

..Explanation

**BACKGROUND:**

The Columbus Parking Violations Bureau (PVB) was established in March, 1983 under the Columbus City Treasurer with responsibility for parking enforcement; issuing of parking citations; parking meter collections; and all related cashing and accounting functions for both the PVB and the Police Division's Vehicle Impounding Lot. The PVB provides a central location for citizens to pay their parking tickets, file complaints about parking violations, request hearings for parking violations, report broken parking meters, discuss parking violations, and retrieve impounded vehicles.

The Transportation Division, under the Department of Public Service, is responsible for all parking meter management functions, including: meter inventory, setting competitive meter rates to provide turnover, establishing parking meter zones, routine maintenance, preventive maintenance, new installations, reinstallations, requests for new meter locations, handicap meter requests, bagging meters for occupancy permits and special events, and routine cleaning of the metered off-street parking lots.

Consolidation of all meter-related functions and responsibilities under a single entity within the administrative arm of government mirrors the most common practice among similarly sized cities across the nation. Moreover, it positions PVB to realize greater effectiveness through timely communication and coordination with related operations currently housed within the Public Service Department.

This ordinance amends City Code in order begin the realignment of departmental responsibilities with respect to the management of the Parking Violations Bureau and its related functions. This realignment will place the responsibility for overall parking management and enforcement within a single department. Over the next six months or so, the operations of the PVB, Transportation Division, and other administrative areas of the Public Service Department will be reviewed for the possibility of further integration and/or assimilation of these functions. Any changes involving the movement of personnel or funding between appropriations units, beyond what is implied by this City Code amendment, will be presented to City Council via ordinance.

**FISCAL IMPACT:**

All current employees and funding proposed in the 2007 budget for operating the Parking Violations Bureau will be moved to the Public Service Department. Over the longer term, centralization of city parking management operations under a single department should result in more efficient parking management and enforcement, and reduction of operating costs.

..Title

To amend various sections of the Columbus City Codes, 1959, to effect the transfer of the responsibilities of the Parking Violations Bureau from the City Treasurer to the Public Service Department; and to declare an emergency.

..Body

**WHEREAS**, it is necessary to centralize the decision-making process within a single agency for overall parking management and enforcement; and

**WHEREAS**, the responsibilities of the Public Service Department will be expanded to include the parking violations bureau, thereby allowing a centralized decision-making process that will benefit residents, businesses, and visitors in need of parking and enforcement services; and

**WHEREAS**, an emergency exists in the usual daily operation of the City in that it is immediately necessary to amend various sections of Columbus City Codes, 1959 to effect the immediate transfer of the

Parking Violations Bureau to the Department of Public Service in order to better align departmental responsibilities with respect to the overall of parking and parking enforcement, thereby preserving the public health, peace, property, safety and welfare; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:**

**SECTION 1.** That effective January 1, 2007 Sections 219.01, 219.06, 2107.06, 2150.03, 2150.04, 2155.01, and 2155.08 of the Columbus City Codes, 1959, be amended to read as follows:

**219.01 Department of public service established.**

There is established a department of public service consisting of a director of public service, two (2) deputy directors of public service, the division of transportation, the division of refuse collection, ~~and the division of fleet management, and the division of parking violations bureau.~~ The department shall perform all lawful functions as may be directed by the mayor or ordinance of council.

**219.06 Division of ~~facilities management~~ parking violations bureau**

The division of parking violations bureau is established pursuant to Section 4521.04 of the Ohio Revised Code as a division of the department of public service. The administrative head of the division shall be the parking violations administrator (or violations clerk). The parking violations bureau has jurisdiction over each parking infraction that occurs within the territory of the city of Columbus; issuing of parking citations; parking meter collections; issuing residential parking permits; and all related cashiering and accounting functions for both the PVB and the Police Division's Vehicle Impounding Lot.

