**ORDINANCE NO. 3 , 2011**

**AN ORDINANCE AMENDING SECTIONS 73.10(K)(1)(a)(2), 73.10(K)(1)(a)(3) AND 73.10(K)(1)(b) OF THE CODE OF ORDINANCES REGARDING SPEEDING AND PENALTIES FOR SPEEDING**

**WHEREAS,** Sections 73.10(K)(1)(a)(2), 73.10(K)(1)(a)(3) and 73.10(K)(1)(b) of the Code of Ordinances set forth speed limits and penalties for speeding violations; and

**WHEREAS,** The City of Montgomery desires to amend sections 73.10(K)(1)(a)(2), 73.10(K)(1)(a)(3) and 73.10(K)(1)(b) of the Code of Ordinances to reflect the penalties customary within the State and local communities for speeding citations which are either in excess of 20 miles per hour of the posted speed limit or represent a second or more offense within one year.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Montgomery, Hamilton County, Ohio, that:

**SECTION 1.** Section 73.10(K)(1)(b) of the Code of Ordinances titled "Speed Limits. Penalties. Divisions (A) through (I)" shall be adopted to read as follows:

(K)(1)(b) If the offender has not previously been convicted of or pleaded to a violation of any provision of division (A) through (I) of this section, R.C. § 4511.21, or any other municipal ordinance that is substantially equivalent to any provision of that section, and operated a motor vehicle in excess of 20 miles per hour of the posted speed limit, a misdemeanor of the fourth degree.

**SECTION 2.** Section 73.10(K)(1)(a)(2) of the Code of Ordinances titled "Speed Limits. Penalties. Divisions (A) through (I)" shall be adopted to read as follows:

(K)(1)(a)(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or two violations of any provision of divisions (A) through (I) of this section, R.C. § 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that section, a misdemeanor of the fourth degree.

**SECTION 3.** Section 73.10(K)(1)(a)(3) of the Code of Ordinances titled "Speed Limits. Penalties. Divisions (A) through (I)" shall be adopted to read as follows:

(K)(1)(a)(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of divisions (A) through (I) of this section, R.C. § 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that section, a misdemeanor of the third degree.

**SECTION 4.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION 5.** The sections and subsections of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective, for any cause, shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

**SECTION 6.** This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: April 6, 2011

ATTEST: Susan J. Hamm
Susan J. Hamm, Clerk of Council

Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon
Terrence M. Donnellon, Law Director