

**As Passed by the House**

**125th General Assembly  
Regular Session  
2003-2004**

**Sub. H. B. No. 24**

**Representatives Wolpert, McGregor, Flowers, Reidelbach, Seitz, Husted,  
Widowfield, Fessler, Olman, Daniels, Walcher, Ujvagi, Collier, Cirelli, Wagner,  
C. Evans, Schlichter, Sferra, Price, Cates, Hughes, Kearns, Schneider,  
D. Stewart, J. Stewart**

---

**A B I L L**

To amend sections 703.21 and 1905.01, and to enact 1  
section 703.201 of the Revised Code to permit the 2  
dissolution of a village under certain conditions, 3  
to limit mayors courts to municipal corporations 4  
with a population of over 100 persons, and to 5  
amend the version of section 1905.01 of the 6  
Revised Code that is scheduled to take effect 7  
January 1, 2004, to continue the provisions of 8  
this act on and after that effective date. 9

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 703.21 and 1905.01 be amended and 10  
section 703.201 of the Revised Code be enacted to read as follows: 11

**Sec. 703.201.** (A) As used in this section, "condition for 12  
surrendering corporate powers" means any of the following: 13

(1) The village has been declared to be in a fiscal emergency 14  
under Chapter 118. of the Revised Code and has been in fiscal 15  
emergency for at least three consecutive years with little or no 16  
improvement on the conditions that caused the fiscal emergency 17

declaration. 18

(2) The village has failed to properly follow applicable election laws for at least two consecutive election cycles for any one elected office in the village. 19  
20  
21

(3) The village has been declared during an audit conducted under section 117.11 of the Revised Code to be unauditible under section 117.41 of the Revised Code in at least two consecutive audits. 22  
23  
24  
25

(4) The village does not provide at least two services typically provided by municipal government, such as police or fire protection, garbage collection, water or sewer service, emergency medical services, road maintenance, or similar services. "Services" does not include any administrative service or legislative action. 26  
27  
28  
29  
30  
31

(5) The village has failed for any fiscal year to adopt the tax budget required by section 5705.28 of the Revised Code. 32  
33

(6) A village elected official has been convicted of theft in office, either under section 2921.41 of the Revised Code or an equivalent criminal statute at the federal level, at least two times in a period of ten years. The convicted official with respect to those convictions may be the same person or different persons. 34  
35  
36  
37  
38  
39

(B) If the auditor of state finds, in an audit report issued under division (A) or (B) of section 117.11 of the Revised Code of a village that has a population of one hundred persons or less and consists of less than two square miles, that the village meets at least two conditions for surrendering corporate powers, the auditor of state shall send a certified copy of the report together with a letter to the attorney general requesting the attorney general to institute legal action to dissolve the village in accordance with division (C) of this section. The report and 40  
41  
42  
43  
44  
45  
46  
47  
48

letter shall be sent to the attorney general within ten business days after the auditor of state's transmittal of the report to the village. The audit report transmitted to the village shall be accompanied by a notice to the village of the auditor's intent to refer the report to the attorney general for legal action in accordance with this section.

49  
50  
51  
52  
53  
54

(C) Within twenty days of receipt of the auditor of state's report and letter, the attorney general may file a legal action in the court of common pleas of Franklin county on behalf of the state to request the dissolution of the village that is the subject of the audit report. If a legal action is filed, the court shall hold a hearing within ninety days after the date the attorney general files the legal action with the court. Notice of the hearing shall be filed with the attorney general, the clerk of the village that is the subject of the action, and each clerk of a township located wholly or partly within the village.

55  
56  
57  
58  
59  
60  
61  
62  
63  
64

At the hearing on dissolution, the court shall determine if the village has a population of one hundred persons or less, consists of less than two square miles, and meets at least two conditions for surrendering corporate powers. If the court so finds, it shall order the dissolution of the village and provide for the surrender of corporate powers in accordance with section 703.21 of the Revised Code. The attorney general shall file a certified copy of the court's order of dissolution with the secretary of state and the county recorder of the county in which the village is situated, who shall record it in their respective offices. Upon the recording in the county recorder's office, the corporate powers of the village shall cease.

65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76

(D) For purposes of this section, the population of a village shall be the population determined either at the last preceding federal decennial census or according to population estimates certified by the department of development between decennial

77  
78  
79  
80

censuses.

