

COURT RULES

Eaton Municipal Court

Edmund H. Kalil, Judge
Jill E. Hittle, Magistrate
Sherry A. Hurst, Clerk of Court
Sherri Cunningham, Chief Deputy Clerk
Kevin Melling, Chief Bailiff/Security
Andrew Borgwardt, Probation

(Effective: April 7, 2026)

Rule 1.00 Scope and Effective Date

These rules are adopted as the Local Rules of Court governing practice and procedure in the Eaton Municipal Court. They are adopted pursuant to the Ohio Constitution, Section 1901.14, Ohio Revised Code, the Court's inherent authority as set forth in the Ohio Rules of Civil and Criminal Procedure and the Rules of Superintendence for Municipal Court promulgated by the Ohio Supreme Court. These rules shall be known as the "Eaton Municipal Court Rules" and shall be cited as the "E.M.C. Rule". They are effective as of April 7, 2026, and govern all proceedings filed subsequent to that date, and may be revised periodically as required.

Rule 2.00 Court Sessions and Hours

The hours of court sessions and for the Clerk of Court's Office shall be from 8:00 a.m., until 4:30 p.m., Monday through Friday, unless otherwise ordered by the judge or the day is a legal holiday. A docket schedule is attached hereto as Appendix A which is subject to change from time to time as the Court orders.

Rule 3.00 Forms of Paper Filed

All papers offered for filing with the Court shall be typewritten or printed on 8 ½ inch X 11 inch paper. Original documents attached or offered as exhibits are exempt from the requirements of this rule. Only legible copies of the documents will be accepted.

Rule 4.00 Costs

Court costs shall be determined from time to time by the Judge. A copy of the current schedule of costs may be obtained from the Clerk of Court at no charge upon request.

Rule 5.00 Form Entries and Abbreviations

The Court adopts abbreviations and/or symbols that may be used in Court entries as determined from time to time by the Judge as amended to these Rules.

Rule 6.00 Public Use of Courtroom

Questions of the admission of persons to a courtroom shall be the province of the Judge within the guidelines of public access to all Court proceedings, consistent with the order and dignity of the Court. Children should not be brought to a Court proceeding unless they are a witness. Public statements by the Court, counsel, Court personnel, and witnesses shall be regulated by the Judge within the guidelines of public access to Court proceedings and the right of the parties to be free of improper publicity within areas protected by fundamental rights. No recording shall be made of any Court proceeding without the approval of the Judge and within the Rule of Superintendence, Rule 9 of the Municipal Court Rules of Superintendence, and Canon Rule (1) of the Code of Judicial Conduct.

Rule 7.00 Court Reporter

All proceedings involving the Judge shall be recorded unless counsel or both parties waive the recording.

Rule 7.01 Transcript Fees

The Court does hereby adopt the following fee schedule as set by the Common Pleas Court of Preble County regarding transcripts of court proceedings: Effective 9/10/12

- \$0.25 per page per paper copy
- \$3.50 per page for the original transcript
- \$5.00 per page for expedited transcripts

Rule 8.00 Duties of Counsel

- (A) **DESIGNATION OF TRIAL COUNSEL.** Attorneys, not parties will designate their capacity as trial counsel on all pleadings in civil and criminal cases. This shall include their office address, zip code, and telephone number. A law firm should not be named as a trial attorney. However, substitution of counsel within the same law firm at hearings is authorized.
- (B) **WITHDRAWAL OF COUNSEL.** Counsel shall be allowed to withdraw from trial counsel responsibility in cases where counsel was designated, upon the consent of the Judge. No such application will be considered unless a written motion and entry are presented stating the reasons for the application with a certificate of service on opposing counsel and/or party and time and date of trial, if set. Withdrawal of counsel will not be approved if an application is made within five (5) working days of the trial date except for good cause shown.

Approved withdrawal entries will be mailed and/or emailed immediately by the withdrawing counsel to his client's last known address.

(C) MOTIONS PRACTICE. All motions except those normally made at the trial, shall be in writing, served on opposing counsel, and made within the time limits prescribed in the Ohio Rules of Civil and Criminal Procedure. Motions will be supported by Memoranda of Law containing applicable statutory and case law citations. (Copies of significant decisions shall be attached to the original filing only). Unless the following statement appears prominently on the first page of the motion, no oral hearing will be allowed.

“Counsel requests an oral hearing of approximately _____ minutes at which time _____ witnesses are expected to be called.

A date and time for an oral hearing on motions must be obtained from the Assignment Clerk. Parties wishing to respond in writing to such motions shall do so not later than the seventh (7th) day following the service of the motion or three (3) days prior to the oral hearing date if an oral hearing has been requested. All motions not heard or decided prior to trial will be disposed of at trial. In MOTIONS TO SUPPRESS, the grounds must be stated with particularity and the items of evidence in question shall be specified. Any motions filed which are not in compliance with this rule may be summarily overruled. All motions, where an oral hearing is not required, should be accompanied by an entry.

(D) JURY TRIAL. When a jury trial in a civil case is demanded, an advance deposit of Two hundred and fifty dollars (\$250.00) in addition to regular filing costs is required at the time of filing. The trial will then be heard by the Court as if no jury demand was filed. The Court will consider affidavits of hardship upon written motion timely filed.

If jury trial in either civil or criminal trials is to be waived, it is the responsibility of the counsel who demanded the jury trial to notify the Clerk of Court by written Notice to the Court at least ten (10) days prior to the trial date.

(E) CONTINUANCES. Every request for a continuance shall be by written motion and will be granted upon showing of good cause. All requests shall be served on opposing counsel or party. The motion shall set forth the date from which a continuance is requested, reasons for continuance whether opposing counsel/party has been contacted, and whether they consent or object to said continuance. If a prior trial conflict exists, the date of the scheduling shall be stated. Entries shall accompany the motions with blanks for the new trial time and date, and if agreed to by opposing counsel. No requests for continuance will be considered if made less than two (2) business days before trial except for circumstances that are beyond the reasonable control of the movant.

Rule 9.00 Default Judgment

All motions for default judgment shall be in writing and clearly state the date the complaint was filed, how service was made, proof of service, and answer date. All motions for default judgment shall also have attached an affidavit containing a list of all damages supported by documentary or other evidence if not readily identified in the complaint. An entry shall accompany the motion. The plaintiff may not appear only if an affidavit is filed. An oral hearing may be required at the discretion of the Judge.

Rule 10.00 Summary Judgment

All motions for summary judgment filed pursuant to Ohio Civil Rule 56 shall be heard on written memorandum only unless otherwise ordered by the Court on a date filed by the Court. The adverse party shall file and serve opposing affidavits and memorandum prior to the day set for non-oral hearing. An oral hearing on a motion for summary judgment shall not be held or scheduled unless counsel so requests in accordance with M.C. Rule 8 ©, or unless the Judge so requires.

Rule 11.00 Criminal Practice

No case, with the exception of minor misdemeanor cases and cases where the defendant is not represented by counsel, shall be called for trial until there has been at least one (1) pretrial. There shall be no more than three (3) pretrials without approval of the Court.

Criminal pre-trials shall be conducted outside the presence of the Judge unless counsel requests otherwise. The following persons are required to attend the pre-trial unless such attendance is excused by the Judge for good cause shown:

1. the prosecutor assigned to the case;
2. trial counsel for the defendant;
3. the defendant
4. the prosecuting witness if requested or subpoenaed by either party except that if the prosecuting witness is a police officer, his or her attendance shall be required only on the approval of the court.

It is the duty of the respective counsel to enforce the appearance of the defendant or the prosecuting witness if requested or subpoenaed by either party.

On application to the Court made before pre-trial or trial, the substitution of photographs or copies may be permitted.

No provision of this rule shall be construed to limit or otherwise modify the requirements and procedures prescribed by Rule 16 of the Ohio Rules of Criminal Procedure.

At the close of the pre-trial, counsel shall agree upon a trial date with the Court, which shall then provide written notice of said date to the parties at that time upon the Memorandum of Pre-Trial form. At the completion of the pre-trial, the memorandum

shall be completed, signed by the parties and the Judge, and filed with the Court. A copy of the Journal Entry setting the further hearing will be made available to all parties.

(A) Continuances in criminal cases.

Continuances, of either pre-trials or trials in criminal cases shall be allowed to a date certain in conformity with M.C. Rule 8 (E). For purposes of speedy trial determination, defense counsel shall be held to have consented to such continuance if such continuance is obtained upon that counsel's request or with that counsel's agreement.

(B) Misdemeanor summons and arrest warrants upon complaint.

The Court adopts the following procedure for the issuance of summons and arrest warrants upon complaint for criminal offenses classified as misdemeanors, not including traffic offenses, under the Ohio Revised Code or a municipal or village ordinance.

