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Supreme Court of Ohio strikes down red-light camera restrictions

In the *City of Dayton v. The State of Ohio* (Slip Opinion No. 2017-Ohio-6909), the Ohio Supreme Court struck down restrictions on traffic cameras within the state in a 5-2 opinion. The City of Dayton initiated the lawsuit in order to challenge S.B. 342, a state law adopting and amending certain Revised Code provisions regulating local authorities' use of automated traffic-enforcement programs. The Ohio Supreme Court considered whether the Second District erred in reversing the trial court's holding that the contested provisions of S.B. 342 violate the Home Rule Amendment. Specifically, the Court analyzed the question of whether three statutes passed by the Ohio legislature regulating municipal corporations' use of red-light and speed cameras qualify as general laws, such that the statutes do not violate the home-rule powers granted to a municipality in Article XVIII, Section 3 of the Ohio Constitution. The statutes addressed by the Court included: (1) R.C. 4511.093(B)(1), which requires a law-enforcement officer to be present at the location of a traffic camera; (2) R.C. 4511.0912, which prohibits the municipality from issuing a fine to a driver who is caught speeding by a traffic camera unless that driver's speed exceeds the posted speed limit by 6 mph in a school or park zone or 10 mph in other areas; and (3) R.C. 4511.095, which directs the municipality to perform a safety study and a public-information campaign prior to using a camera.

Applying the four-prong *Canton* "general law" test, the Court determined that the statutes were unconstitutional under the third element, which asks whether a statute "set[s] forth police, sanitary, or similar regulations, rather than purport only to grant or limit legislative power of a municipal corporation to set forth police, sanitary, or similar regulations." Reasoning that the statutes all infringed on home-rule authority by expressly limiting the legislative power of a municipal corporation to set forth police regulations without serving an overriding statewide interest, the Court held that each provision is unconstitutional. Going forward, R.C. 4511.093(B)(1), R.C. 4511.0912, and R.C. 4511.095 are invalidated and cities can

resume use of their red-light and speeding cameras without adhering to the burdensome restrictions previously imposed by the State. Revised Code sections 4511.093(B)(2) and (B)(3) are still applicable.

For more information, please contact [Phil Hartmann](#) or any other attorney in Frost Brown Todd's [Government Services Practice Group](#).

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