81

(E) The procedure in this section is in addition to the  
procedure of section 703.20 of the Revised Code for the surrender  
of the corporate powers of a village.

82

83

84

**Sec. 703.21.** The surrender of corporate powers by a village  
under section 703.20 or 703.201 of the Revised Code does not  
affect vested rights or accrued liabilities of the village, or the  
power to settle claims, dispose of property, or levy and collect  
taxes to pay existing obligations, ~~but.~~ But, after the  
presentation of the petition mentioned in ~~that~~ section 703.20 of  
the Revised Code or receipt of the audit report and notice  
mentioned in section 703.201 of the Revised Code, the legislative  
authority of the village shall not create any new liability until  
the result of the election under section 703.20 of the Revised  
Code is declared or the decision of the court of common pleas of  
Franklin county under division (C) of section 703.201 of the  
Revised Code is declared, or thereafter, if the result, in either  
case, is ~~in favor of~~ for the surrender of the village's corporate  
powers. ~~Due~~ If the auditor of state notifies the village that the  
attorney general may file a legal action under section 703.201 of  
the Revised Code, but the attorney general does not file such an  
action, the village shall not create any new liability for thirty  
days after receipt of the auditor's notice.

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

Due and unpaid taxes may be collected after the surrender of  
corporate powers, and all moneys or property remaining after the  
surrender belongs to the township or townships located wholly or  
partly within the village. If more than one township is to receive  
the remaining money or property, the money and property shall be  
divided among the townships in proportion to the amount of  
territory that each township has within the village boundaries as  
compared to the total ~~township~~ territory within the village.

104

105

106

107

108

109

110

111

Sec. 1905.01. (A) In Georgetown in Brown county, in Mount 112  
Gilead in Morrow county, and in all other municipal corporations 113  
having a population of more than one hundred, other than Batavia 114  
in Clermont county, not being the site of a municipal court nor a 115  
place where a judge of the Auglaize county, Crawford county, 116  
Jackson county, Miami county, Portage county, or Wayne county 117  
municipal court sits as required pursuant to section 1901.021 of 118  
the Revised Code or by designation of the judges pursuant to 119  
section 1901.021 of the Revised Code, the mayor of the municipal 120  
corporation has jurisdiction, except as provided in divisions (B), 121  
(C), and (E) of this section and subject to the limitation 122  
contained in section 1905.03 and the limitation contained in 123  
section 1905.031 of the Revised Code, to hear and determine any 124  
prosecution for the violation of an ordinance of the municipal 125  
corporation, to hear and determine any case involving a violation 126  
of a vehicle parking or standing ordinance of the municipal 127  
corporation unless the violation is required to be handled by a 128  
parking violations bureau or joint parking violations bureau 129  
pursuant to Chapter 4521. of the Revised Code, and to hear and 130  
determine all criminal causes involving any moving traffic 131  
violation occurring on a state highway located within the 132  
boundaries of the municipal corporation, subject to the 133  
limitations of sections 2937.08 and 2938.04 of the Revised Code. 134

(B)(1) In Georgetown in Brown county, in Mount Gilead in 135  
Morrow county, and in all other municipal corporations having a 136  
population of more than one hundred, other than Batavia in 137  
Clermont county, not being the site of a municipal court nor a 138  
place where a judge of a court listed in division (A) of this 139  
section sits as required pursuant to section 1901.021 of the 140  
Revised Code or by designation of the judges pursuant to section 141  
1901.021 of the Revised Code, the mayor of the municipal 142  
corporation has jurisdiction, subject to the limitation contained 143

in section 1905.03 of the Revised Code, to hear and determine 144  
prosecutions involving a violation of an ordinance of the 145  
municipal corporation relating to operating a vehicle while under 146  
the influence of alcohol, a drug of abuse, or alcohol and a drug 147  
of abuse or relating to operating a vehicle with a prohibited 148  
concentration of alcohol in the blood, breath, or urine, and to 149  
hear and determine criminal causes involving a violation of 150  
section 4511.19 of the Revised Code that occur on a state highway 151  
located within the boundaries of the municipal corporation, 152  
subject to the limitations of sections 2937.08 and 2938.04 of the 153  
Revised Code, only if the person charged with the violation, 154  
within six years of the date of the violation charged, has not 155  
been convicted of or pleaded guilty to any of the following: 156

