


CHAPTER 450  
Parking Violations Bureau 

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CROSS REFERENCES

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Abandoned and Unclaimed Vehicles – see TRAF. Ch. 454.  
Noncriminal Parking Infractions – see ORC Ch. 4521  
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450.01 DEFINITIONS.

For the purposes of this Chapter and Chapter 452. of this Traffic Code, the following meanings shall apply:

(a) “Disability Parking Space” or “Handicap 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 plates issued under ORC 4503.44.

(b) “Law Enforcement Officer” or “Officer” means every officer authorized to direct or regulate traffic, and shall also mean any City employee and/or agent whose duties include the issuance of parking tickets while engaged in such duty.

(c) “Parking Violation” means a violation of any provision of Chapter 452 of this Traffic Code.

(d) “Person with a disability that limits or impairs the ability to walk” has the same meaning as in ORC 4503.44.

(e) “Vehicle” has the same meaning as in ORC 4511.01.

*Statutory Reference: ORC 4521.01*  
(Ord. 2018-31. Passed 10/25/18)

450.02 PARKING VIOLATIONS BUREAU.

(a) Establishment: There is hereby established a Parking Violations Bureau, within the Police Division, within the Department of Public Safety.

(b) Jurisdiction:

- (1) The Parking Violations Bureau shall have jurisdiction over each parking violation that is a violation of Chapter 452. of this Traffic Code and each parking violation that is a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City’s Administration Code that occur within the City. Notwithstanding any other provision of law to the contrary, each parking violation that is a violation of Chapter 452. of this Traffic Code and each parking violation that is a violation of a parking regulation

issued by the Public Safety Director under Section 238.02 of the City's Administration Code that occur within the City, and the enforcement of the same, shall be handled pursuant to and be governed by the provisions of this Chapter.

- (2) The Greene County Juvenile Court and the Xenia Municipal Court's Traffic Violations Bureau shall retain jurisdiction over each parking infraction that occurs within the territorial jurisdiction of the respective court that is not within the jurisdiction of the Parking Violations Bureau as determined under division (b)(1) of this section. However, notwithstanding any other provision of law to the contrary, each such parking violation and the enforcement of such parking violation shall be handled by the Juvenile Court or the Traffic Violations Bureau pursuant to, and be governed by, the provisions of this Chapter.

(c) Violations Clerk: The Public Safety Director is hereby appointed the Violations Clerk for the Bureau, and shall appoint hearing examiners and necessary clerical employees for the Bureau. No person shall be employed as a hearing examiner unless such person is an attorney admitted to the practice of law in the State of Ohio or is a former law enforcement officer. The Public Safety Director may designate, in his or her sole discretion, any of the powers or duties of the Violations Clerk provided for under this Chapter to any deputy violations clerks.

(d) Contracted Services: The Public Safety Director is hereby authorized to contract with any governmental or nongovernmental entity to provide services in processing, collection and enforcing parking tickets issued by law enforcement officers and civil judgments and default civil judgments entered pursuant to this Chapter. No contract so entered into 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 violations, and monies paid in satisfaction of judgments and default judgments.

(e) Fines and Penalties:

- (1) The fines, penalties, fees, and costs for parking violations, failure to timely answer a parking ticket, failure to timely answer a notice of violation, hearing costs, failure to timely pay judgments, judgement releases and immobilization fees shall be as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code.
- (2) The fines, penalties, fees, and costs for parking violations, and monies paid for satisfaction of judgments, which are collected by the Bureau, shall be collected, retained and disbursed by the Bureau to the City of Xenia.
- (3) The fines and penalties for parking violations shall be collected, retained, and disbursed by the clerk of the Juvenile Court or the violations clerk of the Traffic Violations Bureau if the parking violation occurred within the territorial jurisdiction of the respective court and if it did not occur within the jurisdiction of the Parking Violations Bureau. The fines and penalties collected by the clerk of the Juvenile Court or the violations clerk of the Traffic Violations Bureau shall be disbursed by the clerk to the local authority whose ordinance, resolution, or regulation was violated.

