

PARKING BUREAU PROCEDURES

Parking Violations Bureau

The Weathersfield Township Parking Violations Bureau was established in accordance with Ohio Revised Code Chapter 4521. The Parking Violations Bureau has jurisdiction over all parking infractions that occur within the unincorporated territory of Weathersfield Township. Violations of the Weathersfield Township Parking Resolution shall not be considered a criminal offense for any purpose.

Parking Infractions

Section 1: Definitions:

- (A) "Parking Infraction" means a violation of this Parking Resolution.
- (B) "Motor Vehicle" has the same meaning as in Section 4511.01 of the Ohio Revised Code.
- (C) "Court" or "Municipal Court" means the Niles Municipal Court and its Parking Violations Bureau.

Section 2: Prohibited Motor Vehicle Parking or Standing

(A) No person shall stand or park a motor vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or while obeying the directions of a police officer or a traffic control device, in any of the following places:

- 1) On a sidewalk;
- 2) In front of a public or private driveway;
- 3) Within an intersection;
- 4) Within ten feet of a fire hydrant;
- 5) On or within twenty feet of a crosswalk;
- 6) Within thirty feet of any stop sign, signal, or traffic control device;
- 7) Within fifty feet of the nearest rail of a railroad crossing;
- 8) Within twenty feet of a driveway entrance to any fire station;
- 9) When such standing or parking obstructs traffic;
- 10) Alongside any vehicle stopped or parked at the edge or curb of a street (double parking);
- 11) In a designated fire lane;
- 12) At any place where signs prohibit parking or stopping;
- 13) More than one foot from the curb;
- 14) On the grass
- 15) Facing the wrong way
- 16) In any handicapped parking space designated as such in violation of Ohio Revised Code 4511.69(E)-(H), the language of which is incorporated herein by reference.

(B) A vehicle parked, stopped, or standing on a public street or highway in commission of a parking infraction is subject to impoundment if the Police Officer issuing the parking infraction determines that the vehicle is substantially impeding or hindering the movement of other traffic.

Section 3: Parking Tickets

- (A) The Weathersfield Township Police Chief has adopted the form of the Parking Ticket used by Township Police Officers.
- (B) The Violations Clerk will issue blank Parking Ticket books for parking infractions to Police Officers for the Township and shall record the tickets issued for accountability.
- (C) A Police Officer who issues a parking ticket for a parking infraction shall complete the ticket by identifying the infraction charged, recording the license plate number, type, and make or model of the vehicle, and indicating the date, time, and place of the infraction. The officer shall sign the ticket and affirm the facts it contains and file a copy with the Violations Clerk.
- (D) If the operator of the vehicle is present, the officer shall record on the ticket the name of the operator on the ticket, and then shall personally serve the parking ticket upon the operator. If the operator of the vehicle is not present, the officer shall insert the word “owner” in the space provided on the ticket for identification of the offender, and constructively serve the parking ticket upon the owner of the vehicle by affixing the ticket to the vehicle in a conspicuous place.
- (E) The original of a parking ticket or any true copy of it shall be considered a record kept in the ordinary course of business of the Weathersfield Township Police Department and shall be prima facie evidence of the facts it contains.
- (F) An operator of a vehicle who is not the owner of the vehicle, but who operates it with the express or implied permission of the owner, is the agent of the owner for purposes of the receipt of any parking tickets served in accordance with this procedure and service of a parking ticket upon the operator in accordance with this procedure constitutes constructive service upon the owner.
- (G) When a parking ticket is issued for a parking infraction and is served pursuant to law, the operator of the vehicle whose act or omission resulted in the parking infraction for which the ticket was issued and the owner of the vehicle involved in the parking infraction, if different, are jointly liable for the parking infraction and any fine, penalty, fees, and costs arising out of the parking infraction.

Section 4: Parking Violations, Penalties and Fines

Violation	If Paid Within 5 Days of Due date	Paid More than 5 Days After Due Date
Parked more than 1 ft. from curb	\$10.00	\$20.00
Parked within 10 ft. of fire hydrant	\$10.00	\$20.00
Parked on crosswalk / sidewalk	\$10.00	\$20.00
Parked within 30 ft. of stop sign/signal	\$10.00	\$20.00
Double Parking	\$10.00	\$20.00
Parked facing wrong way	\$10.00	\$20.00
Parked blocking driveway	\$10.00	\$20.00
Parked in intersection	\$10.00	\$20.00
Any other Parking Violation	\$10.00	\$20.00
Parking in fire lane	\$50.00	\$100.00
Parked in Handicap Parking Space	\$250.00	

Failure to pay Parking Fines, **with the exception of Parking in Fire Lane**, within 30 days of its issuance will result in the fine being increased to \$50.00. Failure to pay Parking in a fire lane within 30 days of issuance, the fine is increased to \$150.00.

