

THE SIDNEY MUNICIPAL COURT

Serving all of Shelby County

Gary J. Carter
Judge

Tony Kremer
Court Administrator/Clerk of Court

LOCAL RULES OF COURT



110 W. Court St., Sidney, Ohio 45365
www.sidneyoh.com/329/Municipal-Court

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General Rules for Parties and Lawyers

Rule 101: Filing of Documents

The filing of a document with the court may be accomplished by presenting the document to the Clerk of the Court during the regular business hours of the clerk's office, utilizing the Court's e-Filing site as described in Rule 107 below, by emailing to Court@SidneyOH.com, by fax filing as described in Rule 106 below, or by mailing the document to: The Sidney Municipal Court, Attn: Clerk of Court, 110 W. Court St., Sidney, Ohio 45365.

A document sent by mail or other delivery service will not be considered filed until it is received in the clerk's office.

Rule 102: Information To Be Included On Court Filings

On each document presented to the clerk for filing, parties and attorneys should list their names, addresses, telephone numbers, fax numbers, and email addresses. Attorneys should also list their Ohio attorney registration numbers.

In addition, the case name and case number should be listed on each document filed with the clerk, as well as the title of the document (for example; Defendant's Motion to Continue, Plaintiff's Pretrial Statement, etc.).

The original of every document filed with the clerk should be signed by an attorney representing the party on whose behalf the document is filed. A party who is not represented by an attorney should sign any document being filed.

Rule 103: Personal Identifying Information Should Be Redacted

To protect legitimate personal privacy interests, social security numbers and other personal identifying information should be redacted from documents before the documents are filed. The responsibility for redacting personal identifying information rests solely with the attorneys and parties who present the documents to the clerk for filing. The clerk will not review documents to confirm that personal identifying information has been redacted.

If personal identifying information is redacted or omitted from a document, the information should be provided to the court on a separate form that indicates what information has been redacted or omitted and provides the location of the redacted or omitted information. A suitable example of that type of form is included in the appendix to the Rules of Practice of the Supreme Court of Ohio.

Rule 104: Mechanical Requirements for Court Filings

All documents presented to the clerk for filing should be on paper that is 8.5 by 11 inches in size, and the text of all documents should be no smaller in size than 12-point type. The margin on the top of each page should be at least one inch so that the clerk can punch holes in that margin without obscuring the document's text.

Every multi-page document filed with the clerk should be numbered and should be firmly stapled in the upper-left corner of the document. Also, sufficient blank space should be visible in the upper-right portion of each document, especially the first page so that the clerk can date-stamp the document without obscuring the document's text.

The clerk may accept handwritten documents for filing, but the clerk may reject any document that is not clearly legible.

Rule 105: Copies of Motions and Other Filings

Only the signed original of a motion (or other written filing) need be presented to the clerk, unless the court's cost schedule specifies that multiple copies are required. If the motion or other document is to be filed in two or more case files; then the party presenting the document should provide sufficient copies with the original so that the clerk can place a copy in each case file to which the motion or other document pertains. (That is, if a motion is to be filed in both a criminal case and a traffic case involving the same defendant, the original and one copy of the motion should be filed with the clerk).

We require filings of original, return copy, and one copy per defendant and/or representing attorney. However, **eviction cases** require 2 copies per defendant.

A party filing a motion to suppress in a criminal or traffic case should provide an extra copy of that motion to the clerk, who in turn will give it to the Judge.

A party who wishes to receive a date-stamped copy of a document submitted to the clerk for filing should provide the clerk with an extra copy of the document, along with a sufficiently large envelope that is self-addressed and postage-paid.

Rule 106: Fax Filing

Pleadings and other papers may be filed with the clerk by facsimile ("fax"). The number for the clerk's fax machine is 937-498-8179. Faxed documents intended for filing must be faxed to the clerk and not to the Judges' chambers.

A document filed by fax will be accepted as the effective original filing of the document. The person filing a document by fax should not

mail or otherwise deliver the same document to the clerk a second time, but that person should maintain in his or her records the original signed copy of the fax-filed document.

Subject to the provisions of these rules, all documents sent by fax and received by the clerk will be considered filed with the clerk as of the date the clerk date-stamps the document, as opposed to the date and time of the fax transmission itself. Documents may be faxed to the clerk at any time, which includes times when the clerk's office is closed.

The risks of transmitting a document by fax to the clerk must be borne entirely by the sending party. Anyone using fax filing is welcome to verify with the clerk's office that the faxed document has in fact been received and that all pages and exhibits have been transmitted properly. The clerk may – but is not required – to notify the sender of a failed fax filing.

All filings that require a fee need to be either mailed with payment or filed in person at the Clerk's window. The Court does not accept fax filings when a fee is required and for filings that need to maintain originality (*ie.* affidavits).

The cover sheet for a fax filing should list:

- (A) the name of our court;
- (B) the title of the case;
- (C) the case number;
- (D) the title of the document being filed;
- (E) the date of transmission;

- (F) the transmitting fax number;
- (G) an indication of the number of pages included in the transmission, including the cover sheet;
- (H) the name, address, telephone number, fax number, Supreme Court registration number (if any), and e-mail address of the person filing the faxed document.

A party who wishes to file a signed document by fax must either (1) fax the signed document to the clerk or (2) fax a copy of the document without the signature but with the notation “/s/” followed by the typewritten name of the signing person. A party who files a signed document by fax represents that the physically signed document is in his or her possession or control.