*Statutory Reference: ORC 4521.04; 4521.05*  
(Ord. 2018-31. Passed 10/25/18)

**450.03 PARKING TICKETS; SERVICE.**

(a) Adoption: A parking ticket, in the form prescribed by division (b) of this section, is hereby adopted and shall be used in all cases in which a person is charged with committing a parking violation under Chapter 452 of this Traffic Code and/or each parking violation that is a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code. In the alternative, the "Ohio Uniform Traffic Ticket" described in State Traffic Rule 3(A) and (B) may be used as the parking ticket. Any parking ticket issued for a parking violation under Chapter 452. of this Traffic Code and/or each parking violation that is a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code shall be the summons and complaint for the purposes of this Chapter.

(b) Contents: A parking ticket issued for a violation of any provision of Chapter 452. of this Traffic Code and/or a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code shall contain provisions that:

- (1) Advise the person to whom the ticket is issued that he or she must answer in relation to the parking violation charged in the ticket;
- (2) Advise the person to whom the ticket is issued that if he or she fails to answer in a timely manner, additional penalties shall apply;
- (3) Specify the allowable answers that may be made to the parking violation charged, as provided in Section 450.04;
- (4) Advise the person that he or she will be afforded a hearing if he or she denies in his or her answer that he or she committed the parking violation;
- (5) Specify the entity to which, the time within which, and the allowable manners in which the answer must be made;
- (6) Indicate the penalties that may result from failure to timely answer and the fine that arises from the parking ticket;
- (7) Warn that failure to timely answer or to appear at a requested hearing will be considered an admission of the parking violation;
- (8) 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; and
- (9) Any other information as required by law.

(c) Duty of Issuing Officer: The law enforcement officer issuing the parking ticket shall complete the parking ticket by:

- (1) Identifying the parking violation charged;
- (2) Recording the license plate number, type, and make or model of the vehicle;
- (3) Indicating the date, time and place of the violation;
- (4) Signing the ticket and affirming the facts it contains; and
- (5) Identifying the offender and serve the ticket by one of the following methods:
  - A. If the operator of the vehicle is present, the officer shall record on the parking ticket, in the space provided for identification of the offender, the name of the operator and shall then personally serve the ticket upon the operator.
  - B. If the operator of the vehicle is not present, the officer shall insert the word "owner" in the space provided for the identification of the offender and shall then constructively serve the parking ticket upon the owner of the vehicle by affixing it to the vehicle in a conspicuous place.

(d) Constructive Service:

- (1) Constructive service of a parking ticket upon an owner of a vehicle by affixation as provided in division (c)(5) of this section, or by the procedure described in division (d)(2) 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 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.
- (2) 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 resulted 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 450.09 of this Chapter.

(e) Joint Liability: Except as provided in Section 450.09 of this Chapter, 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 or penalty arising out of the parking infraction. Any owner of a vehicle who pays any fine or penalty 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 Arrest: No person upon whom a parking ticket charging a parking violation under Chapter 452. of the City's Traffic Code shall be arrested as a result of the commission of the parking violation.

(g) Records: The original of the parking ticket issued pursuant to this section or any true copy of the same shall be considered a record kept in the ordinary course of business of the City and the Police Division, and shall be prima facie evidence of the facts it contains.

*Statutory Reference: ORC 4521.03*

(Ord. 2018-31. Passed 10/25/18)

#### 450.04 ANSWERS TO CHARGE; PENALTIES.

(a) Answer to Charge: A person who is personally or constructively served with a parking ticket charging the commission of a parking violation under Chapter 452. of this Traffic Code and/or a parking violation that is a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code shall answer the charge in person or by mail to the Parking Violations Bureau. Such answer shall be made within thirty (30) days of the date of issuance of the ticket, and shall be in one of the following forms:

- (1) An admission that the person committed the parking violation, by payment of the fine for said parking violation, as established by Chapter 298. of the Administration Code, in accordance with division (b)(1) of this section;
- (2) An admission that the person committed the parking violation, with a written request that the fine be waived or reduced, in accordance with division (b)(2) of this section.
- (3) A denial that the person committed the parking violation and request for a hearing relative to the parking violation, in accordance with division (b)(3) of this section. If the person desires the presence, at the hearing, of the officer who issued the parking ticket, the person must request the officer's presence in his or her answer.

