00

FAX TRANSMISSION FEE (Incoming)	
Per Transmission (plus applicable filing fees)	\$ 1.00
Plus per page fee	\$ 1.00
ISSUANCE OF SUBPOENAS	
Outside jurisdiction (includes security for Sheriff Service)	\$ 90.00
Plus witness mileage (per mile)	\$.10
Plus Witness Fee (full day)	\$ 12.00
Plus Witness Fee (half day)	\$ 6.00
Within jurisdiction (includes security for Bailiff Service)	\$ 25.00
Plus witness mileage (per mile)	\$.10
Plus Witness Fee (full day)	\$ 12.00
Plus Witness Fee (half day)	\$ 6.00
WEDDINGS	
In Courthouse (Mondays only – must call for appointment)	\$ 50.00
JURY TRIAL FEES (per Standard 11 of the Jury Use and Management Standards)	
Jury Demand Deposit/Filing Fee \$250.00 due at time of filing (includes \$70.00 non-refundable for notices and jury preparation); and balance of \$725.00 due at conclusion of Final Pretrial.	\$975.00
JURY AND WITNESS FEES (assessed in addition to above)	
Juror Fee	\$ 15.00
Mileage (per mile)	\$.10
Witness Fee (full day)	\$ 12.00
Witness Fee (half day)	\$ 6.00

CRIMINAL DIVISION

COURT COSTS	
Basic Court Cost - waivers and appearances (Per Case)	\$ 80.00
Capital Improvement Fund (All Causes including dismissals)	\$ 10.00
General Special Projects Fee (All Causes including dismissals)	\$ 10.00
State Cost – General Fund prior to 10/16/09 (Per Case)	\$ 15.00
State Cost – Indigent Defense Support Moving Traffic & Criminal Effective 10/16/2009 replaces General Fund (Per Case)	\$ 20.00
State Cost – Indigent Defense Support Non-Moving Traffic Effective 10/16/2009 replaces General Fund (Per Case)	\$ 10.00
State Cost – Moving Violations (Am. Sub. HB 562) (Per Case)	\$ 10.00
State Cost – Victim of Crime Fund (Per Case)	\$ 9.00
State Cost – Indigent Defense Support Fund where applicable Bond Posted (Per Case)	\$ 25.00
FELONY STATE COST	
State Cost – General Fund prior to 10/16/09 (Per Case)	\$ 15.00
State Cost – Indigent Defense Support Fund Effective 10/16/2009 replaces General Fund (Per Case)	\$ 30.00
State Cost – Victim of Crime Fund (Per Case)	\$ 30.00
OTHER COSTS	
Bond Forfeiture	\$ 20.00
Bond Posting	\$ 5.00
CD ROM Reproduction – per CD	\$ 10.00
Certified Mail Service	\$ 10.00
Cost Bill	\$ 2.00
Credit/Debit Card Transaction	\$ 4.00
Credit/Debit Card Transactions Bond Posting - <i>add applicable %</i>	\$ 4.00
Declaration of License Forfeiture	\$ 15.00
Dismissed Counts per Negotiated Plea Agreement – per cause	\$ 50.00
Driving Privileges Order – with required device(s)	\$ 2.50
DVD Reproduction – per DVD	\$ 15.00
Immobilization Waiver Fee	\$ 50.00
Jail Commitment	\$ 15.00
Language Interpreting Fees assessed to Plaintiff/Defendant as charged by the interpreter	
Motions	\$ 10.00
Motion to Seal Record *\$25 administrative fee eff. 05/05/2010	\$ 75.00*
Non-Resident Violator Compact	\$ 10.00
Notice of Appeal (Additional deposit to be paid directly to Lake County Clerk)	\$ 50.00
Payment Letter	\$ 5.00
Release of License Forfeiture (BMV Fee)	\$ 15.00
Release of License Suspension (Court Fee)	\$ 15.00
Restitution Surcharge 5% of restitution Amount	
Return Check Fee	\$ 50.00
Scheduling Fees:	
Bench Trials	\$ 5.00
Change of Plea	\$ 5.00
Jury Trial	\$ 5.00
Preliminary Hearing	\$ 5.00
Pretrials	\$ 5.00