(a) A violation of an ordinance of any municipal corporation 157  
relating to operating a vehicle while under the influence of 158  
alcohol, a drug of abuse, or alcohol and a drug of abuse or 159  
relating to operating a vehicle with a prohibited concentration of 160  
alcohol in the blood, breath, or urine; 161

(b) A violation of section 4511.19 of the Revised Code; 162

(c) A violation of any ordinance of any municipal corporation 163  
or of any section of the Revised Code that regulates the operation 164  
of vehicles, streetcars, and trackless trolleys upon the highways 165  
or streets, in relation to which all of the following apply: 166

(i) The person, in the case in which the conviction was 167  
obtained or the plea of guilty was entered, had been charged with 168  
a violation of an ordinance of any municipal corporation relating 169  
to operating a vehicle while under the influence of alcohol, a 170  
drug of abuse, or alcohol and a drug of abuse or relating to 171  
operating a vehicle with a prohibited concentration of alcohol in 172  
the blood, breath, or urine, or with a violation of section 173  
4511.19 of the Revised Code; 174

(ii) The charge of the violation described in division	175
(B)(1)(c)(i) of this section was dismissed or reduced;	176
(iii) The violation of which the person was convicted or to	177
which the person pleaded guilty arose out of the same facts and	178
circumstances and the same act as did the charge that was	179
dismissed or reduced.	180
(d) A violation of a statute of the United States or of any	181
other state or a municipal ordinance of a municipal corporation	182
located in any other state that is substantially similar to	183
section 4511.19 of the Revised Code.	184
(2) The mayor of a municipal corporation does not have	185
jurisdiction to hear and determine any prosecution or criminal	186
cause involving a violation described in division (B)(1)(a) or (b)	187
of this section, regardless of where the violation occurred, if	188
the person charged with the violation, within six years of the	189
violation charged, has been convicted of or pleaded guilty to any	190
violation listed in division (B)(1)(a), (b), (c), or (d) of this	191
section.	192
If the mayor of a municipal corporation, in hearing a	193
prosecution involving a violation of an ordinance of the municipal	194
corporation the mayor serves relating to operating a vehicle while	195
under the influence of alcohol, a drug of abuse, or alcohol and a	196
drug of abuse or relating to operating a vehicle with a prohibited	197
concentration of alcohol in the blood, breath, or urine, or in	198
hearing a criminal cause involving a violation of section 4511.19	199
of the Revised Code, determines that the person charged, within	200
six years of the violation charged, has been convicted of or	201
pleaded guilty to any violation listed in division (B)(1)(a), (b),	202
(c), or (d) of this section, the mayor immediately shall transfer	203
the case to the county court or municipal court with jurisdiction	204
over the violation charged, in accordance with section 1905.032 of	205

the Revised Code. 206

(C)(1) In Georgetown in Brown county, in Mount Gilead in 207  
Morrow county, and in all other municipal corporations having a 208  
population of more than one hundred, other than Batavia in 209  
Clermont county, not being the site of a municipal court and not 210  
being a place where a judge of a court listed in division (A) of 211  
this section sits as required pursuant to section 1901.021 of the 212  
Revised Code or by designation of the judges pursuant to section 213  
1901.021 of the Revised Code, the mayor of the municipal 214  
corporation, subject to sections 1901.031, 2937.08, and 2938.04 of 215  
the Revised Code, has jurisdiction to hear and determine 216  
prosecutions involving a violation of a municipal ordinance that 217  
is substantially equivalent to division (B)(1) or (D)(2) of 218  
section 4507.02 of the Revised Code and to hear and determine 219  
criminal causes that involve a moving traffic violation, that 220  
involve a violation of division (B)(1) or (D)(2) of section 221  
4507.02 of the Revised Code, and that occur on a state highway 222  
located within the boundaries of the municipal corporation only if 223  
all of the following apply regarding the violation and the person 224  
charged: 225

(a) Regarding a violation of division (B)(1) of section 226  
4507.02 of the Revised Code or a violation of a municipal 227  
ordinance that is substantially equivalent to that division, the 228  
person charged with the violation, within five years of the date 229  
of the violation charged, has not been convicted of or pleaded 230  
guilty to any of the following: 231

(i) A violation of division (B)(1) of section 4507.02 of the 232  
Revised Code; 233

(ii) A violation of a municipal ordinance that is 234  
substantially equivalent to division (B)(1) of section 4507.02 of 235  
the Revised Code; 236