(b) Manner of Answering:

- (1) If the person answers by admitting the parking violation and paying the fine, such payment shall be made by paying in person at the City's Utility Billing Division, by sending payment through the mail to the City's Utility Billing Division, or by utilizing the online payment option on the City's website. The person shall note the number of the parking ticket on their method of payment, when paying by check or credit card, or the person shall send a copy of the ticket with his or her payment.
- (2) If the person answers by admitting the parking violation but that admission includes a request that the fine be waived, the person shall submit a written explanation and evidence to the Parking Violations Bureau with his or her answer. The explanation and evidence shall explain the circumstances surrounding the parking violation. The answer, written explanation and evidence may be submitted to the Parking Violations Bureau in person or by mail. The person's request for waiver shall be processed in accordance with Section 450.06 of this Chapter.
- (3) If the person answers by denying the parking violation and requesting a hearing relative to the parking violation, the written answer and request for hearing shall be submitted to the Parking Violations Bureau in person or by mail, and shall be processed in accordance with Section 450.07 of this Chapter.

(c) Timeliness of Answer: For an answer to be considered timely, it must be submitted in one of the manners provided in division (b) of this section on or before the date that is thirty (30) days from the date of issuance of the parking ticket. For answers that are mailed, the postmark must be a date that is on or before the date that is thirty (30) days from the date of issuance of the parking ticket.

(d) Failure to Answer: If a person who is personally or constructively served with a parking ticket charging the commission of a parking violation under Chapter 452. of this Traffic Code and/or each parking violation that is a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code fails to timely answer the charge, as provided in division (a) of this section, the Parking Violations Bureau shall issue the proper notifications of infraction pursuant to Section 450.05 of this Chapter and proceed according to that Section.

(e) Additional Penalty: Failure to timely answer to a charge may result in the imposition of additional penalties, as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code.

(f) Records: 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, and all other relevant information shall be entered into the records of the Parking Violations Bureau.

*Statutory Reference: ORC 4521.06*

(Ord. 2018-31. Passed 10/25/18)

#### 450.05 FAILURE TO ANSWER; NOTICE OF VIOLATION.

(a) Notice: When a person is personally or constructively served with a parking ticket charging the commission of a parking violation under Chapter 452. of this Traffic Code or a violation of any parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code and the person fails to answer the charge within thirty (30) days of the date of issuance of the ticket, the Parking Violations Bureau shall send notifications of the parking violation as follows:

- (1) If the person who fails to answer was the operator of the vehicle involved in the parking violation at the time of the commission of the parking violation and was personally served with the parking ticket, a notification of the violation 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 the violation also shall be sent to the owner at his or her 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 the violation shall be sent to the owner at his or her most recent address appearing in the records of the Bureau of Motor Vehicles.

(b) Content of Notice: A notification of violation shall be sent within twelve (12) months after the expiration of time specified in Section 450.04(a) for making an answer, shall be sent by first class mail, and shall contain all of the following:

- (1) An identification of the parking violation with which the person was charged and the time and date of the parking violation, which identification may be a copy of the parking ticket charging the parking violation that was personally or constructively served upon the person;
- (2) An identification of the amount of the fine, penalties, and costs arising out of the parking violation that are due;
- (3) A warning that the person must answer the parking violation charged in the ticket within thirty (30) days or a default civil judgment in the amount of the fines, penalties, and costs due may be entered against the person;
- (4) A description of the allowable answers that may be made, and the manners in which they may be made, as set forth in Section 450.04 of this Chapter, and notification that the person will be afforded a hearing before a hearing officer if he or she denies in his or her answer that the parking violation was committed;
- (5) An identification of the manners in which and the entity to which an answer may be made;
- (6) A warning that if the person fails to appear at a requested hearing, a default civil judgement in the amount of the fine, penalties, and costs due may be entered against the person.