1. SUMMONS

Pursuant to Rule 4 (A)(1) of the Ohio Rules of Criminal Procedure and Section 2935.10 Revised Code, the Clerk of Court shall issue a summons upon a complaint for all misdemeanor offenses, not including traffic offenses, under the Ohio Revised Code or a municipal or village ordinance, unless an arrest warrant is authorized or requested under paragraph two of this rule.

2. WARRANTS

If at all possible, all requests for arrest warrants in misdemeanor cases shall be reviewed by the Judge. In the absence of the Judge, the Clerk of Court may issue arrest warrants in the following circumstances:

The Clerk of Court shall issue an arrest warrant for the defendant when the defendant is in the custody of a law enforcement officer upon the charge contained in the complaint.

The Clerk of Court shall issue an arrest warrant for the defendant when the defendant is in the custody of a law enforcement officer or confined in any type of penal facility, on a charge other than the charge contained in the complaint.

The Clerk of Court shall issue an arrest warrant for the defendant upon the written request of the Prosecutor.

The Clerk of Court shall issue an arrest warrant for the defendant upon the written request of the solicitor of a municipality or village for an offense under an ordinance of that municipality or village or for a violation of state law occurring within that municipality or village. This subparagraph does not apply in cases transferred to this court from a mayor's court.

Pursuant to Section 2935.24, Ohio Revised Code, this Court hereby honors arrest warrants issued by this Court, and any other Court competent jurisdiction of this state, and grants authority to serve such arrest warrants by teletype of all law enforcement agencies in Preble County, Ohio, and hereby directs that any such arrest warrants issued by the clerk of the Eaton Municipal Court pursuant to Chapter 2935 of the Ohio Revised Code, based upon probable cause that a crime has been committed and the defendant committed such crime shall carry with it the authority of the Court to be served by teletype.

(C) Arrest warrant upon felony complaints.

The Court adopts the following procedure for the issuance of summons, arrest warrants, or scheduling a probable cause hearing upon a complaint for a criminal offense classified as a felony under the Ohio Revised Code. If at all possible, all requests for arrest warrants shall be reviewed by the Judge. In the absence of the Judge, the Clerk of Court may issue arrest warrants in the following circumstances.

If the Clerk of Court determines that the complaint states an offense, including all facts and elements, and that the probable cause to believe that a crime was committed and that the defendant committed that crime, the Clerk of Court may:

- a. Issue a summons to the defendant or
- b. Issue a warrant for the defendant's arrest if the complainant is a law enforcement officer as defined in Section 2901.01 (K), O.R.C., or
- c. Issue a warrant for the defendant's arrest upon written request of the Preble County Prosecuting Attorney, and/or Eaton City Prosecutor, when the complainant is not a law enforcement officer as defined in Section 2901.01 (K), O.R.C.

Rule 12.00 Reporting to Law Enforcement and Compliance Plan

In accordance with Ohio Supreme Court Superintendence Rule 5(F)(1), Eaton Municipal Court follows the Law Enforcement and Compliance as outlined in Appendix D.

Rule 13.00 Minor Misdemeanors Violations Bureau

There is hereby established in accordance with 4.1, Ohio Rules of Criminal Procedure a Minor Misdemeanors Violations Bureau with authority to process and dispose of minor misdemeanors other than offenses covered by the Uniform Traffic Rules. The Clerk of Court is appointed to collect fines in the violation bureau, give receipts therefore, and render accounts of the bureau. The schedule of fines and costs for minor misdemeanors which shall be charged by the violation's bureau is established, published, and annexed hereto as "Fines and Costs in Minor Misdemeanor Cases, listed on page 25."

Rule 14.00 Traffic Violations Bureau

There is hereby established a Traffic Violations Bureau in accordance with Ohio Traffic Rule 13 with authority to process and dispose of those traffic offenses for which no Court appearance is required. The Clerk of Court is appointed as the Traffic Violations Clerk to accept appearances, waivers of trial, pleas of guilty, and payments of fines and costs for offenses within its authority. The schedule of fines and costs which shall be charged by the Traffic Violations Bureau shall be posted in a conspicuous place in the clerk's office and shall be provided upon request at no cost to any party.

Rule 15.00 Procedure for Granting Limited Driving Privileges or Contesting Suspension

The Court shall not grant limited driving privileges to a defendant whose operator's license has been suspended unless a written petition with accompanying memorandum and/or affidavits is filed with the Court. Included in the Petition must be a specific description of the limited driving privileges sought, and the routes to be traveled, detailing the exact location and departure times requested to be encompassed in the Court's Order. The caption of a Petition filed pursuant to Sections 4507.16 (E), 4511.19(I)(1), or 4507.191 (I)(4), Ohio Revised Code shall, also include the first, middle, and last names and the address of the petitioner. Such caption shall also include the date of birth, the last four digits of the social security number, and the operator's license number of the petitioner. The clerk shall not except for filing a petition the caption of which fails to contain every item of information required by this rule. In addition, the Petitioner must demonstrate proof of financial responsibility. A fee of \$50.00 shall be assessed each time a petition for limited privileges is filed with the Clerk of Court or any modification being performed on privileges granted.

Rule 15.01 Procedure for Driving Privileges when Petitioner wishes to pay reinstatement fees with installment method.

Per Section 4510. et.al. of the Ohio Revised Code, effective 1/1/04 a defendant may get driving privileges upon filing a proper petition and paying reinstatement fees directly to the Ohio BVM after first petitioning the Court. The fee for such a petition is \$100.00. The petitioner must show proof of insurance and bring any documentation from BMV with regard to this matter. All monthly payments are then paid to the Ohio BMV directly. The above \$100.00 fee does not go toward any reinstatement fees but stays with this court to cover administrative costs.

If the petitioner had a traffic matter in the Eaton Municipal Court in which a reinstatement fee was paid the petitioner may file a proper petition with the traffic matter and only pay a filing fee of \$50.00.

Rule 15.02 Procedure for Driving Privileges when Petitioner receives an FRA suspension from BMV.

Per Section 4509.101(A)(2)(a) & (b) of the Ohio Revised Code, effective 1/1/04 a defendant may get driving privileges upon filing a proper petition for a 1st and 2nd offense of driving without financial responsibility insurance. The fee for such a petition is \$160.00. The petitioner must show proof of insurance, bring documentation from BMV with regard to this matter, and provide proof that all reinstatement fees have been paid in conjunction with this matter.

Rule 16.00 Civil Practice

Assignment of Magistrate. Upon the filing of an answer, all civil matters shall be assigned to the Magistrate of the Eaton Municipal Court.

Pre-Trial procedure. A pre-trial conference may be requested by either party or ordered by the Magistrate. Upon notice of the scheduling of a pre-trial conference, it shall be the duty of counsel to contact each other and make a sincere effort to dispose of the matter by settlement and to agree on any matters of evidence about which there is no genuine dispute. Prior to the date of the pretrial conference, counsel shall exchange reports of expert witnesses expected to be called by each party and shall exchange medical reports and hospital records if such are involved.

It shall be the duty of counsel or pro se litigant to do the following at the pre-trial hearing and failure to be prepared may result in dismissal of the case for want of prosecution or in a default judgment or such other action to enforce compliance as the Magistrate deems appropriate.

1. The counsel who will be trial counsel and who is fully authorized to act and negotiate on behalf of the party must be present and proffer in writing a statement indicating the status of settlement negotiations.
2. All parties in interest must be present at the pre-trial unless such presence is excused by the Magistrate.
3. Each counsel or pro se litigant shall present to the Court in writing a statement of the issues involved in the case.
4. Each counsel or pro se litigant shall bring to the pre-trial all exhibits, which are to be offered in evidence at the trial.
5. Each counsel or pro se litigant shall present to the Court in writing an itemization of all special damages claimed.
6. Each counsel or pro se litigant shall present to the Court in writing a statement indicating the names of all witnesses, both expert, and non-expert, expected to be called at the trial; whether or not a view will be requested; whether or not a jury trial, if previously demanded, will now be waived, and whether the case is one where the issue of liability should be tried separately with a subsequent trial on the issue of damages if liability to be found.

7. Each counsel shall come to the pretrial fully prepared and authorized to negotiate toward settlement of the case.
8. The text of, and citations of authority for, instructions requested by counsel or pro se litigant pursuant to Rule 51, Ohio Rules of Civil Procedure shall be provided to the Court at least 14 days before trial. Counsel's or pro se litigant's best estimate of the time required to try the case shall be provided.
9. The written pretrial statement shall be filed at or before the pretrial hearing, containing all of the above-required information.

The Court may, and on the request of either party shall, make a written order, which recited the action taken at the conference. The Court shall enter the order and submit copies to the parties. The order, subject to Civil R. 60(A) shall control the subsequent course of the action, unless modified at the trial to prevent manifest injustice.

