

Local Jurisdiction - Toledo, Ohio

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RED LIGHT RUNNING LEGISLATION TOLEDO, OHIO

ORD. 125-99 Enacting a new Section 313.12 of the Toledo Municipal Code entitled "Civil penalties for automated red light system violations"; and declaring an emergency.

WHEREAS, the frequency of red light running within the city of Toledo continues to increase as the number of vehicles on our roads increases; and

WHEREAS, an automated red light camera system will assist the Toledo Police Department by alleviating the necessity for conducting extensive conventional traffic enforcement at heavily traveled, high risk intersections; and

WHEREAS, the adoption of an automated red light camera system will result in a significant reduction in the number of red light violations and/or accidents within the city of Toledo; NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new Section 313.12 of the Toledo Municipal Code be and the same is hereby enacted to read as follows:

313.12. Civil penalties for automated red light system violations.

(a) Automated red light system/civil violation General.

(1) Notwithstanding any other provision of this Traffic Code, the City of Toledo hereby adopts a civil enforcement system for red light camera system violations as outlined in this section. Said system imposes monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic control indications in the city of Toledo in accordance with the provisions of this Section.

(2) The City of Toledo Division of Transportation, the Toledo Police Department, and the Toledo Department of Law shall be responsible for administering the Automated Red Light System. Specifically, the Toledo Division of Transportation and the Toledo Police Department shall be empowered to install and operate red light camera systems within the city of Toledo. And, the Toledo Division of Transportation and the Toledo Police Department shall maintain a list of system locations where red light camera systems are installed. Said departments will make the determination as to which intersection locations will be utilized.

(3) Any citation for an automated red light system violation pursuant to this Section, known as a "Notice of Liability" shall:

- A. Be processed by officials or agents of the City of Toledo;
- B. Be forwarded by first-class mail or personal service to the vehicle's registered owner's address as given on the state's motor vehicle registration, and
- C. Clearly state the manner in which the violation may be appealed.

(b) Definitions.

(1) "Automated red light system" is the equivalent of "Traffic control signal monitoring device" or "Traffic control photographic system." Said system/device is an electronic system consisting of a photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control.

(2) "In operation" means operating in good working condition.

(3) "System location" is the approach to an intersection toward which a photographic, video or electronic camera is directed and is in operation. It is the location where the automated camera system is installed to monitor offenses under this Section.

(4) "Vehicle owner" is the person or entity identified by the Ohio Bureau of Motor Vehicles, or registered with any other State vehicle registration office, as the registered owner of a vehicle.

(c) Offense.

(1) The owner of a vehicle shall be liable for a penalty imposed pursuant to this Section if such vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light.

(2) It is prima facie evidence that the person registered as the owner of the vehicle with the Ohio Bureau of Motor Vehicles (or with any other State vehicle registration office) was operating the vehicle at the time of the offense set out in subsection (c)(1) above.

(3) Notwithstanding subsection (c)(2) above, the owner of the vehicle shall not be responsible for the violation if, within twenty-one (21) days from the date listed on the "Notice of Liability," as set forth in subsection (d)(3) below, he furnishes the Hearing Officer:

A. An affidavit by him, stating the name and address of the person or entity who leased, rented, or otherwise had the care, custody and control of the vehicle at the time of the violation; OR

B. A law enforcement incident report/general offense report from any state or local law enforcement agency/record bureau stating that the vehicle involved was reported as stolen before the time of the violation.

(4) An imposition of liability under the Section shall not be deemed a conviction as an operator and shall not be made part of the operating record upon whom such liability is imposed.

(5) Nothing in this Section shall be construed to limit the liability of an operator of a vehicle for any violation of subsection (c)(1) herein.

(6) This Section shall not apply to violations involving vehicle collisions.

(d) Penalty; Administrative Appeal.

(1) Any violation of subsection (c)(1) herein shall be deemed a noncriminal violation for which a civil penalty of \$75.00 shall be assessed and for which no points authorized by Ohio Revised Code Section 4507.021 ("Point system for license suspension") shall be assigned to the owner or driver of the vehicle.

(2) The City of Toledo, via its Division of Transportation, Police Department, Law Department and Municipal Court Clerk may establish procedures for the collection of the civil penalties imposed herein, and may enforce the penalties by a civil action in the nature of a debt.

(3) A notice of appeal shall be filed with the Hearing Officer within twenty-one (21) days from the date listed on the "Notice of Liability." The failure to give notice of appeal or pay the civil penalty within this time period shall constitute a waiver of the right to contest the citation and will be considered an admission. Appeals shall be heard through an administrative process established by the City of Toledo Police Department. An individual desiring a hearing must post a bond equal to the amount of the civil penalty before an appeal hearing will be scheduled. In the event that the decision of the hearing officer is in favor of the City of Toledo, the bond monies previously posted shall be paid to the City of Toledo. A decision in favor of the City of Toledo may be enforced by means of a civil action.

SECTION 2. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property.

Vote on emergency clause: yeas 11, nays 0.

Passed: March 16, 1999, as an emergency measure: yeas 11, nays 0.

ATTEST:
MICHAEL J. BEAZLEY
Clerk of Council

PETER UJVAGI
President of Council

Approved: March 21, 1999
CARLETON S. FINKBEINER
Mayor