

2150.01 Definitions.

- (A) "Accessible Parking Space" means a motor vehicle parking location that is reserved for the exclusive standing or parking of a vehicle that is operated by or on behalf of a person with a disability that limits or impairs the ability to walk and displays a placard or license plate issued under section 4503.44 of the Ohio Revised Code.
- (B) "Bureau" means the City of Columbus, Ohio, Department of Public Service, Parking Violations Bureau, unless identified as another bureau, in which case it means the specifically identified bureau.
- (C) "Court" means the Franklin County Municipal Court, unless specifically identified as another court, in which case it means the specifically identified court.
- (D) "Default Judgment" is a type of Judgment issued for failure to answer an Infraction Notification within the time specified or appear for a hearing at the time specified and shall be considered an admission that the person committed the Parking Infraction.
- (E) "Director" means the director of the Department of Public Service or designee, unless identified as another director, in which case it means the specifically identified director.
- (F) "Infraction Notification" means the notice mailed after the owner of the vehicle involved in the commission of a Parking Infraction fails to answer the parking ticket within the time specified.
- (G) "Judgment" means all dispositive rulings or orders issued by the City of Columbus or Court pertaining to a Parking Infraction.
- (H) "License Officer" means a person authorized to enforce Parking Infractions within the course of their enforcement duties granted in Chapter 501 of the Columbus City Codes.
- (I) "Officer" means a Police Officer, License Officer, and every person who is authorized to enforce Parking Infractions.
- (J) "Owner Agent" means any person showing written verification that they are acting for and with the knowledge and consent of a vehicle owner.
- (K) "Parking Infraction" or "Parking Infractions" means a violation of Sections 919.23(C), 2105.16, 2131.27(B), 2137.09, 2155.02, 2155.05, 2157.04 and applicable sections of chapter 2151 of the Columbus City Codes.
- (L) "Police Officer" has the same meaning as in Section 2101.25.
- (M) "Vehicle" has the same meaning as in Section 2101.51.

2150.02 Powers and duties of the Director.

The Director is authorized to promulgate rules and regulations to carry out provisions of this chapter including to establish, modify, and repeal regulations which set forth the fines, fees, penalties, and costs for Parking Infractions based upon relevant cost factors and market conditions.

2150.03 Parking Infraction not a criminal, arrestable offense.

The commission of a Parking Infraction within the City shall not be considered a criminal offense for any purpose, and shall not result in the arrest of the person who commits the infraction.

2150.04 Bureau.

- (A) The Bureau is hereby established pursuant to Section 4521.04 of the Ohio Revised Code. The Bureau has jurisdiction over each Parking Infraction that occurs within the territory of the City of Columbus. Notwithstanding any other provision of law to the contrary, Parking Infractions shall be handled and governed by the provisions of Title 21 of the Columbus City Codes.
- (B) The Director shall appoint a hearing examiner(s) and the necessary employees. No person shall be employed as a hearing examiner unless the person is an attorney admitted to the practice of law in the state of Ohio or formerly was employed as a Police Officer. The hearing examiner shall not be a current City of Columbus employee.
- (C) The fines, penalties, fees and costs established for a Parking Infraction shall be collected, retained and disbursed by the Bureau.
- (D) The Bureau shall distribute electronic and/or handwritten parking tickets to Officers for the City of Columbus and advise Officers to adhere to the requirements in Section 2150.05.
- (E) The Bureau shall have the authority to issue parking permits for areas established pursuant to Section 2105.21 of the Columbus City Codes. The issuance or renewal of a permit under this Section shall not be granted to an applicant until all outstanding Parking Infractions under this chapter are satisfied.
- (F) The Director shall have the authority to contract with any non-governmental entity to provide services in processing, collecting and enforcing parking tickets issued by Officers and 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 Bureau to collect, retain and disburse fines, penalties, fees and costs for Parking Infractions and monies paid in satisfaction of Judgments entered pursuant to this chapter.

