



Legislation Details (With Text)

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Title: To amend section 2150.03 of the Columbus City Codes, allowing City license officers limited authority to issue parking violations in Columbus.

Sponsors: Mitchell Brown

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|-------------------------|--------|
| 12/14/2017 | 1 | CITY CLERK | Attest | |
| 12/13/2017 | 1 | MAYOR | Signed | |
| 12/11/2017 | 1 | COUNCIL PRESIDENT | Signed | |
| 12/11/2017 | 1 | Columbus City Council | Approved | Pass |
| 12/4/2017 | 1 | Columbus City Council | Read for the First Time | |

The purpose of this ordinance is to amend section 2150.03 of the Columbus City Codes, pertaining to parking violations and enforcement in the City. Currently, the only City employees permitted to issue parking tickets for violations are law enforcement officers and parking enforcement officers. This amendment would grant license officers legal authority to issue parking violations when there is a direct relation to their enforcement duties under title 5.

License officers are charged with protecting individuals that hold a license or permit. Parking infractions at designated mobile food vending spots and taxi stands cause a potential loss of revenue for the licensee, as well as requiring enforcement and drawing away the resources of the Division of Police and Parking Violations Bureau. License officers are limited in their abilities to resolve this issue independently.

The ability for license officers to issue parking tickets for such violations would not only benefit licensees, but remove some of the burden from Police and Parking Violations Bureau, further ensuring the health, safety and welfare of Columbus residents.

To amend section 2150.03 of the Columbus City Codes, allowing City license officers limited authority to issue parking violations in Columbus.

WHEREAS, the License Section is responsible for rules and regulations involving vehicles used to transport the public; and

WHEREAS, certain businesses under the purview of the License Section, such as mobile food vending and taxis, are

granted parking privileges in certain areas on City streets; and

WHEREAS, currently, the only City employees permitted to issue parking tickets for violations are law enforcement officers and parking enforcement officers; and

WHEREAS, parking infractions at designated mobile food vending spots and taxi stands result in a potential loss of revenue for the licensee, as well as requiring enforcement and drawing away the resources of the Division of Police and Parking Violations Bureau; and

WHEREAS, This amendment would grant license officers legal authority to issue parking violations when there is a direct relation to their enforcement duties under title 5; and

WHEREAS, the ability for license officers to issue parking tickets for such violations would not only benefit licensees, but remove some of the burden from Police and Parking Violations Bureau, further ensuring the health, safety and welfare of Columbus residents; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That section 2150.03 of the Columbus City Codes is hereby amended, reading as follows:

2150.03 - Parking ticket, service and liability.

(aA) The parking tickets adopted by the Parking Violation Bureau shall be used by law enforcement officers, and Parking Violations Bureau enforcement personnel, or License Officers within the course of enforcement duties pursuant to Title 5, 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.

(bB) A law enforcement officer, or Parking Violation Bureau enforcement personnel or License Officer in the course of enforcement duties pursuant to Title 5 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.

(~~eC~~) 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.

(~~dD~~) 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.

(~~eE~~) 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.

(~~fF~~) 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.

SECTION 2. That existing section 2150.03 of the Columbus City Codes is hereby repealed and replaced as provided herein.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.