

**CITY OF ENGLEWOOD  
IN  
MONTGOMERY COUNTY, OHIO**

**ORDINANCE: 15-07**

**PASSED: April 14, 2015**

**AN ORDINANCE: AMENDING THE CITY OF ENGLEWOOD'S PARKING REGULATIONS, CHAPTER 452 OF THE ENGLEWOOD CODIFIED ORDINANCES.**

**WHEREAS**, the City has enacted Chapter 452 of the Codified Ordinances of Englewood as its Parking Code; and

**WHEREAS**, the purpose of the Parking Code is to clearly define the guidelines associated with parking on public roadways and private parking lots; and

**WHEREAS**, the City council has determined that it would be in the best interest of the City to amend the Parking Code in order to better serve the public health, safety, and welfare of the citizens of the City; and

**WHEREAS**, the City has authority as a charter municipality to exercise all powers of local self-government.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, COUNTY OF MONTGOMERY, STATE OF OHIO, AS FOLLOWS:**

**SECTION I**      That Chapter 452, Englewood's Parking Code of the Englewood Codified Ordinances be amended, by the addition of words in **bold** font and the deletion of words ~~struck through~~, to read:

**452.001 DEFINITIONS.**

As used in this chapter:

(a) "Bureau" means the City Parking Violations Bureau, unless specifically identified as another bureau, in which case it means the specifically identified bureau.

(b) "Parking infraction" means a violation of any of the provisions of Sections 452.01, 452.03, 452.04, 452.055, and 452.06 to 452.13.

**452.01 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.**

(a)(1) Upon any highway, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway if it is practicable to stop, park, or so leave such vehicle off the paved or main traveled part of the highway. In every event a clear and unobstructed portion of the highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.

(2) This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

**452.02 POLICE MAY REMOVE ILLEGALLY PARKED VEHICLE.**

(a) Whenever any police officer finds a vehicle standing upon a highway in violation of Ohio R.C. 4511.66 or a substantially equivalent municipal ordinance, such officer may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel, where such vehicles constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety.

**452.03 PROHIBITED STANDING OR PARKING PLACES.**

(a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this title, or while obeying the directions of a police officer or a traffic-control device, in any of the following places:

- (1) On a sidewalk, except as provided in division (b) of this section;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within ten feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within 20 feet of a crosswalk at an intersection;
- (7) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign, or traffic-control device;
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic-control device;
- (9) Within 50 feet of the nearest rail of a railroad crossing;
- (10) Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of the entrance when it is properly posted with signs;
- (11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (12) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;
- (14) At any place where signs prohibit stopping;
- (15) Within one foot of another parked vehicle;
- (16) On the roadway portion of a freeway, expressway, or thruway.

(b) A person shall be permitted, without charge or restriction, to stand or park on a sidewalk a motor-driven cycle or motor scooter that has an engine not larger than 150 cubic centimeters, or a bicycle, provided that the motor-driven cycle, motor scooter, or bicycle

does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of Ohio R.C. 4511.711, or any substantially equivalent municipal ordinance.

(c) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

#### 452.04 MANNER OF PARALLEL AND ANGLE PARKING; HANDICAPPED PERSONS.

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than 12 inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within the Municipality unless an unoccupied roadway width of not less than 25 feet is available for free-moving traffic.

(b) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within 12 inches of the left-hand curb of a one-way roadway.

(c) (1) A. Except as provided in division (c)(1)B. of this section, no vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.

B. The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in this division (c)(2) of this section irrespective of whether or not the space is metered.

(d) Notwithstanding any statute or any rule, regulation, resolution, or ordinance, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the Director of Transportation.

(e) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by all political subdivisions and by the State and all agencies and instrumentalities thereof at all offices and facilities where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether

permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this division and Ohio R.C. 3781.111(C) shall be mounted on a fixed or movable post, and the distance from the ground to the bottom edge of the sign shall measure not less than five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

(f) (1) No person shall stop, stand, or park any motor vehicle at special parking locations provided under division (e) of this section, or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with that division, unless one of the following applies:

A. The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates; or

B. The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

(2) Any motor vehicle that is parked in a special marked parking location in violation of division (f)(1)A. or (f)(1)B. of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the Municipality. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles.

(3) If a person is charged with a violation of division (f)(1)A. or (f)(1)B. of this section, it is an affirmative defense to the charge that the person suffered an injury not more than 72 hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in Ohio R.C. 4503.44(A)(1).

(g) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person, and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(h) No owner of an office, facility, or parking garage where special parking locations are required to be designated in accordance with division (e) of this section shall fail to properly mark the special parking locations in accordance with that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

(i) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(j) As used in this section:

(1) "Handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition.

