

**ORDINANCE NO. 4-2018**

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO MODIFY SECTION 509.03 "DISORDERLY CONDUCT; INTOXICATION," OF THE CODIFIED ORDINANCES OF THE CITY OF NEW PHILADELPHIA, TO INCLUDE A MANDATORY \$50.00 FEE ISSUED ON ALL SUMMONS ISSUED UNDER THE SECTION AND DECLARING AN EMERGENCY.

**WHEREAS**, the Council has found it necessary to impose a mandatory \$50.00 fee on all summons issued under Section 509.03 of the Codified Ordinances of the City of New Philadelphia, in addition to any other penalties or fines imposed by the Court; and

**WHEREAS**, this \$50.00 fee would take effect when an individual charged under Section 509.03 posts bond, is found guilty, or pleads no contest to the charge; and

**WHEREAS**, the monies collected from the imposition of the fee will be placed into a separate and distinct fund, the "Electronic Restraint Devices Fund," created for the purpose of holding those monies; and

**WHEREAS**, the monies in the separate and distinct "Electronic Restraint Devices Fund" will be used solely for the purpose of assisting the New Philadelphia Police Department in the replacement, upkeep, and training of the Department's officers on Electronic Restraint Devices, currently, the TASER X26.

**WHEREAS**, the purpose of this Ordinance is to help alleviate the individual City taxpayers of the financial burden of funding the New Philadelphia Police Department's use of Electronic Restraint Devices.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, THAT:**

**Section 1.** Section 509.03 of the Codified Ordinances of the City of New Philadelphia shall hereby be modified to add a subsection (g), as follows:

509.03 DISORDERLY CONDUCT; INTOXICATION.

(g) Electronic Restrained Devices Fund. Whoever violates a provision of this section, in addition to any other penalties or fines imposed by the Court, shall be subject to a mandatory fifty-dollar (\$50.00) fee at the time the individual either posts bond, is found guilty, or pleads no contest to any provision of this section, which shall be deposited in the City of New Philadelphia Electronic Restraint Devices Fund.

**Section 2.** The Council hereby directs that the City of New Philadelphia Auditor shall create a separate and distinct fund, the “Electronic Restraint Devices Fund,” for the purpose of holding the \$50.00 fee collected.

**Section 3.** The Council hereby finds that the purpose of this \$50.00 fee is to assist the New Philadelphia Police Department in the replacement, upkeep, and training of the Department’s officers on Electronic Restraint Devices, and to help alleviate some of the financial burden on individual City taxpayers of the same.

**Section 4.** This Ordinance is hereby declared to be emergency legislation, necessary for the immediate preservation of the public peace, health, and safety, and shall be effective upon passage.

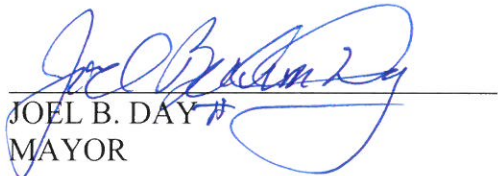
PASSED: April 23, , 2018

  
SAM R. HITCHCOCK  
PRESIDENT OF COUNCIL

ATTEST:

  
JULIE COURTRIGHT  
CLERK OF COUNCIL

APPROVED:

  
JOEL B. DAY #  
MAYOR

SPONSORED BY: SAFETY, HEATH, AND SERVICE COMMITTEE