(iii) A violation of any municipal ordinance or section of 237  
the Revised Code that regulates the operation of vehicles, 238  
streetcars, and trackless trolleys upon the highways or streets, 239  
in a case in which, after a charge against the person of a 240  
violation of a type described in division (C)(1)(a)(i) or (ii) of 241  
this section was dismissed or reduced, the person is convicted of 242  
or pleads guilty to a violation that arose out of the same facts 243  
and circumstances and the same act as did the charge that was 244  
dismissed or reduced. 245

(b) Regarding a violation of division (D)(2) of section 246  
4507.02 of the Revised Code or a violation of a municipal 247  
ordinance that is substantially equivalent to that division, the 248  
person charged with the violation, within five years of the date 249  
of the violation charged, has not been convicted of or pleaded 250  
guilty to any of the following: 251

(i) A violation of division (D)(2) of section 4507.02 of the 252  
Revised Code; 253

(ii) A violation of a municipal ordinance that is 254  
substantially equivalent to division (D)(2) of section 4507.02 of 255  
the Revised Code; 256

(iii) A violation of any municipal ordinance or section of 257  
the Revised Code that regulates the operation of vehicles, 258  
streetcars, and trackless trolleys upon the highways or streets in 259  
a case in which, after a charge against the person of a violation 260  
of a type described in division (C)(1)(b)(i) or (ii) of this 261  
section was dismissed or reduced, the person is convicted of or 262  
pleads guilty to a violation that arose out of the same facts and 263  
circumstances and the same act as did the charge that was 264  
dismissed or reduced. 265

(2) The mayor of a municipal corporation does not have 266  
jurisdiction to hear and determine any prosecution or criminal 267

cause involving a violation described in division (C)(1)(a)(i) or 268  
(ii) of this section if the person charged with the violation, 269  
within five years of the violation charged, has been convicted of 270  
or pleaded guilty to any violation listed in division 271  
(C)(1)(a)(i), (ii), or (iii) of this section and does not have 272  
jurisdiction to hear and determine any prosecution or criminal 273  
cause involving a violation described in division (C)(1)(b)(i) or 274  
(ii) of this section if the person charged with the violation, 275  
within five years of the violation charged, has been convicted of 276  
or pleaded guilty to any violation listed in division 277  
(C)(1)(b)(i), (ii), or (iii) of this section. 278

(3) If the mayor of a municipal corporation, in hearing a 279  
prosecution involving a violation of an ordinance of the municipal 280  
corporation the mayor serves that is substantially equivalent to 281  
division (B)(1) or (D)(2) of section 4507.02 of the Revised Code 282  
or a violation of division (B)(1) or (D)(2) of section 4507.02 of 283  
the Revised Code, determines that, under division (C)(2) of this 284  
section, mayors do not have jurisdiction of the prosecution, the 285  
mayor immediately shall transfer the case to the county court or 286  
municipal court with jurisdiction over the violation in accordance 287  
with section 1905.032 of the Revised Code. 288

(D) If the mayor of a municipal corporation has jurisdiction 289  
pursuant to division (B)(1) of this section to hear and determine 290  
a prosecution or criminal cause involving a violation described in 291  
division (B)(1)(a) or (b) of this section, the authority of the 292  
mayor to hear or determine the prosecution or cause is subject to 293  
the limitation contained in division (C) of section 1905.03 of the 294  
Revised Code. If the mayor of a municipal corporation has 295  
jurisdiction pursuant to division (A) or (C) of this section to 296  
hear and determine a prosecution or criminal cause involving a 297  
violation other than a violation described in division (B)(1)(a) 298  
or (b) of this section, the authority of the mayor to hear or 299

determine the prosecution or cause is subject to the limitation 300  
contained in division (C) of section 1905.031 of the Revised Code. 301

(E)(1) The mayor of a municipal corporation does not have 302  
jurisdiction to hear and determine any prosecution or criminal 303  
cause involving any of the following: 304

(a) A violation of section 2919.25 or 2919.27 of the Revised 305  
Code; 306

(b) A violation of section 2903.11, 2903.12, 2903.13, 307  
2903.211, or 2911.211 of the Revised Code that involves a person 308  
who was a family or household member of the defendant at the time 309  
of the violation; 310

(c) A violation of a municipal ordinance that is 311  
substantially equivalent to an offense described in division 312  
(E)(1)(a) or (b) of this section and that involves a person who 313  
was a family or household member of the defendant at the time of 314  
the violation. 315