Trial Briefs. Trial briefs shall be required on all civil jury cases, within three (3) days of trial where there is a substantial conflict of views as to specific questions of law, and may be required from case to case as ordered by the Magistrate.

Rule 17.00 Forcible Entry and Detainer Actions

The following procedure shall apply in forcible entry and detainer actions when a complaint seeks not only restitution of the premises but also monetary damages as a second cause of action.

Plaintiff's failure to appear will result in the case being dismissed without prejudice. When residential property is involved, the plaintiff may supplement the claim for damages within 30 days of obtaining possession of the premises. The second cause of action may be set for hearing 28 days after original service or 28 days after the supplemental claim for damages is served on the defendants, whichever is later. Trial by jury will be waived unless requested in writing and the jury deposit is paid at least 30 days before trial.

Rule 18.00 Procedure For Release of Rent Deposits

In cases of deposit of rent with the Clerk of Court pursuant to Section 5321.07, Revised Code, no money shall be released to the landlord except according to the provisions of Section 5321.09, Revised Code. Where the tenant did give written notice to the clerk, the clerk may release the rent according to the agreement between the landlord and the tenant. Where the tenant does not agree to a release of the rent, the Clerk shall release no funds to the landlord but the Clerk may advise the landlord of the necessity of filing the action required by Section 5321.09(A)(2) and (3).

Rule 19.00 Disposition of Case Files

- (A) Pursuant to Section 1901.41, (E), 1907.231 and 2301.141, Ohio Revised Code and also Ohio Rules of Superintendence of Ohio, Rule 26.05(G) the Court hereby authorizes the Clerk of Court to destroy from time to time all files of court cases that have been finally disposed of by this court for at least fifty years. "Finally disposed of by the Court" shall be interpreted to mean that the case file has been closed and there exists no pending matters in the case file for resolution by the Court. The file must be retained in a form that is admissible as evidence in a criminal proceeding as evidence of a prior conviction.
- (B) All case files may be disposed of immediately after the date of the final entry provided the file has been audited and electronically imaged as outlined by Rule (24).
- (C) All reports that must be retained by the Clerk of Court or the Court itself may be disposed of immediately after they have been electronically imaged as outlined in Local Rule (24).
- (D) All minor misdemeanor traffic and criminal cases with a completion date greater than five (5) years may be shredded and disposed of without scanning.
- (E) All non-misdemeanor cases that must be retained for more than five (5) years per Sup. R 26 may be scanned, then immediately shredded and disposed of if necessary for space.
- (F) All Civil cases that have been dismissed or satisfied for greater than 15 years can be shredded and disposed of without scanning.
- (G) Probation files will follow the same retention schedule as case files and may be disposed of in accordance with Sup. R. 26.
- (H) All audio recordings shall be retained for 5 years.

Rule 20.00 Procedure Governing Proof of Financial Responsibility.

- (A) Any defendant who pleads guilty or is found guilty of a traffic offense specified in Ohio Traffic Rule 13 (B) that requires an appearance in Court may be required, as part of the sentencing procedures, to prove that the operation of the motor vehicle was covered by proof of financial responsibility, at the time of the offense in accordance with Section 4509.101. Ohio Revised Code.

Rule 21.00 Small Claims Division

The practice and procedure in actions in the Small Claims Division shall be as provided under applicable statutes of rules of this court as set out separately under "Eaton Municipal Court Rules Small Claims Division."

**Eaton Municipal Court Rules
Small Claims Division**

(A) Establishment of Small Claims Division

The Small Claims Division of the Eaton Municipal Court is established pursuant to Chapter 1925 of the Ohio Revised Code and the Rules of the Court of the Eaton Municipal Court.

A Small Claims Deputy Clerk position is established to assist persons in filing claims, and docket the same, setting them for hearing and receiving court costs and deposits.

(B) Purpose of Small Claims Court

The purpose of the Small Claims Court is to allow the public to resolve minor money disputes quickly, inexpensively, and fairly without requiring an attorney's involvement. If an attorney enters his appearance at a hearing for a party the Court shall grant the other party a reasonable continuance to obtain legal counsel.

(C) Type of Cases

The Small Claims Division handles all types of cases involving amounts not exceeding \$6,000.00 and counterclaims not exceeding \$6,000.00. (Such amounts are amended from time to time by the ORC) These include but are not limited to landlord-tenant, unpaid accounts, defective merchandise, minor traffic accident repair costs, overcharge of services, and minor property damages.

(D) Procedure and Limitations

A complaint is filed by the plaintiff and a counterclaim by the defendant along with an information sheet. It must be for money only and not to exceed \$6,000.00 on the complaint or \$6,000.00 on the counterclaim. (Such amounts as amended from time to time by the ORC) Jurisdiction must be proper under the law. The plaintiff or counterclaimant must bring with him/her the original and at least three (3) copies of documents supporting his/her claim and the plaintiff must have the current address of the defendant.

(E) Filing Fee

\$55.00 Filing Fee.

(F) Failure of Service on Defendants

If service of process on defendant by certified mail is refused the Clerk shall resend the summons by ordinary mail. Upon failure of service on the defendant by ordinary mail the Clerk shall notify the plaintiff that the case will be dismissed within (60) days unless the plaintiff provides the Clerk a new address for the defendant. Any pending case

wherein service is not obtained within six months shall be dismissed by the Court sua sponte without prejudice.

(G) Counterclaims

Counterclaims are claims filed by the defendant against the plaintiff for a sum arising out of the same incident not to exceed \$6,000.00. (Such amounts as amended from time to time by the ORC) The filing fee is \$75.00. The transfer to the civil division is accomplished if the amount of the counterclaim exceeds \$6,000.00 and the defendant deposits the filing fee with a motion, affidavit, and entry. (Such amounts as amended from time to time by the (ORC) (effective 3-1-02)

(H) Continuances

A request for continuances of a case set for trial should be directed to the Small Claims Division at least three (3) business days prior to the trial date. Requests for continuances shall be in writing, which must include (1) reasons for the request and (2) the date and time of the current assignment. No continuance shall be granted for more than thirty days, nor shall any party be entitled to more than one continuance except for good cause shown and with the express approval of the Court. Failure of the plaintiff to appear at trial unless otherwise excused shall result in a dismissal of the case without prejudice.

(I) Trial

The court shall administer an oath to witnesses, and proceed to a trial on the merits. Unless all parties are represented by counsel, the trial shall be conducted informally with the purpose of accomplishing substantial justice. The Ohio Rules of Evidence do not apply in small claims court. {(Evidence Rule 101©(8)}(Effective 3/1/02)

Rule 22.00 Facsimile filing

The provisions of this local rule are adopted under {Civ.R. 5(#)} {Civ.R. 73(J)} {Crim.R. 12(B)} {Juv.R. 8} {App.R. 13(A)}.

Pleadings may be filed with the Clerk by facsimile transmission to 937-456-4685 as provided in this rule.

Pleadings may also be filed with the Court by E-file. Instructions may be viewed on the Court's website.

APPLICABILITY

22.01.01 This rule applies to civil, criminal, and small claims, proceedings in the Eaton Municipal Court.

ORIGINAL FILING

22.02.01 A document filed by fax or email shall be accepted as the effective original filing. However, all filing by email **MUST** be received via the Court's E-filing option. Any filings received through any other email associated with the Court shall be considered correspondence only and therefore **NOT** accepted as a pleading. The person filing a document by fax or email is not required to file any source document with the Clerk. The person filing the document shall maintain in his or her records and have available for production on request by the Court the source document filed by fax or email, with original signatures as otherwise required under the applicable rules, and the source copy of the facsimile or email cover sheet used for the subject filing.

22.02.02 The source document filed by fax or email shall be maintained by the person making the filing until the case is closed and all opportunities for post-judgment relief are exhausted.

DEFINITIONS

As used in these rules:

22.03.01 "Facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, and transmits and reconstructs the signals to print a duplicate of the source document at the receiving end. "Facsimile transmission" does include transmission by email.

22.03.02 "Facsimile machine" means a machine that can send and receive a facsimile transmission, which includes a computer.

COVER PAGE

22.04.01 The person filing a document by fax or email shall also include a cover page containing all of the following information:

- (A) name of the court;
- (B) title of the case;
- (C) case number;
- (D) name of the judge to whom the case is assigned, if any;
- (E) title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss);
- (F) date of transmission;
- (G) transmitting fax number or email address;

- (H) indication of the number of pages included in the transmission, including the cover page;
- (I) if a judge, magistrate or case number has not been assigned, state the fact on the cover page;
- (J) name, address, telephone, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available;
- (K) if applicable, a statement explaining how costs are being submitted.

22.04.02 (A) If a document is sent by fax or email to the clerk without the cover page information listed above, the clerk may do either of the following:

- (1) enter the document in the case docket and file the document;
- (2) deposit the document in a file of failed faxed or emailed documents with a notation of the reason for the failure.