(c) Answer to Notice: A person who receives a notice for failure to answer pursuant to this section may answer the parking violation with which he or she is charged by answering as provided in Section 450.04(a). An answer to a notice sent pursuant to this section shall be made within thirty (30) days after the date on which the notice was mailed and shall be one of the answers specified in Section 450.04(a), except that if the answer includes payment of the fine arising out of the parking infraction any penalty arising out of such infraction also shall be paid. The answer shall be governed by the provision of Section 450.04(b), except that any determination of the amount to be paid under an answer admitting the commission of the parking violation with explanation also shall consider any penalty arising out of such infraction.

(d) Failure to Answer Notice: If a person who is issued a notice for failure to answer under this section fails to timely answer the notice, as provided in division (c) of this section, the failure to answer shall be considered an admission that the person committed the parking violation, 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 notice may result in the imposition of additional penalties, as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code.

(e) Records: The sending of the notification for failure to answer, the filing or failure to file an answer to the notice by the person to whom it was sent, the substance of the answer, the payment of any fine, and any other relevant information shall be entered into the record of the Parking Violations Bureau.

*Statutory Reference ORC 4521.07*  
(Ord. 2018-31. Passed 10/25/18)

**450.06 WAIVER OF FINE OR TICKET.**

(a) Admission and Request for Waiver: When a person answers by admitting the parking violation but that admission includes a request that the fine be waived, in accordance with Section 450.04(a)(2) and (b)(2), the Violations Clerk, or his designee, shall, within thirty (30) days, determine whether the explanation and evidence mitigates the fact that the person committed the parking violation and notify the person, in writing, of the determination.

(b) Determination:

- (1) If the Violations Clerk, or his designee, determines that the explanation meets any of the conditions outlined in division (d) of this section and mitigates the fact that the person committed the parking violation, the Clerk shall eliminate or reduce the amount of the fine arising out of the parking violation. If the fine is eliminated or reduced and the person has previously paid the fine, the amount paid in excess of the revised fine shall be returned to the person; if the fine is eliminated or reduced and the person has not previously paid the fine, the person shall be instructed to pay only the amount of the revised fine, if any.
- (2) If the Violations Clerk, or his designee, determines that the explanation does not meet any of the conditions outlined in division (d) of this section and does not mitigate the fact that the person committed the parking violation, the person shall be instructed to pay the full amount of the fine arising out of the parking violation.

(c) Timely Payment: If the person has admitted he or she committed a parking violation and the person's fine is reduced in accordance with (b)(1) of this section and the person has not previously paid the fine, or if the person owes the full amount of the fine in accordance with (b)(2) of this section, the determination sent to the person shall instruct him or her to pay the amount due within ten (10) days of receipt of the notice of determination. Failure to pay the amount of the fine due within the ten (10) days indicated, may result in the imposition of additional penalties, as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code. Furthermore, the determination and the amounts due shall be considered a judgment and shall be treated as if they were a judgment rendered subsequent to a hearing held pursuant to Section 450.07 of this Chapter.

*Statutory Reference: ORC 4521.06*

(d) Conditions for Waiver: The Violations Clerk, or his designee, is authorized to waive the parking ticket, or waive the fine, or reduce the fine if the Clerk, or his designee, determines that the explanation provided by the person to whom the parking ticket was issued meets any of the following conditions:

- (1) The vehicle was temporarily disabled;
- (2) The parking meter was defective;
- (3) Emergency parking due to a medical emergency;
- (4) The vehicle is a government vehicle parked while the operator is on official government business and that business has caused the vehicle to be parked in excess of the posted time limit or on an expired meter;
- (5) The person was cited for a violation of 452.08 and provides proof that at the time of violation, the person or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that was then valid, or special handicapped license plates that were then valid, or a parking card that was then valid, but the person failed or neglected to display the placard, plates or parking card as required (in such cases the fine may be reduced that that set forth in Section 298.01(b) of the City's Administration Code); or
- (6) Any other extraordinary circumstance that mitigates the fact that the person committed a parking violation.