(2) "Person with a disability that limits or impairs the ability to walk" means any person who, as determined by a physician or chiropractor, meets any of the following criteria:

A. Cannot walk 200 feet without stopping to rest;

B. Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;

C. Is restricted by a lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest;

D. Uses portable oxygen;

E. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association;

F. Is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition;

G. Is blind.

(ORC 4503.44)

(3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under Ohio R.C. 4503.41 or 4503.44, and also mean any substantially equivalent license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty.

(k) Penalty.

(1) Whoever violates division (a) or (c) of this section is guilty of a minor misdemeanor.

(2) A. Whoever violates division (f)(1)A. or B. of this section is guilty of a misdemeanor and shall be punished as provided in division (k)(2)A. and B. of this section. Except as otherwise provided in division (k)(2)A. of this section, an offender who violates division (f)(1)A. or B. of this section shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). An offender who violates division (f)(1)A. or B. of this section shall be fined not more than one hundred dollars (\$100.00) if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

1. At the time of the violation of division (f)(1)A. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were

valid but the offender or the person neglected to display the placard or license plates as described in division (f)(1)A. of this section.

2. At the time of the violation of division (f)(1)B. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in division (f)(1)B. of this section.

B. In no case shall an offender who violates division (f)(1)A. or B. be sentenced to any term of imprisonment.

C. An arrest or conviction for a violation of division (f)(1)A. or B. of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

D. The Clerk of the Court shall pay every fine collected under division (k)(2) of this section to the Municipality. Except as provided in division (k)(2) of this section, the Municipality shall use the fine moneys it receives under division (k)(2) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (e) of this section. The Municipality may use up to 50% of each fine it receives under division (k)(2) of this section to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the Municipality that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

(3) Whoever violates division (h) of this section shall be punished as follows:

A. Except as otherwise provided in division (k)(3) of this section, the offender shall be issued a warning.

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (h) of this section or of a municipal ordinance that is substantially equivalent to that division, the offender shall not be issued a warning but shall be fined not more than twenty-five dollars (\$25.00) for each parking location that is not properly marked or whose markings are not properly maintained.

#### 452.05 WILLFULLY LEAVING VEHICLES ON PRIVATE OR PUBLIC PROPERTY.

(a) No person shall leave any motor vehicle, other than an abandoned junk motor vehicle, as defined in Ohio R.C. 4513.63, on private residential or private agricultural property for more than four hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer, without notification to the Chief of Police of the reasons for leaving the motor vehicle in such place.

(b) No person shall leave a vehicle, other than an abandoned junk motor vehicle, at a repair garage or place of storage for a longer period than that agreed upon by the owner of such garage or place of storage and the owner or person in custody or control of such vehicle.

(c) Divisions (a) and (b) of this section do not apply to any private residential property or private agricultural property that is established as a private tow-away zone in accordance with Section 452.06.

(d) As used in divisions (a) through (c) of this section, "private residential property" means private property on which is located one or more structures that are used as a home, residence, or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence, or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(e) (1) No person shall willfully leave an abandoned junk motor vehicle, as defined in Ohio R.C. 4513.63, on private property for more than 72 hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 48 hours or longer without notification to the Police Chief of the reason for leaving the motor vehicle in such place.

(2) For purposes of this division (e), the fact that a motor vehicle has been so left without permission or notification is *prima facie* evidence of abandonment.

(3) Nothing contained in this section and Ohio R.C. 4513.60, 4513.61 and 4513.63 shall invalidate or prevent the enactment of further provisions of municipal ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property, or private property within the Municipality.

(f) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the Municipality in disposing of such abandoned junk motor vehicle, less any money accruing to the Municipality from such disposal.

#### **452.054 OFF-STREET PARKING IN COMMERCIAL AREAS.**

**(a) Major Commercial Vehicles including semis or semitrailers, as defined by Chapter 1270 of the Englewood Codified Ordinances, shall not be parked or stored outside on properties in commercial or office zoning districts, except as provided below:**

**(1) Major Commercial Vehicles may be parked in designated loading spaces on properties in a commercial or office zoning district. Said parking of major commercial vehicles in the loading spaces shall not exceed a length of time reasonably necessary to load or unload the vehicle**

**(2) Major commercial vehicles may be parked at a fueling station designed to accommodate such vehicles, if the vehicle is actively in the process of refueling or waiting in line for the purpose of refueling.**

**(3) Major commercial vehicles may only be parked or stored in areas designated and approved by the City of Englewood in which a Certificate of Zoning Compliance permit has been issued identifying the location of the designated major commercial vehicle parking area.**