2150.05 Parking ticket, service and liability.

- (A) The parking tickets adopted by the Bureau shall be used by Officers in all cases in which a person is charged with committing a Parking Infraction.
 - (1) Each parking ticket shall contain the following:
 - (a) Specify the Bureau's name and the fine amount of the Parking Infraction(s);
 - (b) Notification that the owner or operator served the parking ticket must answer the Parking Infraction(s) charged within the time provided and that penalties will result from failure to timely answer;
 - (c) Indicate the allowable answers that may be made and that a hearing will be granted if the person contests committing the parking infraction(s);
 - (d) Notification that failure to timely answer the Parking Infraction(s) will result in Default Judgment entered against both the Vehicle owner and operator, if different; and
 - (e) The information required to be completed by the Officer pursuant to section 2150.05 (B).
 - (2) The parking ticket shall be the summons and complaint for purposes of this chapter.
- (B) The Officer issuing the parking ticket shall:
 - (1) Provide all of the following information on the ticket:
 - (a) Code section(s) of the Parking Infraction(s) charged;

- (b) License plate number or Vehicle Identification Number (VIN), when the license plate number is not available;
 - (c) Vehicle type, make and model; and
 - (d) Date, time, and the location of the Parking Infraction(s).
- (2) Physically or electronically sign the ticket and affirm the facts it contains and file a copy with the Bureau.
- (3) If the operator of the Vehicle is present, the officer shall record the name of the operator in the space provided on the ticket for identification of the offender, and then shall personally serve the parking ticket upon the operator.
- (4) If the operator of the Vehicle is not present, or the operator is present and will not provide their name, 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 by affixing the ticket to the Vehicle in a conspicuous place.
 - (a) Constructive service of a parking ticket upon an owner or operator of a Vehicle by affixation or by the procedure described in division (D) of this section has the same force and effect and subjects both the owner and the operator of the Vehicle, if different, to the same fine, penalties, fees and costs for failure to timely answer or to appear at a requested hearing, 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, electronic or true copy of a parking ticket pursuant to this section shall be considered a record kept in the ordinary course of business of the City and shall be prima-facie evidence of the facts it contains.
- (D) An operator of a Vehicle who is not the owner, but who operates it with the express or implied permission of the owner, is the Owner Agent for purposes of the receipt of a parking ticket served in accordance with this Section. The operator of a rented or leased Vehicle who receives a parking ticket shall not be considered an Owner Agent 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 2150.07.

2150.06 Parking ticket answers, Procedure.

- (A) A person who is personally or constructively served with a parking ticket shall answer in-person, by mail, or online to the Bureau. An answer shall be made within thirty (30) days from the date of the service of the parking ticket and shall be in one of the following forms:
 - (1) An admission that the person committed the Parking Infraction, by payment of any fine arising out of the Parking Infraction; or
 - (2) An admission that the person committed the Parking Infraction by completing the online form, providing a written explanation and evidence of the circumstances surrounding the Parking Infraction and request a hearing;
 - (3) A denial that the person committed the parking infraction and a request a hearing. If the person desires the presence of the Officer who issued the parking ticket at the hearing, the person must request the Officer's presence with the initial request of the hearing.
- (B) If contested, the written explanation and evidence shall be submitted either in-person, by regular U.S. mail, electronic mail, or uploaded electronically with the online hearing request. The Bureau shall set a

date, time and place for the hearing and notify the person in writing by regular U.S. mail or by electronic mail. The hearing shall be conducted by a hearing examiner of the Bureau in accordance with Section 2150.12.

- (C) If a person fails to timely answer the Parking Infraction as provided in division (A) of this section, the Bureau shall issue an Infraction Notification pursuant to Section 2150.08, and impose a penalty in accordance with Section 2150.02(B).
- (D) The issuance of a parking ticket, the filing of or failure to file an answer by a person personally or constructively served with the ticket, the substance of the answer, the payment of any fine, penalty, fee and cost, and any other relevant information shall be entered in the records of the Bureau.