(2) The mayor of a municipal corporation does not have 316  
jurisdiction to hear and determine a motion filed pursuant to 317  
section 2919.26 of the Revised Code or filed pursuant to a 318  
municipal ordinance that is substantially equivalent to that 319  
section or to issue a protection order pursuant to that section or 320  
a substantially equivalent municipal ordinance. 321

(3) As used in this section, "family or household member" has 322  
the same meaning as in section 2919.25 of the Revised Code. 323

(F) In keeping a docket and files, the mayor, and a mayor's 324  
court magistrate appointed under section 1905.05 of the Revised 325  
Code, shall be governed by the laws pertaining to county courts. 326

**Section 2.** That existing sections 703.21 and 1905.01 of the 327  
Revised Code are hereby repealed. 328

**Section 3.** That the version of section 1905.01 of the Revised Code that is scheduled to take effect January 1, 2004, be amended to read as follows:

**Sec. 1905.01.** (A) In Georgetown in Brown county, in Mount Gilead in Morrow county, and in all other municipal corporations having a population of more than one hundred, other than Batavia in Clermont county, not being the site of a municipal court nor a place where a judge of the Auglaize county, Crawford county, Jackson county, Miami county, Portage county, or Wayne county municipal court sits as required pursuant to section 1901.021 of the Revised Code or by designation of the judges pursuant to section 1901.021 of the Revised Code, the mayor of the municipal corporation has jurisdiction, except as provided in divisions (B), (C), and (E) of this section and subject to the limitation contained in section 1905.03 and the limitation contained in section 1905.031 of the Revised Code, to hear and determine any prosecution for the violation of an ordinance of the municipal corporation, to hear and determine any case involving a violation of a vehicle parking or standing ordinance of the municipal corporation unless the violation is required to be handled by a parking violations bureau or joint parking violations bureau pursuant to Chapter 4521. of the Revised Code, and to hear and determine all criminal causes involving any moving traffic violation occurring on a state highway located within the boundaries of the municipal corporation, subject to the limitations of sections 2937.08 and 2938.04 of the Revised Code.

(B)(1) In Georgetown in Brown county, in Mount Gilead in Morrow county, and in all other municipal corporations having a population of more than one hundred, other than Batavia in Clermont county, not being the site of a municipal court nor a place where a judge of a court listed in division (A) of this

section sits as required pursuant to section 1901.021 of the 360  
Revised Code or by designation of the judges pursuant to section 361  
1901.021 of the Revised Code, the mayor of the municipal 362  
corporation has jurisdiction, subject to the limitation contained 363  
in section 1905.03 of the Revised Code, to hear and determine 364  
prosecutions involving a violation of an ordinance of the 365  
municipal corporation relating to operating a vehicle while under 366  
the influence of alcohol, a drug of abuse, or a combination of 367  
them or relating to operating a vehicle with a prohibited 368  
concentration of alcohol in the whole blood, blood serum or 369  
plasma, breath, or urine, and to hear and determine criminal 370  
causes involving a violation of section 4511.19 of the Revised 371  
Code that occur on a state highway located within the boundaries 372  
of the municipal corporation, subject to the limitations of 373  
sections 2937.08 and 2938.04 of the Revised Code, only if the 374  
person charged with the violation, within six years of the date of 375  
the violation charged, has not been convicted of or pleaded guilty 376  
to any of the following: 377

(a) A violation of an ordinance of any municipal corporation 378  
relating to operating a vehicle while under the influence of 379  
alcohol, a drug of abuse, or a combination of them or relating to 380  
operating a vehicle with a prohibited concentration of alcohol in 381  
the whole blood, blood serum or plasma, breath, or urine; 382

(b) A violation of section 4511.19 of the Revised Code; 383

(c) A violation of any ordinance of any municipal corporation 384  
or of any section of the Revised Code that regulates the operation 385  
of vehicles, streetcars, and trackless trolleys upon the highways 386  
or streets, to which all of the following apply: 387