(B) If the Clerk acts pursuant to division (A)(2) of this section, the document shall not be considered filed with the Clerk.

22.04.03 The Clerk shall inform the sending party of a failed fax or email filing.

SIGNATURE

22.05.01 A party who wishes to file a signed source document by fax or email shall do either of the following:

- (A) fax or email a copy of the signed source document;
- (B) fax a copy of the document without the signature but with the notation “/s/” followed by the name of the signing person where the signature appears in the signed source document.
- (C) email the document reflecting an electronic signature

22.05.02 A party who files a signed document by fax or email represents that the physically signed source document is in his or her possession or control.

EXHIBITS

22.06.01 Each exhibit to a facsimile-produced document that cannot be accurately transmitted via facsimile transmission for any reason shall be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Court, as a separate document, not later than five court days following the filing of the facsimile document. The Court may strike any document or exhibit, or both, if missing exhibits are not filed as required by this section.

22.06.02 Any exhibit filed pursuant to Section 22.06.01 shall include a cover sheet containing the caption of the case that sets forth the name of the court, title of the case, the case number, name of the judge or magistrate, and the title of the exhibit being, filed

(e.g., Plaintiff Smith’s Notice of Filing Exhibit “G” to Plaintiff Smith’s Response to Defendants’ Motion to Dismiss). The exhibit and cover sheet shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court. {See appendix for sample exhibit cover sheet.}

TIME OF FILING

22.07.01 Subject to the provisions of these rules, all documents sent by fax or email and accepted by the Clerk shall be considered filed with the Clerk as of the date and time reflected on the fax transmission or email. The office of the Clerk will be open to receive emails and facsimile transmission of documents on the basis of twenty-four hours per day seven days per week including holidays. Each page of any document received by the clerk shall be automatically imprinted with the date and time of receipt. The date and time imprinted on the document shall determine the time of filing, provided the document is deemed accepted by the clerk.

22.07.02 Fax and email filings may be transmitted only through the facsimile equipment operated by the Clerk.

22.07.03 The Clerk may acknowledge receipt of a facsimile and email transmissions.

22.07.04 The sending party bears the risk of transmitting a document by fax or email to the Clerk. The sending party is urged to verify receipt by the Clerk of a facsimile or email filing through whatever technological means are available.

FEES AND COSTS

22.08.01 No document filed by facsimile or email that requires a filing fee shall be accepted by the Clerk for filing until court costs and fees have been paid. Documents tendered to the Clerk without payment of court costs and fees or that do not conform to applicable rules shall be deemed not filed.

22.08.02 No additional fee shall be assessed for facsimile or email filings.

CORRESPONDENCE

22.09.01 The Court will accept correspondence at info@eatonmunicipalcourt.com, however, the Court will NOT accept filings at this address.

Rule 23.00 Public Records

General Policy:

It is the policy of the Eaton Municipal Court to strictly adhere to the State’s Public Records Act. All exemptions to transparency are to be construed in their narrowest sense

and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, in accordance with the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

I. Public records

The Court, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the Eaton Municipal Court are public unless they are specifically exempt from disclosure under Ohio law.

It is the policy of the Eaton Municipal Court that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section IV ON PAGE 17 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

II. Record requests

Each request for public records should be evaluated for a response using the following guidelines:

- A. Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.
- B. Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. “Prompt” and “reasonable” take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.
- C. Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately, if feasible to do so. Routine requests include but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, police criminal reports, and reports of a non-criminal nature including traffic citations, crash reports, and civil investigations, etc., etc. If fewer than twenty (20) pages of copies are

requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied or be acknowledged in writing by the (public office) within a reasonable amount of time following the office's receipt of the request. If a request is deemed significantly beyond "routine", such as seeking a voluminous number of copies or requiring extensive research, the acknowledgment must include the following:

1. – An estimated number of business days it will take to satisfy the request.
2. – An estimated cost if copies are requested.
3. - Any items within the request that may be exempt from disclosure.

D. Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

III. Costs for Public Records

Those seeking public records will be charged no more than the actual cost of making copies.

- A.** The charge for paper copies is .25 cents per page.
- B.** The charge for downloaded computer files to a flash drive is \$10.00.
- C.** There is no charge for documents e-mailed.
- D.** Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

IV. E-mail

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

- A.** Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business (see Section 104.02 Public Records) and to copy them to their business e-mail accounts and/or to the office's records custodian.
- B.** The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per

established schedules and making them available for inspection and copying in accordance with the Public Records Act.

V. Failure to respond to a public records request

The Eaton Municipal Court recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the Eaton Municipal Court's failure to comply with a request may result in a court ordering the Eaton Municipal Court to comply with the law and to pay the requester attorney's fees and damages.

Rule 23.00 Court Records – Electronic Imaging

All Court Records may be maintained in an electronic format.

All cases electronically scanned or imaged by the Court will be either in a "Portable Document Format" (PDF), "Tagged Image File Format" (TIF) or in a format that meets the requirements set down in Sup. R. 26 and will be retained accordingly.

Rule 24.00 Electronic Produced Tickets

Use of electronically produced tickets. The use and filing of a ticket that is produced by computer or other electronic means are hereby authorized in the Eaton Municipal Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

Rule 25.00 Electronic Submission of Reports to the Supreme Court of Ohio

The Clerk of Court shall submit in electronic format via the Ohio Supreme Court website reports as required by Supreme Court Sup. R 37.01 through 37.03. The reports shall be as prescribed by the Supreme Court and submitted no later than the fifteenth day after the close of the reporting period. Only the Judge/Administrative Judge and the Clerk of Court shall have access to the Supreme Court website login credentials. The Judge/Administrative Judge and the Clerk of Court shall take all necessary steps to ensure and maintain the security of the Supreme Court website login credentials.

Rule 25 shall be recorded by the Clerk of Court and a copy thereof shall be filed by the Clerk with the Clerk of the Supreme Court of Ohio. The Clerk of Court shall cause a copy of Rule 25 to be posted on the Court's web page: www.eatonmunicipalcourt.com/ Court Rules.

The Clerk of Court shall provide copies of the Local Rules of Practice including Rule 25 to any person upon the payment of a fee representing the actual cost of making copies.

Eaton Municipal Court

TABLE OF CONTENTS

Rule 1.00	Scope and Effective Date
Rule 2.00	Court Sessions and Hours
Rule 3.00	Forms of Paper Filed
Rule 4.00	Costs
Rule 5.00	Form Entries and Abbreviations
Rule 6.00	Public Use of Courtroom
Rule 7.00	Court Reporter
Rule 7.01	Transcript Fees
Rule 8.00	Duties of Counsel
	(A) Designation of Trial Counsel
	(B) Withdrawal of Counsel
	(C) Motion Practice
	(D) Jury Trial
	(E) Continuances
Rule 9.00	Default Judgment
Rule 10.00	Summary Judgment
Rule 11.00	Criminal Practice
	(A) Continuances in criminal cases.
	(B) Misdemeanor summons & arrest warrants
	1. Summons
	2. Warrants
	(C) Arrest Warrant upon felony complaints
Rule 12.00	Reporting to Law Enforcement & Compliance Plan
Rule 13.00	Minor Misdemeanors Violations Bureau
Rule 14.00	Traffic Violations Bureau
Rule 15.00	Procedure for Granting Limited Driving Privileges Or Contesting Suspension
Rule 15.01	Procedure for Driving Privileges when Petitioner wishes to pay reinstatement fees with installment method.
Rule 15.02	Procedure for Driving Privileges when Petitioner receives a FRA Suspension from BMV
Rule 16.00	Civil Practice
Rule 17.00	Forcible Entry and Detainer Actions
Rule 18.00	Procedure for Release of Rent Deposits
Rule 19.00	Disposition of Case Files
Rule 20.00	Procedure Governing Proof of Financial Responsibility
Rule 21.00	Small Claims Division
	Purpose of Small Claims Court
	(A) Establishment of Small Claims Division
	(B) Purpose of Small Claims Court
	(C) Type of Cases

	(D) Procedure and Limitations
	(E) Filing Fee
	(F) Failure of Service on Defendants
	(G) Counterclaims
	(H) Continuances
	(I) Trial
Rule 22.00	Facsimile Filing
	1.01 Applicability
	2.01 -2.02 Original Filing
	Definitions as used in these rules:
	3.01 Facsimile transmission
	3.02 Facsimile machine
	4.01 -4.03 Cover Page
	5.01 -5.02 Signature
	6.01 -6.02 Exhibits
	7.01 -7.04 Time of Filing
	8.01 -8.02 Fees and Costs
	9.01 Correspondence
Rule 23.00	Public Records
Rule 24.00	Court Records – Electronic Imaging
Rule 25.00	Electronic Produced Tickets
Rule 26.00	Electronic Submission of Supreme Court Reports
Appendix	(A) Court Docket Schedule
	(B) Bail and Violation Bureau Schedule
	(C) Fines and Costs in Non-Traffic and Traffic Cases
	(D) Reporting to Law Enforcement & Compliance Plan

EFFECTIVE DATE

These local rules shall be effective October 9, 2025 and shall govern all proceedings in actions brought after they take effect and also further proceedings in pending actions, except to the extent that, in the opinion of the court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedures apply.