Rule 107: Filing by Electronic Transmission (e-Filing)

Counsel of record that wishes to file pleadings, orders, and/or other documents through the Court’s e-File System must be registered. Before you can register on the site, you must call the Court at 937-498-8712 to be added to the system by Court staff. Once you have been added, you will be able to register at www.sidneyoh.com/463/E-Filing. The Court’s e-File system will assign counsel a confidential and unique electronic identifier that will be used to file, review and retrieve e-Filed pleadings, orders and other documents in the case. Each person to whom a unique identifier has been assigned shall be responsible for the security and use of such identifier.

Documents filed in accordance with this Rule shall be deemed filed and shall become the Court’s Official Record when they are accepted by the Clerk in the Court’s e-File System unless otherwise rejected. A “rejected” filing is a document that does not comply with the applicable Court rules, policies, and procedures and does not meet Clerk’s requirements of review.

Litigants not represented by counsel (Pro Se) may only file documents in paper form with the Clerk in person, by U.S. Mail or through the Court's email address at Court@SidneyOH.com as long as no fee is required.

E-Filed pleadings should be formatted in accordance with Court Rules 102, 103, and 104 with additions as follows:

- Typewritten or printed;
- Shall not contain links to other documents or references;
- Proposed Order/Entry shall be submitted in Word [.doc] format and reference the specific motion to which it applies;
- Pleadings, including Original Affidavits or other notarized documents, shall be filed with the Clerk in [.pdf] form;
- Attorney Party Signature shall be signed with a conformed signature of “/s/[attorney name].” The conformed signature on an e-Filed document is deemed to constitute a signature on the document for the purposes of signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure, and any other law.

Any filing may be e-Filed with the Clerk's Office 24 hours a day, 7 days a week. Upon receipt, the Court's e-File system will issue a confirmation that the submission has been received. The confirmation will include the date and time of receipt and serve as proof of receipt. After Clerk review, a filer will receive notification from the Clerk that the submission has been accepted or rejected by the Clerk.

a. If the submission is rejected, the document shall not become part of the Court record and the filer shall be required to re-submit the document to meet the Court's requirements within 48 business hours.

b. If the submission is accepted, the document shall be docketed and filed with an electronic stamp that includes the date and time that the filer submitted the document to the Court's e-File system. Once accepted, the document will be deemed filed for purposes of Ohio Law and relevant Rules of Court Procedure.

Any document that the Court receives in electronic form is recorded into the Court's Case Management System (CMS) which then manages the receipting, processing, storage, and retrieval of data associated with a case. Payment of a filing fee to the Clerk in order to achieve valid filing status shall be filed in the same manner as any other e-Filed document. The e-File system accepts payment of fees electronically.

Rule 108: Proposed Entry with Most Motions

Any party filing a motion with the court should present at the same time a proposed entry that the party wishes the assigned judge to sign. (No proposed entry need be tendered with a motion to suppress in criminal and traffic cases).

Rule 109: Continuances

Any request for the continuance of a scheduled court hearing should be made in a written motion that is filed with the clerk, and the motion should describe one or more reasons for the request. If the request is grounded on an attorney's prior commitment in another court on the date of the scheduled hearing in this court, a copy of the scheduling notice from that other court should be attached to the request for a continuance in this court.

A party seeking a continuance of a scheduled hearing is welcome to suggest alternative dates and times when that party expects to be available for the hearing. Parties can also contact the Clerk's office to obtain alternative dates prior to filing the continuance. Counsel who plan to be away on vacation or otherwise should notify the Clerk well in advance of their anticipated absence.

Parties should strive to avoid filing motions to continue jury and bench trials, and any such motions should be filed as soon as the party realizes that a continuance is necessary.

Rule 110: Attendance at Hearings

Parties or their attorneys must attend scheduled hearings in their cases, and rarely is "I did not know about the hearing" an acceptable excuse for missing a hearing. Notices about court hearings are provided by the court to attorneys and to unrepresented parties. The court expects attorneys and parties to stay on top of developments in their cases and to attend all hearings that are scheduled.

Attorneys are welcome to let the judges' staff know about dates when they will not be available to attend hearings at our court because of vacations or other commitments. The court will do its best to take that information into account when scheduling hearings.

Rule 111: Responsibility for Service of Notices

All notices and communications from the Court, and all documents required to be served on parties by law will be sent to the trial counsel. Trial counsel shall be responsible for notifying the parties, co-counsel, and associate counsel of all matters affecting the action.

Rule 112: Use of Standard Courtroom Equipment

The Court has equipment integrated into the courtroom for parties to use to present evidence. The following equipment is available to be used:

- Mounted Displays
- HDMI inputs at each counsel table
- Public Wifi to connect presentation devices
- Wireless Content Sharing via TS-100
- Zoom Video Conferencing
- Visual Presenter 4K Document Camera
- Laptop

Parties can present evidence from their own laptops or tablets by connecting their device to an HDMI input, connecting to the Court's wifi network, or utilizing the Court's wifi dongle. The Court has a laptop available for parties to use as well. If using the Court's laptop, parties need to have their evidence on a flash drive. If there are issues, parties need to inform the Judge's personal bailiff.

Parties will need to contact the Judge's personal bailiff at least one week prior to the scheduled trial date to schedule an appointment to test equipment in the courtroom. The bailiff will then make arrangements with Court IT to ensure the equipment will work in the courtroom. Additionally, it is recommended to test all aspects of your presentation; including audio, video, and font size/scaling 30 minutes before the hearing is scheduled to make sure everything is operational.