#### **452.055 PARKING PROHIBITIONS ON PRIVATE PROPERTY; PRIVATE TOW-AWAY ZONES.**

**(a) If an owner of private property posts on the property in a conspicuous manner a prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:**

**(1) Park a vehicle on the property without the owner's consent;**

**(2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.**

**(b) Whoever violates division (a) of this section is guilty of a minor misdemeanor.**

(ORC 4511.681)

(c) (1) The owner of private property may establish a private tow-away zone only if all of the following conditions are satisfied:

A. The owner posts on the owner's property a sign that is at least 18 inches by 24 inches in size, that is visible from all entrances to the property, and that contains at least all of the following information:

1. A notice that the property is a private tow-away zone and that vehicles not authorized to park on the property will be towed away;

2. The telephone number of the person from whom a towed-away vehicle can be recovered, and the address of the place to which the vehicle will be taken and the place from which it may be recovered;

3. A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge, in an amount not to exceed ninety dollars (\$90.00), and a storage charge, in an amount not to exceed twelve dollars (\$12.00) per 24-hour period; except that the charge for towing shall not exceed one hundred fifty dollars (\$150.00), and the storage charge shall not exceed twenty dollars (\$20.00) per 24-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer.

B. The place to which the towed vehicle is taken and from which it may be recovered is conveniently located, is well lighted, and is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipality in which the private tow-away zone is located.

(2) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (c)(1) without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner or the owner's agent may remove, or cause the removal of, the vehicle, the owner and the operator of the vehicle shall be deemed to have consented to the removal and storage of the vehicle and to the payment of the towing and storage charges specified in division (c)(1)A.3. of this section, and the owner, subject to division (d) of this section, may recover a vehicle that has been so removed only in accordance with division (f) of this section.

(3) If the Municipality requires tow trucks and tow truck operators to be licensed, no owner of private property located within the Municipality shall remove or shall cause the removal and storage of any vehicle pursuant to division (c)(2) of this section by an unlicensed tow truck or unlicensed tow truck operator.

(4) Divisions (c)(1) through (3) of this section do not affect or limit the operation of Ohio R.C. 4513.60 through 4513.65 as they relate to property other than private property that is established as a private tow-away zone under division (c)(1) of this section.

(d) If the owner or operator of a vehicle that has been ordered into storage pursuant to Ohio R.C. 4513.60(A) or of a vehicle that is being removed under authority of division (c)(2) of this section arrives after the vehicle has been prepared for removal but prior to its actual removal from the property, the owner or operator shall be given the opportunity to pay a fee of not more than one-half of the charge for the removal of vehicles under Ohio R.C. 4513.60(A) or of vehicles under division (c)(2) of this section, whichever is applicable, that normally is assessed by the person who has prepared the vehicle for

removal, in order to obtain release of the vehicle. Upon payment of that fee, the vehicle shall be released to the owner or operator, and upon its release, the owner or operator immediately shall move it so that:

(1) If the motor vehicle was ordered into storage pursuant to Ohio R.C. 4513.60(A), it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable;

(2) If the vehicle was being removed under authority of division (c)(2) of this section, it is not parked on the private property established as a private tow-away zone without the consent of the owner or in violation of any posted parking condition or regulation.

(e) (1) If an owner of private property that is established as a private tow-away zone in accordance with division (c)(1) of this section or the authorized agent of such an owner removes or causes the removal of a vehicle from that property under authority of division (c)(2) of this section, the owner or agent promptly shall notify the Police Department of the removal, the vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered.

(2) The Police Chief shall maintain a record of vehicles that the Police Chief orders into storage pursuant to Ohio R.C. 4513.60(A) and of vehicles removed from private property in the Police Chief's jurisdiction that is established as a private tow-away zone of which the Police Chief has received notice under division (e)(1) of this section. The record shall include an entry for each such vehicle that identifies the vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a particular vehicle shall be provided to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the vehicle and requests information pertaining to its location.

(3) Any person who registers a complaint that is the basis of the Police Chief's order for the removal and storage of a vehicle under Ohio R.C. 4513.60(A) shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(f) The owner of a vehicle that is ordered into storage pursuant to Ohio R.C. 4513.60(A) or of a vehicle that is removed under authority of division (c)(2) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed ninety dollars (\$90.00), and storage, in an amount not to exceed twelve dollars (\$12.00) per 24-hour period; except that the charge for towing shall not exceed one hundred fifty dollars (\$150.00), and the storage charge shall not exceed twenty dollars (\$20.00) per 24-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle also shall be required for reclamation of the vehicle. If a vehicle that is ordered into storage pursuant to Ohio R.C. 4513.60(A) remains unclaimed

by the owner for 30 days, the procedures established by Ohio R.C. 4513.61 and 4513.62 shall apply.

