

ORDINANCE NO. 125-24

**AN ORDINANCE AMENDING SECTIONS 353.05(E),
353.06(D), 353.07(B) AND 353.99(C) OF THE CODIFIED
ORDINANCES OF THE CITY OF MEDINA, OHIO
RELATIVE TO PARKING INFRACTION FINES, AND
DECLARING AN EMERGENCY.**

WHEREAS: That Section 353.05(e) of the codified ordinances of the City of Medina, Ohio presently reads as follows:

(e) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction fails to timely answer the charge, as provided in division (a) of this section, the Parking Violations Bureau shall issue the proper notification of infraction, pursuant to Section 353.06 and proceed according to such section. Failure to timely answer a charge may result in the imposition of an additional penalty of five dollars (\$5.00).

WHEREAS: That Section 353.06(d) of the codified ordinances of the City of Medina, Ohio presently reads as follows:

(d) If a person who is issued a notification of infraction fails to timely answer, as provided in division (c) of this section, the failure to answer shall be considered an admission that the person committed the parking infraction, and a default civil judgment, in the amount of the fines, penalties and costs due may be entered against the person. Failure to timely answer the parking infraction identified in the notification of infraction may result in the imposition of an additional penalty of five dollars (\$5.00) and a judgment against such person for the court costs incurred.

WHEREAS: That Section 353.07(b) of the codified ordinances of the City of Medina, Ohio presently reads, in part, as follows:

(b) If a person for whom a hearing is to be conducted under division (a) of this section appears at the scheduled hearing or submits evidence in accordance with such division, the hearing examiner shall consider all evidence and testimony presented and shall determine whether or not the City has established, by a preponderance of the evidence, that the person committed the parking infraction. If the hearing examiner determines that the person committed the infraction, an order indicating the determination as a judgment against the person and requiring the person to pay the appropriate fine and any additional penalties, fees and costs shall be entered in the records of the Parking Violations Bureau.

If a person for whom a hearing is to be conducted under division (a) of this section fails to appear at the scheduled hearing and fails to submit evidence in accordance with such division, the hearing examiner, if he or she determines, from a preponderance of the evidence and testimony presented at the hearing, that the person committed the parking infraction, shall enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties, fees and costs. A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.

If a person who is sent a notification of infraction pursuant to Section 353.05 does not timely answer, as provided in Section 353.05(e), the hearing examiner of the Parking Violations Bureau, if he or she determines from a preponderance of the evidence and testimony presented to him or her by the local authority that the person committed the parking infraction, shall enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties, fees and costs. A default judgment entered under this division shall be entered in the records of the Bureau.

WHEREAS: That Section 353.99(c) of the codified ordinances of the City of Medina, Ohio presently reads as follows:

(c) Any person who violates Section 351.04(f) (l) is guilty of Parking or Standing in a Handicapped Parking Space and shall be fined one hundred and fifty dollars (\$150.00).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That Section 353.05(e) of the codified ordinances of the City of Medina, Ohio shall be amended to read as follows:

(e) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction fails to timely answer the charge, as provided in division (a) of this section, the Parking Violations Bureau shall issue the proper notification of infraction, pursuant to Section 353.06 and proceed according to such section. ~~Failure to timely answer a charge may result in the imposition of an additional penalty of five dollars (\$5.00).~~

SEC. 2: That Section 353.06(d) of the codified ordinances of the City of Medina, Ohio shall be amended to read as follows:

(d) If a person who is issued a notification of infraction fails to timely answer, as provided in division (c) of this section, the failure to answer shall be considered an admission that the person committed the parking infraction, and a default civil judgment, in the amount of the fines, penalties and costs due may be entered against the person. ~~Failure to timely answer the parking infraction identified in the notification of infraction may result in the imposition of an additional penalty of five dollars (\$5.00) and a judgment against such person for the court costs incurred.~~

SEC. 3: That Section 353.07(b) of the codified ordinances of the City of Medina, Ohio shall be amended to read, in part, as follows:

(b) If a person for whom a hearing is to be conducted under division (a) of this section appears at the scheduled hearing or submits evidence in accordance with such division, the hearing examiner shall consider all evidence and testimony presented and shall determine whether or not the City has established, by a preponderance of the evidence, that the person committed the parking infraction. If the hearing examiner determines that the person committed the infraction, an order indicating the determination as a judgment against the person and requiring the person to pay the appropriate fine and ~~any additional penalties, fees and costs~~ **a twenty dollars (\$20.00) Parking Violations Bureau cost** shall be entered in the records of the Parking Violations Bureau.

If a person for whom a hearing is to be conducted under division (a) of this section fails to appear at the scheduled hearing and fails to submit evidence in accordance with such division, the hearing

examiner, if he or she determines, from a preponderance of the evidence and testimony presented at the hearing, that the person committed the parking infraction, shall enter a default judgment against the person and require the person to pay the appropriate fine and ~~any additional penalties, fees and costs.~~ **a twenty dollars (\$20.00) Parking Violations Bureau cost.** A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.

If a person who is sent a notification of infraction pursuant to Section ~~353.05~~ does not timely answer, as provided in Section ~~353.05~~(e), the hearing examiner of the Parking Violations Bureau, if he or she determines from a preponderance of the evidence and testimony presented to him or her by the local authority that the person committed the parking infraction, shall enter a default judgment against the person and require the person to pay the appropriate fine and ~~any additional penalties, fees and costs.~~ **a twenty dollars (\$20.00) Parking Violations Bureau cost.** A default judgment entered under this division shall be entered in the records of the Bureau.

SEC. 4: That Section 353.99(c) of the codified ordinances of the City of Medina, Ohio be amended to read as follows:

(c) Any person who violates Section ~~351.04~~(f) (l) is guilty of Parking or Standing in a Handicapped Parking Space and shall be fined ~~one hundred and fifty dollars (\$150.00).~~ **not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00).**

SEC. 5: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 6: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: June 24, 2024

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: June 25, 2024

SIGNED: Dennis Hanwell
Mayor