

**CITY OF ENGLEWOOD**

**IN**

**MONTGOMERY COUNTY, OHIO**

**ORDINANCE: 23-10**

**PASSED: November 14, 2023**

**AN ORDINANCE: AMENDING “PART FOUR – TRAFFIC CODE” OF THE ENGLEWOOD CODIFIED ORDINANCES BY REPEALING SECTION 404.08, CHAPTER 410 AND CHAPTER 452, AND ENACTING A NEW CHAPTER 452 (“PARKING GENERALLY”).**

**WHEREAS**, the City has enacted Section 404.08 of the Codified Ordinances of the City of Englewood, Ohio establishing the position of Parking and Traffic Enforcement Aides; and

**WHEREAS**, the City has enacted Chapter 410 of the Codified Ordinances of the City of Englewood, Ohio establishing a Parking Violations Bureau pursuant to Ohio R.C. 4521.04; and

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

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

**WHEREAS**, the Director of Police has recommended that it would be in the best interest of the City to repeal Section 404.08 and Chapters 410 and 452 in its entirety; and

**WHEREAS**, the Director of Police and City Manager have recommended, and City Council has determined that it would be in the best interest of the City to adopt a new Chapter 452 and 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, MONTGOMERY COUNTY, OHIO AS FOLLOWS:**

**SECTION I**            That Section 404.08 (Parking and Traffic Enforcement Aides) of the Codified Ordinances of the City of Englewood, Ohio is hereby repealed.

**SECTION II**            That Chapter 410 (Parking Violations Bureau) of the Codified Ordinances of the City of Englewood, Ohio is hereby repealed.

**SECTION III**          That current Chapter 452 (Parking Generally) of the Codified Ordinances of the City of Englewood, Ohio is hereby repealed and replaced with the following Chapter 452 (Parking Generally):

CHAPTER 452 - Parking Generally

452.00 Definitions.

452.01 Prohibition against parking on streets or highways.

452.02 Police may remove illegally parked vehicle.

452.03 Prohibited standing or parking places.

452.04 Manner of parallel and angle parking; persons with a disability.

452.05 Storing vehicles in possession of law enforcement or left on public property.

452.06 Parking prohibitions on private property; private tow-away zones.

452.07 Off-street parking in commercial areas.

452.08 Unattended vehicles; duty to lock ignition, remove key, set brake, etc.

452.09 Opening door into moving traffic.

452.10 Selling, washing or repairing vehicle upon roadway.

452.11 Fire lanes.

452.12 Bus stops and taxicab stands.

452.13 Parking in alleys and narrow streets; exceptions.

452.14 Parking of recreational and commercial vehicles.

452.15 Registered owner prima facie liable for unlawful parking.

452.16 Fines; waiver.

452.17 Violation of parking ordinances not a criminal offense.

452.18 Impoundment and immobilization.

452.99 Penalty.

#### CROSS REFERENCES

See section histories for similar Ohio state law.

Division of Traffic Engineering and Safety - see TRAF. 406.01

Parking defined - see TRAF. 402.23

Stop defined - see TRAF. 402.41

Stopping and standing defined - see TRAF. 402.43

Police may remove ignition key from unattended vehicle - see TRAF. 444.02

Impounding of vehicles; redemption - see TRAF. 404.05

Parking near emergency or safety vehicles - see TRAF. 432.25

Lights on parked or stopped vehicles - see TRAF. 438.09

Parking of bicycles; locks - see TRAF. 474.08

Storage of junk vehicles - see GEN. OFF. 660.07

#### 452.00 DEFINITIONS.

As used in this chapter:

- (a) “Chief of Police” or “Police Chief” means the Director of Police, as established in Chapter 240 of these Codified Ordinances.

#### 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) Penalty. 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 4511.66)

#### 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 similar 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.

(ORC 4511.67)

#### 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 and/or parking;

(15) Within one foot of another parked vehicle;

(16) On the roadway portion of a freeway, expressway, or thruway;

(4511.68(A))

(17) In such temporary non-parking areas as may be occasioned by public improvement, traffic conditions or other emergencies, when so designated and posted by the Chief of Police, provided that such temporary non-parking areas do not exist for longer than 90 days.

(b) A person is 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, a low-speed

micromobility device, or a bicycle or electric bicycle, provided that the motor-driven cycle, motor scooter, low-speed micromobility device, bicycle, or electric bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of R.C. § 4511.711, or any substantially equivalent municipal ordinance.

(c) Penalty. 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 4511.68(B), (C))

#### 452.04 MANNER OF PARALLEL AND ANGLE PARKING; PERSONS WITH A DISABILITY

(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) Accessible 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) A. No person shall stop, stand, or park any motor vehicle at accessible 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:

1. 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 accessible license plates; or

2. The motor vehicle is being operated by or for the transport of a person with a disability and is displaying a parking card or accessible license plates.