Physical documents can be presented on the Court's Visual Presenter 4K Document Camera, which will share content to all screens in the courtroom.

Rules Unique to Criminal and Traffic Cases

Rule 201: Method of Service of Complaints and Tickets

The prosecutor or the law enforcement agency filing a criminal or traffic complaint should indicate on the complaint, or on accompanying documents, either that the complaint has been served on the defendant or that a warrant or summons is requested. The clerk may refuse to file the complaint if it has not been served on the defendant and if no request for the issuance of a warrant or summons is provided to the clerk.

If a criminal or traffic complaint is filed after the date when the defendant was ordered to appear in court for an arraignment, the prosecutor or law enforcement agency filing the complaint must request the issuance of a new summons or a warrant.

Traffic tickets produced by computer or other electronic means may be filed at the court, and those electronically-produced tickets must be filed in electronic form. The signature of the defendant is not required on those tickets, but – aside from the color, weight, and binding requirements that typically apply to paper copies of traffic tickets in Ohio – any electronically-produced tickets should conform in layout and content to the Ohio Uniform Traffic Ticket form. Any defendant to whom a traffic ticket is issued must be provided with a paper copy of the ticket in accordance with Rule 3(E) of the Ohio Traffic Rules.

Rule 202: Waiving Court Appearances

As permitted by Ohio Criminal Rule 4.1 and Ohio Traffic Rule 13, the court has established a waiver schedule through an administrative order. Under that order, defendants in some traffic cases and some minor-misdemeanor criminal cases may waive their right to appear before the

court and may enter a guilty plea by paying a fixed amount of money to the clerk. The latest list of waivable offenses and the waiver amount corresponding to each offense is available at the clerk's office and is attached as Appendix B.

Rule 203: Bail Bond Schedule

As permitted by Ohio Criminal Rule 46(G), the court has established a bail bond schedule for certain criminal and traffic offenses. The clerk and local law enforcement agencies are authorized to release from custody those persons who are charged with one or more criminal or traffic offenses and who post bail in accordance with that schedule. The Bond Schedule is attached as Appendix C.

Bail can be posted in accordance with Crim. R. 46 by cash or surety. Cash bonds will include credit card transactions paid through the clerk's office.

Rule 204: Written Not-Guilty Pleas

A defendant in a criminal or traffic case may file a not-guilty plea in writing with the clerk rather than appearing in person to enter an initial plea. Once a not-guilty plea is filed with the clerk, the defendant must appear at any pretrial conferences and at the trial scheduled by the court (unless the court grants a request for a continuance).

A defendant named in multiple criminal and traffic cases should make sure that all relevant case numbers are listed on any written not-guilty pleas, as well as on any other filings in the cases.

This rule does not apply for certain criminal offenses. The following charges require a mandatory appearance in person on the arraignment date:

Domestic Violence, Assault, Menacing by Stalking, Intimidation of a Witness, Violating Protection Order, Aggravated Trespass, Aggravated Menacing, and Child Enticement w/ a Sexual Motive.

Rule 205: Time Waivers

Defendants in criminal and traffic cases that are willing to waive their constitutional and statutory right to a speedy trial are encouraged to do so by filing a written waiver of that right. The court will always honor the wishes of any defendant who wants to exercise his or her right to a speedy trial, and the exercise or waiver of that right is a matter of choice for each defendant to make. The waiver of that right does free the court's staff from the task of having to calculate the number of days still available for a trial in each case; therefore, a speedy-trial waiver does give the court more flexibility in the scheduling of hearings and trials. A waiver of the right – provided it is knowingly and voluntarily executed – is therefore always appreciated.

Unless and until a defendant waives the right to a speedy trial, the court will presume that the right has not been waived.

Rule 206: Pretrial Conferences; Requests for Jury Views

Defendants are required to attend all pretrial conferences.

Any party requesting a jury view should raise that request no later than the pretrial conference.

Rule 207: Court-Appointed Counsel

Attorneys in private practice who wish to be appointed by the court to represent indigent persons in criminal or traffic cases must first have approval from the county public defender's office. Written approval must then be submitted to the Judges' Judicial Assistant.

Rule 208: Victim Notification

Pursuant to Criminal Rule 37 and Chapter 2930 of the Revised Code, the prosecuting attorney shall provide notice to the alleged victim (s) of all public proceedings involving the alleged criminal or traffic offense against the victim (s).

Rule 209: Probation Supervision Fee

If the Court places an offender under the control and supervision of the Probation Department, as a condition of probation, pursuant to 2951.021 O.R.C., the offender shall pay a Reporting Probation Fee in the sum of \$50.00 in addition to all other court costs. The supervision fee shall be paid to the Clerk of Court, to be deposited in the Municipal Probation Services Fund.

Rule 210: Driving Privileges

If you have been granted limited driving privileges by this Court you must complete the following BEFORE you will be permitted to drive:

1. Obtain Insurance as required by the State Of Ohio.
2. Request and receive a letter from your employer(s) on company letterhead which states the days and hours worked.
3. Obtain an otherwise valid operator's license.

Once you have obtained the above required documents you may call for an appointment to apply for your driving privileges. A Court representative will meet with you to assist you with your application, and help you secure your driving privileges.

You must make an appointment to meet with a court representative. The number to call for an appointment is 937-498-8719. We will make every effort to accommodate your schedule, but some flexibility is required. If you schedule an appointment and are not able to be here, please call as soon as possible to reschedule. Due to the demand for appointment times, if you miss your appointment and do not give prior notice, you may significantly delay your processing time.