(i) The person, in the case in which the conviction was 388  
obtained or the plea of guilty was entered, had been charged with 389  
a violation of an ordinance of a type described in division 390  
(B)(1)(a) of this section, or with a violation of section 4511.19 391

of the Revised Code;	392
(ii) The charge of the violation described in division	393
(B)(1)(c)(i) of this section was dismissed or reduced;	394
(iii) The violation of which the person was convicted or to	395
which the person pleaded guilty arose out of the same facts and	396
circumstances and the same act as did the charge that was	397
dismissed or reduced.	398
(d) A violation of a statute of the United States or of any	399
other state or a municipal ordinance of a municipal corporation	400
located in any other state that is substantially similar to	401
section 4511.19 of the Revised Code.	402
(2) The mayor of a municipal corporation does not have	403
jurisdiction to hear and determine any prosecution or criminal	404
cause involving a violation described in division (B)(1)(a) or (b)	405
of this section, regardless of where the violation occurred, if	406
the person charged with the violation, within six years of the	407
violation charged, has been convicted of or pleaded guilty to any	408
violation listed in division (B)(1)(a), (b), (c), or (d) of this	409
section.	410
If the mayor of a municipal corporation, in hearing a	411
prosecution involving a violation of an ordinance of the municipal	412
corporation the mayor serves relating to operating a vehicle while	413
under the influence of alcohol, a drug of abuse, or a combination	414
of them or relating to operating a vehicle with a prohibited	415
concentration of alcohol in the whole blood, blood serum or	416
plasma, breath, or urine, or in hearing a criminal cause involving	417
a violation of section 4511.19 of the Revised Code, determines	418
that the person charged, within six years of the violation	419
charged, has been convicted of or pleaded guilty to any violation	420
listed in division (B)(1)(a), (b), (c), or (d) of this section,	421
the mayor immediately shall transfer the case to the county court	422

or municipal court with jurisdiction over the violation charged, 423  
in accordance with section 1905.032 of the Revised Code. 424

(C)(1) In Georgetown in Brown county, in Mount Gilead in 425  
Morrow county, and in all other municipal corporations having a 426  
population of more than one hundred, other than Batavia in 427  
Clermont county, not being the site of a municipal court and not 428  
being a place where a judge of a court listed in division (A) of 429  
this section sits as required pursuant to section 1901.021 of the 430  
Revised Code or by designation of the judges pursuant to section 431  
1901.021 of the Revised Code, the mayor of the municipal 432  
corporation, subject to sections 1901.031, 2937.08, and 2938.04 of 433  
the Revised Code, has jurisdiction to hear and determine 434  
prosecutions involving a violation of a municipal ordinance that 435  
is substantially equivalent to division (A) of section 4510.14 or 436  
section 4510.16 of the Revised Code and to hear and determine 437  
criminal causes that involve a moving traffic violation, that 438  
involve a violation of division (A) of section 4510.14 or section 439  
4510.16 of the Revised Code, and that occur on a state highway 440  
located within the boundaries of the municipal corporation only if 441  
all of the following apply regarding the violation and the person 442  
charged: 443

(a) Regarding a violation of section 4510.16 of the Revised 444  
Code or a violation of a municipal ordinance that is substantially 445  
equivalent to that division, the person charged with the 446  
violation, within six years of the date of the violation charged, 447  
has not been convicted of or pleaded guilty to any of the 448  
following: 449

(i) A violation of section 4510.16 of the Revised Code; 450

(ii) A violation of a municipal ordinance that is 451  
substantially equivalent to section 4510.16 of the Revised Code; 452

(iii) A violation of any municipal ordinance or section of 453

the Revised Code that regulates the operation of vehicles, 454  
streetcars, and trackless trolleys upon the highways or streets, 455  
in a case in which, after a charge against the person of a 456  
violation of a type described in division (C)(1)(a)(i) or (ii) of 457  
this section was dismissed or reduced, the person is convicted of 458  
or pleads guilty to a violation that arose out of the same facts 459  
and circumstances and the same act as did the charge that was 460  
dismissed or reduced. 461

(b) Regarding a violation of division (A) of section 4510.14 462  
of the Revised Code or a violation of a municipal ordinance that 463  
is substantially equivalent to that division, the person charged 464  
with the violation, within six years of the date of the violation 465  
charged, has not been convicted of or pleaded guilty to any of the 466  
following: 467

(i) A violation of division (A) of section 4510.14 of the 468  
Revised Code; 469

(ii) A violation of a municipal ordinance that is 470  
substantially equivalent to division (A) of section 4510.14 of the 471  
Revised Code; 472

