

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

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
Senators Stivers, Mumper, Robert Gardner**

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
improvement on the conditions that caused the fiscal emergency
declaration. 16
17
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 fifty 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 40
41
42
43
44
45
46

attorney general to institute legal action to dissolve the village
in accordance with division (C) of this section. The report and
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.

47
48
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 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 fifty 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

77
78

federal decennial census or according to population estimates
certified by the department of development between decennial
censuses.

79
80
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
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 of state'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

104
105
106
107
108
109

territory that each township has within the village boundaries as 110
compared to the total ~~township~~ territory within the village. 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