Subpoena	
Bailiff Cost	\$ 5.00
Issuance of Subpoena	\$ 1.50
Plus Mileage (per mile)	\$.20
Summons	\$ 15.00
Transcript of Docket	
Bindover to Common Pleas	\$ 15.00
Transfers to other Courts	\$ 15.00
Vehicle Immobilization	\$100.00
Violations Bureau Continuance	\$ 5.00
Warrants	\$ 30.00
Bench – per case	
Probable Cause – per warrant	
PROBATION	
Community Control/Probation	\$150.00
Community Service Cost	\$ 25.00
Diversion Programs:	
Domestic Violence Diversion	\$250.00
First Offender Program	\$250.00
License Diversion Program	\$250.00
Electronic Monitoring Cost (includes Jail Diversion Referral)	\$ 50.00
In-Court Drug Screening – each screen	\$ 10.00
Confirmation of a positive test result – per test (to be paid in advance by any defendant requesting confirmation)	\$ 25.00
Presentence Report	\$ 50.00
Probation Violation	\$100.00
Second Chance O.V.I. Program (SCOP) effective 1/22/2010	\$400.00
PHOTOCOPIES OR COMPUTER PRINTOUT	
Certification of Court documents (per page)	\$ 1.00
Copy of Court documents (per page)	\$.25
FAX TRANSMISSION FEE (Outgoing)	
Per page - local phone call	\$ 1.00
Per page – long distance phone call	\$ 2.00
FAX TRANSMISSION FEE (Incoming)	
Per Transmission (plus applicable filing fee)	\$ 1.00
Plus per page fee	\$ 1.00

JURY TRIAL FEES (per Standard 11 of the Jury Use and Management Standards)	
Jury Demand	\$ 20.00
JURY AND WITNESS FEES – (assessed in addition to above)	
Juror Fee (per day)	\$ 15.00
Witness Fee (full day)	\$ 12.00
Witness Fee (half day)	\$ 6.00
Witness Mileage (per mile)	\$.10
LAKE COUNTY SHERIFF DEPARTMENT FEES	
Departure or return of prisoner from or to a jail in connection with a program established under O.R.C. 5147.28 (each time)	\$ 5.00
Receiving, discharging or surrendering a prisoner (each time)	\$ 5.00
Service of Warrants and Mileage	Per L.C.S.D. Schedule
Taking a prisoner before a Judge (includes video and lobby arraignments)	\$ 5.00
Taking Bail Bond	\$ 3.00
PUBLIC DEFENDER	
Application Fee	\$ 25.00

TRAFFIC VIOLATIONS BUREAU

- A. Pursuant to Ohio Traffic Rule 13, Criminal Rule 4.1, and Willoughby Municipal Court Local Rule 24-B, the following offenses shall not be processed by the Traffic Violations Bureau:
1. Any indictable offense;
 2. Operating a motor vehicle under the influence of alcohol and/or drugs of abuse;
 3. Leaving the scene of an accident;
 4. Driving while under suspension or revocation of a driver's or commercial driver's license;
 5. Driving without being licensed to drive except where the driver's or commercial driver's license had been expired for six (6) months or less;
 6. A third moving traffic offense within a twelve (12) month period;
 7. Failure to stop and remain standing upon meeting and overtaking a school bus stopped for the purpose of receiving or discharging a school child;
 8. Willfully eluding or fleeing a police officer;
 9. Street racing;
 10. Any minor misdemeanor traffic offense in which an accident occurred that resulted in the injury to person, where the violator can not verify the existence of proof of financial responsibility covering the operation of the vehicle at the time of the offense;
 11. Speeding violations in school zones where the speed exceeds 15 mph over the posted limit;
 12. If there are outstanding fines and/or costs due to the Court.
- B. Pursuant to Ohio Traffic Rule 13, Criminal Rule 4.1 (above referenced) and Willoughby Municipal Court Local Rule 24-D, a Defendant charged with an offense which can be processed by a Traffic Violations Bureau may, within seven (7) days after the date of issuance of the ticket:

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
 2. Sign the guilty plea and waiver of trial provision of the ticket, and mail the ticket and a check or money order for the total amount of the fines and costs to the Traffic Violations Bureau.
- C. Pursuant to Ohio Traffic Rule 13, Criminal Rule 4.1 (above referenced) and Willoughby Municipal Court Local Rule 24-E, remittance by mail of the fine and costs to the Traffic Violations Bureau constitutes a guilty plea and a waiver of trial whether or not the guilty plea and waiver of trial provisions of the ticket are signed by the Defendant.