(iii) A violation of any municipal ordinance or section of 473  
the Revised Code that regulates the operation of vehicles, 474  
streetcars, and trackless trolleys upon the highways or streets in 475  
a case in which, after a charge against the person of a violation 476  
of a type described in division (C)(1)(b)(i) or (ii) of this 477  
section was dismissed or reduced, the person is convicted of or 478  
pleads guilty to a violation that arose out of the same facts and 479  
circumstances and the same act as did the charge that was 480  
dismissed or reduced. 481

(2) The mayor of a municipal corporation does not have 482  
jurisdiction to hear and determine any prosecution or criminal 483  
cause involving a violation described in division (C)(1)(a)(i) or 484



(ii) of this section if the person charged with the violation, 485  
within six years of the violation charged, has been convicted of 486  
or pleaded guilty to any violation listed in division 487  
(C)(1)(a)(i), (ii), or (iii) of this section and does not have 488  
jurisdiction to hear and determine any prosecution or criminal 489  
cause involving a violation described in division (C)(1)(b)(i) or 490  
(ii) of this section if the person charged with the violation, 491  
within six years of the violation charged, has been convicted of 492  
or pleaded guilty to any violation listed in division 493  
(C)(1)(b)(i), (ii), or (iii) of this section. 494

(3) If the mayor of a municipal corporation, in hearing a 495  
prosecution involving a violation of an ordinance of the municipal 496  
corporation the mayor serves that is substantially equivalent to 497  
division (A) of section 4510.14 or section 4510.16 of the Revised 498  
Code or a violation of division (A) of section 4510.14 or section 499  
4510.16 of the Revised Code, determines that, under division 500  
(C)(2) of this section, mayors do not have jurisdiction of the 501  
prosecution, the mayor immediately shall transfer the case to the 502  
county court or municipal court with jurisdiction over the 503  
violation in accordance with section 1905.032 of the Revised Code. 504

(D) If the mayor of a municipal corporation has jurisdiction 505  
pursuant to division (B)(1) of this section to hear and determine 506  
a prosecution or criminal cause involving a violation described in 507  
division (B)(1)(a) or (b) of this section, the authority of the 508  
mayor to hear or determine the prosecution or cause is subject to 509  
the limitation contained in division (C) of section 1905.03 of the 510  
Revised Code. If the mayor of a municipal corporation has 511  
jurisdiction pursuant to division (A) or (C) of this section to 512  
hear and determine a prosecution or criminal cause involving a 513  
violation other than a violation described in division (B)(1)(a) 514  
or (b) of this section, the authority of the mayor to hear or 515  
determine the prosecution or cause is subject to the limitation 516

contained in division (C) of section 1905.031 of the Revised Code. 517

(E)(1) The mayor of a municipal corporation does not have 518  
jurisdiction to hear and determine any prosecution or criminal 519  
cause involving any of the following: 520

(a) A violation of section 2919.25 or 2919.27 of the Revised 521  
Code; 522

(b) A violation of section 2903.11, 2903.12, 2903.13, 523  
2903.211, or 2911.211 of the Revised Code that involves a person 524  
who was a family or household member of the defendant at the time 525  
of the violation; 526

(c) A violation of a municipal ordinance that is 527  
substantially equivalent to an offense described in division 528  
(E)(1)(a) or (b) of this section and that involves a person who 529  
was a family or household member of the defendant at the time of 530  
the violation. 531

(2) The mayor of a municipal corporation does not have 532  
jurisdiction to hear and determine a motion filed pursuant to 533  
section 2919.26 of the Revised Code or filed pursuant to a 534  
municipal ordinance that is substantially equivalent to that 535  
section or to issue a protection order pursuant to that section or 536  
a substantially equivalent municipal ordinance. 537

(3) As used in this section, "family or household member" has 538  
the same meaning as in section 2919.25 of the Revised Code. 539

(F) In keeping a docket and files, the mayor, and a mayor's 540  
court magistrate appointed under section 1905.05 of the Revised 541  
Code, shall be governed by the laws pertaining to county courts. 542

**Section 4.** That the existing version of section 1905.01 of 543  
the Revised Code that is scheduled to take effect January 1, 2004, 544  
is hereby repealed. 545

**Section 5.** Sections 3 and 4 of this act take effect January 546  
1, 2004. 547

**Section 6.** If any provision or application of this act to any 548  
person or circumstance is held invalid, the invalidity does not 549  
affect other provisions or applications of the section or related 550  
sections which can be given effect without the invalid provision 551  
or application, and to this end the provisions are severable. 552