

CITY OF PORT CLINTON PARKING VIOLATIONS COURT

JAMES FINKEN, HEARING EXAMINER

MARK ANDERSON, VIOLATIONS CLERK

The City of Port Clinton Parking Violations Court will be held at City Hall, located at 1868 E. Perry Street, Port Clinton, OH 43452, on the first Wednesday of each month and court will begin promptly at 7:00 pm. The first session will be held on March 1, 2023 at 7:00 pm.

The City of Port Clinton Director of Safety and Service appointed James Finken, who is a retired law enforcement officer, to serve as hearing examiner for the Parking Violation Bureau.

The City of Port Clinton Director of Safety and Service appointed Mark Anderson to serve as the Violations Clerk for the Parking Violations Bureau and all questions shall be directed to him at (419) 734-5522 ext. 233 or at mlanderson@portclintonpd.org.

The City of Port Clinton Parking Violations Bureau is established by Section 4521.04 of the Ohio Revised Code. The Parking Violation Bureau is located inside the Port Clinton Police Department.

The Parking Violations Bureau has jurisdiction over each parking infraction that occurs within the City of Port Clinton. Each parking infraction that occurs within the jurisdiction of the Parking Violations Bureau and the enforcement of each parking infraction shall be handled pursuant to and governed by Chapter 352 of the City of Port Clinton Codified Ordinances.

The fines, penalties, fees, and costs established for a parking infraction shall be collected, retained and disbursed by the Violations Clerk if the parking infraction out of which the fine, penalties, fees, and costs arose occurred within the jurisdiction of the Parking Violations Bureau.

The parking ticket adopted in Section 352.10 of the City of Port Clinton Codified Ordinances shall be used by law enforcement officers in all cases in which a person is charged with committing a parking infraction within the City of Port Clinton. The parking ticket shall be the summons and complaint for the purposes of this chapter.

A law enforcement officer who issues a parking ticket for a parking infraction shall complete the ticket by identifying the parking infraction charged, recording the license plate number, and make or model of the vehicle, and indicating the date, time, and place of the parking infraction charged. The officer shall sign 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 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 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.

The original parking ticket issued pursuant to Section 352.04 of the City of Port Clinton Codified Ordinances, or any true copy of it shall be considered a record kept in the ordinary course of business of the City of Port Clinton and of the law enforcement agency whose officer issued it, and shall be prima-facie evidence of the facts it contains.

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 receipt of parking tickets served in accordance with this Section 352.04 of the City of Port Clinton Codified Ordinance, 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.

When a parking ticket is issued for a parking infraction and is served pursuant to Section 352.04 of the City of Port Clinton Codified Ordinances, 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 infraction and may recover the amount paid from the operator of the vehicle, whose act or omission resulted in the parking infraction.

A person, who is personally or constructively served with a parking ticket charging the commission of a parking infraction, may answer the charge personally before the Parking Violations Bureau or by mail. An answer shall be made within ten (10) days from the date of the infraction 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;
2. An admission that the person committed the parking infraction, with an explanation of the circumstances surrounding the parking infraction;
3. A denial that the person committed the parking infraction and a request for a hearing relative to the infraction. If the person desires the presence at the hearing of the law enforcement officer, who issued the parking ticket, the person must request his presence in his answer.

A person, who admits that he committed a parking infraction, shall pay the fine arising out of the infraction admitted to the Violations Clerk at the Parking Violations Bureau.

A person, who admits that he committed a parking infraction with explanation, may, when he makes his answer, pay the fine arising out of the infraction admitted to the Violations Clerk of the Parking Violations Bureau.

A person, who admits that he committed a parking infraction with explanation, shall submit evidence to the Parking Violations Bureau that explains the circumstances surrounding the parking infraction. The evidence may be submitted in person or may be sent as affidavits and other documentary evidence, by mail.

The Parking Violations Bureau, when it receives an answer admitting that a person committed a parking infraction with explanation, shall promptly determine whether the explanation provided mitigates the fact that the person committed the parking infraction and notify the person, in writing, of its determination.

If the Parking Violations Bureau determines the explanation mitigates the fact that the person committed the parking infraction, the Parking Violations Bureau shall eliminate or reduce the amount of the fine arising out of the parking infraction. If the fine is reduced, the person shall pay only the amount of the revised fine within ten (10) days of receiving of receiving notice of the Parking Violations Bureau determination.

If the Parking Violations Bureau determines the explanation does not mitigate the fact that the person committed the parking infraction, the person owes the entire amount of the fine arising out of the infraction and shall pay the entire amount of the fine within ten (10) days after receiving notice of the Parking Violation Bureau.

A person, who denies that he committed a parking infraction, shall be granted a hearing concerning the infraction. 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 in accordance with Section 352.07 of the City of Port Clinton Codified Ordinances.

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, the Parking Violations Bureau shall issue the proper notifications of the infraction pursuant to Section 352.06 of the City of Port Clinton Codified Ordinances and proceed according to that section. Failure to answer the charge within the ten (10) day period, shall result in the imposition of an additional penalty of fifteen dollars (\$15.00).

Please review Chapter 352 of the City of Port Clinton Codified Ordinances by visiting cityofportclinton.com for additional important information regarding your parking ticket.

Please place the following on the site.

Link to Chapter 352, Non Criminal Parking Violations, Port Clinton Codified Ordinances.

If you have any questions regarding your ticket, please contact Mark Anderson, Violations Clerk of the Parking Violations Bureau at (419) 734-5522 ext. 233 or at mlanderson@portclintonpd.org.

The above informational sheet.

The Question and Answer Guide.