

ORDINANCE 2023-25

AN ORDINANCE AUTHORIZING THE CREATION OF A PARKING VIOLATIONS BUREAU WITHIN THE VILLAGE OF HIRAM, 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 Hiram; and

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

WHEREAS, Council desires to establish Chapter 309 of the Traffic Code in order to provide the Village with the means to create a Parking Violations Bureau.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Hiram, Portage County, Ohio, with at least two-thirds of the members thereto concurring that:

Section 1. Section 351.15 of the current Village of Hiram Traffic Code is hereby repealed.

Section 2. That an Ordinance be created for the establishment of a Parking Violations Bureau within the Village of Hiram in substantial conformity with the attached Exhibit "A" which is incorporated herein by reference.

Section 3. 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 meetings open to the public, in compliance with all legal requirements including 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village and its residents, the emergency being the need to pass this Ordinance within a time frame that allows for the provisions herein to ensure as immediate an effect as possible in the reduction of parking violations within the Village of Hiram. Therefore, provided it receives two-thirds (2/3) of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by the Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

First Reading: November 14, 2023

Second Reading: December 12, 2023

Referred back to Committee on Third Reading: January 9, 2024

PASSED IN COUNCIL on February 13, 2024.

Attest:

Susan J. Skrovan-DeYoung
Fiscal Officer Susan J. Skrovan DeYoung


Mayor Anne Haynam

Approved as to form:

Jennifer Kangas Berendt
Village Solicitor Jennifer Kangas Berendt

I Susan DeYoung Fiscal Officer of the Village of Hiram, Ohio, hereby certify that the foregoing ~~Resolution or Ordinance~~ No. 2023-25 has been duly posted in the required 5 places.

2/14/2024 Susan J. Skrovan-DeYoung
Date Fiscal Officer, Village of Hiram

Ordinance 2023-25, Exhibit "A"

309.01 PARKING VIOLATIONS BUREAU ESTABLISHED

There is hereby created in the village, in accordance with Ohio R.C. 4521.04, a Parking Violations Bureau ("Bureau") to handle all parking infractions occurring within the Municipal Corporation of the Village of Hiram, Ohio ("Village") 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 proper functions of the Bureau. No person shall be employed as a hearing examiner unless the person is an attorney admitted to the practice of the law in Ohio or formerly employed as a law enforcement officer.
- b) Parking tickets for a parking infraction issued under the purview of the Bureau may be issued by law enforcement officers or civilian employees.
- c) Parking tickets shall be authorized in accordance with Ohio R.C. 4521.03 and, unless otherwise specified by law or the Bureau, the ticket shall be the same form as the Ohio Uniform Traffic Ticket.
- d) Violations of this chapter shall not be considered a criminal offense for any other purposes 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.
- e) If the parking infraction occurred under the purview of the Bureau, the fines, penalties, fees and costs established for a parking infraction shall be collected, retained and dispersed by the violations clerk. All fines, penalties, fees, and costs will be disbursed to the Village. The Bureau shall provide tickets for parking infractions to the law enforcement officer or civilian employee. Any person assigned to the Bureau requisitioning tickets shall be accountable for those tickets.
- f) The violations clerk shall have the authority to contract with any governmental or non-governmental entity to provide services in issuing, processing, collecting, and enforcing parking tickets issued by law enforcement officers or civilian employees.

309.02 PROCEDURES

The parking ticket shall be used by law enforcement officers or civilian employees in all cases in which a person is charged with committing a parking infraction within the village. The parking ticket shall be the summons and complaint.

- a) A law enforcement officer or civilian employee who issues a parking ticket for a parking infraction shall complete the ticket by identifying the parking infraction charged, recording the license plate number, type, and make or model of the vehicle, and indicating the date, time, photograph taken, and location of the parking infraction charged. The law enforcement officer or civilian employee shall sign the ticket and affirm the facts it contains. If the operator of the vehicle is not present, the law enforcement officer shall affix the ticket in a conspicuous place on the vehicle.