If you are not sure you qualify for driving privileges, have not been granted limited privileges, or need help to become qualified, you should also call to make an appointment. We will assist you in determining what additional steps you must take in order to become eligible.

UNDER OHIO LAW, THE COURT CANNOT GRANT LIMITED DRIVING PRIVILEGES TO DRIVE UNDER A CDL ENDORSEMENT.

If you have any questions, please feel free to call the above number and a staff member will assist you with further procedures to obtain limited driving privileges according to your specific situations. Not all situations will be approved, as the State of Ohio has specific guidelines in regards to limited driving privileges.

If driving privileges are granted, the offender will obtain a certified packet from the Clerk's Office to accompany the offender at all times when driving. Any updates or changes needed to the packet MUST be approved through the Probation Department. If the offender loses the driving packet and needs a replacement packet, there will be a fee of \$1.00 per page charged at time of processing. Offender assumes all liability risks if privileges are not accurate and acquires a new charge of driving under suspension due to negligence.

Rule 211: License Intervention Program (L.I.P.)

The Sidney Municipal Court has established a License Intervention Program (L.I.P.) that provides assistance to persons with Driving Under Suspension cases in the Sidney Municipal Court. The program is a sentencing alternative, which means that after entering a conditional guilty plea to the offense, the Court will allow you an opportunity to work with a knowledgeable specialist to assist you in restoring your driver's license. The LIP specialist will help you by providing necessary information and allowing you up to 150 days from the date of violation to clear up your driving record problems. LIP does not guarantee that you will get a valid operator's license, or that the charge will be dismissed, but you will know exactly what your driving record status is and what is needed to correct the problems with your driver's license.

If you are successful and obtain a Valid operator's license within the time limits and pay the associated court cost, your case will be dismissed and you will not access any points on your license. If you do not obtain a valid operator's license within the time limits and pay associated court cost, the original sentence will be imposed and the required points will be assessed to your driving record. You will be sentenced according to the minimums/maximums of the degree of violation you were cited under. You will be required to check in with your L.I.P specialist to monitor your progress in obtaining your valid license. The check-in may be conducted in person or by telephone as determined by the L.I.P specialist.

L.I.P Criteria- The Criteria listed below are the MINIMUM requirements for qualifying for the L.I.P Program:

1. Must be able to obtain a Valid Ohio Operator's License within 150 days.
2. Must be cooperative with L.I.P specialist.

3. May not have a vehicular homicide/manslaughter conviction on his/her driving record.
4. May not have a criminal companion charge or have a distracted driving charge accompany the driving under suspension charge.
5. May not have participated in the L.I.P program previously.
6. Defendant must enter the program at arraignment. You may have one 30-day continuance for services of an attorney, but no more than one to still qualify for the program. If you request a Pre-Trial Conference with the Law Director, you may still qualify for the program, but only if the Law Director approves the participation.
7. You may have only 1 pending case - no multiple cases will be approved without consent of the law director.
8. You may not contest the charges, and must willingly waive certain rights before entering the program.

Rules Unique to Civil Cases

Rule 301: Responses to Motions

Unless the court sets a different deadline, any response to a motion for summary judgment must be filed within 21 days after the filing of the motion.

Any response to any other type of motion must be filed within 7 days after the filing of the motion, unless a longer time period is granted by the court or is permitted by the Ohio Rules of Civil Procedure.

Rule 302: Trial Exhibits; Requests for Jury Views

The parties should bring to any pretrial conferences all of the exhibits that they hope to offer into evidence at the trial.

Any party requesting a jury view should notify the court and all other parties about that request at least 21 days before the trial date.

Rule 303: Trial Briefs

Trial briefs and proposed jury instructions should be filed by each party at least seven days before a scheduled jury trial.

Parties are also encouraged to file trial briefs in non-jury cases if the parties feel that those briefs would be helpful to the court in resolving any disputed factual or legal issues in the case.

Rule 304: Complaints in Forcible Entry and Detainer Cases

A complaint seeking the eviction of a tenant or resident must contain a reason for the requested eviction. A copy of the notice required by Section 1923.04 of the Ohio Revised Code must be attached to the complaint, as must a copy of the written instrument, if any, upon which the eviction claim is founded.

Rule 305: Small Claims

A small claims action may be commenced by filing a complaint in accordance with Section 1925.04 of the Ohio Revised Code. A small claims handbook is available from the clerk and is posted on the court's web page at www.sidneyoh.com/329/Municipal-Court. The clerk cannot provide legal advice.

A defendant is not required to file an answer or a statement of defense. A timely counterclaim or cross claim may be filed. All pleadings will be construed to accomplish substantial justice. If a defendant fails to appear for a hearing, a judgment maybe entered against the defendant.

Rule 306: Trusteeships

In all cases where a trustee is appointed by this Court pursuant to ORC 2329.70, the following shall apply:

1. A person making application for appointment of a trustee must have in his possession a fifteen day notice of garnishment that has been served on him by a creditor.
2. To be eligible for the appointment of a trustee a debtor must be a resident of Shelby County or a non-resident of Ohio employed in Shelby County and must be subject to garnishment in accordance with the law.
3. The application must be accompanied by a statement as to creditors, containing the name and complete address of each creditor, what was purchased, amount due each creditor, and the account number.
4. No debt for \$50.00 or less shall be included in the trusteeship.
5. Debtor shall pay to the Trustee twenty-five percent (25%) of his gross income, less taxes only, weekly, bi-weekly or monthly, according to his/her pay schedule. Other items which appear on check stubs which are withheld such as union dues, credit union charges, insurance, savings or anything of this nature will be included in the wages on which the 25% is based. Debtor's paystub shall be submitted with each trusteeship payment.