(g) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under division (c)(1) of this section other than in accordance with division (c)(2) of this section, and no person shall remove, or cause the removal of, any motor vehicle from any other private property other than in accordance with Ohio R.C. 4513.60 through 4513.65.

(h) Whoever violates division (c)(3) or (g) of this section is guilty of a minor misdemeanor.

#### 452.06 UNATTENDED VEHICLES; DUTY TO LOCK IGNITION, REMOVE KEY, SET BRAKE, ETC.

(a) (1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

(2) The requirements of this section relating to the stopping of the engine, locking of the ignition, and removing the key from the ignition of a motor vehicle shall not apply to an emergency vehicle or a public safety vehicle.

(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

#### 452.07 OPENING DOORS ON SIDE AVAILABLE TO TRAFFIC.

(a) No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.70)

#### 452.08 SELLING, WASHING OR REPAIRING VEHICLE UPON ROADWAY.

No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:

(a) Displaying such vehicle for sale; or

(b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

#### 452.09 TRUCK LOADING ZONES.

No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a truck loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

#### 452.10 BUS STOPS AND TAXICAB STANDS.

(a) No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately posted, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone, and then only for a period not to exceed three minutes, if such stopping is not prohibited therein by posted signs.

(b) No operator of a bus shall stop, stand or park such vehicle upon any street or other public way at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated and posted as such, except in case of an emergency.

(c) No operator of a bus shall fail to enter a bus stop on a street or other public way in such a manner that the bus when stopped to load or unload passengers or baggage is in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) No operator of a taxicab shall stand or park such vehicle upon any street or other public way at any place other than in a taxicab stand so designated and posted as such. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers.

#### 452.11 PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.

(a) No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic control signal.

(b) Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed 30 minutes.

#### 452.12 FIRE LANES.

(a) The Director of Police, after written notification to the Fire Chief, shall designate and mark fire lanes on private property devoted to public use located in the City of Englewood.

(b) No person shall park in or otherwise obstruct designated and marked fire lanes located in the City.

(c) Any motor vehicle obstructing a fire lane as provided in this section may be impounded by a police officer of the City, with the cost of towing and storage assessed against the violator. If the identity of the driver cannot be determined, the owner or the person in whose name such motor vehicle is registered shall be held *prima facie* responsible for such violation and such towing and storage.

### **452.13 PARKING OF COMMERCIAL AND HEAVY VEHICLES.**

No person shall stand or park a truck over 5,000 pounds, a trailer, or any vehicle over eight feet in width, 22 feet in length or seven feet in height, except when necessary to avoid conflict with other traffic or while obeying the direction of a police officer, for a period of more than two hours on any street in the City.

### **452.14 REGISTERED OWNER PRIMA FACIE LIABLE FOR UNLAWFUL PARKING.**

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the record of the Ohio Registrar of Motor Vehicles shows that the license plate was issued to the defendant, shall be *prima facie* evidence that the vehicle which was unlawfully parked, was so parked by the defendant. A certified registration copy, showing such fact, from the Registrar shall be proof of such ownership.

### **452.15 FINES; WAIVER.**

(a) Any person charged with a violation of any provision of this chapter for which payment of a prescribed fine may be made, may pay such sum in the manner prescribed on the issued traffic ticket. Such payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgment of conviction of the alleged offense and may be accepted in full satisfaction of the prescribed penalty for such alleged violation. Payment of the prescribed fine need not be accepted when laws prescribe that a certain number of such offenses shall require court appearance.

(Ord. 72-35. Passed 11-14-72.)

(b) Whoever violates a parking provision, other than a handicapped parking violation (452.04(e)), or a fire lane violation (Section 452.12, of this Traffic Code, shall be fined fifteen dollars (\$15.00) if paid within 72 hours of the violation, or twenty dollars (\$20.00) if paid after the 72-hour period.

(c) Whoever violates Section 452.04(e) or Section 452.12 of this Traffic Code shall be fined twenty-five dollars (\$25.00) if paid within 72 hours of the violation, or thirty dollars (\$30.00) if paid after the 72-hour period.

### **452.16 VIOLATION OF PARKING ORDINANCES NOT A CRIMINAL OFFENSE.**

The commission of a parking infraction, as defined in this chapter, within the City, shall not be considered a criminal offense for any purpose. No person upon whom a parking ticket charging a parking infraction is personally or constructively served shall be arrested as a result of the commission of the parking infraction, and such violation shall be handled pursuant to and governed by Ohio R.C. Chapter 4521.