(e) Conditions for Waiver or Reduction for Disabled Parking Space Violation: The Violations Clerk, or his designee, is authorized to waive the parking ticket, or waive the fine, or reduce the fine if the Clerk, or his designee, in cases where the parking ticket was issued for a violation of Section 452.08 of this Traffic Code in the following circumstances only:

- (1) If the person is charged with a violation of Section 452.08(b)(1)A.(i) or (ii) of this Traffic Code and provides a sworn affidavit from a licensed medical professional showing that the person suffered an injury not more than seventy-two (72) hours prior to the time the person was issued the ticket and that, because of the injury, the person meets at least one (1) of the criteria contained in ORC 4503.44(A)(1), the fine may be waived.
- (2) If the person is charged with a violation of Section 452.08(b)(1)A.(i) or (ii) of this Traffic Code and the person provides written proof showing that 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, or a parking card that then was valid or special handicapped license plates that then were valid, but the offender or the person neglected to display the placard, license plates, parking card or special handicapped license plates as required, the fine may be reduced in accordance with the fees set forth in Chapter 298. of the City's Administration Code.

(Ord. 2018-31. Passed 10/25/18)

#### 450.07 DENIALS; HEARINGS.

(a) Right to Hearing: A person who is personally or constructively served with a parking ticket charging the commission of a parking violation under Chapter 452. of the City's Traffic Code and/or a parking violation that is a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code, or who receives notice of the violation pursuant to Section 450.05 of this Chapter, who answers by denying he or she committed the parking violation shall be granted a hearing to determine if the person committed the parking violation.

(b) 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. The hearing shall be conducted by a hearing examiner of the Parking Violations Bureau, and each hearing shall be conducted in such manner 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.

(c) Burden of Proof; Evidence:

- (1) At the hearing, the City has the burden of proving, by a preponderance of the evidence, that the person for whom the hearing is being conducted committed the parking violation. The City shall submit the original parking ticket that was personally or constructively served on the person or a true copy of the ticket, and information from the Ohio Bureau of Motor Vehicles that identifies the owner of the vehicle. The ticket and information in proper form is prima-facie evidence that the registered owner of the vehicle was the person who committed the parking violation.
- (2) The City may present additional evidence and testimony at the hearing. The City does not have to be represented at the hearing by an attorney.
- (3) 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 or she submits documentary evidence to the hearing examiner prior to the day of the hearing.



(d) **Presence of Officer:** If the person, in his or her answer, denied that he or she committed the parking violation and requested the presence at the hearing of the 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.

(e) **Decisions:**

- (1) If the person for whom the hearing is being conducted appears at the scheduled hearing or submits evidence in accordance with division (c)(3) of this section, the hearing examiner shall consider all evidence and testimony presented and shall determine whether the City has established, by a preponderance of the evidence, that the person committed the parking violation. If the hearing examiner determines that the person committed the parking violation, an order indicating the determination as a judgment against the person and requiring the person to pay the appropriate fine and any additional penalties and/or hearing costs shall be entered in the records of the Parking Violations Bureau.
- (2) If the person for whom the hearing is being conducted fails to appear at the scheduled hearing and fails to submit evidence in accordance with division (c)(3) of this section, the hearing examiner shall, if he or she determines for any evidence and testimony presented at the hearing, by a preponderance of the evidence, that the person committed the parking violation, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties and/or hearing costs. A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.
- (3) If a person who is sent a notification of violation pursuant to Section 450.05 does not timely answer, as provided in Section 450.05(c), the hearing examiner shall, if he or she determines from any evidence and testimony presented by the City, by a preponderance of the evidence, that the person committed the parking violation, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties and/or hearing costs. A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.
- (4) If the hearing examiner does not determine, by a preponderance of the evidence, that a person in any of the classes described in divisions (e)(1), (2) or (3) of this section committed the parking violation, the hearing examiner shall enter judgment against the City and shall enter the judgment and dismissal in the records of the Parking Violations Bureau. No additional penalties or hearing costs shall be entered against the person if the hearing examiner finds the person did not commit the parking violation.

(f) **Default Judgments:** A default judgment entered under this section may be vacated by the hearing examiner who entered it if all of the following apply:

- (1) The person against whom the default judgment was entered files a motion with the Parking Violations Bureau within one (1) year of the date of entry of the judgment;
- (2) The motion sets forth a sufficient defense to the parking violation out of which the judgment arose; and
- (3) The motion sets forth excusable neglect as to the person's failure to attend the hearing or answer the notification of the violation.