MOVING VIOLATIONS
(Includes Applicable State Costs)

SPEEDING	FINE	COST	TOTAL
01 – 04 mph over limit	\$15.00	\$139.00	\$154.00
05 – 07 mph over limit	\$20.00	\$139.00	\$159.00
08 – 10 mph over limit	\$30.00	\$139.00	\$169.00
11 – 13 mph over limit	\$40.00	\$139.00	\$179.00
14 – 16 mph over limit	\$50.00	\$139.00	\$189.00
17 – 19 mph over limit	\$60.00	\$139.00	\$199.00
20 – 22 mph over limit	\$70.00	\$139.00	\$209.00
23 – 25 mph over limit	\$80.00	\$139.00	\$219.00
26 - 29 mph over limit	\$100.00	\$139.00	\$239.00
30 mph over limit and above	\$150.00	\$139.00	\$289.00
Slow or Unreasonable for Conditions	\$35.00	\$139.00	\$174.00
Speeding Construction Zone w/workers present (2 x applicable fine above)		\$139.00	

OTHER MOVING TRAFFIC VIOLATIONS	FINE	COST	TOTAL
All Equipment or Fitness of Vehicle Violations	\$20.00	\$139.00	\$159.00
Expired License Plates or Tags			
Expired 30 days or less	\$20.00	\$139.00	\$159.00
Expired 2 – 4 months or less	\$30.00	\$139.00	\$169.00
Expired 4 – 6 months or less	\$50.00	\$139.00	\$189.00
Expired 6 - 12 month or less	\$70.00	\$139.00	\$209.00
Expired over 12 months	\$150.00	\$139.00	\$289.00
Expired Operator's License, minor misdemeanor:			
Expired 30 days or less	\$20.00	\$139.00	\$159.00
Expired 2 – 4 months or less	\$30.00	\$139.00	\$169.00
Expired 4 – 6 months or less	\$50.00	\$139.00	\$189.00
Expired 6 - 12 month or less	\$70.00	\$139.00	\$209.00
Expired over 12 months	\$150.00	\$139.00	\$289.00
<i>(If offense is a 4th or more in 3 years, Expired OL is an M1 and is not waivable)</i>			
Failure to Display, or Improper Display of County Sticker or License Plate, or One (1) License Plate	\$25.00	\$139.00	\$164.00
Failure to Yield Right of Way	\$35.00	\$139.00	\$174.00
Failure to Yield Right of Way to Public Safety Vehicles	\$100.00	\$139.00	\$239.00
Fictitious or Unlawful Plates	\$100.00	\$139.00	\$239.00
Illegal or Improper Passing	\$35.00	\$139.00	\$174.00
Illegal or Improper Turn	\$35.00	\$139.00	\$174.00
Inoperable Motor Vehicle	\$30.00	\$139.00	\$169.00
Novice Motorcyclist			
Helmet & Eye Protection Required	\$20.00	\$139.00	\$159.00
Rapid Acceleration/Peeling Tires	\$35.00	\$139.00	\$174.00
Reckless Operation (MM only, certain cities only)	\$100.00	\$139.00	\$239.00
Traffic Control Devices (signs, signals, right on red)	\$35.00	\$139.00	\$174.00
Unattended Vehicle or Keys in Ignition	\$20.00	\$139.00	\$159.00
Unauthorized use of Equipment or Lights	\$20.00	\$139.00	\$159.00
Unlicensed Motor Vehicle, Boat, Trailer (stored or parked)	\$30.00	\$139.00	\$169.00
Approaching Stationary Public Safety Vehicle (2 x fine of \$35.00)	\$70.00	\$139.00	\$209.00
All Bicycle Violations	\$25.00	\$139.00	\$164.00
All Load Violations (Not Gross & Axel Overloads, see Page B-2)	\$35.00	\$139.00	\$174.00
Child Restraint System	\$45.00	\$139.00	\$184.00
All Other Minor Misdemeanor Moving Violations	\$35.00	\$139.00	\$174.00

NON-MOVING TRAFFIC VIOLATIONS
(Includes Applicable State Costs)