### **452.17 IMPOUNDMENT AND IMMOBILIZATION.**

(a) A vehicle involved in five or more parking infractions in which judgments or default judgments have been filed with the Clerk of the Vandalia Municipal Court pursuant to Ohio R.C. 4521.08 is subject to impoundment or immobilization by law enforcement officers of the City or their agents. Impoundment or immobilization is permitted without regard to whether the vehicle, at the time of impoundment or immobilization, is legally parked. The owner of a vehicle impounded pursuant to this section shall be liable for towing and storage charges.

(b) A vehicle impounded or immobilized pursuant to division (a) of this section shall be released to the owner upon the owner presenting a valid certificate of title for the vehicle to

the Violations Clerk of the Parking Violations Bureau, and upon the owner either paying the fines, penalties and costs due on the parking infractions issued or outstanding, plus storage fees and towing fees, or paying the judgments or default judgments which led to the impoundment or immobilization, plus storage fees and towing fees, or posting a bond equal to the amount of the fines, penalties, fees and costs. In no case, however, shall the owner of a vehicle impounded or immobilized pursuant to this chapter be required to post a bond in excess of one thousand dollars (\$1,000.00) to obtain release of the vehicle.

(c) Notwithstanding divisions (a) and (b) of this section, a vehicle may be impounded pursuant to Section 404.05 of this Traffic Code.

**452.18 ANSWER TO CHARGE.**

A person who is personally or constructively served with a parking ticket charging the commission of a parking infraction may answer the charge by appearing personally before the Violations Clerk of the Parking Violations Bureau or by telephone or mail to the Clerk. An answer shall be made within ten days from the date of the infraction and shall be in one of the following forms:

(a) An admission that the person committed the parking infraction, by payment of any fine arising out of the parking infraction;

(b) An admission that the person committed the parking infraction, with an explanation of the circumstances surrounding the parking infraction; or

(c) 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 such officer's presence in his or her answer.

**452.19 PARKING TICKET.**

The following parking ticket form is hereby adopted to be used by law enforcement officers in all cases in which a person is charged with a parking infraction within the City:

(Front)

MUNICIPALITY OF ENGLEWOOD, OHIO - PARKING INFRACTION NOTICE  
Offender-Name

---

License No.   License Year   Vehicle Type   State   Make or Model

---

Parking Infraction

---

Date of Violation   Time of Violation   Place of Violation

---

The below signed officer affirms the facts contained in this parking infraction.

---

Ptl.

(Back)

The owner-operator of the vehicle designated has been charged with a parking infraction. You must, within ten days, answer this infraction by admitting the parking infraction, admitting the parking infraction with an explanation of the circumstances or denying the parking infraction and requesting a hearing.

Answers may be made in person, by mail or by phone to the Violations Clerk, Parking Violations Bureau, Englewood Government Center, 333 West National Road, Englewood, Ohio 45322.

Failure to answer within ten days or to appear at a requested hearing will be considered an admission of this parking infraction, and may result in a default judgment against you and impoundment or immobilization of the designated vehicle, and penalties prescribed by ordinance.

#### 452.20 PARKING INFRACTION FINES.

The fines for all parking infractions are hereby established as provided in Section 452.15.

#### 452.99 PENALTY.

*(Editor's note: See Sections 408.01 and 408.02 for general Traffic Code penalty if no specific penalty is provided.)*

<b>SECTION II</b>	All provisions of Chapter 452 not specifically amended herein shall remain the same.
<b>SECTION III</b>	It is hereby found and determined that all formal actions of this City Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.
<b>SECTION IV</b>	That this Ordinance shall be in full force and effect at the earliest date allowed by law.

**PASSED THIS 14th DAY OF April, 2015.**

Patricia Burnside  
PATRICIA BURNSIDE, MAYOR

ATTEST:

Kerry Norman  
KERRY NORMAN, CLERK OF COUNCIL

## C E R T I F I C A T E

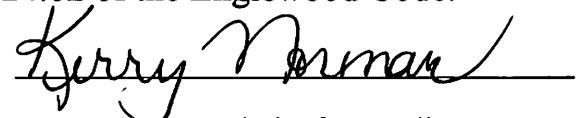
**I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio, do hereby certify the foregoing is a true and correct copy from the *Record of Proceedings* of said City. WITNESS my signature this 14th day of April, 2015.**



Kerry Norman, Clerk of Council

## CERTIFICATE OF POSTING

**I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio, do hereby certify publication of the foregoing ORDINANCE was made as designated by Sections 224.01 and 24.02 of the Englewood Code.**



Kerry Norman, Clerk of Council