B. Any motor vehicle that is parked in an accessible marked parking location in violation of division (f)(1)A.1. or (f)(1)A.2. 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.

C. If a person is charged with a violation of division (f)(1)A.1. or (f)(1)A.2. 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).

(2) No person shall stop, stand, or park any motor vehicle in an area that is commonly known as an access aisle, which area is marked by diagonal stripes and is located immediately adjacent to a special parking location provided under division (e) of this section or at a special clearly marked parking location provided in or on a privately owned parking lot, parking garage, or other parking area and designated in accordance with that division.

(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 accessible license plates, or when a motor vehicle is being operated by or for the transport of a person with a disability and is displaying a parking card or accessible 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 accessible license plates if the parking card or accessible license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(j) 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.1. or (f)(1)A.2. of this section is guilty of a misdemeanor and shall be punished as provided in division (j)(2)A. and B. of this section. Except as otherwise provided in division (j)(2)A. of this section, an offender who violates division (f)(1)A.1. or (f)(1)A.2. 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.1. or (f)(1)A.2. 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.1. 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 accessible 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.1. of this section.



2. At the time of the violation of division (f)(1)A.2. 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 accessible 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)A.2. of this section.

B. In no case shall an offender who violates division (f)(1)A.1. or (f)(1)A.2. be sentenced to any term of imprisonment.

C. An arrest or conviction for a violation of division (f)(1)A.1. or (f)(1)A.2. 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 divisions (j)(2) and (j)(3) of this section to the Municipality. Except as provided in division (j)(2) of this section, the Municipality shall use the fine moneys it receives under divisions (j)(2) and (j)(3) 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 divisions (j)(2) and (j)(3) 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 (f)(2) of this section shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). In no case shall an offender who violates division (f)(2) of this section be sentenced to any term of imprisonment. An arrest or conviction for a violation of division (f)(2) 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.

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

A. Except as otherwise provided in division (j)(4) 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 similar 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.

(k) As used in this section:

(1) "Person with a disability" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by permanent cardiovascular, pulmonary, or other disabling condition.

(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in Ohio R.C. 4503.44.

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

(ORC 4511.69)

#### 452.05 STORING VEHICLES IN POSSESSION OF LAW ENFORCEMENT OR LEFT ON PUBLIC PROPERTY.

(a) The Chief of Police or City of Englewood Police Officers, within the Chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the Chief of Police or a City of Englewood Police Officer of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that:

(1) Has come into the possession of the Chief of Police, a City of Englewood Police Officer, or state highway patrol trooper as a result of the performance of the Chief's, Police Officer's or trooper's duties; or

(2) Has been left 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 or an Englewood Police Officer of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:

A. The vehicle was involved in an accident and is subject to Ohio R.C. 4513.66, or any substantially equivalent municipal ordinance;

B. The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the Chief of Police, a City of Englewood Police Officer, or state highway patrol trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the Chief of Police, a City of Englewood Police Officer, or state highway patrol trooper. If the Chief of Police, a City of Englewood Police Officer, or state highway patrol trooper determines that the vehicle cannot be removed within the specified period

of time, the Chief of Police, a City of Englewood Police Officer, or state highway patrol trooper shall order the removal of the vehicle.

(3) Subject to division (c) of this section, the Chief of Police or a City of Englewood Police Officer shall designate the place of storage of any motor vehicle so ordered removed.

(b) If the Chief of Police, a City of Englewood Police Officer, or a state highway patrol trooper issues an order under division (a) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the Chief of Police or a City of Englewood Police Officer not more than two hours after the time it is removed.

(c) (1) The Chief of Police or a City of Englewood Police Officer shall cause a search to be made of the records of an applicable entity listed in R.C. § 4513.601(F)(1) to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the Chief of Police, a City of Englewood Police Officer, or by a state highway patrol trooper within five business days of the removal of the vehicle. Upon obtaining such identity, the Chief of Police or City of Englewood Police Officer shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of the sending of the notice.

(2) A. The owner or lienholder of the motor vehicle may reclaim the motor vehicle upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under Ohio R.C. 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:

1. Retrieve any by the personal item that has been determined Chief of Police, a City of Englewood Police Officer, or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation;

2. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

B. For purposes of division (c)(2) of this section, “personal items” do not include any items that are attached to the vehicle.

(3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of \$25, in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(d) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of sending the notice, and if the vehicle is to be disposed of at public auction as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the Chief of Police or a City of Englewood Police Officer, without charge to any party, shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Chief of Police or a City of Englewood Police Officer. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the Chief of Police or a City of Englewood Police Officer shall execute in triplicate an affidavit, as prescribed by the Registrar of Motor Vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The Chief of Police or a City of Englewood Police Officer shall retain the original of the affidavit for the Englewood Police Department records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within 30 days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.