**2107.06 Impounding fee and storage charge--Exceptions.**

(a) No vehicle impounded under the provisions of this chapter, except as provided in subsections (b) and (c) hereof, shall be removed from such vehicle pound except upon the payment by the owner, chauffeur, driver or other person in charge of such vehicle, of a service charge of ninety-five dollars (\$95.00) to the parking violations bureau ~~of the city treasurer~~ for any motor vehicle weighing not more than seven thousand (7,000) pounds. There is no additional fee charged if a dolly or rollback is required to tow said motor vehicle to the vehicle pound. A service charge of one hundred twenty-five dollars (\$125.00) shall be paid to the parking violations bureau ~~of the city treasurer~~ for ~~an~~ a motor vehicle weighing more than seven thousand (7,000) pounds but not more than ten thousand fifty (10,050) pounds. A service charge of one hundred seventy dollars (\$170.00) shall be paid to the parking violations bureau ~~of the city treasurer~~ for any motor vehicle weighing more than ten thousand fifty (10,050) pounds but not more than fourteen thousand nine hundred ninety-nine (14,999) pounds. A service charge of two hundred fifty dollars (\$250.00) shall be paid to the parking violations bureau ~~of the city treasurer~~ for any motor vehicle weighing more than fourteen thousand nine hundred ninety-nine (14,999) pounds.

In addition to the rate set forth above for all motor vehicles, an additional hourly fee may be charged for extra services that are required in connection with towing said motor vehicles such as to upright an overturned vehicle, clean excessive debris from the roadway, recover a vehicle not on the traveled portion or berm of a highway, or to separate vehicles or pull a vehicle from an obstruction. This additional charge will be at the following rates:

1. Ninety-five dollars (\$95.00) per hour for vehicles weighing seven thousand (7,000) pounds or less.
2. One hundred twenty--five dollars (\$125.00) per hour for vehicles weighing more than seven thousand (7,000) pounds, but not more than ten thousand fifty (10,050) pounds.
3. One hundred seventy dollars (\$170.00) per hour for vehicles weighing ten thousand fifty (10,050) pounds but not more than fourteen thousand nine hundred ninety-nine (14,999) pounds.
4. Fees for vehicles weighing over fourteen thousand nine hundred ninety-nine (14,999) pounds are as follows:

Hourly Charge after thirty (30) minutes is sixty-three dollars (\$63.00) per quarter hour.

Extra manpower fee is thirty dollars (\$30.00) per hour per worker.

4-wheel drive wrecker fee is ninety-five dollars (\$95.00) per hour.

Crane Fee is two hundred fifty dollars (\$250.00) per hour.

Heavy Duty Service Truck fee is ninety-five dollars (\$95.00) per hour.

5. A fee of ninety-five dollars (\$95.00) may be added if a trailer dolly is required due to the trailer not being attached to a tractor.

A storage fee of fifteen dollars (\$15.00) per day for each twenty-four (24) hours, or fraction thereof, shall be charged for vehicles with a gross vehicle rating less than ten thousand fifty (10,050) pounds. A storage fee of twenty dollars (\$20.00) per day for each twenty-four (24) hours, or fraction thereof shall be charged per vehicle and per trailer with a gross vehicle rating of ten thousand fifty (10,050) pounds or more.

(b) Any stolen vehicles that have been recovered and impounded by the police pending notification of the legal owner or agent shall be subject to a reduced impounding fee of fifty-five dollars (\$55.00) and/or the applicable storage charge. However, the storage shall be charged beginning the fourth day after impoundment, provided the legal owner or agent has been notified, or notification has been sent to the last known address of the owner or agent. The reduced impounding fee of fifty five dollars (\$55.00) for a stolen vehicle is a one-time reduction per owner. Subsequent impounding fees related to stolen vehicles shall be at the normal impounding rate.

(c) Any vehicle weighing less than seven thousand (7,000) pounds of which has been impounded for the sole purpose of "safekeeping" and from which the driver or operator has been removed due to illness or injury shall be subject to the impounding fee and storage charge. However, the storage fee shall be charged beginning the fourth day after the date of impoundment. Any vehicle weighing seven thousand (7,000) pounds or more and/or a commercially registered vehicle which has been impounded for the sole purpose of "safekeeping" which the driver or operator has been removed due to illness or injury shall be subject to the impounding fee and storage charges. Additional service fees incurred for all vehicles other than towing and storage will be assessed the owner or agent thereof and shall be paid before the vehicle is released.

(d) The owner of a vehicle that has been removed from the streets, sidewalks or public grounds pursuant to Section 2107.01 of the city codes and that has been determined by the ~~violations clerk~~ Director of Public Service, or designee, to be a victim of violent crime against person or other special circumstance shall not be held liable for the payment of any fees associated with the towing and/or impounding of said vehicle.

#### **2150.03 Parking ticket, service and liability.**

(a) The parking tickets adopted by the Parking Violation Bureau shall be used by law enforcement officers and Parking Violations Bureau enforcement personnel in all cases in which a person is charged with committing a parking infraction within the city of Columbus.

