

## ORDINANCE NO. 10 – 36 AC CMS

AN ORDINANCE AMENDING SECTION 351.99 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO, RELATING TO PENALTIES FOR CERTAIN PARKING VIOLATIONS WITHIN THE CITY AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That Section 351.99 of the Codified Ordinances of the City of Oberlin, Ohio, relating to penalties for certain parking violations within the City, is hereby amended to read as set forth in **Exhibit A** attached hereto and incorporated herein by reference.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.


SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Oberlin, or to provide for the usual daily operation of a municipal department, to wit:

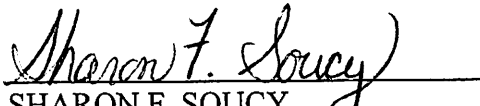
“to modify certain penalties relating to parking fines as soon as possible in order to provide for the health and safety of the citizens of the municipality”,

and shall take effect immediately upon passage.

PASSED:           1<sup>st</sup> Reading - June 7, 2010  
                      2<sup>nd</sup> Reading - June 21, 2010 (Effective in 30 days)  
                      3<sup>rd</sup> Reading

ATTEST:

  
BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

  
SHARON F. SOUCY  
VICE PRESIDENT OF COUNCIL

POSTED: 06/22/2010

EFFECTIVE DATE: 07/21/2010

Exhibit A

351.99 PENALTY AND WAIVER

(a) Whoever violates any provision of this Chapter wherein a specific penalty is not otherwise provided shall be fined not more than two hundred dollars (\$200.00)

(b) Whoever is charged with the violation of any parking provisions of this Chapter wherein a parking citation is issued, may, in lieu of being charged in Court on an affidavit and being subject to the penalty provided in subsection (a) hereof, deliver the citation to the police department and pay a fine as follows:

(1) For a violation of Section 351.15 of this Chapter:

(A) Twenty dollars (\$20.00) if the violation is paid within seventy-two hours and the repeat offender provisions of subsection (1) (C) and (D) set forth hereinafter do not apply.

(B) If paid after seventy-two hours but within thirty days, the fine shall be thirty dollars (\$30.00) if the repeat offender provisions of subsections (1) (C) and (D) set forth hereinafter do not apply.

(C) The fine shall be fifty dollars (\$50.00) for a second violation within the period of November 1 to April 1.

(D) The fine shall be seventy-five dollars (\$75.00) per additional violation if there are three or more violations within the period of November 1 to April 1, and the vehicle shall be removed under lawful procedures.

(E) If any violation is not paid within thirty days, the City shall proceed with a formal charge and each violation shall be subject to a fine of not more than two hundred dollars (\$200.00).

(2) For a violation of Section 351.17 of this Chapter:

(A) Ten dollars (\$10.00) if paid within seventy-two hours and the repeat offender provisions of subsections (2)(C), (D) and (E) set forth hereinafter do not apply.

(B) If paid after seventy-two hours but within thirty days, the fine shall be twenty five dollars (\$25.00) if the repeat offender provisions of subsections (2)(C), (D) and (E) set forth hereinafter do not apply.

(C) The fine shall be thirty five dollars (\$35.00) for any second violation.

(D) The fine shall be seventy five dollars (\$75.00) for any third violation.

(E) The fine shall be one hundred dollars (\$100.00) per additional violation if there are more than three previous violations and the vehicle may be removed under lawful procedures.

(F) If any violation is not paid within thirty days, the City shall proceed with a formal charge and the violator shall be subject to a fine of not more than two hundred dollars (\$200.00).

EXHIBIT A

(3) For a violation of Section 351.19 of this Chapter:

(A) Twenty dollars (\$20.00) if the violation is paid within seventy-two hours and the repeat offender provisions of subsection (3) (C) and (D) set forth hereinafter do not apply.

(B) If paid after seventy-two hours but within thirty days, the fine shall be thirty dollars (\$30.00) if the repeat offender provisions of subsection (3)(C) and (D) set forth hereinafter do not apply.

(C) The fine shall be fifty dollars (\$50.00) for a second violation.

(D) The fine shall be seventy-five dollars (\$75.00) per additional violation if there are more than two previous violations, and the vehicle may be removed under lawful procedures.

(E) If any violation is not paid within thirty days, the City shall proceed with a formal charge and each violation shall be subject to a fine of not more than two hundred dollars (\$200.00).

(4) For a violation of any other parking provision of this Chapter with the exception of 351.04(f):

(A) Twenty dollars (\$20.00) if the violation is paid within seventy-two hours and the repeat offender provisions of subsection (4) (C) and (D) set forth hereinafter do not apply.

(B) If paid after seventy-two hours but within thirty days, the fines shall be forty dollars (\$40.00) if the repeat offender provisions of subsection (4)(C) and (D) set forth hereinafter do not apply.

(C) The fine shall be fifty dollars (\$50.00) violation if there if there have been two previous violations of this Chapter within the previous twelve (12) months.

(D) The fine shall be one hundred dollars (\$100.00) per additional violation if there are more than two previous violations of this Chapter within the previous twelve (12) months.

(E) If not paid within thirty days, the City shall proceed with a formal charge and the violation shall be subject to a fine of not more than two hundred dollars (\$200.00).

(5) Any such payment of the citation shall be deemed a plea of guilty, waiver of Court appearance, and an acknowledgment of the conviction of the alleged offense, and may be accepted in full satisfaction by the City for the subscribed penalty for the alleged violation.