6. Any payment which is ten days late will cause the trusteeship to be dismissed. If the debtor misses two consecutive payments to the Trustee and the reason for missing the payment is that the debtor has not worked and has not received wages from his employer, the debtor must, by the date that the second payment is due, submit to the Trustee a written statement from the employer indicating that no wages were paid for the preceding work period. The debtor may not reopen or file for a new trusteeship within six months without satisfactorily showing that the failure to pay was not due to willful negligence.
7. If the debtor becomes unemployed a minimum payment of \$10.00 per week must be paid to the Trustee.
8. Distribution to creditors will be made when \$800.00 has been accumulated in the trusteeship. A fee of 2% of the distribution will be assessed to cover costs. Debtor will be advised of amount distributed and new balances due creditors.
9. Debtor shall notify the Court immediately of any change in address or employment.
10. A secured creditor may elect not to participate in the trusteeship. Therefore, the debtor would be required to make payment directly to them, over and above the amount that is paid into the trusteeship. Failure of the debtor to make payments to the secured creditor who does not wish to participate in the trusteeship can result in the creditor repossessing the property that is given as security. However, no creditor can garnish the debtor's wages while he is in trusteeship regardless of whether the creditor has or has not elected to participate in the trusteeship.

Rule 307: Marriage Ceremonies

The Court will perform marriage ceremonies in the Sidney Municipal Court. Once a couple has obtained their marriage license, the ceremony can be scheduled with the Judge's Office by calling 937-498-8710. The Court should be contacted to schedule the ceremony at least one week prior to the date of the ceremony. A fee of \$50 shall be paid in advance of the ceremony. Both parties shall bring a photo ID along with their marriage license to the ceremony.

Rules for Court Building and the Recording of Court Proceedings

Rule 401: Hours of Operation; Holidays

The Court and Clerk of Court's office are open to the public each weekday from 8:00 a.m. until 4:00 p.m. Those offices are closed on New Year's Day, Martin Luther King Day, President's Day, Good Friday, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, and Christmas Day.

Rule 402: Court Security

The Sidney Municipal Court is charged with dispensing justice, resolving disputes and protecting the constitutional rights of those who appear before the Court. Accordingly, appropriate levels of security shall exist in the Court to protect the integrity of the court proceedings, protect the rights of individuals before it, sustain the decorum and dignity of the Court and assure that Court facilities are secure for all those who visit and work here.

All persons entering the Sidney Municipal Court shall be subject to a security search. All persons entering the building shall pass through the metal detector; with the exception of staff and uniformed on duty officers. Any officer not in official uniform but still on duty must be able to conceal his/her weapon if not wearing any other type of identifying information.

If the metal detector goes off when a person passes through the metal detector, the portable wand must be passed over the person to identify any possible contraband. All packages, purses, backpacks, etc. shall be passed through the metal detector to discern content. Any larger items: baby seat/baby stroller, cannot be taken beyond the lobby security checkpoint. Those items may be left by the desk until the individual has finished his/her Court business. All knives, pepper spray, drinks, etc. (or any other unapproved items deemed by the Officer) shall be taken by the Bailiff/Probation Officer and returned when the individual is leaving the building.

Rule 403: Weapons in the Court Building

Law enforcement officers who enter the court building and who are acting within the scope of their employment while at the court may carry their weapons, but law enforcement officers who visit the court outside the scope of their employment – whether as parties to court cases or as interested observers – are not permitted to carry weapons.

No other weapons are permitted at the court other than those carried by court security officers or community control officers.

Rule 404: Proper Conduct in the Court

Cell phones and other electronic devices should be silenced in the Court building. No cameras, or audio or video recording devices, including cell phones used for these purposes, shall be used in the courtroom without permission of the presiding judge.

Photographing or any recording by any means of the security features of the City of Sidney Municipal Court Building is expressly prohibited. This includes, but is not limited to, the specific photographing of any of the following: building entrances or exits, the building security desk and surrounding area, magnetometer(s), security cameras, security monitors, door locks, fire alarm system, fire suppression equipment, and emergency first aid equipment. Photographing from areas open to the public into areas not open to the public is also expressly prohibited. The Sidney Municipal Court security personnel and/or the Sidney Police Department are charged with utilizing their discretion in the enforcement of this rule.

Food should not be eaten in the courtroom when the court is in session. Respectful attire should be worn in the courtroom and all hats must be removed. The Judge or a court security officer may instruct any person wearing inappropriate clothing to leave the courtroom.

Rule 405: Recordings of Court Proceedings

All proceedings at the court are recorded using the court's audio and video equipment. Copies of those recordings can be made by the court for parties or the public. The fee specified in the court's cost schedule will be charged for those copies.

Parties or others who wish to create a typewritten transcript of proceedings at the court must retain the services of a court reporter. Court reporters are permitted to transcribe a particular hearing as it occurs in the courtroom, or they may watch and listen to the video and audio recording of a particular hearing after the hearing has taken place. All costs associated with the court reporter's services must be borne by the party employing the court reporter.

Rule 406: Video/Remote Proceedings

The Court upon motion by a party or on its own initiative may permit one or more parties to appear for hearings via remote or video conferencing. “Remote” is defined as the use of live two-way video or audio technology. Notwithstanding any other provisions of this Rule, the Judge may order a party’s personal appearance in Court for any conference, hearing or proceeding.

