

CITY OF CHEVIOT
STATE OF OHIO

ORDINANCE NO. 20-29

TO AMEND SECTIONS 71.20, 76.42 AND 76.99 OF THE CHEVIOT CODE OF ORDINANCES
TO REVISE THE PENALTIES.

WHEREAS, Section 71.20 of the Cheviot Code of Ordinances currently reads as follows:

71.20 OPERATING WITH EXPIRED PLATES.

It shall be unlawful to park on a street or highway or operate any vehicle upon which are displayed any license numbers for any period of time which has expired or any license plates issued in another state for which the period of reciprocal agreement with state of issue has expired.

WHEREAS, Section 76.42 of the Cheviot Code of Ordinances currently reads as follows:

76.42 METERED PARKING VIOLATIONS.

(A) It shall be unlawful, during hours of limited parking to permit a vehicle to remain parked in a designated parking space while the parking meter for the space indicates the car is illegally parked, whether the indication is the result of the failure to deposit a coin or operate the lever or other actuating device of the meter, or the result of the automatic operation of the meter following the expiration of the authorized parking time subsequently to the depositing of a coin herein at the time the vehicle was parked.

(B) A police officer, a parking enforcement officer, or anyone else authorized by the Cheviot Code of Ordinances, upon finding a violation of this section, shall issue a citation tag enabling the violator to pay a fine of \$20, provided it is paid at the city hall within 168 hours after receipt of notice. The time noted by the officer shall be prima facie evidence of the time. If the citation is paid within two hours after the time written on the citation, the fine shall be \$10. Tickets shall be paid at city hall between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays. Time between 4:00 p.m. and 8:00 a.m., time on weekends, and time on holidays shall be extended to the next working day, and shall not be counted as part of the two hour period.

WHEREAS, Section 76.99 of the Cheviot Code of Ordinances currently reads as follows:

76.99 PENALTY.

(A) Any person who has received a citation tag notifying him of a violation of any provision for any sections set forth as follows and who, upon presenting the citation tag files a written plea of guilty with the mayor of the city and deposits with him the amount of the penalty indicated in this section, shall be fined for the violation of any provision of:

(1) Sections 76.01, 76.02, 76.04, 76.05(A), 76.05(C), 76.06, 76.15, 76.16, 76.23, 76.27, 76.35: \$40. If the fine is not paid within 168 hours of the violation, the violator shall be subject to arrest. If a warrant is issued for the offender, such person shall be required to appear in the mayor's court. Violations of §§

*Ordinance was not adopted.
Refer to minutes from 12.15.2020 Council Meeting*

76.05(F)(1)(a), 76.05(F)(1)(b), and 76.05(H) may be paid out within 168 hours according to the specific fines listed in those sections or elsewhere by reference within § 76.05.

(2) Sections 76.17, 76.18, 76.20, 76.21, 76.25, 76.26: \$40. If the fine is not paid within 168 hours of the violation, the fine shall be \$80. If not paid within 168 hours of the violation, the violator shall be subject to arrest. If a warrant is issued for the offender, such person shall be required to appear in mayor's court.

(3) Sections 76.42 and 76.43: \$20. If the fine is not paid within 168 hours of the violation, the fine shall be \$40. If not paid within 168 hours of violation, the violator shall be subject to arrest. If a warrant is issued for the offender, such person shall be required to appear in mayor's court.

(B) Any violation of §§ 76.44 or 76.45 shall be punishable by a fine of not more than \$500 or imprisonment of not more than 60 days, or both.

(C) The court shall have the power to accept a plea of guilty as provided in § 76.99(A), or to reject it and hold the case for trial. If the plea is accepted, the penalty deposit shall be paid to the court, and the court shall have no power to remit or suspend it or any part of it.

WHEREAS, this Council desires to amend Section 71.20 to clarify that a non-moving violation of said section shall be sentenced pursuant to Section 76.99, and a moving violation of Section 71.20 shall be sentenced pursuant to penalties set forth in 70.99; and

WHEREAS, this Council desires to amend subsection (A) of 76.99 to include a penalty for the violation of the non-moving portion of Section 71.20; and

WHEREAS, this Council desires to amend subsection (B) of Section 76.42 to eliminate the option for the ticket to be paid out for \$10.00 within two hours of the citation, as it is rarely utilized by residents and leads to confusion; and

WHEREAS, this Council desires to amend subsection (A)(3) of Section 76.99 to revise the fine to be \$25.00 within 168 hours of the citation, and thereafter the fine doubles to \$50.00; and

WHEREAS, this Council determines that it is in the best interest of the City to amend Sections 71.20, 76.42, and 76.99 of the Cheviot Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, CONCURRING, THAT:

Section 1. Section 71.20 of the Cheviot Code of Ordinances is hereby amended as follows:

71.20 OPERATING WITH EXPIRED PLATES.

(A) It shall be unlawful to park on a street or highway any vehicle upon which are displayed any license numbers for any period of time which has expired or any license plates issued in another state for which the period of reciprocal agreement with state of issue has expired.

