

Bond Case Briefs

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MUNICIPAL ORDINANCE - OHIO

Dayton v. State

Supreme Court of Ohio - July 26, 2017 - N.E.3d - 2017 WL 3215532 - 2017 -Ohio- 6909

City brought action against State seeking declaratory judgment that statutes regulating local authorities' use of red-light and speed cameras as part of automated traffic-enforcement program violated Home Rule Amendment to state constitution and seeking injunction enjoining enforcement of statutes.

The Court of Common Pleas granted summary judgment, in part, for city, permanently enjoined enforcement of certain contested provisions, and denied summary judgment for State. State appealed. The Court of Appeals reversed. The Supreme Court accepted the city's discretionary appeal as to contested provisions.

The Supreme Court of Ohio held that:

- City's ordinances regarding traffic cameras were exercise of police power;
- Statute requiring presence of law enforcement officer at traffic camera did not constitute general law, and thus violated Home Rule Amendment;
- Statute granting speeding motorists leeway did not constitute general law, and thus violated Home Rule Amendment; and
- Statute requiring local authorities to conduct safety study and provide public notice did not constitute general law, and thus violated Home Rule Amendment.