Parking in designated handicapped parking / loading zones for the handicapped shall be fined \$250.00. This fine may be reduced to \$100.00 if the offender, prior to sentencing, proves either one of the following:

1. At the time of the violation, the offender or the person for whose transport the motor vehicle was being operated, had been issued a removable windshield placard that then was valid or special license plates that then were valid, but the offender neglected to display the placard or license plates; or
2. At the time of the violation, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking placard that then was valid, or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates.

Section 5: Impoundment

If there are three or more outstanding parking judgments and/or default parking judgments pertaining to any vehicle, the vehicle may be impounded if found standing or parked in violation of this Resolution. In order to obtain release of an impounded vehicle, the owner of the vehicle shall be required to pay all impoundment lot charges and all fines or penalties related to parking judgments, default parking judgments or parking tickets issued under this Resolution.

Section 6: Answers

- (A) A person who is issued a parking ticket must answer within fifteen calendar days from the date the ticket is issued. The answer shall be made by personal appearance before the Weathersfield Township Parking Violations Bureau 1451 Prospect Street, Mineral Ridge, Ohio 44440 between the hours of 8:00 AM and 4:30 PM, or by mail. 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 and any evidence.
 - (3) A denial from the person who allegedly committed the parking infraction and a request for a hearing. 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.
- (B) The Parking Violations Bureau, upon receiving an answer with an explanation, may eliminate or reduce such part of the fine arising out of the parking infraction as it, in its discretion, deems appropriate and shall notify the person of the decision.
- (C) If a person is issued a parking ticket and fails to timely answer, the Parking Violations Bureau shall send notification of infraction in accordance with R.C. 4521.07.

Section 7: Failure to answer.

(A) When a person is served with a parking ticket and fails to timely answer, the Parking Violations Bureau shall send notification of the infraction as follows:

(1) If the person who fails to answer was personally served with the parking ticket, a notification of infraction shall be sent to that person, and additionally, if such person is not the owner of the vehicle, as determined from the records of the Bureau of Motor Vehicles, a notification of infraction also shall be sent to the owner at his most recent address appearing in such records;

(2) If the person who fails to answer was the owner of the vehicle and was constructively served with the parking ticket, a notification of infraction shall be sent to the owner at his most recent address appearing in the records of the Bureau of Motor Vehicles.

(B) A notification of infraction shall be sent within twelve months after the expiration of the time for the making of an answer, shall be sent by first class mail, and shall contain all of the following:

(1) An identification of the parking infraction with which the person was charged and the time and date of the infraction, which identification may be a copy of the parking ticket;

(2) The amount of the fine, penalties, fees, and costs due;

(3) A warning that the person must answer the parking infraction charged in the ticket within thirty days or a default civil judgment in the amount of the fine, penalties, fees, and costs due may be entered against the person;

(4) A description of the allowable answers that may be made and notification that the person will be afforded a hearing before the Bureau if the person denies in the answer committing the parking infraction;

(5) An identification of how and where to submit answer;

(6) A warning that if the person fails to appear at a requested hearing, a default civil judgment in the amount of the fine, penalties, fees, and costs due may be entered against the person.

(C) A person who receives a notification of infraction pursuant to this section may answer in any of the ways provided for answers to parking infractions charged in a parking ticket. An answer must be made within thirty days after the date on which the notification of infraction was mailed.

(D) If a person who is issued a notification of infraction fails to timely answer, as provided in division (C) of this section, the failure to answer shall be considered an admission that the person committed the parking infraction, and a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person. Failure to timely answer the parking infraction identified in the notification of infraction may result in the imposition of an additional penalty of \$50.00.

(E) The Parking Violations Bureau shall keep records of all notices sent and responses received.

Section 8: Juvenile Court:

Any juvenile who is issued a parking ticket shall have the infraction considered and determined by the Juvenile Court in accordance with law.

Section 9: Hearings

- (A) If a person served with a parking ticket requests a hearing, the Parking Violations Bureau shall set a date for the hearing and notify the person, in writing, of the date, time and place of the hearing.
- (B) The hearing shall be conducted by a hearing examiner in accordance with Ohio R.C. 4521.08. Rules regarding the admissibility of evidence shall not be strictly applied in the hearing, but all testimony shall be under oath.
- (C) The Township shall submit the original or a copy of the parking ticket and information from the Bureau of Motor Vehicles that identifies the owner of the vehicle. The ticket and the information is prima facie evidence that the registered owner of the vehicle was the person who committed the parking infraction. The Township may present additional evidence and testimony at the hearing. The Township does not have to be represented at the hearing by an attorney.
- (D) If a person for whom a hearing is to be conducted appears at the scheduled hearing, the hearing examiner shall consider all evidence and testimony presented and shall determine whether the Township has established, by a preponderance of the evidence, that the person committed the parking infraction.
- (E) If the person, in his answer, denied that he committed the infraction and requested the presence at the hearing of the Police Officer who issued the parking ticket, the officer shall be required to attend the hearing unless the hearing examiner determines that the officer's presence is not required. If the officer's presence at the hearing has been requested and the officer is unable to attend the hearing on the day and at the time scheduled, the hearing examiner may grant a reasonable continuance. The person for whom the hearing is being conducted may present any relevant evidence and testimony at the hearing. The person does not have to attend the hearing if he submits documentary evidence to the hearing examiner prior to the day of the hearing.
- (F) If the hearing examiner determines that the person committed the infraction, an order indicating the determination as a judgment against the person and requiring the person to pay the appropriate fine and any additional penalties, fees and costs shall be entered in the records of the Parking Violations Bureau.
- (G) If a person for whom a hearing is to be conducted fails to appear at the scheduled hearing and fails to submit evidence in accordance with that division, the hearing examiner shall, if he determines from any evidence and testimony presented, by a preponderance of the evidence, that the person committed the parking infraction, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties, fees, and costs.
- (H) If a person who is sent a notification of infraction does not timely answer, the hearing examiner of the Parking Violations Bureau shall, if the hearing examiner determines from the evidence and testimony presented, by a preponderance of the evidence, that the person committed the parking