	FINE	COST	TOTAL
Partial State Cost:			
All Pedestrian Violations	\$25.00	\$110.00	\$135.00
Occupant Restraining Device			
Driver & Driver for Unbelted Passenger(s)	\$30.00	\$110.00	\$140.00
Passenger	\$20.00	\$110.00	\$130.00
All Other Minor Misdemeanor Non-Moving Violations	\$35.00	\$110.00	\$145.00

PARKING
(No Applicable State Costs)

	FINE	COST	TOTAL
All Parking Violations	\$25.00	\$100.00	\$125.00

GROSS AND AXLE OVERLOAD

Violation Description	FINE	COST	TOTAL
0 – 2000 pounds	\$80.00	\$139.00	\$219.00
In excess of 2,000 – 4,999 pounds \$1.00 per 100 lbs of overload	\$100.00	\$139.00	\$239.00
In excess of 5,000 – 10,000 pounds \$2.00 per 100 lbs. of overload	\$130.00	\$139.00	\$269.00
In excess of 10,000 pounds \$3.00 per 100 lbs of overload	\$160.00	\$139.00	\$299.00

MISCELLANEOUS TRUCKING VIOLATIONS

Violation Description	FINE	COST	TOTAL
Equipment Violations	\$35.00	\$139.00	\$174.00
Maximum Width, Height and Length	\$25.00	\$139.00	\$164.00
No Highway Use Sticker	\$50.00	\$139.00	\$189.00
No Wheel Protectors	\$25.00	\$139.00	\$164.00
Unsafe Vehicle	\$35.00	\$139.00	\$174.00

CRIMINAL MINOR MISDEMEANOR VIOLATIONS
(Includes Applicable State Costs)

Violation Description	FINE	COST	TOTAL
Alcohol or Drug Offenses:			
Disorderly Conduct or Disorderly Intoxication (MM only)	\$75.00	\$129.00	\$204.00
Drug Abuse or Possession of Marijuana (MM only)	\$150.00	\$129.00	\$279.00
Open Container	\$60.00	\$129.00	\$189.00
Possession of Alcohol	\$100.00	\$129.00	\$229.00
Dog License & at Large (O.R.C. and Local Ordinances)			
Dog at Large (Barking/Howling)	\$25.00	\$129.00	\$154.00
No dog License (with proof of current License)	\$25.00	\$129.00	\$154.00
Second Offense within One (1) year (O.R.C. only)	\$75.00	\$129.00	\$204.00
Eastlake Port Authority:			
Failure to Pay User's Fee with Proof of payment of User's Fee	\$25.00	\$129.00	\$154.00
Littering	\$100.00	\$129.00	\$229.00
All Other Criminal Minor Misdemeanor Violations	\$45.00	\$129.00	\$174.00

OHIO DEPARTMENT OF NATURAL RESOURCES
WILDLIFE DIVISION

Violation Description

BOND AMOUNTS include the \$25 surcharge eff.

10/16/09

O.R.C.	Violation Description	Waiver	*Bond*
§ 1531.01	Take or attempt to take minnows at illegal time or place	\$179.00	\$204.00
§ 1531.02	Fishing with more than two poles	\$154.00	\$179.00
§ 1531.02	Possession of more than legal limit of Bass Additional Waiver or Bond for each Bass in excess of one	\$179.00 \$10.00	\$204.00 \$10.00
§ 1531.02	Possession of more than legal limit of Walleyes Additional Waiver or Bond for each Walleye in excess of one	\$179.00 \$10.00	\$204.00 \$10.00
§ 1531.02	Possession of Salmon or Trout less than legal size	\$154.00	\$179.00
§ 1531.02	Possession of undersize fish Additional Waiver or Bond for each undersize fish	\$179.00 \$10.00	\$204.00 \$10.00
§ 1531.02	Snagging any game fish	\$154.00	\$179.00
§ 1531.29	Stream litter	\$229.00	\$254.00
§ 1531.32	Failure to carry and exhibit fishing license	\$154.00	\$179.00
§ 1533.17	Hunting without permission	\$154.00	\$179.00
§ 1533.32	Backdating a license or purchasing the same	\$219.00	\$244.00
§ 1533.32	Fishing without a license	\$154.00	\$179.00
§ 1533.36	Carrying a fishing license issued to another	\$219.00	\$244.00
§ 1533.43	Illegal fishing device	\$219.00	\$244.00
§ 1533.71	Possess, propagate or sell game birds, game animals or furbearers without a valid license	\$179.00	\$204.00

