

VILLAGE OF PENINSULA, OHIO
ORDINANCE NO.: 10-2015
INTRODUCED BY: Carol Krömer
DATE PASSED: December 14 2015

AN ORDINANCE CREATE A PARKING VIOLATIONS BUREAU WITHIN THE VILLAGE OF PENINSULA, OHIO AND DECLARING AN EMERGENCY.

WHEREAS it is necessary to establish a Parking Violations Bureau that includes a procedure and fine schedule for parking violations within the Village of Peninsula, Ohio.

WHEREAS it is the intent of the Council of the Village of Peninsula, Ohio to establish this Parking Violations Bureau to maintain to control the parking within the Village for the safety of the residents, businesses, and visitors.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF PENINSULA, COUNTY OF SUMMIT, STATE OF OHIO, THAT:

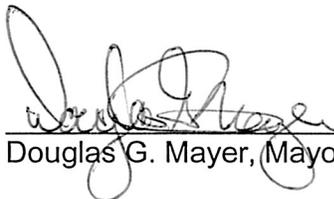
Section 1. That an Ordinance be created for the establishment of a Parking Violations Bureau within the Village of Peninsula as evidenced by the exhibits attached.

Section 2. That it is found and determined that all formal actions of this Council concerning and related to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, comfort, convenience, and general welfare of the inhabitants.

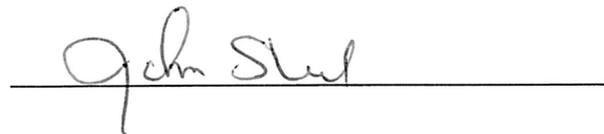
Section 4. This Ordinance shall take effect on the 14 day of December 2015.

Passed:



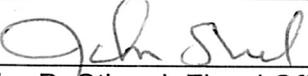
Douglas G. Mayer, Mayor

Attest:



John D. Stiegel, Fiscal Officer

I, John D. Stiegel, Fiscal Officer of the Village of Peninsula, Summit County, Ohio do hereby certify that the foregoing Ordinance was duly passed by the Council of the Village of Peninsula, State of Ohio, on the 14 day of December 2015.



John D. Stiegel, Fiscal Officer

**Peninsula Police Department
Parking Violations Bureau / Parking Citation Appeal/Reply Form**

Your Name Daytime Phone Number

Street Address City State Zip Code

Citation # Date of Citation

Please read the reverse side of this form, and then select one of the below pleas by initialing next to it to indicate your choice of plea:

Initial I wish to plead NOT GUILTY to this violation and request a public hearing.
I will offer evidence or testimony in my defense at that time.

Initial I wish to plead GUILTY to this violation, waive my right to a hearing before the Peninsula Initial Parking Violations Bureau, and I offer the below explanation. I understand that the Parking Violations Bureau will consider my statement and render a judgment. This judgment may or may not eliminate or reduce the violation and/or fine.

I offer the following fact(s): _____

If this citation is for any offense related to a handicap parking violation, include a clear photocopy of the involved handicap parking permit and/or Bureau of Motor Vehicle registration for the handicap permit.

Your reply to the citation will be reviewed and you will receive a written response by mail. No fines will be increased during the reply process.

Signature: _____ Today's Date / /

For Internal Use Only

Date Received: / / Officer Notes/Photographs: Yes No

Finding/Notes: _____

Finding: _____ Date of Judgment: / / Mailed to appellant: / /

PARKING VIOLATIONS BUREAU

There is hereby created in the Village, in accordance with Ohio R.C. Chapter 4521, a Parking Violations Bureau to handle all parking infractions occurring within the Municipal Corporation, including parking infractions that are in violation of ordinances, resolutions or other local authorities that occur within the Village.

- (a) The Village shall, when the same becomes necessary, appoint a violations clerk, hearing examiners and clerical employees as is necessary to provide for the proper functions of the Parking Violations Bureau. No person shall be employed as a hearing examiner unless the person is an attorney admitted to the practice of law in this state or formerly was employed as a law enforcement officer.
- (b) Parking tickets shall be as authorized in accordance with Ohio R.C. 4521.03 and, unless otherwise specified by law or the Parking Violations Bureau, the ticket shall be the Ohio Uniform Traffic Ticket, as described in Ohio R.C. 4521.03 (B).
- (c) Violations of this chapter shall not be considered a criminal offense for any purpose and no person who commits a violation thereof shall be arrested as a result of the commission of the violation. Violations thereof shall be handled in accordance with this chapter and Ohio R.C. Chapter 4521.
- (d) The time within which a person who is issued a parking ticket must answer to the charge on the ticket is ten (10) days. The answer shall be made by personal appearance before the Parking Violations Bureau or by mail. If by mail, the time for answering shall be extended in accordance with the Rules of Civil Procedure. No answer may be received by telephone. The answer shall consist of:
 - (1) An admission that the person committed the parking infraction, by payment of any fine arising out of the parking infraction;
 - (2) An admission that the person committed the parking infraction, with an explanation of the circumstances surrounding the parking infraction;
 - (3) A denial through use of the Parking Citation Appeal Form, from the person who allegedly committed the parking infraction. If the appeal is rejected, a request for a hearing relative to the infraction will be granted. If the person desires the presence of the law enforcement officer who issued the parking ticket at the hearing, the person must request his presence in his hearing request.
- (e) The Chief of Police of the Village may provide for the impoundment or the immobilization of any vehicle involved with violations of this chapter after the expiration of ten days from the date of any entry establishing judgment or default judgment. Such impoundment or immobilization shall occur through the auspices of the authorized Village towing company. The Chief of Police shall establish the bond or cash deposit to secure the release of such impounded vehicle; provided, however, that the deposit shall not exceed one thousand dollars (\$1,000).
- (f) The Parking Violations Bureau, in the event it receives an answer which contains an explanation of the circumstances surrounding the parking infraction, may eliminate or reduce such part of the fine arising out of the parking infraction as it, in its discretion, deems appropriate.
- (g) A person who denies that he committed a parking infraction may appeal the infraction through use of the Parking Citation Appeal Form. If rejected, the person shall be granted a hearing concerning the infraction. The Bureau shall set a date for the hearing and notify the person, in writing, of the date, time and place of the hearing. The hearing shall be conducted by a hearing examiner of the Parking Violations Bureau, or another hearing examiner, whichever is applicable, in accordance with Ohio R.C. 4521.08.
- (h) Failure to answer shall be punishable as an additional parking infraction and shall be subject to a fine in an amount not to exceed one hundred dollars (\$100.00), per infraction.
- (i) All appeals from a hearing with the Parking Violations Bureau, its orders or judgments, or other orders entered pursuant to this chapter, shall be made to the Stow Municipal Court, Ohio, by filing notice of appeal of the Parking Violations Bureau and the Municipal Court within fifteen days of the date of the entry of the judgment and by the paying of such reasonable costs as the court requires. All appeals shall be processed in accordance with procedural and substantive provisions of Ohio R.C. 4521.08 (D).