- b) The original parking ticket issued pursuant to this section or any true copy of it shall be considered a record kept in the ordinary course of business of the Village and the law enforcement agency whose officer or civilian employee who issued it, and shall be prima-facie evidence of the facts it contains.
- c) 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 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 that the person committed the parking infraction must be through the use of a Parking Citation Appeal Form, and a request for a hearing relative to such infraction. If the person desires the presence, at the hearing, of the law enforcement officer or civilian employee who issued the parking ticket, the person must request their presence in their appeal. The Bureau shall set the date for a hearing and notify the person, in writing, the date, time and place of the hearing. The hearing shall be conducted by a hearing examiner of the Bureau, or another hearing examiner, whichever is applicable in accordance to Ohio R.C. 4521.08.
- d) The Bureau, in the event it receives an answer that 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.
- e) All appeals from a hearing with the Bureau, its orders or judgements, or other orders entered pursuant to this chapter, shall be to the Portage County Municipal Court, Ohio, by filing notice of appeal to the Parking Violations Bureau and the Municipal Court within fifteen (15) days of the date of entry of the judgement and by the paying of such reasonable costs as the municipal court requires. All appeals shall be processed in accordance with the procedural and substantive provisions of Ohio R.C. 4521.08 (D)

309.03 RELEASE OF IMPOUND VEHICLES

The Police Department may provide for the impoundment, or the immobilization of any vehicle involved with the violations of chapter 309. Any vehicle which has been impounded pursuant to Chapter 303 of the Codified Ordinance of Hiram shall be released to the owner or other person lawfully entitled to possession upon the occurrence of one of the following:

- 1) If an answer to a summons and complaint is made and the answer admits the commission of the infraction, payment of the fines and penalties prescribed by Sections 309.02 of this Code, towing, storage, impound fees, and administrative fees and costs shall be made with respect to the infraction for which the vehicle was impounded.

- 2) No vehicle shall be released pursuant to this section unless the person claiming ownership or lawful possession has satisfied all unpaid parking infraction judgments.
- 3) No vehicle shall be released pursuant to this section unless the person claiming ownership or lawful possession produces proof of identity and ownership.

309.4 PENALTY

- a) Whoever violates Section 351.03 (a)(1), 351.03 (a)(2), 351.03 (a)(11), 351.03 (a)(14), 351.03 (a)(17), 351.04 (c)(1), 351.04 (a), shall be charged twenty dollars (\$20.00) if such fee is paid within ten (10) days. The fee will increase to forty dollars (\$40.00) if not paid within ten (10) days. The fee will increase to one hundred dollars (\$100.00) if not paid in thirty (30) days.
- b) Whoever violates Section 351.03(a)(4), 351.14 (b), shall be charged thirty-five dollars (\$35.00) if such fee is paid within ten (10) days. The fee will increase to seventy dollars (\$70.00) if not paid within ten (10) days. The fee will increase to one hundred dollars (\$100.00) if not paid in thirty (30) days.
- c) Whoever violates Section 351.04(f) shall be charged three hundred dollars (\$300.00) in addition to having the vehicle towed.
- d) Whoever violates any other provision of Chapter 351 for which no other fee is specified, shall be charged twenty dollars (\$20.00) if such fee is paid in thirty days. The fee will increase to forty dollars (\$40.00) if not paid in within thirty days. The fee will increase to one hundred dollars (\$100.00) if not paid in thirty (30) days.

VIOLATION	Paid with 10 Days	After 10 Days	After 30 Days
351.03 (a)(14) Prohibited Area	\$20.00	\$40.00	\$100.00
351.04 (c)(1) Reverse to Traffic	\$20.00	\$40.00	\$100.00
351.03 (a)(17) After 2:00 am	\$20.00	\$40.00	\$100.00
351.03 (a)(11) Obstructing Traffic	\$20.00	\$40.00	\$100.00
351.04 (a) 12" from Curb	\$20.00	\$40.00	\$100.00
351.03 (a)(2) Driveway-Blocking	\$20.00	\$40.00	\$100.00
351.03 (a)(1) Parking on a Sidewalk	\$20.00	\$40.00	\$100.00
351.14 (b) Parking in a Fire Lane	\$35.00	\$70.00	\$100.00
351.03 (a)(4) Within 10 feet of Fire Hydrant	\$35.00	\$70.00	\$100.00
351.04 (f) Parking in a Handicapped Zone	\$300.00 and Towed		