2150.07 Nonliability of owner.

- (A) A Vehicle owner is not jointly liable with an operator of the Vehicle for the fine, penalty, fee or cost arising out of a Parking Infraction if the owner contests committing the Parking Infraction and provides evidence to establish that the Vehicle, at the time of the Parking Infraction, was being used in one of the following manners:
 - (1) The Vehicle was being used by the operator without the owner's express or implied consent; or
 - (2) The owner was engaged in a licensed Vehicle for hire business as an employment relationship, independent contractor or in the business of renting or leasing Vehicles under written rental or lease agreements and the Vehicle in question was in the care, custody or control of a person other than the owner. Proof shall be established by sending an original, electronic or true copy of the service contract, rental or lease agreement or an affidavit to that effect to the Bureau within the time specified on the parking ticket, or if the owner did not receive the parking ticket, within the specified time in the Infraction Notification. The submission of a true copy of a written service contract, 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.

2150.08 Failure to answer; Infraction Notification.

- (A) When a person is personally or constructively served with a parking ticket in accordance with Section 2150.05, and the person fails to answer the charge within the time specified on the parking ticket pursuant to Section 2150.06, the Bureau shall send an Infraction Notification to the owner of the Vehicle at the most recent address appearing in the records of the Ohio Bureau of Motor Vehicles. If the Ohio Bureau of Motor Vehicles determines that the person served the parking ticket is not the owner of the Vehicle, the Vehicle owner will be sent the Infraction Notification.
- (B) An Infraction Notification shall be sent by regular U.S. mail within twelve (12) months of the parking ticket issuance date and shall contain all of the following:
 - (1) An identification of the Parking Infraction charged and the time and date the Parking Infraction occurred;
 - (2) The amount of the fine, penalties, and costs due arising out of the Parking Infraction; and
 - (3) A description of the allowable answers that may be made and the manner to provide such answer pursuant to the requirements in Section 2150.06;
 - (4) A warning that the person must pay or contest the Parking Infraction pursuant to the requirements in Section 2150.06, within the time specified in the Infraction Notification from the issuance date

on the Infraction Notification or a Default Judgment in the amount of the fine, penalties and costs due shall be entered against the person;

- (5) A warning that if the Vehicle is registered in the state of Ohio, the registration may not be renewed or transferred until the Judgment is paid or until it is otherwise finally disposed of in a manner specified in this chapter.
- (C) Failure to answer the Infraction Notification within the specified time shall be considered an admission that the person committed the Parking Infraction, and the hearing examiner shall issue a Default Judgment in the amount of the fine, penalties, and costs due shall be entered against the person.
- (D) The sending of an Infraction Notification, the filing of or failure to file an answer by the person to whom it is sent, the substance of an answer, the payment of any fine, and any other relevant information shall be entered in the records of the Bureau.

2150.09 Parking ticket adopted. [Repealed].

2150.10 Parking infraction fines.

The Director is authorized to establish a fine structure that identifies the fine amount for each Parking Infraction charged. The fine amount for each Parking Infraction, as promulgated by rules and regulations, shall not exceed the maximum fine allowed pursuant to Revised Code Section 4521.02(A).

2150.11 Savings clause inapplicable. [Repealed].

2150.12 Hearing procedures.

- (A) If a person contests the Parking Infraction in the person's answer the Bureau shall conduct a hearing with the hearing examiner to determine if the person committed the Parking Infraction. Each hearing shall be conducted by a hearing examiner appointed by the Bureau. Each hearing shall be conducted in such manner as prescribed in divisions (A) and (B) of this section and as the hearing examiner considers appropriate. Rules regarding the admissibility of evidence shall not be strictly applied in the hearing, but all testimony shall be under oath, which shall be administered by the appointed hearing examiner.
 - (1) At the hearing, the City has the burden of proving, by a preponderance of the evidence, that the person committed the Parking Infraction.
 - (2) If the person, in the person's answer, requested the presence of the Officer who issued the parking ticket at the hearing, the Officer is required to attend the hearing. If the Officer is unable to attend the scheduled hearing, the hearing examiner may grant a reasonable continuance, as deemed necessary.
 - (3) Both the City and the person whom the hearing is being conducted may present any relevant evidence and testimony at the hearing. The person is not required to attend the hearing if:
 - (i) the person submits documentary evidence to the hearing examiner two (2) business days prior to the day of the hearing and did not request, or rescinds the request for, the presence of the officer at the hearing; and

(ii) the person did not post bond pursuant to section 2150.18 (C)(2).