- (g) Hearing Costs: When authorized under division (e) hereof, the hearing examiner may include in the judgment entered against any person the costs associated with the requested hearing, as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code.

*Statutory Reference: ORC 4521.08*  
(Ord. 2018-31. Passed 10/25/18)

#### 450.08 JUDGMENTS.

(a) Payment of Judgments: Payment of any judgment or default judgment entered against a person pursuant to this Chapter shall be made to the Parking Violations Bureau Clerk or his designee within ten (10) days of entry. All money paid in satisfaction of a judgment or default judgment shall be disbursed by the Clerk to the City's General Fund, and the Clerk shall enter the fact of payment of the money and its disbursement in the records of the Bureau. If payment is not made within the required ten (10) days, the Parking Violation Bureau may assess an additional penalty, as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code. The judgment or default judgment may then be filed with the Clerk of the Xenia Municipal Court, and when so filed, shall have the same force and effect as a money judgment in a civil action rendered in the Court.

(b) Judgments Filed with the Xenia Municipal Court: Judgments and default judgments filed with a court pursuant to this division shall be maintained in accordance with ORC 4521.08(C). 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 the Court. The Xenia Municipal Court may assess costs against the judgment debtor, in an amount not exceeding ten dollars (\$10) for each parking violation, to be paid upon satisfaction of the judgment.

(c) Appeals: Any person against whom a judgment or default judgment is entered pursuant to Section 450.07, and the City if a judgment is entered against it pursuant to Section 450.07, may appeal the judgment or default judgment to the Xenia Municipal Court if the judgment or default judgment was entered by the bureau, or to the Greene County Juvenile Court if the judgment or default judgment was entered by a referee of the Juvenile Court, by filing notices of appeal with the Parking Violations Bureau or the referee of the Juvenile Court, and the Xenia Municipal Court or the Clerk of the Juvenile Court within fifteen (15) days of the date of entry of the judgment and by the payment of such reasonable costs as the Xenia Municipal Court or the Greene County Juvenile Court requires. Upon the filing of an appeal, the applicable 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 applicable court in accordance with the rules of the court. Service of a 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 or the Greene County Juvenile Court in the full amount of the judgment, plus court costs, at or before the service of the notice of appeal. Notwithstanding any other provision of law, the judgment on appeal of the Xenia Municipal Court or the Greene County Juvenile Court is final, and no other appeal of the judgment of the Parking Violations Bureau, or the referee of the Juvenile Court, whichever is applicable, and no appeal of the judgment of the Xenia Municipal Court or the Juvenile Court may be taken.

(d) Time for Filing Judgment: A judgment or default judgment entered pursuant to Section 450.07 may be filed with the Xenia Municipal Court under division (b) of this section at any time within three (3) years after the date of issuance of the parking ticket charging the parking violation out of which the judgment arose.

*(Statutory Reference: ORC 4521.08)*  
(Ord. 2018-31. Passed 10/25/18)

**450.09 JOINT LIABILITY OF OWNER AND OPERATOR; RENTAL VEHICLES.**

(a) When Owner Not Liable: An owner of a vehicle is not jointly liable with the operator of the vehicle whose act or omission resulted in a parking ticket for the parking violation or any fine, penalty, or processing fee arising out of the parking violation under this Chapter if either of the following apply:

- (1) The owner answers the charge of the parking violation under Section 450.04 or 450.05 of this Chapter, the answer denies that the owner committed the violation and requests a hearing concerning the violation, the owner additionally asserts and provides reasonable evidence at that time to prove that the vehicle, at the time of the commission of the parking violation, was being used by the operator without the owner's express or implied consent, and the Parking Violations Bureau or the Greene County Juvenile Court determines that the vehicle was being used without the owner's express or implied consent at that time. If the Bureau or the Juvenile Court does not so determine, it shall conduct the hearing concerning the parking violation according to Section 450.07 of this Chapter.
- (2) The owner answers the charge of the parking violation under Section 450.04 or 450.05 of this Chapter, the answer denies that the owner committed the parking violation, the owner additionally submits evidence at that time that proves that, at the time of the alleged commission of the parking violation, the owner was engaged in the business of renting or leasing vehicles under written rental or lease agreements, and the owner additionally submits evidence that proves that, at the time of the alleged commission of the parking violation, the vehicle in question was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement. If the owner does not so prove, the Parking Violations Bureau or the Greene County Juvenile Court shall conduct a hearing relating to the parking violation according to Section 450.07 of this Chapter.
- (3) The owner, at a hearing concerning the parking violation conducted in accordance with Section 450.07 of this Chapter, proves that the vehicle, at the time of the parking violation, was being used by the operator without the owner's express or implied consent or proves the facts described in division (a)(2) of this section.