**OHIO DEPARTMENT OF NATURAL RESOURCES
WATERCRAFT DIVISION**

O.R.C.	Violation Description	FINE	COST	TOTAL
§ 1547.03	Flashing lights prohibited	\$15.00	\$129.00	\$144.00
§ 1547.04	Siren prohibited except for emergency	\$15.00	\$129.00	\$144.00
§ 1547.06	Child operators prohibited	\$20.00	\$129.00	\$149.00
§ 1547.08	Operation in restricted area; no wake areas	\$20.00	\$129.00	\$149.00
§ 1547.09	Mooring prohibited in certain areas	\$20.00	\$129.00	\$149.00
§ 1547.14	Water Skiing confined to ski zones	\$20.00	\$129.00	\$149.00
§ 1547.15	Observer required when towing skier	\$20.00	\$129.00	\$149.00
§ 1547.16	Water Skiing after dark prohibited	\$20.00	\$129.00	\$149.00
§ 1547.18	Personal flotation device required for skiers	\$25.00	\$129.00	\$154.00
§ 1547.19	Ski jumps prohibited	\$20.00	\$129.00	\$149.00
§ 1547.20	Permission for conducting special water events	\$25.00	\$129.00	\$154.00
§ 1547.21	Sale of single-celled inflatable vessel prohibited	\$25.00	\$129.00	\$154.00
§ 1547.22	Sitting, standing, walking upon a moving vessel restricted	\$20.00	\$129.00	\$149.00
§ 1547.23	Engine warm-up required	\$25.00	\$129.00	\$154.00
§ 1547.24	Children under 10 years old must wear appropriately sized personal flotation	\$20.00	\$129.00	\$149.00
§ 1547.25	Operation Without Personal Flotation Devices Prohibited	\$50.00	\$129.00	\$179.00
§ 1547.251	Distress signals or flags required	\$20.00	\$129.00	\$149.00
§ 1547.26	Anchor, Whistle & Bell requirements	\$20.00	\$129.00	\$149.00
§ 1547.27	Fire Extinguisher required on power craft	\$20.00	\$129.00	\$149.00
§ 1547.29	Ventilation required on power craft	\$20.00	\$129.00	\$149.00
§ 1547.31	Exhaust muffler required (1st Offense only)	\$20.00	\$129.00	\$149.00
§ 1547.38	Rental of improperly equipped vessel prohibited	\$75.00	\$129.00	\$204.00
§ 1547.39	Capacity plate required	\$50.00	\$129.00	\$179.00
§ 1547.40	Exceeding capacity plate figures; absence of plate	\$50.00	\$129.00	\$179.00
§ 1547.49	Littering from vessel	\$100.00	\$129.00	\$229.00
§ 1547.52(2)	Navigation Rules – All Watercraft Rules Included	\$25.00	\$129.00	\$154.00
§ 1547.53	Numbering of watercraft	\$25.00	\$129.00	\$154.00
§ 1547.54(e)	Watercraft License	\$25.00	\$129.00	\$154.00
§ 1547.57	Tags indicating expiration date; Attachment of I.D. #	\$20.00	\$129.00	\$149.00
§ 1547.59	Duties after an accident; Accident Reports	\$50.00	\$129.00	\$179.00