(4) The City of Columbus shall submit the original, electronic, or true copy of the parking ticket and information from the Ohio Bureau of Motor Vehicles identifying the owner of the Vehicle, which serves as prima-facie evidence that the registered owner of the Vehicle committed the Parking Infraction. The City of Columbus does not have to be represented at the hearing by an attorney.

(B) (1) If a person appears at the scheduled hearing or submits evidence in accordance with division(A)(3) of this section, the hearing examiner shall consider all evidence and testimony presented at the hearing and shall determine whether the City of Columbus has established, by a preponderance of the evidence, that the person committed the Parking Infraction. If the hearing examiner determines the person committed the infraction, the hearing examiner shall enter a Judgment against the person and require the person to pay the appropriate fine, any additional penalties, fees, costs and enter the Judgment into the records of the Bureau.

(2) If a person fails to appear at the scheduled hearing, and does not meet the criteria to not attend the hearing pursuant division (A)(3) of this section, the hearing examiner shall determine from any evidence and testimony presented by the City of Columbus at the hearing, by a preponderance of the evidence, if the person committed the Parking Infraction, enter a Default Judgment against the person and require the person to pay the appropriate fine, any additional penalties, fees, costs and enter the Default Judgment into the records of the Bureau.

(3) If the hearing examiner determines the person did not commit the Parking Infraction as described in division (B)(1) or (2) of this section, by a preponderance of the evidence, the hearing examiner shall dismiss-the Parking Infraction and enter the Judgment into the records of the Bureau.

2150.13 Vacate Default Judgment Procedures

(A) A Default Judgment may be vacated by the hearing examiner if all of the following apply:

(1) The person against whom the Default Judgment was entered files a motion with the Bureau within one (1) year of the date the Default Judgment was entered;

(2) The motion sets forth a sufficient defense to the Parking Infraction out of which the Default Judgment arose; and

(3) The motion sets forth excusable neglect as to the person's failure to attend the hearing or answer the Infraction Notification.

2150.14 Payment of Judgments

(A) Payment of any Judgment entered against a person pursuant to this chapter shall be made to the Bureau within ten (10) days of the date of entry. All money paid in satisfaction of a Judgment shall be recorded as a record of the Bureau. If payment is not made within ten (10) days of the date of entry, the Judgment shall be filed with the Clerk of Court and when so filed, shall have the same force and effect as a money judgment in a civil action rendered in that Court.

(B) Judgments filed with the Court pursuant to this section shall be maintained in a separate index and Judgment roll from other Judgments rendered in that Court, computer printouts, microfilm, microdot, microfiche or other similar data recording techniques may be utilized to record such Judgments.

(C) When a 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 to exceed ten dollars (\$10.00) for each Parking Infraction, to be paid upon satisfaction of the Judgment.

2150.15 Appeal of Hearing Examiner's Judgment

- (A) The City of Columbus or any person whom a Judgment has been entered against pursuant to this chapter may appeal to the Court. To appeal, any person or the City, shall file a notice of appeal with the Bureau and the Court within fifteen (15) days of the date the Judgment was entered and pay such reasonable costs as the Court requires.
- (1) 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.
 - (2) Service of a notice of appeal under this section by a person does not stop enforcement and collection of the Judgment unless the person who files the appeal posts bond with the Bureau, in the amount of the Judgment, plus costs, at or before service of the notice of appeal.
 - (3) Notwithstanding any other provision of law, the Judgment on appeal of the Court is final and no other appeal of the Judgment of the hearing officer and no appeal of the Judgment of the Court may be taken.

2150.16 Statute of Limitations for Filing of Judgments

- (A) A Judgment entered pursuant to this chapter may be filed with the Court; however, for a Judgment to be valid when pursuing actions or claims, such Judgment must be filed with the Court within three (3) years after the Judgment entry of the parking ticket charging the Parking Infraction out of which the Judgment arose.