(b) Rentals:

- (1) An owner of a vehicle who is engaged in the business of renting or leasing vehicles under written rental or lease agreements, but who does not satisfy the additional requirements of division (a)(2) of this section is not liable for any penalties or processing fees arising out of a parking violation involving the vehicle if at the time of the commission of the parking violation, the vehicle was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement, and if the owner answers the charge of the parking violation by denying that the owner committed the parking violation or by paying the fine arising out of the parking violation within thirty (30) days after actual receipt of the parking ticket charging the violation or, if the owner did not receive the parking ticket, within thirty (30) days after receipt of the notification of violation.
- (2) Proof that the vehicle was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement at the time of the alleged parking violation 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 or the Greene County Juvenile Court, as applicable, within thirty (30) days after the date of receipt by the owner of the parking ticket charging the violation or, if the owner did not receive the parking ticket, within thirty (30) days after receipt of the notification of violation. The submission of a true copy of 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. The affidavit authorized by this section shall be accompanied by a postage-paid, self-addressed envelope, shall be in a form the Ohio Registrar of Motor Vehicles shall prescribe, and shall include space for the Parking Violations Bureau or the Juvenile Court to indicate receipt of the

affidavit. Within thirty (30) days of receipt of the affidavit, the Bureau or Court shall return a receipted copy of the affidavit to the rental or lease company. In addition, any information required by division (a)(2) of this section may be provided on magnetic tape or another computer readable media in a format acceptable to the Parking Violations Bureau or Juvenile Court.

*Statutory reference: ORC 4521.09*  
(Ord. 2018-31. Passed 10/25/18)

#### 450.10 EFFECT OF MULTIPLE JUDGMENTS.

(a) Notice of Judgment to Registrar:

- (1) If a judgment or default judgment is entered against a person pursuant to Section 450.08 of this Chapter for a violation of Section 452.08 of this Traffic Code and the person has not paid the judgment or default judgment within ten (10) days of the date of entry of the judgment, the Parking Violations Bureau may give notice of that fact to the Ohio Registrar of Motor Vehicles. The notice, if given, 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) If three (3) or more judgments or default judgments have been entered against a person pursuant to Section 450.08 of this Chapter and the person has not paid the judgments or default judgments within ten (10) days of the date of entry of the third judgment, the Parking Violations Bureau may give notice of that fact to the Registrar. The notice, if given, 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 prescribes.

(b) Issuance of Certificate of Registration Prohibited: Upon receipt of a notice as provided in division (a) of this section, neither the registrar nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the notice unless the person presents a release as provided in division (c) of this section or unless the registrar is properly notified by the Parking Violations Bureau that the judgment or default judgment described in division (a)(1) of this section or the judgments or default judgments described in division (a)(2) of this section have been paid, dismissed, or reversed on appeal, or that the initial notice was given in error and is therefore canceled.

(c) Release of Vehicle: When a notice as provided in division (a) of this section is given to the registrar and the judgments or default judgments are subsequently paid, dismissed, or reversed on appeal, or it is discovered that the notice was given in error and is therefore canceled, the Parking Violations Bureau shall immediately notify the registrar of such payment, dismissal, reversal, or cancellation. The notification shall be in a form and manner, and contain such information, as the registrar prescribes. If the initial notice was not given in error, the Parking Violations Bureau shall charge the person a processing fee, as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code, for each judgment or default judgment to cover the costs of the Ohio Bureau of Motor Vehicles in administering this section. Upon payment of the fee, the Parking Violations Bureau shall give to the person a release to be presented at the time of registering or transferring the registration of a motor vehicle owned or leased by the person. All fees collected under this division shall be transmitted monthly to the Registrar for deposit in the public safety--highway purposes fund established by ORC 4501.06.