The motion of a party to appear via video conferencing must be made in writing. Approval for appearance remotely may be conditioned upon prior verification of sufficient hardware and software and the posting of bond or other terms as determined by the Court.

The attorney representing the defendant, whether retained or appointed, shall be notified of the time schedule for the video hearing, and may be present either at the Court or the correctional facility. Accommodations shall be made for counsel to have private communication with their client.

At the Court’s discretion, hearings on criminal and traffic matters may be held by video transmission to the Court from the correctional facility where the defendant is being held. Video hearings will be scheduled at times mutually convenient to the Court and correctional facility involved. In the event the defendant personally, or through counsel in writing, objects to the matter being held by video, the proceedings shall take place in person in the courtroom.

Hearing Management Plan: The Court may conduct conferences, hearings and proceedings in the following manner unless for good cause shown:

<u>Type of Proceeding</u>	<u>In Person</u>	<u>Video</u>
Arraignments	✓	✓
Plea Hearings	✓	✓
Pretrial Hearings	✓	
Review/Status Hearings	✓	✓
Sentencing Hearings	✓	✓
Post-Conviction Proceedings	✓	
Motion Hearings	✓	✓
Traffic Proceedings	✓	✓
Civil Proceedings	✓	✓
Administrative Proceedings	✓	✓

In Person: A hearing is conducted where the Court and all participants appear physically in the same location.

Video: A hearing is conducted using a video-conferencing application where the Court is in person in the courtroom and the remaining participant(s) appear remotely.

All video proceedings shall be recorded in accordance with Local Rule 405 and be interactive with two-way visual and audio communications.

Rules for the Administration of the Court

Rule 501: Collection of Delinquent Fines and Costs

The clerk of the court is authorized to contract with an outside service provider for the collection of delinquent fines and court costs. Any person or entity that does not pay fines and costs by a deadline that the court has set may be charged additional fees in connection with that debt-collection process and a warrant block may be placed on his/her license.

Rule 502: Transferring of Out-of-County Criminal/Traffic Cases

The clerk of the court is authorized to transfer a criminal or traffic case to the proper municipal court if the charging instrument indicates that the alleged offense occurred in another county, and that transfer may be affected without a judicial order or a motion from the prosecutor.

Rule 503: Maintenance and Destruction of Records

The Rules of Superintendence for the Courts of Ohio list time periods during which court records and other documents must be maintained. Once the minimum time period for the maintenance of a record or other document has passed, the clerk of the court may destroy that record or document without further order from the court. Refer to the Records Retention Schedule found on the court's webpage at www.sidneyoh.com/329/Municipal-Court .

Rule 504: Jury Management Plan

This court adheres to the Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio in August, 1993.

The opportunity to serve on a jury at the court will not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, or disability.

Persons who are summoned for jury service will be paid the daily rate that is set by the Shelby County Commissioners. All compensation payable to a juror or potential juror is paid after that person's term of jury service has ended. Persons summoned for jury service are not compensated for their travel expenses.

Typically, jury service will last for one term, lasting four months. If drawn for service, notification is sent with specific service date(s) and time. He/She is required to call the clerk's office at 937-498-8712, the day prior to service to see whether or not they are needed for jury service the following morning. For most jury trials at the court, 26 persons will be summoned for jury service.

Eligible persons who are summoned for jury service may be excused from that service only if a judge determines that their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, or if a judge or a court official determines that their service on a jury would impose a continuing hardship on them or on members of the public. Persons who wish to be excused entirely from jury service should present their requests to the court in writing, together with any additional documents that support the request. Those requests and the supporting documents will be retained by the court for two years. Unless a judge or court official grants an excuse, a person summoned for jury service must report for that service as directed by the court.

Excuses from jury service may be warranted for:

1. Any person who suffers from a substantial physiological or psychological impairment.

2. Any person who has a scheduled vacation or business trip during a time of potential jury service.
3. Any person who has served on a jury within the past year.

For additional information or questions about jury service, please call the Project/Program Coordinator at (937) 498-8738.

Rule 505: Technology Plan

In accordance with Superintendence Rule 5(E), the Court shall adopt and maintain a court technology plan (available from the office of the Clerk of Court) which will include:

(1) A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the court or division; and

(2) Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the court or division and how the solutions will comply with any accessibility accommodation requirements, including any applicable requirements of the “Americans with Disabilities Act.”

Appendix A

SIDNEY MUNICIPAL COURT CIVIL COST SHEET

Updated April 24, 2023

Civil Complaint (Includes service of summons by certified mail on one defendant)	\$116.00
Small Claims Complaint (Includes service of summons by certified mail on one defendant)	\$79.00
Eviction Complaint (Includes service of summons by personal/residential service AND ordinary mail service on one defendant)	\$131.00
Additional Service Per Defendant:	
• Certified Mail Service	\$15.00
• Personal/Residential Service	\$20.00
• Express Overnight Mail Service	\$25.00
• Ordinary Mail Service	\$10.00
Third Party Complaint (plus service as set forth above)	\$10.00
Transfer to Civil Docket	\$37.00
Certificate of Judgment Issuance	\$20.00
Civil Warrant Issuance	\$50.00
Writ of Restitution – no service fee charged	\$50.00
Execution of Writ	\$50.00
Wage Garnishment	\$100.00
Bank Garnishment (+ separate \$1.00 check issued to garnishee (bank) for processing)	\$50.00
Judgment Debtor Examination (plus personal service as set forth above)	\$50.00
Jury Demand (due on date of pretrial)	
• One Day	\$500.00
• Each Additional Day	\$200.00
Motion for Contempt (personal service) No Service Fee	\$50.00
Precipe for Subpoena, each witness -	\$5.00
Witness fees (plus .10 per mile)	
• Half Day	\$6.00
• Whole Day	12.00
Replevin (plus required bond per Ohio Revised Code)	\$100.00
Returned Check Charge	\$35.00
Revival of Judgment - No Service Fee	50.00