infraction, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties, fees, and costs.

- (I) Any default judgment issued shall be entered in the records of the Parking Violations Bureau.
- (J) If the hearing examiner determines that the township has failed to show by a preponderance of the evidence that the person issued the parking ticket committed the parking infraction, the hearing examiner shall enter judgment against the Township, shall dismiss the charge against the person, and enter the judgment and dismissal in the records of the Parking Violations Bureau.

Section 10: Payment, Enforcement of Judgment

- (A) All fines, penalties, fees, and costs for any parking infraction shall be collected by the Violations Clerk and disbursed by the Violations Clerk to the Township Fiscal Officer for deposit in the Township General Fund.
- (B) Payment of any judgment or default judgment entered against a person shall be made to the Violations Clerk of the Parking Violations Bureau within ten days of the date of the judgment entry. All money paid in satisfaction of a judgment or default judgment shall be disbursed by the Violations Clerk to the Township Fiscal Officer, and the clerk shall enter the fact of payment and its disbursement in the records of the Bureau.
- (C) If payment is not made within ten days, the judgment or default judgment may be filed with the Clerk of the Niles Municipal Court at any time within three years after the date of issuance, and when so filed, shall have the same force and effect as a money judgment in a civil action rendered in that court. When a judgment or default judgment is filed with the court, execution may be levied, and such other measures may be taken for its collection as are authorized for the collection of an unpaid money judgment in a civil action rendered in that Court. The court may assess costs against the judgment debtor, in an amount not exceeding \$10.00 for each parking infraction, to be paid upon satisfaction of the judgment.
- (D) The Weathersfield Township Parking Violations Bureau may contract with a person or entity to provide collection services for unpaid Parking Tickets, civil judgments and default civil judgments entered on Parking Tickets.

Section 11: Appeals

- (A) Any person against whom a judgment or default judgment is entered pursuant to this section may appeal the judgment to the Niles Municipal Court by filing notices of appeal with the Parking Violations Bureau and the Municipal Court within fifteen days of the date of entry of the judgment and by the payment of such reasonable costs as the Court requires. Upon the filing of an appeal, the Court shall schedule a hearing date and notify the parties of the date, time, and place of the hearing. The hearing shall be held by the Court in accordance with the rules of the Court. Service of notice of appeal under this division by a person does not stay enforcement and collection of the judgment or default judgment from which appeal is taken by the person unless the person who files the appeal posts bond with the Parking Violations Bureau in the amount of the judgment, plus court costs, at or before service of the notice of appeal.

- (B) The judgment on appeal to the Niles Municipal Court is final, and no other appeal of the judgment of the Parking Violations Bureau and no appeal of the judgment of the Municipal Court may be taken.

Section 12: Proceeding against an owner who denies operating the vehicle and rental vehicles

- (A) An owner of a vehicle is not jointly liable with an operator of the vehicle whose act resulted in a parking infraction if any of the following apply;

- (1) The owner denies committing the infraction and requests a hearing, the owner additionally asserts and provides reasonable evidence to prove that the vehicle was being used by the operator without the owner's express or implied consent.
- (2) The owner denies committing the parking infraction, the owner additionally submits evidence at the time that proves that the owner was engaged in the business of renting or leasing vehicles under written rental or lease agreements, and the owner submits evidence that proves that the vehicle in question was in the care, custody, or control of a person pursuant to a written rental or lease agreement.
- (3) If the parking violations bureau determines that the vehicle was being used without the owner's consent, the parking ticket shall be reissued to the operator. If the bureau or juvenile court does not so determine, the matter shall be set for hearing before a hearing examiner.

(B) An owner of a vehicle who is engaged in the business of renting or leasing vehicles under written agreements is not liable for any penalties or processing fees arising out of a parking infraction if the vehicle was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement. Proof that the vehicle was in the care, custody, or control of a person other than the owner shall be established by sending a true copy of the rental or lease agreement or an affidavit to that effect to the parking violations bureau within thirty (30) days after the date of receipt of the notification of infraction. The submission of a true copy or a written rental or lease agreement or affidavit shall be prima-facie evidence that a vehicle was in the care, custody, or control of a person other than the owner.