Each parking ticket shall contain provisions that advise the person upon whom it is served that the person must answer in relation to the parking infraction charged in the ticket and that certain penalties may result from a failure to timely answer, indicate the allowable answers that may be made and that the person will be afforded a hearing if he denies in his answer that he committed the parking infraction, specify the entity to which, the time within which, and the allowable manners in which the answer must be made, indicate the penalties that may result from failure to timely answer and the fine that arises from the parking infraction, warn that failure to timely answer or to appear at a requested hearing will be considered an admission of the parking infraction, and warn that a default civil judgment potentially may be entered against the person and, if different, the owner of the vehicle if the person fails to timely answer or to appear at a requested hearing. The parking ticket shall be the summons and complaint for purposes of this chapter.

(b) A law enforcement officer or Parking Violation Bureau enforcement personnel who issue 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 and place of the parking infraction charged. The officer or parking violations enforcement personnel shall sign the ticket and affirm the facts it contains and file a copy with the violations clerk. If the operator of the vehicle is present, the officer also shall record on the ticket the name of the operator in a space provided on the ticket for identification of the offender, and then shall personally serve the parking ticket upon the operator. If the operator of the vehicle is not present, the officer or parking violations enforcement personnel shall insert the word "owner" in the space provided on the ticket for identification of the offender and then shall constructively serve the parking ticket upon the owner of the vehicle by affixing the ticket to the vehicle in a conspicuous place. Constructive service of a parking ticket upon an owner of a vehicle by

affixation as provided in this division, or by the procedure described in division (d) of this section has the same force and effect and potentially subjects both the owner and the operator of the vehicle whose act or omission resulted in the parking infraction, if different, to the same fine and the same penalties, fees and costs for failure to timely answer or to appear, if a hearing is requested, as if the parking ticket were personally served on both the owner and operator of the vehicle at the time of the violation.

(c) The original of a 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 city of Columbus and of the law enforcement agency whose officer issued it and shall be prima-facie evidence of the facts it contains.

(d) 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 parking tickets served in accordance with this section and personal service of a parking ticket upon the operator in accordance with this section constitutes constructive service upon the owner for purposes of this chapter. The operator of a rented or leased vehicle whose act or omission results in an alleged parking infraction shall not be considered an agent of the owner if the owner is engaged in the business of renting and leasing vehicles pursuant to a written rental or lease agreement and if the owner follows the procedures set forth in Section 2150.08.

(e) Except as provided in Section 2150.08, when a parking ticket is issued for a parking infraction and is served pursuant to this section, 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. Any owner of a vehicle who pays any fine, penalty, fee and cost imposed for a parking infraction pursuant to this chapter may recover the amount paid from the operator of the vehicle whose act or omission resulted in the parking infraction.

(f) No person upon whom a parking ticket charging a parking infraction is personally or constructively served pursuant to this section shall be arrested as a result of the commission of the parking infraction.

#### **2150.04 Parking Violation Bureau.**

(a) The city of Columbus parking violations bureau is hereby established pursuant to Section 4521.04 of the Ohio Revised Code. The parking violations bureau shall be a division within the Department of Public Service ~~office of the treasurer for the city of Columbus~~. The parking violations bureau has jurisdiction over each parking infraction that occurs within the territory of the city of Columbus. The Parking Violations Bureau will also issue Residential parking permits for areas established pursuant to Section 2105.21 of this Code. The issuance or renewal of a permit under this section shall not be granted until all outstanding parking infractions under this code are paid in full. Notwithstanding any other provision of law to the contrary, each parking infraction that occurs within the jurisdiction of the bureau and the enforcement of each such parking infraction shall be handled pursuant to and be governed by the provisions of Title 21 of this Code.

(b) The operating costs of the parking violations bureau shall be paid by the city of Columbus. The Director of Public Service ~~city treasurer~~ shall appoint a parking violations bureau administrator (violations clerk), hearing examiners and the necessary clerical employees. 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.

(c) The fines, penalties, fees and costs established for a parking infraction shall be collected, retained and disbursed by the violations clerk if the parking infraction out of which the fine, penalties, fees and costs arose occurred within the jurisdiction of the bureau. The violations clerk shall issue tickets for parking infractions to law enforcement officers for the city of Columbus and prescribe conditions for issuance and accountability. The fine, penalties, fees and costs collected by a violations clerk for a parking infraction shall be disbursed by the clerk to the city of Columbus.

