



Ordinance 2017-22

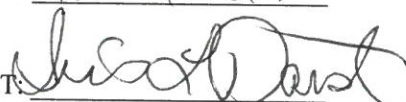
An ordinance allowing for Non Criminal Land Use Infractions

Whereas, the Revised Code of Ohio, **R.C. § 765.02**, allows a municipality to create a "Land Use Infraction" that is a violation of a municipal zoning code

Therefore, be it ordained by the Council for the Village of South Bloomfield, Pickaway County, State of Ohio, that:

- Section 1** The Village of South Bloomfield hereby establishes a Non Criminal Land Use Infraction.
- Section 2** The Village of South Bloomfield shall create a ticket as defined in **R.C. § 765.02 (B)**, (attached)
- Section 3** The Village of South Bloomfield Law Enforcement Officers, as defined in **R.C. § 765.01**, (attached) shall issue tickets in accordance with **R.C. § 765.03** (attached)
- Section 4** Infractions issued under this ordinance shall be referred to the Village of South Bloomfield Mayor's Court for resolution.
- Section 5** This ordinance shall take effect upon passage and remain in full force after the earliest period allowed by law.

PASSED: 11/20/2017

ATTEST: 
CFO

APPROVED BY MAYOR: 

DATE OF APPROVAL: 11-20-17

APPROVED BY ATTORNEY: 
(As to form)

Posted in the following places for 15 days

South Bloomfield municipal building
BP service station
Millport chapel
Scioto estates
W. Main St. Bulletin board

Attachments

765.01 Noncriminal land use infraction definitions.

As used in this chapter:

(A) "Land use infraction" means a violation of any municipal zoning code provisions that regulate parking on private property, a motor vehicle service or repair business in residential districts, or signage and other graphics displays, and any municipal ordinance, resolution, or other regulation dealing with the display of house numbers on buildings.

(B) "Law enforcement officer" means a law enforcement officer as defined in section 2901.01 of the Revised Code, code enforcement officer, building inspector, or other officer authorized to enforce any code, ordinance, resolution, or regulation described in division (A) of this section.

Cite as R.C. § 765.01

Effective Date: 03-30-1999 .

765.02 Noncriminal land use infractions ordinance.

(A) A municipal corporation within the jurisdiction of the environmental division of a municipal court may enact an ordinance stating that specified land use infractions shall not be considered a criminal offense for any purpose if a ticket is issued for the specific land use infraction under Chapter 765. of the Revised Code, that a person who commits any infraction specified on the ticket shall not be arrested as a result of the commission of the infraction, and that ticketed infractions shall be handled pursuant to this chapter. Adoption of an ordinance under this section does not preclude the enforcement of any land use infraction code, ordinance, resolution, or regulation in any manner otherwise provided by law as long as no ticket is issued under this chapter, but instead provides an additional method of enforcing such laws.

(B) Each municipal corporation that enacts an ordinance under this section shall adopt a ticket to be used by its law enforcement officers in all cases in which a person is issued a ticket for committing a land use infraction in its jurisdiction. This ticket shall consist of two parts. The first part shall be notice of the land use infraction charged, and shall include the information specified in division (A) of section 765.03 of the Revised Code. The notice shall specify a reasonable time period within which the infraction must be corrected or a summons and complaint will be served. The first part of the ticket shall also state that if the person corrects the infraction within the specified time period, the ticket will be voided. The second part of the ticket shall be the summons and complaint for purposes of this chapter, to be issued if the infraction is not corrected within the time period specified in the first part of the ticket. The second part of each ticket shall contain provisions that advise the person upon whom it is served that the person must answer in relation to the infraction charged in the ticket and that certain civil penalties may result from a failure to timely answer, indicate that the person will be afforded a hearing if the person denies in the answer that the person committed the infraction, specify the entity to which, the time within which, and the allowable manners in which the answer must be

made, indicate the penalties that may result from failure to timely answer and the fine that arises from the land use infraction, warn that failure to timely answer or to appear at a requested hearing will be considered an admission of the land use infraction, and warn that a default civil judgment potentially may be entered against the person.

Cite as R.C. § 765.02

Effective Date: 03-30-1999 .

765.03 Issuing ticket for land use infraction.

(A) A law enforcement officer who issues a ticket for a land use infraction under this chapter shall complete the ticket by identifying the land use infraction charged and indicating the date, time, and place of the infraction. The officer shall sign the ticket and affirm the facts it contains. If the offender is present, the officer also shall record on the ticket the name of the offender in a space provided on the ticket for identification of the offender, and then shall serve the first part of the ticket in accordance with the service requirements of the Rules of Civil Procedure. If the infraction is not corrected within the time period specified on the first part of the ticket, the law enforcement officer shall serve the second part of the ticket in accordance with the service requirements of the Rules of Civil Procedure.

(B) The original of a ticket issued under this section or any true copy of it shall be considered a record kept in the ordinary course of business of the municipal corporation and of the law enforcement agency whose officer issued it, and shall be prima-facie evidence of the facts it contains.

(C) When a ticket is issued for a land use infraction and is served under this section, the offender whose act or omission resulted in the infraction for which the ticket was issued is liable for the infraction and for any fine or penalty arising out of the infraction under an ordinance enacted by the municipal corporation under division (A) of section 765.02 of the Revised Code.

(D) No person upon whom a ticket charging a land use infraction is served under this section shall be arrested as a result of the commission of the land use infraction.

Cite as R.C. § 765.03

Effective Date: 03-30-1999 .