

ORDINANCE NO. 3/ -92

By: John M. Brennan

An Ordinance to add Section 606.27 to the Bexley General Offenses Code to empower the Bexley Mayor's Court to cite violators for contempt of court and to establish sentencing guidelines for such offenses and to declare an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That Section 606.27 be added to the Bexley General Offenses Code to read as follows:

606.27 Contempt of Court.

(a) The Mayor, or other person presiding over Bexley Mayor's Court, may summarily punish a person guilty of misbehavior in the presence of or so near the court or presiding official as to obstruct the administration of justice.

(b) A person guilty of any of the following acts may be punished for a contempt of court:

- (1) Disobedience, or resistance to, a lawful writ, process, order, rule, judgment or command of the court or an officer of the court;
- (2) Misbehavior of an officer of the court in the performance of his or her official duties or in his or her official transactions;
- (3) A failure to obey a subpoena duly served, or a refusal to be sworn or to answer as a witness, when lawfully required;
- (4) The rescue, or attempted rescue, of a person or of property in the custody of an officer by virtue of an order or process of court held by him or her;
- (5) A failure upon the part of a person recognized to appear as a witness in the court to appear in compliance with the terms of his recognizance.

(c) In all contempt proceedings, the court shall conduct a hearing at which the court shall investigate the charge and hear any answer or testimony that the accused makes or offers, and the court shall determine whether the accused is guilty of the contempt charge. If so found guilty, the Mayor, or other person presiding over the court, may impose any of the following penalties:

- (1) For a first offense, a fine of not more than \$250.00, a definite term of imprisonment of not more than 30 days in jail, or both;
- (2) For a second offense, a fine of not more than \$500.00, a definite term of imprisonment of not more than 60 days in jail, or both;
- (3) For a third or subsequent offense, a fine of not \$1,000.00, a definite term of imprisonment of not more than 90 days in jail, or both.

Section 2. That this Ordinance is an emergency Ordinance, necessary for the immediate preservation of the public peace, health and safety, said emergency being the need to assure the orderly conduct of Mayor's Court, and this Ordinance shall go into immediate force and effect on its passage and approval by the Mayor.

Passed: June 9, 1992

Mark Mauer
President of Council

Attest: [Signature]
Clerk of Council

Approved: June 9, 1992

David H. Madison
David H. Madison, Mayor

May 12, 1992 - 1st reading
May 26, 1992 - 2nd reading
June 9, 1992 - 3rd reading
adopted