(e) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer’s or facility’s own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.

(f) No towing service or storage facility shall fail to comply with this section.

(ORC 4513.61)

(g) Abandonment of Junk Motor Vehicle Prohibited.

(1) A. 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 Chief of Police or a City of Englewood Police Officer of the reason for leaving the motor vehicle in such place.

B. For purposes of this division (g)(1), the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

C. 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.

(2) 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.

(ORC 4513.64)

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

(a) (1) Upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. When ordering a motor vehicle into storage pursuant to this division, the Chief of Police may arrange for the removal of the motor vehicle by a towing service and shall designate a storage facility.

(2) A towing service towing a motor vehicle under division (a)(1) of this section shall remove the motor vehicle in accordance with that division. The towing service shall deliver the motor vehicle to the location designated by the Chief of Police not more than two hours after the time it is removed from the private property, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(3) Subject to division (b) of this section, the owner of a motor vehicle that has been removed pursuant to this division may recover the vehicle only in accordance with division (d) of this section.

(4) As used in 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. The phrase 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.

(b) (1) If the owner or operator of a motor vehicle that has been ordered into storage pursuant to division (a)(1) of this section arrives after the motor vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the motor vehicle established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25, in order to obtain release of the motor vehicle. However, if the vehicle is within a municipal corporation and the municipal corporation has established a vehicle removal fee, the towing service shall give the owner or operator oral or written notification that the owner or operator may pay not more than one-half of that fee to obtain release of the motor vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction.

(2) Upon payment of the applicable fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the motor vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move it so that 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.

(c) (1) The Chief of Police shall maintain a record of motor vehicles that the police department orders into storage pursuant to division (a)(1) of this section. The record shall include an entry for each such motor vehicle that identifies the motor 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. The Chief of Police shall provide any information in the record that pertains to a particular motor vehicle to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(2) Any person who registers a complaint that is the basis of the police department's order for the removal and storage of a motor vehicle under division (a)(1) of this section 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.

(d) (1) The owner or lienholder of a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section may reclaim it upon both of the following:

A. Payment of all applicable fees established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 or, if the vehicle was towed within a municipal corporation that has established fees for vehicle removal and storage, payment of all applicable fees established by the municipal corporation.

B. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.

(2) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under Ohio R.C. 4513.611.

(3) Upon presentation of proof of ownership as required under division (d)(1)B. of this section, the owner of a motor vehicle that is ordered into storage under division (a)(1) of this section may retrieve any personal items from the motor vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under Ohio R.C. 4513.69(B)(3), if applicable. The owner of a motor vehicle shall not do either of the following:

A. Retrieve any personal item that has been determined by the Chief of Police, as applicable, to be necessary to a criminal investigation;

B. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

(4) For purposes of division (d)(3) of this section, "personal items" do not include any items that are attached to the motor vehicle.

(5) If a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section remains unclaimed by the owner for 30 days, the procedures established by Ohio R.C. 4513.61 and 4513.62 apply.

(e) (1) No person shall remove, or cause the removal of, any motor vehicle from any private residential or private agricultural property other than in accordance with division (a)(1) of this section or Ohio R.C. 4513.61 to 4513.65.

(2) No towing service or storage facility shall fail to comply with the requirements of this section.

(f) This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with division (h) of this section or Ohio R.C. 4513.601.

(g) Whoever violates division (e) of this section is guilty of a minor misdemeanor.

(ORC 4513.60)

(h) Private Tow-away Zones.

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

A. The owner of the private property posts on the 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 includes all of the following information:

1. A statement that the property is a tow-away zone;
2. A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located or the name of the business that is located on the property designated as a private tow-away zone.
3. If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;
4. The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;
5. A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in Ohio R.C. 4505.101(B).
6. In order to comply with the requirements of division (h)(1)A. of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

B. A towing service ensures that a vehicle towed under this division (h) is taken to a location from which it may be recovered that complies with all of the following:

1. It is located within 25 linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within 25 linear miles.
2. It is well-lighted.



3. It 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 municipal corporation or township in which the private tow-away zone is located.

(2) A. If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (h)(1) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this division (h). The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in Ohio R.C. 4505.101. The owner or lienholder of a vehicle that has been removed under this division (h), subject to division (h)(3) of this section, may recover the vehicle in accordance with division (h)(7) of this section.

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

C. No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.

(3) If the owner or operator of a vehicle that is being removed under authority of division (h)(2) of this section arrives after the vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

(4) A. Prior to towing a vehicle under division (h)(2) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under division (h)(1) of this section. The towing service shall record the time and date of the photographs taken under this division (h). The towing service shall retain the photographs and the record of the

time and date, in electronic or printed form, for at least 30 days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.