Appendix B

SIDNEY MUNICIPAL COURT
TRAFFIC & CRIMINAL VIOLATIONS BUREAU
Updated May 15, 2024

Defendants charged with waivable offenses shall be informed by the arresting officer of the fine and costs set forth in this schedule for the offense charged, of the right to pay the same by mail or in person **BY THE COURT DATE**. Payments may be made with a credit card or personal check. If a check is returned for insufficient funds, your case will be assessed a \$35 fee.

Non-Waivable Offenses (Must Appear) (Traffic Rule 13)

1. Indictable offenses (felonies)
2. Operating a motor vehicle while under the influence of alcohol or any drug of abuse.
3. Leaving the scene of an accident.
4. Driving while under suspension or revocation of driver's license.
5. Driving without being licensed to drive, except where the offense is considered a Minor Misdemeanor.
6. A third moving traffic offense within a twelve-month period.
7. Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child.
8. Willfully eluding or fleeing a police officer.
9. Drag racing.
10. Criminal offenses except minor misdemeanors, Wildlife, Watercraft, and PUCO violations or specific violations listed. **All drug offenses EXCEPT minor misdemeanors MUST APPEAR.**

Defendants should be scheduled for court appearance within ten days after issuance of the ticket.

The Court must be in possession of the original citing documents from law enforcement no later than the date and time listed as the initial court appearance. If not received by this date/time, the citation will be returned to the law enforcement agency for re-service upon the defendant with a new arraignment date/time.

Criminal Rule 46 provides conditions for requiring a 10%, full cash or surety bond in cases determined appropriate by the arresting officer*, Clerk of Court, or jailer to assure appearance.

* The term arresting officer shall include a Probation Officer who issues a warrant holder on a Probation Violation.

Pursuant to O.R.C. §2937.22, whenever a person is charged with any offense other than a traffic offense that is not a moving violation and posts bail, the person shall pay a surcharge of \$25.00. The clerk of the court shall retain the \$25.00 until the person is convicted, pleads guilty, forfeits bail, is found not guilty, or has the charges dismissed. If the person is convicted, pleads guilty, or forfeits bail, the clerk shall transmit the \$25.00 to the treasurer of state. If the person is found not guilty or the charges are dismissed, the clerk shall return the \$25.00 to the person.

For all minor misdemeanor traffic/criminal offenses other than those specifically listed below:

WAIVER - \$130.00

BOND - \$155.00

Exceptions to Above Bond Schedule

****There is an additional \$6 added to the waiver amounts below to charges from the Sidney Police Department, Sheriff's Department, or Port Jefferson Police Department.**

Speed (O.R.C. §4511.21 or similar municipal or village ordinance)

	<u>WAIVER</u>
1-10 mph over posted limit	\$125.00
11-20 mph over posted limit	\$135.00
21-25 mph over posted limit	\$175.00
26-29 mph over posted limit	\$205.00
30+ mph over posted limit	\$255.00

Child Restraint Seat (O.R.C. §4511.81 or similar municipal or village ordinance)

	<u>WAIVER</u>
1 st offense	\$140.00
2 nd or subsequent offense	\$165.00

Seatbelt (O.R.C. §4513.263 or similar municipal or village ordinance)

	<u>WAIVER</u>
Driver	\$116.00
Passenger	\$106.00

<u>Violations resulting from Adverse Weather Conditions</u>	<u>WAIVER</u>
	\$115.00

**** (CITATION MUST STATE "DUE TO ADVERSE WEATHER CONDITIONS") ****

Parking Violations (COST OF PARKING TICKET + LOCAL COSTS OF \$66)

Overload (O.R.C. §5577.04)

For **first 2,000 lbs.** of overload or fraction thereof:

Gross Overload (INCLUDES COURT COSTS)	\$185.00
Axel Overload (INCLUDES COURT COSTS)	\$185.00
2,001 to 5,000 lbs. overweight (INCL. COSTS)	\$205.00 + \$1.00
for each 100 lbs. or fraction thereof	
5,001 to 10,000 lbs. overweight	\$235.00 + \$2.00
for each 100 lbs. or fraction thereof	
10,001 + lbs. overweight	\$265.00 + \$3.00
for each 100 lbs. or fraction thereof	

Dog Running at Large/Failure to Register Dog (O.R.C. §955.22 and §955.21)

	<u>WAIVER</u>
1 st Offense	\$130.00
2 nd Offense	\$180.00

Prohibitions (O.R.C. §4301.63 2)

1 st Offense	\$155.00
2 nd Offense	\$180.00
3 rd or more	MUST APPEAR

Drug Abuse (O.R.C. §2925.11)

Minor Misdemeanor	<u>WAIVER</u> \$180.00
F1 – M-4 Offenses	MUST APPEAR

Expired Tag/Registration (O.R.C. §4503.31 / ORD §335.09)

WAIVER
\$125.00

Texting while Driving (O.R.C. §4511.204)

1 st Offense	\$255.00
2 nd or more Offenses	MUST APPEAR

Note: A refund of \$150.00 will be made if proof of completion of the distracted driving safety course is provided to the Court.

