

## **NOTICE**

This City of Kettering Code section is not the official version and is provided only for the convenience of the public. The only official version of the City of Kettering Code is available through the office of the Clerk of Council, located in the City of Kettering Government Center, 3600 Shroyer Road, Kettering, Ohio 45429.

This version may, occasionally, differ from the official version and should only be relied upon for general information purposes. Any errors or omissions should be reported to the Clerk of Council. In no event shall the City of Kettering be held liable for damages of any nature, direct or indirect, arising from the use of this service or reliance on this unofficial document.

**CHAPTER 408  
PENALTIES**

408.01	Penalties for Misdemeanor.
408.02	General Code Penalty.
408.03	Penalty and Waiver for Parking Violations (Chapter 452)

**CROSS REFERENCES**

- See section histories for similar state law
- Definition of "imprisoned" – see Ohio Revised Code §1.05
- Commitment in lieu of fine; credit for time served – see Ohio Revised Code §2947.20
- Criteria for probation; conditions for probation – see Ohio Revised Code §2951.02
- Definition of "repeat offender" – see GENERAL OFFENSES §698.01(a)
- Definition of "dangerous offender" – see GENERAL OFFENSES §698.01(B)
- Imposing sentence for misdemeanor – see GENERAL OFFENSES §698.03
- Organizational penalties – see GENERAL OFFENSES §698.04
- Multiple sentences – see GENERAL OFFENSES §698.05
- Modification of sentence – see GENERAL OFFENSES §698.06

**SECTION 408.01 PENALTIES FOR MISDEMEANOR.**

Unless otherwise specifically provided:

- (a) Whoever is convicted of or pleads guilty to a misdemeanor, other than a minor misdemeanor, shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.
- (b) Terms of imprisonment for misdemeanor shall be imposed as follows:
- (1) For a misdemeanor of the first degree, not more than six months.
  - (2) For a misdemeanor of the second degree, not more than ninety days;
  - (3) For a misdemeanor of the third degree, not more than sixty days;

- (4) For a misdemeanor of the fourth degree, not more than thirty days.
- (c) Fines for a misdemeanor shall be imposed as follows:
- (1) For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000.00);
  - (2) For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);
  - (3) For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);
  - (4) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00).
- (d) Whoever is convicted of or pleads guilty to a minor misdemeanor shall be fined not more than One Hundred Fifty Dollars (\$150.00)

#### **SECTION 408.02 GENERAL CODE PENALTY.**

Whoever violates any provision of this Traffic Code for which no penalty is otherwise provided is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree. When any person is found guilty of a first offense for a violation of Section 434.03 upon a finding that he operated a motor vehicle faster than thirty-five miles an hour in a business district, or faster than fifty miles an hour in other portions of the Municipality, or faster than thirty-five miles an hour while passing through a school zone during recess or while children are going to or leaving school during the opening or closing hours, such person is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section 408.01. (ORC §4511.99(D); §4513.99(C).)

#### **SECTION 408.03 PENALTY AND WAIVER FOR PARKING VIOLATIONS (CHAPTER 452).**

(a) Whoever violates any provision of Chapter 452 is guilty of a minor misdemeanor. Punishment shall be as provided in Section 408.01.

(b) Any person charged with a violation of any provision of Chapter 452 for which payment of a prescribed fine may be made, may pay such sum in the manner prescribed on the issued traffic ticket. Such payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgement of conviction of the alleged offense and may be

accepted in full satisfaction of the prescribed penalty for such alleged violation. Payment of the prescribed fine need not be accepted when laws prescribe that a certain number of such offenses shall require court appearance.

**Legislative History:** Ord. 2437-72; passed 12-12-72. Ord. 2542-74; passed 1-22-74. Ord. 3958-03; passed 12-16-03.