SO ORDERED:

EDMUND H. KALIL, JUDGE

Appendix A

Dated: January 1st, 2023

EATON MUNICIPAL COURT SCHEDULE
TRAFFIC/CRIMINAL
ARRAIGNMENTS

**Criminal and Traffic Offenses – Mondays at 9:00 a.m., unless legal holiday then
Tuesdays at 9:00 a.m.**

**SENTENCINGS, PROBATION VIOLATIONS, MOTION TO SUPPRESS AND
TRIALS TO COURT**

Tuesdays, Wednesdays, Thursdays, and Fridays 1:30 - 3:30 p.m.

PRE-TRIALS AND SENTENCING AND PRELIMINARY HEARINGS

**Pre-Trials for State of Ohio, OSP, and City of Eaton
Wednesdays 8:30 am - 3:30 p.m.**

**Pre-Trials for Preble County Prosecutors Office, the Village of New Paris
Village of Lewisburg & Village of West Alexandria
Wednesdays 8:30 a.m. - 11:30 a.m. and 2:00 p.m. – 3:30 p.m.**

**Pre-Trials for Village of Camden 1st & 3rd Thursday of each month
9:00 a.m. - 11:30 a.m.**

Preliminary hearings to begin at 9:00 a.m. – Wednesdays and Fridays

JURY TRIALS

Thursdays 8:30 a.m. - 4:30 p.m.

Appendix B

IN THE EATON MUNICIPAL COURT
PREBLE COUNTY, OHIO

IN THE MATTER OF BAIL AND VIOLATIONS BUREAU SCHEDULES

**EFFECTIVE March 1, 2025 the attached shall be the adopted bond
schedule for all jurisdiction within Preble County, Ohio.**

SO ORDERED:

JUDGE EDMUND H. KALIL

UNIFORM SCHEDULE
FOR
BAIL AND VIOLATIONS BUREAU
EFFECTIVE DATE: March 1, 2025
EATON MUNICIPAL COURT
GENERAL BAIL SCHEDULE

In the absence of specific bail provisions, the following schedule shall apply:

*Misdemeanor Classification	Residency	**BAIL
First & Second Degree	County	\$3,000
	State	\$4,000
	Out/State	\$5,000
Third and Fourth Degree	County	\$2,000
	State	\$3,000
	Out/State	\$4,000
Minor Misdemeanor	County	\$350
	State	\$600
	Out/State	\$2,000

*Unclassified misdemeanor offenses for the purpose of bail will be classified to the highest degree based upon maximum penalty. (Fines or imprisonment)

**Bail under the General Schedule is listed as the amount of an unsecured appearance bond.

A person may be released upon execution of an unsecured appearance bond with a deposit of an amount equal to 10% of the bond by cash, money order, bank draft, Western Union Check, travelers check, or certified check payable to the Eaton Municipal Court, or Master Charge or Visa credit card transaction. The bond can be paid through the Eaton Municipal Court website at www.eatonmunicipalcourt.com

A person may be released upon his/her own recognizance by the officer in charge of the Preble County Jail under proper circumstances and upon the determination that such release will reasonably assure the appearance of the person at the time and place stated.

A person may be released by posting the applicable cash bond listed in the specific Violations Bureau Schedule. Authorized payment is the same as that provided for the unsecured appearance bond deposits. The bail under the specific Violations Bureau Schedule is listed as the amount of cash bond.

A person shall not be released on his own recognizance or bond if he has a history of failure to appear when required to judicial proceedings, or if his physical, mental or emotional condition reasonably appears to be such that he may pose a danger to himself or others if released immediately. However, he may be released into the temporary custody of a relative, friend, or other person if it reasonably appears that this will obviate the danger.

M1 Domestic Violence/CPO Violation: Effective January 23rd, 2015

Anyone arrested for M1 Domestic Violence/CPO Violation will not be able to post bond until appearing at their arraignment or the Court has had the opportunity to review the entire police report or the actual complaint. The bond will then be set by the Court.

Underage Consumption/Possession: Effective July 10th, 2025

Underage Consumption/Possession is a Misdemeanor of the Third Degree. Bond Schedule for M3 Underage Consumption/Possession is \$1,500.00 – 10%.

Upon the posting of bonds if the Judge has set a bond at 10% this can only be done with posting actual cash. If a bondsman wishes to post a bond for an individual they must post the surety bond of the entire amount. Example: Judge sets bond at \$6,000.00-10% rule applies. If a person was posting actual cash on this, they would only post \$600.00. If a bondsman comes in to post they must either post \$600.00 cash or a surety bond should be for \$6,000.00. All sur-taxes must be posted in the form of cash.

\$85.00 Sur-tax included in costs where due.
\$64.00 Sur-tax included in costs where due
\$54.00 Sur-tax included in costs where due
\$35.00 Sur-tax included in costs where due

Revised 1/23/15

The below list of offenses shall apply to all Ohio Revised Code Sections and related Village or City Ordinances:

<u>SECTION#</u>	<u>BAIL</u>	<u>OFFENSE</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL</u>
<u>GENERAL</u>					
2917.11	\$220	Disorderly Conduct	\$100	\$120	\$220
2917.13A2	\$145	Misconduct at Emergency	\$20	\$120	\$140
2917.04	\$190	Failure to Disperse	\$50	\$120	\$170
2925.04	\$310	Cultivating Marijuana MM	\$150	\$120	\$270
2925.11	\$310	Drug Abuse MM			
		Possession Marijuana	\$150	\$120	\$270
2925.14	\$310	Drug Para M4	\$150	\$120	\$270
2927.02	\$240	Tobacco Use – Sell Under 18	\$100	\$120	\$220
3743.32	\$170	Use of Fireworks	\$30	\$120	\$150
3767.32	\$190	Disposal Rubbish	\$50	\$120	\$170
<u>CITY OF EATON ORDINANCE</u>					
509.09	\$145	Loitering	\$25	\$120	\$145
311.03(B)	\$140	Skateboarding in Business Area	\$20	\$120	\$140
<u>ANIMALS</u>					
951.01-.02	\$170	Animal At Large	\$35	\$120	\$155
955.10	\$170	Dog Tag Violation	\$35	\$120	\$155
955.21	\$170	Animal Registration	\$35	\$120	\$155
955.22©	\$170	Dog Confinement	\$35	\$120	\$155
		1 st Offense 12 months			
955.22©	\$220	Dog Confinement	\$85	\$120	\$205
955.24	\$155	Dog Hindrance exam	\$20	\$120	\$140
955.25	\$155	Dog Unlawful Tag	\$20	\$120	\$140
<u>LIQUOR CONTROL VIOLATIONS</u>					
4301.62	\$155	Open Container	\$20	\$120	\$140
4301.63	\$170	Under Age Purchase	\$35	\$120	\$155
4301.64	\$190	Consumption motor vehicle	\$55	\$120	\$175
4301.67	\$190	Illegal Possession	\$55	\$120	\$175
<u>MOTOR VEHICLE LICENSING</u>					
4503.05	\$165	Misuse of farm license	\$25	\$120	\$145
4503.11	\$165	Failure to Register Veh.	\$25	\$120	\$145
4503.12	\$165	Failure to Transf. Reg.	\$25	\$120	\$145
4503.21	\$165	Failure to Display lic. Plates	\$25	\$120	\$145
4503.30	\$165	Misuse of dealer plates	\$25	\$120	\$145
4506.14d	\$165	Exp./Renewal License	\$25	\$120	\$145

<u>SECTION</u>	<u>BAIL</u>	<u>OFFENSE</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL</u>
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MOTOR VEHICLE LICENSING CONTINUED

4507.35	\$165	Failure to Display License or proof of License 1 st or 2 nd w/in 3yrs 3 rd or more w/in 3yrs mandatory appearance	\$125	\$120	\$245
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DRIVERS LICENSE