LAKE METROPARKS

Rule	Violation Description	FINE	COST	TOTAL
1.1	Preservation of Property & Natural Features	\$75.00	\$129.00	\$204.00
1.2	Injuring Vines, Bushes, Shrubs, Saplings or Trees	\$75.00	\$129.00	\$204.00
1.3	Criminal Mischief	\$100.00	\$129.00	\$229.00
1.4	Criminal Trespass	\$100.00	\$129.00	\$229.00
2.1	Littering, Dumping and Disposal of Refuse, Ashes and Garbage	\$100.00	\$129.00	\$229.00
2.2	Pollution, Sewage and Noxious Materials	\$100.00	\$129.00	\$229.00
3.1	Firearms, Missile Throwing Devices, Air or Gas Guns	\$100.00	\$129.00	\$229.00
3.2	Fireworks & Explosives	\$100.00	\$129.00	\$229.00
3.3	Bows & Arrows	\$35.00	\$129.00	\$164.00
3.4	Carrying Dangerous Weapon	\$100.00	\$129.00	\$229.00
4.4	Sexual Activity	\$75.00	\$129.00	\$204.00
4.5	Loitering near Toilets	\$25.00	\$129.00	\$154.00
5.1	Disorderly Conduct	\$75.00	\$129.00	\$204.00
5.2	Unnecessary Noises	\$25.00	\$129.00	\$154.00
5.3	Possession or Use of Alcoholic Beverages or Intoxicating Liquor	\$100.00	\$129.00	\$229.00
5.4	Intoxication	\$75.00	\$129.00	\$204.00
5.5	Unlawful Assemblage	\$50.00	\$129.00	\$179.00
5.6	Loitering around Vehicles	\$25.00	\$129.00	\$154.00
7.2	Obtaining, Use or Possession of Controlled Substance	\$100.00	\$129.00	\$229.00
8.1	Camps, Camping, Lodging or Sleeping without Permission; Fires	\$35.00	\$129.00	\$164.00
8.2	Rules Regarding Fires	\$25.00	\$129.00	\$154.00
8.3	Portable Stoves or Grills	\$15.00	\$129.00	\$144.00
9.1	Vendors	\$25.00	\$129.00	\$154.00
9.2	Begging	\$20.00	\$129.00	\$149.00
9.3	Signs or Billposting	\$25.00	\$129.00	\$154.00
10.1	Parks shall be open for public use and enjoyment as designated/posted	\$10.00	\$129.00	\$139.00
10.2	Special Curfew during open hours	\$75.00	\$129.00	\$204.00
11.1	Hunting, Trapping or Molesting Wildlife	\$100.00	\$129.00	\$229.00
11.2	Fishing hours and Prohibited Fishing Equipment	\$25.00	\$129.00	\$154.00
12.1	Dogs, Cats & Household Pets Unleashed	\$35.00	\$129.00	\$164.00
12.2	Abandoning Animals	\$25.00	\$129.00	\$154.00
12.3	Animals Running at Large and Grazing	\$15.00	\$129.00	\$144.00
12.4	Barking or Howling Dogs	\$25.00	\$129.00	\$154.00
12.5	Mistreatment of Animals	\$100.00	\$129.00	\$229.00
13.1	Horseback Riding in Prohibited Areas	\$25.00	\$129.00	\$154.00
13.2	Horseback Riding Hours	\$25.00	\$129.00	\$154.00
13.3	Horseback Riding Safety and Right-of-Way	\$25.00	\$129.00	\$154.00
13.4	Unattended Horse	\$25.00	\$129.00	\$154.00
13.5	Mistreatment of Horses	\$100.00	\$129.00	\$229.00
14.1	Swimming in Restricted Areas	\$25.00	\$129.00	\$154.00
14.2	Regulations for the Use of Floating Objects	\$20.00	\$129.00	\$149.00
14.3	Use of Aquatic Sporting Equipment Prohibited	\$20.00	\$129.00	\$149.00
14.4	Beverage and Food Containers Prohibited	\$20.00	\$129.00	\$149.00
14.6	Picnicking Prohibited on Beaches	\$20.00	\$129.00	\$149.00
15.1	Golfing Requirements	\$20.00	\$129.00	\$149.00
15.2	Prohibited Hours on Golf Course	\$20.00	\$129.00	\$149.00

