

Rule 17. Parking Violation Appeal Process

17.01 Scope

These rules govern the procedure in an appeal to the Franklin County Municipal Court from any judgment or default judgment of the Parking Violations Bureau of the City of Columbus, (hereafter referred to as the P.V.B.), pursuant to Section 2150.07(D) of the Columbus City Code and Ohio Revised Code Section 4521.08(D).

17.02 Filing the Notice of Appeal

A. Parties

Any person against whom a judgment or default judgment is entered pursuant to Section 2150.07(D) of the Columbus City Code, or the City of Columbus if judgment is entered against the city pursuant to Section 2150.07(D) of the Columbus City Code, may appeal the judgment or default judgment to the Franklin County Municipal Court by filing notices of appeal with the Franklin County Municipal Court, Clerk of Courts, Civil Division pursuant to the rules below.

B. Time of Filing

The appealing party must properly and timely file his or her notice of appeal within fifteen (15) days of the date of entry of the judgment or default judgment and pay all required costs with the Franklin County Municipal Court, Clerk of Courts, Civil Division.

C. Stay of Execution

The filing of the notice of appeal and the posting of bond with the P.V.B. in the amount of the judgment, plus costs, at or before service of the notice of appeal stays enforcement and collection of the judgment or default judgment from which the appeal is taken. The stay shall automatically terminate at journalization of the decision resolving the appeal.

D. Appeal Forms

The appeal must be filed on a form provided by the Franklin County Municipal Court, Clerk of Courts, Civil Division.

17.03 Notice of Hearing

Upon the filing of the notice of appeal, the Franklin County Municipal Court, Clerk of Courts, Civil Division, shall serve notice upon the prosecutor's office and the P.V.B. If the City of Columbus appeals, the defendant shall be notified by regular U.S. Mail at the most current address reflected in the P.V.B. file.

17.04 Assignment of Hearing Date and Time

After the appeal is processed by the Clerk of Court, it shall be assigned a hearing date in accordance with the local rules of the Franklin County Municipal Court. The Clerk of Court shall send notice to the appealing party and the prosecutor's office.

17.05 Magistrates

The magistrates of the Franklin County Municipal Court are empowered to hear and issue decisions for parking violation appeals. An appeal to the Franklin County Municipal Court from any judgment or default judgment of the P.V.B. shall be governed by Rule 7 of the local rules of the Franklin County Municipal Court and Rule 53 of the Ohio Rules of Civil Procedure as it relates to magistrates.

17.06 Hearing Procedure

A. Either party may request a trial de novo

The court shall determine the legal and factual issues that are being appealed. The court may order that (1) evidence be presented solely on the issues being appealed; (2) the matter proceed to a trial de novo; or (3) if there is a legal issue and no factual dispute, that the hearing be limited to addressing the legal issue. If either party to the appeal requests a trial de novo, the court shall grant the request. Neither party is entitled to a trial by jury.

B. Evidence to be admitted at the hearing

At the hearing, the parties may admit any relevant evidence, including, but not limited to, the audio recording of the hearing conducted by the hearing examiner of the P.V.B. of the person appealing the judgment or default judgment.

C. Other hearing procedures

The court shall administer an oath to witnesses. Unless all parties are represented by counsel, the hearing shall be conducted in an informal manner. The rules of evidence shall apply to these proceedings except as otherwise provided by these rules.

D. The right to subpoena witnesses

The parties to the appeal shall have the right to subpoena witnesses. The costs and the rules for the filing of such subpoenas shall be determined by the existing local and civil rules regarding subpoenas in civil matters.

17.07 Post Appeal Procedure

A. No further appeals may be taken

Notwithstanding any other provision of law, the judgment on appeal of the Franklin County Municipal Court is final and no other appeal of the municipal court may be taken.

B. If appealing party succeeds on appeal

If the appealing party succeeded in the appeal, all moneys posted by that party in the instant case shall be returned to him or her.