

Bond Case Briefs

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MUNICIPAL ORDINANCE - OHIO

Jodka v. Cleveland

Court of Appeals of Ohio, Eighth District, Cuyahoga County - January 23, 2014 - 2014 WL 265797 - 2014 -Ohio- 208

Vehicle owner, who received citation under city ordinance adopting civil enforcement system for red light and speeding offenders, filed complaint against city and company tasked with issuing citations, alleging unjust enrichment and that ordinance violated state constitution. The Court of Common Pleas granted defendants' motions to dismiss and for summary judgment. Plaintiff appealed.

The Court of Appeals held that:

- Ordinance's procedure for contesting citations violated constitutional provision vesting judicial power in courts, and
- Owner did not have standing to present claim of unjust enrichment.

Procedure set forth in municipal ordinance adopting civil enforcement system for contesting automated camera traffic citations violated constitutional provision that vested judicial power in courts as established by law, since municipal courts alone had power to adjudicate civil violations of moving traffic laws. Violation of ordinance did not fall within parking violation exception to statute providing that municipal courts' jurisdiction extended to violation of "any ordinance," and creation of tribunal under ordinance for adjudicating citation contests did not constitute proper exercise of concurrent police power authorized by statute, nor was it otherwise a power of local self-government.