15.3	Practice Golf in Prohibited Areas	\$20.00	\$129.00	\$149.00
16.1	Motor Boats Prohibited	\$30.00	\$129.00	\$159.00
16.2	Boating Safety Regulations	\$20.00	\$129.00	\$149.00
16.3	Boating Hours Prohibited	\$20.00	\$129.00	\$149.00
17.1	Powered Model Toys Prohibited	\$20.00	\$129.00	\$149.00
18.1	Operation of All-Purpose Vehicles	\$50.00	\$139.00	\$189.00
19.1	Snowmobiles in Restricted Areas Only	\$50.00	\$139.00	\$189.00
19.2	Other Snowmobile Prohibitions	\$25.00	\$139.00	\$164.00
19.3	Sledding, Skiing, Skating only in Restricted Areas	\$25.00	\$129.00	\$154.00
20.1	Purpose of Way	\$25.00	\$139.00	\$164.00
20.2	Purpose of Way – Self Propelled, Animal Drawn or Human-Propelled Vehicles	\$20.00	\$139.00	\$159.00
20.3	Driving on Closed Roads or Drives	\$35.00	\$139.00	\$174.00
20.4	Speed Limit (See General Waiver Schedule Speed Tables)		\$139.00	
20.5	Reduced Speed Limits	\$35.00	\$139.00	\$174.00
20.6	Driving upon right side of Roadway	\$35.00	\$139.00	\$174.00
20.7	Reckless Driving	\$100.00	\$139.00	\$239.00
20.9	Overtaking and Passing Vehicles	\$35.00	\$139.00	\$174.00
20.10	Driving to Left of Center	\$35.00	\$139.00	\$174.00
20.11	One-Way	\$35.00	\$139.00	\$174.00
20.12	Overtaking and Passing in a Hazardous Zone	\$35.00	\$139.00	\$174.00
20.13	Space between Moving Vehicles	\$35.00	\$139.00	\$174.00
20.14	Turning in Roadways	\$35.00	\$139.00	\$174.00
20.15	Signaling, Starting, Backing and Turning Movements	\$35.00	\$139.00	\$174.00
20.16	Stop Signs and other Traffic Control Devices	\$35.00	\$139.00	\$174.00
20.17	Lights on Vehicles	\$30.00	\$139.00	\$169.00
20.18	Spotlights	\$30.00	\$139.00	\$169.00
20.19	Mufflers	\$30.00	\$139.00	\$169.00
20.20	Squealing Tires, "Peeling", Cracking Exhaust Noises	\$30.00	\$139.00	\$169.00
20.21	Sounding Horn Except in Emergencies	\$10.00	\$139.00	\$149.00
20.22	Use of Roadway for Soliciting; Riding on Outside of Vehicle	\$50.00	\$139.00	\$189.00
20.23	Driving a Vehicle in an Unsafe Condition	\$30.00	\$139.00	\$169.00
20.24	Motorcycles Prohibited	\$25.00	\$139.00	\$164.00
20.25	Operation of Motorcycles	\$30.00	\$139.00	\$169.00
20.29	Trucks	\$50.00	\$139.00	\$189.00
20.30	Parking (No State Costs)	\$25.00	\$100.00	\$125.00
20.31	Unattended Vehicle; Duty to Stop Engine; Remove Keys, Set Brake and Turn Wheel	\$10.00	\$139.00	\$149.00
21.2	Riding upon Seats; Handlebars; Helmets; Glasses	\$25.00	\$139.00	\$164.00
21.3	Attaching a Bicycle or Sled to Vehicle	\$25.00	\$139.00	\$164.00
21.4	Riding Bicycles, Motorized Bicycles and Motorcycles Abreast	\$10.00	\$139.00	\$149.00
21.5	Signal Device on Bicycle	\$10.00	\$139.00	\$149.00
21.6	Reckless Operation, Control, Course and Speed (Bicycle)	\$75.00	\$139.00	\$214.00
21.7	Parking of Bicycle, Motorized Bicycle or Motorcycle (No State Costs)	\$25.00	\$100.00	\$125.00
21.8	Motorized Bicycle Operation, Equipment and License	\$15.00	\$139.00	\$154.00
22.1	Failure to Obey Order of Park Rangers	\$100.00	\$139.00	\$239.00

Pursuant to Rule 46 of the Criminal Rules of Procedure, the following Bail Schedule is hereby adopted as amended 10/16/09:

FELONY OFFENSES:

Pursuant to O.R.C. 2937.23(A), in cases of felony, the amount of bail shall be fixed by the Judge or Magistrate. Arrangements shall be made through the Bailiff's office for persons charged with a felony to be brought before the Court for a bond hearing without unnecessary delay.

On any felony bond that is posted, an additional \$60 in State mandated costs (Reparations Rotary Fund \$30 and Indigent Defense Support Fund \$30) are to be collected in cash at the time bail is posted. State costs (Reparations Rotary Fund (V.C.) & Indigent Defense Support Fund are not required to be collected on unsecured (personal recognizance) bonds. No person shall be placed or held in a detention facility for failing to pay the additional \$60 in State costs.

Effective 10/16/09, whenever a person is charged with any offense other than a traffic offense that is not a moving violation and posts bail (includes unsecured bond) a \$25 surcharge shall be required. If the surety is someone other than the defendant, the bond shall not be considered acceptable without receipt of the \$25 surcharge.