Distracted Driving (O.R.C. §4511.991) As a contributing factor to allowable primary charge additional fine of \$100.00 must be submitted by arraignment date. A refund of \$100.00 will be made if proof of completion of the distracted driving safety course is provided to the Court; proof must be provided within 30 days of initial arraignment date on ticket or \$100.00 will be deemed forfeited and non-returnable.

Wildlife, Parks and PUCO violations (O.R.C. §1531, 1533, 1541, 1547, 4919, 4921, 4923)

Need not appear unless officer states on ticket “MUST APPEAR”.

Offenders placed under the control and supervision of the Probation Department shall pay a Probation Fee in the sum of \$50.00 in addition to all other court costs.

All warrants are subject to a \$50.00 warrant fee.

Under certain criteria, some convictions may be able to be Sealed or Expunged. Application must be filled out and accompanied with a fee as indicated below:

<u>Sealing or Expungement of a Conviction - Single Case</u>	<u>\$50.00</u>
<u>Sealing or Expungement of a Conviction - Multiple Cases</u>	<u>\$100.00</u>

Appendix C

BOND SCHEDULE – SIDNEY MUNICIPAL COURT

Effective April 10, 2023

In Accordance with Criminal Rule 46, R.C. 2937.222 and Rule 5.02 of the Rules of Superintendence, the following bond schedule is adopted and court ordered for all traffic and criminal cases in the Sidney Municipal Court when the person has been arrested:

MISDEMEANORS		
DEGREE OF OFFENSE	IN-STATE BOND	OUT-OF-STATE-BOND
1 ST DEGREE MISD.	\$2,000	\$4,000
2 ND DEGREE MISD.	\$1,500	\$3,000
3 RD DEGREE MISD.	\$1,000	\$2,000
4 TH DEGREE MISD.	\$500	\$2,000
UNCLASSIFIED	\$250	\$1,500

ALL MISDEMEANOR BONDS ARE SUBJECT TO (NON-REFUNDABLE) \$67 COURT COSTS IN ADDITION TO THE BOND AMOUNT.

EXCEPTIONS TO THE ABOVE SCHEDULE

OFFENSE	IN-STATE	OUT-OF-STATE
DOMESTIC VIOLENCE (M1)	<ul style="list-style-type: none"> NO BOND UNLESS 3 DAY HOLIDAY WEEKEND \$25,000 CASH/SURETY + NO CONTACT WITH VICTIM IF 3 DAY HOLIDAY WEEKEND 	<ul style="list-style-type: none"> NO BOND UNLESS 3 DAY HOLIDAY WEEKEND \$25,000 CASH/SURETY + NO CONTACT WITH VICTIM IF 3 DAY HOLIDAY WEEKEND
1. VIOLATING PROTECTION ORDER, 2. ASSAULT, 3. AGGRAVATED TRESPASS, 4. MENACING BY STALKING, 5. AGGRAVATED MENACING, 6. INTIMIDATION OF WITNESS, 7. CHILD ENTICEMENT W/ SEXUAL MOTIVE	<ul style="list-style-type: none"> NO BOND UNLESS 3 DAY HOLIDAY WEEKEND \$10,000 CASH/SURETY + NO CONTACT WITH VICTIM IF 3 DAY HOLIDAY WEEKEND 	<ul style="list-style-type: none"> NO BOND UNLESS 3 DAY HOLIDAY WEEKEND \$20,000 CASH/SURETY + NO CONTACT WITH VICTIM IF 3 DAY HOLIDAY WEEKEND
OVI 3 RD OFFENSE	<ul style="list-style-type: none"> NO BOND UNLESS 3 DAY HOLIDAY WEEKEND \$10,000 CASH/SURETY IF 3 DAY HOLIDAY WEEKEND 	<ul style="list-style-type: none"> NO BOND UNLESS 3 DAY HOLIDAY WEEKEND \$20,000 CASH/SURETY IF 3 DAY HOLIDAY WEEKEND

FELONIES	
DEGREE OF OFFENSE	REGARDLESS OF RESIDENCY
MURDER	TO BE SET BY JUDGE
1 ST DEGREE FELONY	<ul style="list-style-type: none"> NO BOND UNLESS 3 DAY HOLIDAY WEEKEND \$50,000 CASH/SURETY IF 3 DAY HOLIDAY WEEKEND
2 ND DEGREE FELONY	<ul style="list-style-type: none"> NO BOND UNLESS 3 DAY HOLIDAY WEEKEND \$25,000 CASH/SURETY IF 3 DAY HOLIDAY WEEKEND
3 RD DEGREE FELONY	<ul style="list-style-type: none"> NO BOND UNLESS 3 DAY HOLIDAY WEEKEND \$10,000 CASH/SURETY IF 3 DAY HOLIDAY WEEKEND
4 TH DEGREE FELONY	<ul style="list-style-type: none"> NO BOND UNLESS 3 DAY HOLIDAY WEEKEND \$5,000 CASH/SURETY IF 3 DAY HOLIDAY WEEKEND
5 TH DEGREE FELONY	<ul style="list-style-type: none"> NO BOND UNLESS 3 DAY HOLIDAY WEEKEND \$2,500 CASH/SURETY IF 3 DAY HOLIDAY WEEKEND

ALL FELONY BONDS ARE SUBJECT TO (NON-REFUNDABLE) \$91 COURT COSTS IN ADDITION TO THE BOND AMOUNT.