4510.111	\$170	DUS/license forfeiture 1 st or 2 nd violation w/in 3yrs 3 rd or more mandatory appearance	\$125	\$120	\$245
4510.12	\$140	Expired License Less than 6 months	\$50	\$120	\$170
4510.12	\$150	Expired License Over 6 months 2 or more w/in 3 years.	\$25	\$120	\$145
4510.12	\$150	Never licensed 1 st anytime 2 nd or more mandatory appearance	\$50	\$120	\$170
4510.16	\$150	FRA suspension 1 st or 2 nd w/in 3 yrs + 2 pts. 3 rd or more w/in 3yrs mandatory appearance	\$150	\$120	\$270
4510.21	\$150	Failure to reinstate 1 st or 2 nd w/in 3 yrs. + 2 pts. 3 rd or more w/in 3yrs mandatory appearance	\$125	\$120	\$245

TRAFFIC LAWS

4511.02(A)	\$175	Failure to obey police	\$35	\$120	\$155
4511.051(A)	\$135	Occupying Space on IS	\$25	\$96	\$121
4511.051(B)	\$135	Occupying Space on IS	\$25	\$96	\$121
4511.12	\$165	Traffic control device	\$35	\$120	\$155
4511.121	\$175	Bypass Weigh Station	\$50	\$120	\$170
4511.17	\$165	Altering/defacing signs	\$35	\$120	\$155
4511.20 & 4511.201	\$200	Reckless Operation MM 1 st within one (1) year payable Reckless Operation M4 - Court Appearance Required	\$75	\$120	\$195
4511.202	\$165	Failure to Control	\$35	\$120	\$155
4511.203(A)(1)(2) or (3)	\$220	Wrongful Entrustment of Motor Vehicle 1 st or 2 nd w/in 3yrs 2 pts assessed 3 rd or more w/in 3yrs mandatory appearance	\$125	\$120	\$245
4511.203(A)(4) or (5)	\$220	mandatory appearance Texting While Driving	\$40	\$120	\$160

<u>SECTION</u>	<u>BAIL</u>	<u>OFFENSE</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL</u>
<u>TRAFFIC LAWS CONTINUED</u>					
4511.21A,B,C,D					
SPEEDING	\$185	1 – 20 mph over	\$50	\$120	\$170
	\$205	21 – 30 mph over	\$75	\$120	\$195
	\$200	31 mph over	COURT APPEARANCE REQUIRED		
4511.213	\$155	Failure to Move			
		Safety Vehicle	\$35	\$120	\$155
4511.22	\$155	Slow Speed	\$35	\$120	\$155
4511.25	\$155	Failure dr rt ½ rdwy	\$35	\$120	\$155
4511.26	\$155	Vehicles trav. Lanes	\$35	\$120	\$155
4511.27	\$155	Illegal passing of veh.	\$35	\$120	\$155
4511.29	\$155	Passing w/out ACD	\$35	\$120	\$155
4511.30	\$155	Passing on curve/hill	\$35	\$120	\$155
4511.31	\$155	Passing Over yellow line	\$35	\$120	\$155
4511.33	\$155	Failure stay marked lanes	\$35	\$120	\$155
4511.34	\$155	Following too close	\$35	\$120	\$155
4511.35	\$155	Crossing over median	\$35	\$120	\$155
4511.36	\$155	Improper right turn	\$35	\$120	\$155
4511.37	\$155	Improper U turn	\$35	\$120	\$155
4511.38	\$155	Improper Signal/turn or stop	\$35	\$120	\$155
4511.39 & 4511.40	\$155	Failure to signal/turn or stop	\$35	\$120	\$155
313.03a & 371.01a	\$170	F/Yield to Pedestrian In Crosswalk	\$50	\$120	\$170
4511.41 & 4511.42 4511.43 & 4511.43		Failure to Yield			
	\$155	Right of Way	\$35	\$120	\$155
4511.481	\$125	Intoxicated Pedestrian	\$25	\$96	\$121
4511.50	\$125	Pedestrian on Highway	\$25	\$96	\$121
4511.51	\$155	Riding outside vehicle	\$35	\$120	\$155
4511.521	\$155	Motorized bicycle rules	\$35	\$120	\$155
4511.53	\$155	No Helmet	\$35	\$120	\$155
4511.54	\$155	Bicycles/sleds to vehicles	\$35	\$120	\$155
4511.62	\$155	Crossing RR tracks flashers on	\$35	\$120	\$155
4511.66-.69	\$155	Parking rdwy	\$35	\$91	\$126
4511.70	\$155	Driving while vision obstructed	\$35	\$120	\$155
4511.71	\$155	Driving upon closed hwy	\$35	\$120	\$155
4511.711	\$155	Driving upon sidewalk	\$35	\$120	\$155
4511.72 & .73	\$155	Following emergency veh.	\$35	\$120	\$155
4511.74	\$155	Placing injurious mat on rdwy	\$35	\$120	\$155

<u>SECTION</u>	<u>BAIL</u>	<u>OFFENSE</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL</u>
<u>TRAFFIC LAWS CONTINUED</u>					
4511.75	\$175	Passing School Bus			COURT APPEARANCE REQUIRED
4511.79	\$230	Driving w/impaired alertness or ability or use of drugs	\$100	\$120	\$220
4511.81	\$175	Restraint of Children	\$50	\$120	\$170
4511.82	\$180	Littering	\$50	\$120	\$170
4511.84	\$180	Driving w/headphones	\$50	\$120	\$170
4513.02	\$155	Unsafe Vehicle	\$25	\$120	\$145
4513.021	\$145	Bumpers	\$25	\$120	\$145
4513.03	\$145	Failure to display lts.	\$25	\$120	\$145
4513.04&.14	\$145	Headlights	\$25	\$120	\$145
4513.05	\$145	Taillights	\$25	\$120	\$145
4513.06	\$145	Red Reflectors	\$25	\$120	\$145
4513.07	\$145	Lighting-commercial veh.	\$25	\$120	\$145
4513.071	\$145	Stop Lights	\$25	\$120	\$145
4513.09	\$145	Extended load	\$25	\$120	\$145
4513.10	\$145	Parking on berm w/out lights	\$25	\$120	\$145
4513.11	\$145	Slow moving vehicle	\$25	\$120	\$145
4513.12	\$145	Illegal use of spotlight	\$25	\$120	\$145
4513.15	\$145	Failure to dim lights	\$25	\$120	\$145
4513.17	\$145	Number of lights	\$25	\$120	\$145
4513.20	\$145	Inadequate brakes	\$25	\$120	\$145
4513.21	\$145	Horn/siren/warning device	\$25	\$120	\$145
4513.22	\$145	No Muffler or faulty muffler	\$25	\$120	\$145
4513.23	\$145	Rearview Mirror	\$25	\$120	\$145
4513.24	\$145	Windshield & Wipers	\$25	\$120	\$145
4513.241	\$145	Window Tinting	\$25	\$120	\$145
4513.44	\$155	Right of way violation	\$35	\$120	\$155
4513.262	\$150	Seat belt or anchorage	\$30	\$96	\$126
4513.263	\$150	Operator w/out seat belt	\$30	\$96	\$126
	\$130	Passenger seat belt	\$20	\$96	\$116
4513.28	\$145	No warning device, disable	\$25	\$120	\$145
4513.29	\$145	Warning marker-explosives	\$25	\$120	\$145
4513.31	\$145	Loads securely fastened	\$25	\$120	\$145
4513.32	\$145	No safety chains	\$25	\$120	\$145
4513.34	\$145	Violating special permit	\$25	\$120	\$145
4519.40	\$145	ATV on rdwy	\$25	\$120	\$145
4549.08	\$145	Unauthorized Plates	\$25	\$120	\$145
4549.10	\$145	Operating w/out plates	\$25	\$120	\$145
4549.11	\$145	Operating w/prior owners Plates	\$25	\$120	\$145
4549.12	\$145	Resident operating on foreign plate	\$25	\$120	\$145
4549.18	\$145	Failure to display	\$25	\$120	\$145

<u>SECTION</u>	<u>BAIL</u>	<u>OFFENSE</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL</u>
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PUCO MOTOR TRANSPORTATION COMPANIES

SAFETY VIOLATIONS:

4919.79	\$180	PUCO	\$50	\$120	\$170
4919.85	\$180	All Interstate Carriers	\$50	\$120	\$170
4921.32	\$180	Common Carrier Intrastate	\$50	\$120	\$170
4923.17	\$180	Contract Carrier Intrastate	\$50	\$120	\$170
4923.20	\$180	Private Carrier Intrastate	\$50	\$120	\$170

The following violations can be cited under any of the previous stated section numbers:

\$180	Out of Service Driving	\$50	\$120	\$170
\$180	Operating Out of Service Vehicle	\$50	\$120	\$170

AUTHORITY VIOLATIONS

4921.07	\$180	Common Carriers	\$50	\$120	\$170
		No Authority Intrastate			
4923.04	\$180	Contract Carrier	\$50	\$120	\$170
		No Authority Intrastate			
4923.14	\$180	Intra Contract Carrier– operating beyond scope of authority	\$50	\$120	\$170
4919.78	\$180	Interstate Common – failure to register I.C.C. authority	\$50	\$120	\$170