(d) The ~~Director of Public Service city treasurer~~ shall have authority to contract with any non-governmental entity to provide services in processing, collecting and enforcing parking tickets issued by law enforcement officers and civil judgments and default civil judgments entered pursuant to this chapter. No contract shall affect the responsibilities of hearing examiners as prescribed in this chapter or the ultimate responsibility of the violations clerk to collect, retain and disburse fines, penalties, fees and costs for parking infractions and monies paid in satisfaction of judgments and default judgment entered pursuant to this chapter. ~~All contracts entered into by the violations clerk shall be subject to approval of city council and the mayor.~~

#### **2155.01 Definitions.**

The following definitions shall apply to terms used in this chapter:

(a) "Individual street parking space" means a portion of the paved surface of the street approximately twenty-three (23) feet in length extending from the sidewalk curb into the street a sufficient distance to accommodate a vehicle when the same is parked parallel to the curb with the right wheels thereof not more than four (4) inches from such curb or on a one (1) way street where parking is permitted on the left side of the street, when a vehicle shall be parked parallel to the curb with the left wheels thereof not more than four (4) inches from such curb.

(b) "Parking" means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in compliance with directions of a police officer or traffic control device.

(c) "Parking meters" means a device which indicates thereon the length of time during which a vehicle may be parked in a particular place, which has as a part thereof a receptacle or chamber for receiving and storing required coin, coins, currency, credit card, or electronic fund transfer card equivalence of United States money, a slot or place in which such coin, coins, currency, credit card, or electronic fund transfer card equivalence can be deposited, a time mechanism to indicate the passage of an interval of time during which parking is permissible, and which also displays an appropriate signal when the aforesaid interval of time has elapsed or a receipt which displays the time the parking will expire.

(d) "Vehicle" means any device in, upon, or by which any person or property is or may be transported upon a public street, except such devices as are used exclusively upon stationary rails or tracks and such devices as are propelled exclusively by human power.

(e) "Off-street parking lot" means any lot, piece, or parcel of land owned by the city and designated by council for the purpose of metered, time-regulated storing or parking of vehicles.

(f) "Individual off-street parking space" means a portion of the paved surface of the off-street parking lot approximately twenty (20) feet in length and nine (9) feet in width.

(g) "Handicapped designated vehicle" means a motor vehicle that displays either (1) a parking card issued under section 4503.44 of the Ohio Revised Code or (2) a special license plate issued under section 4503.44 of the Ohio Revised Code and is being operated by or for the transport of a handicapped person. For purposes of this section "handicapped person" means any person who has lost the use of one (1) or both legs or one (1) or both arms, who is blind or deaf, or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition. When a motor vehicle displays a temporary parking pass, disabled veteran plate, permanent parking card from the appropriate state agency, or special license plate, that is being operated by or transporting a disabled or handicapped person, the motor vehicle shall have the decal or parking card clearly displayed on the left dashboard or in the left front windshield of enclosed vehicles so that the parking privilege information is on the front side of the card and is readily readable from outside the windshield. (ORC 4503.44)

(h) "Handicapped designated parking space" means parking spaces on public or private streets, parking lots and parking garages designated for the exclusive use of a handicapped designated vehicle and denoted as such in accordance with the

requirements of the Ohio Revised Code Section 4511.69 (E), Ohio Revised Code Section 3781.111 (C), the Ohio Manual of Uniform Traffic Control Devices and the City of Columbus Transportation Division Sign Installation Manual.

(i) "Meter day" means any day that parking meters are enforced.

#### **2155.08 Collection of coins.**

~~The City Treasurer~~ Director of Public Service is authorized to appoint, ~~in addition to other employees in the treasurer's office,~~ "collectors and accountants of parking meter coin, coins, currency, credit card, or electronic fund transfer card equivalence." ~~It shall be the duty of such collectors, under the direction of the City Treasurer, to collect coins deposited in from street and off-street parking meters. In collecting such coin, coins, currency, credit card, or electronic fund transfer card equivalence they shall remove the sealed coin chamber or compartment from each parking meter and deliver the same, with the seals unbroken, to the office of the City Treasurer. Under the direction of the City Treasurer and with the assistance of other employees in the treasurer's office, they shall count the coins so delivered. On removing the sealed coin compartment from each parking meter, the collector so removing shall replace the same by inserting in such meter an empty sealed coin chamber or compartment. deliver same to the Parking Violations Bureau for counting, sorting and making ready for deposit.~~

**SECTION 2.** That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.