2150.17 Registration Hold, unpaid Judgments.

- (A) (1) If a Judgment is entered against a person pursuant to Section 4521.08 of the Ohio Revised Code or Chapter 2150 of this code for a violation of an ordinance, resolution, or regulation that regulates the standing or parking of a Vehicle in an Accessible Parking Space and the person has not paid the Judgment within ten (10) days of the date of entry of the Judgment, the Bureau may give notice to the registrar of the Ohio Bureau of Motor Vehicles. The notice shall be given not earlier than sixteen (16) days nor later than three (3) years after the date of entry of the Judgment, and shall be in a form and manner, and contain such information, as the registrar prescribes.
- (2) Pursuant to the provisions of Section 4521.10 of the Ohio Revised Code, the Bureau is authorized to give notice to the registrar of the Ohio Bureau of Motor Vehicles of the fact that three (3) or more Judgments have been entered against a person under the provisions of Section 4521.08 of the Ohio Revised Code or Chapter 2150 of this code. The notice shall be given not earlier than sixteen (16) days nor later than three (3) years after the date of entry of the third Judgment and shall be in a form and manner and contain such information as the registrar of the Ohio Bureau of Motor Vehicles prescribes.
- (B) When a notice, as provided in division (A) of this section, is given to the registrar of the Ohio Bureau of Motor Vehicles and the Judgments are subsequently paid, dismissed, reversed on appeal, or it is discovered that such notice was given in error, the Bureau shall immediately notify the registrar of such fact in a form and manner as prescribed by the registrar.

- (1) If the notice was not given in error, the Bureau shall charge the person a five-dollar (\$5.00) processing fee for each Judgment for which notice was given under this section to cover the costs of the Ohio Bureau of Motor Vehicles in administering this section. Upon payment of the processing fee and payment of all outstanding Judgments, the Bureau shall provide the person a release to be presented to the registrar that the Judgments have been paid.
- (2) The five-dollar (\$5.00) fees collected under this section shall be transmitted monthly to the registrar of the Ohio Bureau of Motor Vehicles for deposit in the state highway safety fund established by Section 4501.06 of the Ohio Revised Code.
- (C) The Bureau shall comply with Section 4521.10 of the Ohio Revised Code and such rules as the registrar shall adopt pursuant to that section.

2150.18 Impoundment and immobilization.

- (A) Any Vehicle found standing or parked in commission of a Parking Infraction is subject to impoundment or immobilization by an Officer.
- (B) A Vehicle involved in three (3) or more Parking Infractions in which Judgments have been filed with the Clerk of Court pursuant to Section 2150.14 of this chapter is subject to impoundment or immobilization by Officers. Impoundment or immobilization pursuant to this division is permitted without regard to whether the Vehicle, at the time of impoundment or immobilization, is legally parked.
- (C) A Vehicle impounded or immobilized under division A or B of this Section shall be released to the owner or Owner Agent, upon presenting to the Bureau proper identification and an acceptable proof of Vehicle ownership, as promulgated by rules and regulations, and one (1) of the following actions:
 - (1) Payment of the fines, penalties, fees and costs due on the Parking Infractions, impoundment fees and storage charges as provided by Section 2107.06, and payment of the Judgments which led to the impoundment or immobilization, if applicable; or
 - (2) Post a bond equal to the amount of said fines, penalties, fees, and costs with the Bureau. In no case shall the bond be in excess of one thousand dollars (\$1,000.00) to obtain release of the Vehicle.
 - (a) Within thirty (30) days of posting the bond, the Bureau shall schedule an impoundment or immobilization hearing and notify the registered owner by mail or electronic mail of the hearing date and time. The payment of the bond is to secure the persons' presence at said hearing. The hearing shall follow the procedures provided for in Section 2150.12; however, this hearing is to determine whether the impoundment or immobilization of the Vehicle was permissible under Section 2150.18 and not to determine whether the person committed the Parking Infractions.