TAX DECAL VIOLATIONS

4921.32	\$180	Common Carrier – failure to display tax decal	\$50	\$120	\$170
4923.17	\$180	Contract Carrier – failure to tax decal	\$50	\$120	\$170

INSURANCE VIOLATIONS

4921.11	\$180	Common Carrier – Intrastate	\$50	\$120	\$170
4923.08	\$180	Contract Carrier – Intrastate	\$50	\$120	\$170
4919.81	\$180	Intrastate Liability Insurance	\$50	\$120	\$170
4919.82	\$180	Intrastate Cargo Insurance	\$50	\$120	\$170

OPERATING A COMMERCIAL MOTOR VEHICLE UNDER ONE OF THE PREVIOUSLY LISTED SAFETY VIOLATION NUMBERS:

\$630	Under the Influence of an Intoxicating Beverage	\$500	\$120	\$620
\$630	Possession of an Intoxicating Beverage	\$500	\$120	\$620
\$380	No Valid Operators Lic.	\$250	\$120	\$370

<u>SECTION</u>	<u>BAIL</u>	<u>OFFENSE</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL</u>
		<u>OVERLOADS</u>			
5577.04	\$210	Overload axle under 2,000 pounds	\$80	\$120	\$200
		EXAMPLE: Must compute – everything over 2,000 lbs.			
		Between 2,000 lbs & 5,000 lbs.	\$100	\$120	\$220
		Plus \$1.00 per 100 lbs.		+ computed figure	
		Between 5,000 lbs & 10,000 lbs.	\$130	\$120	\$250
		Plus \$2.00 per 100 lbs.		+ computed figure	
		Between 10,000 lbs	\$160	\$120	\$280
		Plus \$3.00 per 100 lbs.		+ computed figure	
5577.04	\$230	Gross Overload	\$100	\$120	\$220
		EXAMPLE: Must compute – everything over 2,000 lbs.			
		Between 2,000 lbs & 5,000 lbs.	\$100	\$120	\$220
		Plus \$1.00 per 100 lbs.		+ computer figure	
		Between 5,000 & 10,000 lbs.	\$130	\$120	\$250
		Plus \$2.00 per 100 lbs.		+ computed figure	
		Over 10,000 lbs.	\$160	\$120	\$280
		Plus \$3.00 per 100 lbs.		+ computed figure	
5577.05	\$155	Overlength/Heigh/Width	\$25	\$120	\$145
5577.11	\$145	Mudflaps	\$25	\$120	\$145
		<u>HIGHWAY USE TAX</u>			
5728.01	\$165	Tax Permit	\$35	\$120	\$155
5728.02	\$165	HUT	\$35	\$120	\$155
5728.04	\$165	HUT	\$35	\$120	\$155

HUESTON WOODS PARKS & RECREATION VIOLATIONS BUREAU
SCHEDULE

1501.41	\$160	Park Rules	\$35	\$120	\$155
1518.02	\$190	Rules	\$50	\$120	\$170
1541.09	\$145	Rules & Regulations	\$25	\$120	\$145
1547.02	\$145	Watercraft to carry lights	\$25	\$120	\$145
1547.05	\$145	Operating Regulations	\$25	\$120	\$145
1547.06	\$145	Child Operators Proh.	\$25	\$120	\$145
1547.07	\$165	Reckless Operation	\$45	\$120	\$165
1547.08	\$165	Marking bath/watercraft areas	\$45	\$120	\$165
1547.12	\$145	Incapacitated oper. Proh.	\$25	\$120	\$145
1547.21	\$155	Sale of single celled inflatable w/craft proh	\$35	\$120	\$155

<u>SECTION</u>	<u>BAIL</u>	<u>OFFENSE</u>	<u>FINE</u>	<u>COSTS</u>	<u>TOTAL</u>
<u>HUESTON WOODS STATE PARK VIOLATIONS BUREAU SCHEDULE</u>					
1547.22	\$145	Sitting, standing, walking on moving crafts proh.	\$25	\$120	\$145
1547.24	\$155	Child under 10 lift jackets	\$35	\$120	\$155
1547.25	\$155	Oper. W/out life pres.	\$35	\$120	\$155
1547.251	\$145	Distress flag required	\$25	\$120	\$145
1547.26	\$145	Anchor, whistle & bell	\$25	\$120	\$145
1547.30	\$145	Abandonment of watercraft	\$25	\$120	\$145
1547.38	\$145	Rental improper equip.	\$25	\$120	\$145
1547.40	\$180	Occupant overload wt.	\$50	\$120	\$170
1547.53	\$145	Numbering of watercraft	\$25	\$120	\$145
1547.54	\$145	Application of numbers, fees, tags, transf., etc...	\$25	\$120	\$145
1547.66	\$165	Altering of serial numbers	\$45	\$120	\$165
4511.21	\$155	Speeding w/in State Park	\$35	\$120	\$155

DIVISION OF WATERCRAFT VIOLATIONS BUREAU SCHEDULE

	MINIMUM BOND	MAXIMUM BOND	SUGGESTED BOND
MINOR MISDEMEANOR	\$145	\$190	\$145
4 TH Degree Misdemeanor	\$195	\$345	\$195
3 RD Degree Misdemeanor	\$345	\$595	\$345
2 ND Degree Misdemeanor	\$495	\$595	\$495
1 ST Degree Misdemeanor	\$595	\$1095	\$595
		MUST APPEAR	MUST APPEAR

CRIMINAL VIOLATIONS BUREAU SCHEDULE FOR WILDLIFE OFFENSES

Revised: March 1, 2025

Unless otherwise noted, violations bureau scheduling for wildlife offenses will be categorized by the degree of misdemeanor assigned to the violation.

General Hunting/Wildlife Violations

<u>SECTION</u>	<u>OFFENSE</u>	<u>FINE + Court Cost (\$120)</u>	
1533.10	Resident Hunting without a License/Tag/Permit	\$80 + CC	M4
1533.10	Non-Resident Hunting w/o License/Tag/Permit	\$200 + CC	M4
1531.02	Hunt without stamp or fur taker permit	\$50 + CC	M4
1531.02	Fail to check traps or untagged traps	\$50 + CC	M4
1531.02	Hunt migratory birds with unplugged gun	\$80 + CC	M4
1531.02	Fail to wear hunter orange	\$80 + CC	M4
1531.02	Hunt before or After Hours	\$80 + CC	M4
1531.02	Fail to Temporarily Tag Turkey	\$75 + CC	M4
1531.02	Take Over the limit of game except deer	\$125 + CC	M4
1531.02	Hunt/Take/Possess Game Closed Season Other than deer	\$125 + CC	M4
1531.02	Possession of untagged Turkey	\$125 + CC	M4
1531.02	Shoot at or take game from On or across a roadway	\$150 + CC	M4
1531.02	Hunt with the aid of a motor vehicle	\$150 + CC	M4
1533.17	Hunt/Fish/Trap game w/o permission	\$150 + CC	M3
1531.02	Hunt Turkey/Waterfowl over bait	\$250 + CC	M4
1531.02	Take non-game species	\$250 + CC	M1
1533.171	Negligent Hunting	Must Appear	M1
All other unspecified hunting violations		\$100 + CC	

Deer Violations

<u>SECTION</u>	<u>OFFENSE</u>	<u>FINE + Court Cost (\$120)</u>	
1531.02	Minor Deer tagging violations	\$50 + CC	M3
1531.02	Fail to wear hunter orange	\$80 + CC	M4
1531.02	Fail to temporary tag deer	\$80 + CC	M3
1531.02	Possession of untagged deer	\$100 + CC	M3
1531.02	Tag deer taken by another	\$100 + CC	M3
1531.02	Provide false information during game check	\$125 + CC	M3
1531.02	Fail to permanently check deer	\$150 + CC	M3
1531.17	Hunt Deer without permission of Landowner	\$200 + CC	M3
1531.02	Take over limit of deer	\$200 + CC	M3
1531.02	Take deer with an illegal firearm	\$200 + CC	M3
1531.02	Take deer during the closed season	\$200 + CC	M3
1533.161	Spotlighting from a motor vehicle with gun	\$250 + CC	M3
1533.161	Spotlighting from a motor vehicle no gun	\$150 + CC	M3
All other unspecified deer violations		\$100 + CC	

CRIMINAL VIOLATIONS BUREAU SCHEDULE FOR WILDLIFE OFFENSES

CONTINUED

Fishing Violations

<u>SECTION</u>	<u>OFFENSE</u>	<u>FINE + Court Cost (\$120)</u>	
1533.32	Resident Fishing Without a License	\$50 + CC	M4
1533.32	Non Resident Fishing Without a License	\$80 + CC	M4
1531.02	Take or possess undersize fish	\$80 + CC	M4
1531.02	Take or possess over limit of fish	\$100 + CC	M4
1531.02	Take Game fish by illegal means	\$100 + CC	M4
1531.02	Take Frogs in Closed Season	\$100 + CC	M4
1531.02	Take or possess over limit of Frogs	\$100 + CC	M4
1531.02	Illegal sale of Fish	\$200 + CC	M4
All other unspecified fishing violations		\$50 + CC	