MISDEMEANOR & TRAFFIC OFFENSES:

First Degree	\$3,500.00
Unclassified (for 4507.02, 4510.11A, 4510.12, 4510.16 eff:10/16/09)	\$3,000.00
Second Degree	\$3,000.00
Third Degree	\$2,500.00
Fourth Degree	\$2,000.00
Unclassified (Generally; exceptions noted above)	\$1,500.00
Minor	\$1,000.00

Exception to above: ** All persons charged with violations of Ohio Revised Code section 2919.25 (Domestic Violence) or a substantially similar municipal ordinance shall be held for arraignment in person or by video where bail shall be set before a Judge or Magistrate.**

In addition to any misdemeanor bond that is posted, an additional \$ 29.00 in State mandated costs for deposit into the Reparations Rotary Fund (\$9) and Indigent Defense Support Fund (\$20 eff: 10/16/09) are to be collected in cash at the time bail is posted. In the case of traffic offenses, an additional \$10 in state mandated Moving Violation Court Cost shall also be required. State costs (Reparations Rotary Fund & Indigent Defense Support Fund are not required to be collected on unsecured (personal recognizance) bonds. No person shall be placed or held in a detention facility for failing to pay the additional \$29 or \$39 in State costs.

Effective 10/16/09, whenever a person is charged with any offense, other than a traffic offense that is not a moving violation, and posts bail a \$25 surcharge shall be required. If the surety is someone other than the defendant, the bond shall not be considered acceptable without receipt of the \$25 surcharge.

TRAFFIC OFFENSES:

A. Personal recognizance bond in lieu of bond in the amount specified in the bail schedule shall be made available to all persons charged with any traffic offense except in the following cases:

1. Driving while under the influence of alcohol or any drug of abuse;
2. Vehicular homicide;
3. Leaving the scene of an accident;
4. Driving while under suspension or revocation of a driver's or commercial driver's license (M-1, UM);
5. Driving without being licensed to drive (M-1, UM) ;
6. Willfully fleeing or eluding a police officer;
7. Street racing.

B. Bond for the above-specified offenses shall be made available at the option of the defendant, as follows:

1. Cash appearance bond in the amount specified in the Court bail schedule subject to the ten percent (10%) provision upon which amount the accused shall deposit ten percent. Ninety percent (90%) of said amount will be returned to the accused upon final disposition, which includes satisfaction of all fines and costs assessed to the case.
2. Posting bond in the amount specified in the Court bail schedule guaranteed to the accused as a policyholder of a casualty insurer, or as a member of a bona fide motorists' or travelers' association;
3. Executing a bail bond with sufficient solvent sureties, or executing a bond secured by real estate in the county, or depositing cash or the securities allowed by law in lieu thereof in the amount specified in the court's bail schedule;
4. Cash appearance bond which requires deposit of total amount. The total amount will be returned to the accused upon final disposition of the case, which includes satisfaction of fines and costs assessed to the case.

MISDEMEANOR OFFENSES:

- A.** Personal bond shall generally not be made available unless an evaluation of the criteria for establishing bond for misdemeanor offenses listed below indicates that the accused's appearance is virtually guaranteed. In determining which conditions will reasonably assure appearance, the following factors are to be considered in establishing bond in misdemeanor offenses:
1. Nature and circumstances of the offense;
 2. The accused's family ties; employment; permanence of residence; record of convictions; record of prior failure to appear when required in judicial proceedings;
 3. Physical, mental or emotional condition which may pose a danger to the accused or to others unless the accused can be released into the temporary custody of a responsible relative, friend, or other responsible person;
 4. Place or residence if not within the confines of the Willoughby Municipal Court jurisdiction.
- B.** If the accused is not released on his own recognizance or upon the execution of an unsecured appearance bond, or pursuant to the bail posting options identified above, the accused shall be given a hearing without unnecessary delay before a Judge or Magistrate who shall determine the conditions of his release.
- C.** The bail schedule serves as a guideline for the posting of bonds in misdemeanor cases. The officer in charge may use his/her discretion to grant personal bond, if in his/her opinion the circumstances warrant deviation from the guidelines established in the bail schedule. Officer discretion shall not apply in Domestic Violence offenses.