(B) It shall be unlawful to operate any vehicle upon which are displayed any license numbers for any period of time which has expired or any license plates issued in another state for which the period of reciprocal agreement with state of issue has expired.

(C) Whoever violates subsection (A), shall be sentenced pursuant to Section 76.99 as a parking violation. Whoever violates subsection (B) shall be sentenced pursuant to Section 70.99.

Section 2. Existing Section 71.20 of the Cheviot Code of Ordinances is hereby repealed.

Section 3. Section 76.42 of the Cheviot Code of Ordinances is hereby amended as follows:

76.42 METERED PARKING VIOLATIONS.

(A) It shall be unlawful, during hours of limited parking to permit a vehicle to remain parked in a designated parking space while the parking meter for the space indicates the car is illegally parked, whether the indication is the result of the failure to deposit a coin or operate the lever or other actuating device of the meter, or the result of the automatic operation of the meter following the expiration of the authorized parking time subsequently to the depositing of a coin herein at the time the vehicle was parked.

(B) A police officer, a parking enforcement officer, or anyone else authorized by the Cheviot Code of Ordinances, upon finding a violation of this section, shall issue a citation tag enabling the violator to pay a fine of \$25.00, provided it is paid at the city hall within 168 hours after receipt of notice. The time noted by the officer shall be prima facie evidence of the time. Tickets shall be paid at city hall between 8.00 a.m. and 4:00 p.m. Monday through Friday, excluding holidays.

Section 4. Existing Section 76.42 of the Cheviot Code of Ordinances is hereby repealed.

Section 5. Section 76.99 of the Cheviot Code of Ordinances is hereby amended as follows:

76.99 PENALTY.

(A) Any person who has received a citation tag notifying him of a violation of any provision for any sections set forth as follows and who, upon presenting the citation tag files a written plea of guilty with the mayor of the city and deposits with him the amount of the penalty indicated in this section, shall be fined for the violation of any provision of:

(1) Sections 76.01, 76.02, 76.04, 76.05(A), 76.05(C), 76.06, 76.15, 76.16, 76.23, 76.27, 76.35: \$40. If the fine is not paid within 168 hours of the violation, the violator shall be subject to arrest. If a warrant is issued for the offender, such person shall be required to appear in the mayor's court. Violations of §§ 76.05(F)(1)(a), 76.05(F)(1)(b), and 76.05(H) may be paid out within 168 hours according to the specific fines listed in those sections or elsewhere by reference within § 76.05.

(2) Sections 76.17, 76.18, 76.20, 76.21, 76.25, 76.26: \$40. If the fine is not paid within 168 hours of the violation, the fine shall be \$80. If not paid within 168 hours of the violation, the violator shall be subject to arrest. If a warrant is issued for the offender, such person shall be required to appear in mayor's court.

(3) Section 76.42 and 76.43: \$25. If the fine is not paid within 168 hours of the violation, the fine shall be \$50. If not paid within 168 hours of violation, the violator shall be subject to arrest. If a warrant is issued for the offender, such person shall be required to appear in mayor's court.

(4) Section 71.20: \$25. If the fine is not paid within 168 hours of the violation, the fine shall be \$50. If not paid within 168 hours of violation, the violator shall be subject to arrest. If a warrant is issued for the offender, such person shall be required to appear in mayor's court.

(B) Any violation of §§ 76.44 or 76.45 shall be punishable by a fine of not more than \$500 or imprisonment of not more than 60 days, or both.

(C) The court shall have the power to accept a plea of guilty as provided in § 76.99(A), or to reject it and hold the case for trial. If the plea is accepted, the penalty deposit shall be paid to the court, and the court shall have no power to remit or suspend it or any part of it.

Section 6. Existing Section 76.99 of the Cheviot Code of Ordinances is hereby repealed.

Section 7. This Ordinance shall be in effect at the earliest time allowed by law.

Mark G. Waters
President of Council

Date passed

Samuel D. Keller
Mayor

Date approved

Attest:

Approved as to form:

Jenny M. Eilermann
Clerk of Council

Kimberlee Erdman Rohr
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

1) _____, 2021, and

2) _____, 2021.

Jenny M. Eilermann
Clerk of Council