State Property and Litter Violations

<u>SECTION</u>	<u>OFFENSE</u>	<u>FINE + Court Cost (\$120)</u>	
1531.02	After Hours/Curfew on State Property	\$50 + CC	M4
1531.02	Target shoot in a non-designated area	\$80 + CC	M4
1531.02	Park or Drive vehicle in Non-Designated area	\$100 + CC	M4
1531.02	Removal of Plant Tree or Shrub	\$100 + CC	M4
1531.29	Stream Litter Small Amount	\$80 + CC	M3
1531.29	Stream Litter Large Amount	\$250 + CC	M3
3767.32	Private Property Litter Small Amount	\$80 + CC	M3
3767.32	Private Property Litter Large Amount	\$250 + CC	M3
All other unspecified State Property Violations		\$80 + CC	

Ginseng Violations

<u>SECTION</u>	<u>OFFENSE</u>	<u>FINE + Court Cost (\$120)</u>	
1533.88	Ginseng records violations	\$100 + CC	M1
1533.88	Fail to plant berries or undersize plants	\$100 + CC	M1
1533.88	Harvest Ginseng without permission	\$200 + CC	M1
1533.88	Harvest Ginseng in the closed season	\$250 + CC	M1
All other unspecified Ginseng Violations		\$100 + CC	

CRIMINAL VIOLATIONS BUREAU SCHEDULE FOR WILDLIFE OFFENSES
CONTINUED

Bond amount for other Violations NOT covered in this Bond Schedule

MISDEMEANOR

FINE + Court Cost (\$120)

1st Degree Misdemeanor	\$250 + Court Cost
2nd Degree Misdemeanor	\$200 + Court Cost
3rd Degree Misdemeanor	\$100 + Court Cost
4th Degree Misdemeanor	\$80 + Court Cost
Minor Misdemeanor	\$50 + Court Cost
(Subsequent/repeat add \$100 to above)	

Appendix C
IN THE EATON MUNICIPAL COURT
PREBLE COUNTY, OHIO

IN THE MATTER OF CIVIL COSTS
Pursuant to O.R.C. 1901.26(1)

JOURNAL ENTRY

Effective August 16th, 2018 the costs for filing a civil action shall be \$160.00, the fee will cover the filing of the complaint with up to two defendants by certified mail and personal service up to \$20.00. Additional attempts of service by certified mail will require a fee of \$10.00 per defendant. All other fees/deposits are listed below.

a. Small Claims Complaint, Two defendants	\$55.00
b. Transfer Small Claims to Civil Docket	\$105.00
c. Trusteeship	\$10.00
d. Counterclaim or Cross-Claim	\$75.00
e. Replevin Writ	\$50.00
f. FE&D Restitution Writ Deposit	\$150.00
g. Publication	\$50.00
h. Execution & Attachment Writ	\$100.00
i. Jury Demand	\$10.00
j. Jury Deposit	\$250.00
k. Debtor's Examination	\$50.00
l. Order to Show Cause	\$10.00
m. Garnishment (If court provides forms + \$5.00) (Bank Garnishment \$1.00 extra for bearer)	\$100.00
n. Subpoena, In County Witness All witnesses are to be paid \$6.00 per half day & \$12.00 for a full day, plus mileage over and above the subpoena fee. This fee is to be paid by the party requesting the subpoena.	\$6.00
o. Certificate of Judgment	\$20.00
p. Authentication of Judgment	\$10.00
q. Petition to vacate or modify	\$21.50
r. Certificate of Document	\$1.00
s. Revive of Judgment	\$50.00
t. EMC Fee for Transfer to Court of Appeals	\$50.00
u. Court of Appeals Filing Fee	\$225.00
v. Transfer of Judgment	\$110.00
w. Small Claims Counter-Claim	\$30.00
x. Request for Ordinary Mail	\$5.00
y. Motion to Vacate	\$50.00

SO ORDERED:

JUDGE EDMUND H KALIL

Appendix D
**IN THE MUNICIPAL COURT OF EATON
PREBLE COUNTY, OHIO**

Judge Edmund H. Kalil

REPORTING TO LAW ENFORCEMENT AND COMPLIANCE PLAN

Introduction

This Compliance Plan outlines the procedures and case flow management implemented by the Eaton Municipal Court to ensure that the Court and Clerk of Court comply with the requirements of all statutory obligations for capturing fingerprints and reporting criminal dispositions to the Ohio Bureau of Criminal Identification. (BCI)

Objectives

The primary objectives of the Compliance Plan include:

- Ensuring complete, accurate, and timely submission of information to BCI
- Adhering to statutory requirements of Local Rules of Court, including filing procedures, and record retention
- Minimizing the rejection rate of dispositions due to failure to fingerprint
- Promoting continuous staff awareness and education of the Compliance Plan

Applicable Statutes and Rules

The Eaton Municipal Court adheres to the following statutes and rules in order to ensure compliance:

R.C. 109.60(A)(3)	Order to Defendant to appear before Sheriff for Fingerprinting
R.C. 109.57(A)(2)	Requirement of the Clerk of Court to submit Dispositions
Ohio Supreme Court Rule Superintendence 5	Creation of Local Rule and Compliance Plan on reporting dispositions to BCI
Local Rule (As Outlined Below)	Reporting of fingerprinting and dispositions to law enforcement and databases

Compliance Procedures

1. Case Management System (CMS)

The Court's CMS, Henschen, contains an Incident Tracking Number (ITN) field within each case. The ITN is entered by a Clerk once the defendant has been fingerprinted. The CMS also contains an electronic disposition reporting function that extracts BCI-required information from the Disposition section of each case. The data is uploaded to a file and electronically submitted by the Clerk to BCI no less than weekly.

2. Clerks

Upon the receipt of a complaint, the Clerk shall determine, whether or not a Defendant has been fingerprinted (if required by law). If fingerprints have been obtained, the Clerk shall enter the ITN into the field within the case, and the card shall be placed in the case file.

- a. Upon the complete disposition of the case, the Clerk shall docket and scan the fingerprint card, and file accordingly. (See Filing and Retention below)

If a complaint is submitted and no fingerprints have been obtained, the Clerk shall prepare a Fingerprint Order. The Order accompanies the file in the courtroom, and a note is entered on the docket that the Defendant must be fingerprinted. The Fingerprint Order is emailed and/or faxed to the Preble County Jail, and a copy of the Order is provided to the Defendant.

At any time after arraignment, if it is discovered when preparing a docket that the Defendant has yet to be fingerprinted, a note is entered onto the docket that the Defendant has yet to be fingerprinted.

The Clerk shall docket and scan a Fingerprint Order that has been issued by the Judge. The Clerk shall docket and scan the return of Fingerprint Order and enter the ITN number provided into the case in the CMS.

The Clerk of Court shall review the weekly E-Disposition Process Report from the Ohio Attorney General's Office and shall correct any errors noted on the report.

3. Judge

At arraignment, the Judge shall review each case file that requires fingerprinting. The Judge shall order the Preble County Jail to fingerprint any defendant who is incarcerated at the time of video arraignment. The Judge shall order any person at in-person arraignment to report the Preble County Sheriff's Office for fingerprints, and may add as a condition of bond to provide fingerprints within 24 hours. A copy of the Fingerprint Order shall be provided to the Defendant and emailed and/or faxed to the Preble County Sheriff's Office.

Training and Awareness

The Eaton Municipal Court emphasizes the importance of training and awareness among employees. Each staff member in the Criminal/Traffic Division shall receive a copy of this Compliance Plan and training on specific tasks.

The Judge and Clerk of Court shall regularly review and update this Compliance Plan no less than yearly. Eaton Municipal court staff shall continually assess the procedures contained herein and shall report to the Judge and/or Clerk any identified failures. Staff members are encouraged to communicate suggestions for improvement.

Filing and Retention of Fingerprint Cards

Final dispositioned case fingerprint cards shall be filed in alphabetical order by defendant's last name, double locked, at Eaton Municipal Court.

Retention of fingerprint cards shall follow the Ohio BCI's Retention schedule.

Approval and Effective Date

This BCI Reporting and Compliance Plan is hereby approved and adopted, and is effective as of the date signed below.



Judge Edmund H. Kalil
Eaton Municipal Court

07 APR 26
Date



Sherry A. Hurst, Clerk of Court/Court Administrator
Eaton Municipal Court

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MUNICIPAL COURT OF
EATON OHIO