(d) Yearly Notice: The Parking Violations Bureau shall provide further notice to the Registrar no later than thirteen (13) months after the date the Registrar entered the original notice into the records of any judgments or default judgments that are still outstanding.

(e) Determining Number of Judgments: In determining whether the judgments or default judgments that have been entered against a person as provided in division (a)(2) of this section total three (3) or more, the Parking Violations Bureau may apply to that total any violation the person committed during the relevant time period by illegally standing or parking a vehicle in a disability parking space, irrespective of the amount of the fine imposed for such violation.

*Statutory Reference: ORC 4521.10*

(Ord. 2018-31. Passed 10/25/18)

#### 450.11 IMPOUNDMENT; IMMOBILIZATION.

(a) Impoundment or Immobilization:

- (1) Any vehicle with three (3) or more parking violations in which judgments or default judgments have been filed with the Xenia Municipal Court pursuant to Section 450.08 of this Chapter is subject to impoundment or immobilization by the Xenia Police Division. Impoundment or immobilization pursuant to this division is permitted without regard to whether the vehicle, at the time of the impoundment or immobilization, is legally parked.
- (2) Any vehicle that is illegally parked in a manner that constitutes an obstruction to traffic or a danger to persons or property may be impounded or removed pursuant to Section 452.16 of this Traffic Code.

(b) Release of Vehicle:

(1) *Impoundment* –

- A. A vehicle impounded under division (a)(1) of this section shall be released to the owner upon the owner or any lienholder of the vehicle presenting a valid certificate of title to the vehicle to the Parking Violations Bureau and upon the owner or lienholder either paying the payment of the judgments or default fault judgments and paying the fines, penalties, fees, and costs due on the parking violation(s) issued or outstanding or upon the owner or any lienholder of the vehicle posting a bond equal to the amount of any fine, fees, or costs associated with the parking violation; however, in no case shall the required bond be in excess of one thousand dollars (\$1,000).
- B. A vehicle impounded under division (a)(2) of this section shall be released to the owner upon the owner or any lienholder of the vehicle presenting a valid certificate of title to the vehicle to the Parking Violations Bureau and upon the owner or lienholder either admitting the parking violation and paying the fine for said violation or upon the owner or lienholder posting a bond equal to the amount of any fine, fees, or costs associated with the parking violation; however, in no case shall the required bond be in excess of one thousand dollars (\$1,000).
- C. Upon payment of any monies due under division (b)(1)A. or (b)(1)B. or the posting of bond under division (b)(1)B. of this section, the owner or any lienholder of the vehicle may claim the vehicle from the place of storage upon presentation of proof of ownership, and the payment of all expenses, charges, or fines incurred with the place of storage for towing and storing the vehicle.

- (2) *Immobilization* – A vehicle immobilized under division (a)(1) of this section shall be released to the owner upon the owner or any lienholder of the vehicle presenting a valid certificate of title to the vehicle to the Parking Violations Bureau and upon the owner or lienholder paying the payment of the judgments or default fault judgments, and any costs associated with immobilizing the vehicle, as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code, and paying the fines, penalties, fees, and costs due on the parking violation(s) issued or outstanding or upon the owner or any lienholder of the vehicle posting a bond equal to the amount of any fine, fees,

or costs associated with the parking violation; however, in no case shall the required bond be in excess of one thousand dollars (\$1,000).

*Statutory Reference: ORC 4521.02*

(Ord. 2018-31. Passed 10/25/18)

#### 450.12 FINES, PENALTIES AND COSTS.

On or after the effective date of this Chapter, the fines, penalties, costs and fees for any parking violation administered pursuant to this Chapter shall be as set forth in the City's Fee Schedule in Part Two – Title Twelve, Chapter 298. of the Administration Code.

(Ord. 2018-31. Passed 10/25/18)