B A towing service shall deliver a vehicle towed under division (h)(2) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(5) A. If an owner of a private property that is established as a private tow-away zone in accordance with division (h)(1) of this section causes the removal of a vehicle from that property by a towing service under division (h)(2) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the Police Department concerning all of the following:

1. The vehicle's license number, make, model, and color;
2. The location from which the vehicle was removed;
3. The date and time the vehicle was removed;
4. The telephone number of the person from whom the vehicle may be recovered;
5. The address of the place from which the vehicle may be recovered.

B. The Chief of Police shall maintain a record of any vehicle 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 this division (h). The record shall include all information submitted by the towing service. The Police Chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.

(6) A. When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of either of the following to ascertain the identity of the owner and any lienholder of the vehicle:

1. The records of the Bureau of Motor Vehicles;
2. The records of any vendor or vendors, approved by the Registrar of Motor Vehicles, that are capable of providing real-time access to owner and lienholder information.

B. The towing service or storage facility may search the National Motor Vehicle Title Information System in order to determine the state in which the vehicle is titled. The entity that provides the record of the owner and any lienholder under this division shall ensure that such information is provided in a timely manner.

C. Subject to division (h)(6)F. of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:

1. Within five business days after the applicable entity provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;

2. If the vehicle remains unclaimed 30 days after the first notice is sent, in the manner required under division (h)(6)C.1. of this section.

D. Sixty days after any notice sent pursuant to division (h)(6)C. of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under R.C. § 4505.101(B), may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.

E. A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under R.C. § 4505.101(B).

F. With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under R.C. § 4505.101, the towing service or storage facility need only comply with the initial notice required under division (h)(6)C.1. of this section.

(7) A. The owner or lienholder of a vehicle that is removed under division (h)(2) of this section may reclaim it upon both of the following:

1. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement;

2. Payment of the following fees:

- a. All applicable fees established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing

service or storage facility prior to the date the lienholder received the notice sent under division (h)(6)A.1. of this section;

b. If notice has been sent to the owner and lienholder as described in division (h)(6) of this section, a processing fee of \$25.

B. A towing service or storage facility in possession of a vehicle that is removed under authority of division (h)(2) of this section shall show the vehicle owner, operator, or lienholder who contests the removal of the vehicle all photographs taken under division (h)(4) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

C. When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under Ohio R.C. 4513.611.

D. Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement, the owner of a vehicle that is removed under authority of division (h)(2) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of division (h)(7)D. of this section, "personal items" do not include any items that are attached to the vehicle.

(8) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under this division (h) or store such a vehicle other than in accordance with this division (h), or otherwise fail to comply with any applicable requirement of this division (h).

(9) This section does not affect or limit the operation of divisions (a) through (g) of this section, Ohio R.C. 4513.60 or Ohio R.C. 4513.61 to 4613.65 as they relate to property other than private property that is established as a private tow-away zone under division (h)(1) of this section.

(10) Whoever violates division (h)(8) of this section is guilty of a minor misdemeanor.

(11) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:

A. Any person who holds title to the property;

B. Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;

C. A person who is authorized to manage the property;

D. A duly authorized agent of any person listed in divisions (h)(11)A. to (h)(11)C. of this section.

(ORC 4513.601)

(i) 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.

(j) Whoever violates division (i) of this section is guilty of a minor misdemeanor.

(ORC 4511.681)

#### 452.07 OFF-STREET PARKING IN COMMERCIAL AREAS.

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:

(a) 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.

(b) 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.

(c) 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.

#### 452.08 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.

(ORC 4511.661)

#### 452.09 OPENING DOOR INTO MOVING 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)

#### 452.10 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.

#### 452.11 FIRE LANES.

(a) The Fire Chief or his/her designee shall designate and properly mark necessary fire lanes on both public and private property open to public use located in the City of Englewood.

(b) No person shall stand or park any vehicle, or otherwise obstruct access for any public safety vehicles or personnel, in designated and marked fire lanes located in the City.

(c) Any 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 vehicle's operator 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.

#### 452.12 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.

#### 452.13 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.

#### 452.14 PARKING OF RECREATIONAL AND COMMERCIAL VEHICLES.

(a) Definitions. As used in this section:

(1) "Commercial vehicle" means any vehicle or trailer, with or without motive power, designed or used primarily for carrying merchandise, freight, professional materials and/or equipment, or used as a commercial tractor or motor bus.

(2) "Recreational vehicle" means any vehicle or trailer, with or without motive power, designed or intended principally for recreational use, including, but not limited to, travel trailers, campers, mobile homes, motor homes, truck campers, boats, dirt bikes, wet bikes, snowmobiles, all-terrain vehicles, utility trailers and/or trailers designed to carry any vehicle listed in this paragraph.

(b) Prohibitions.

(1) Commercial vehicles and recreational vehicles are not permitted to be parked or stored on any public street in the city.

(c) Exceptions.

(1) Commercial vehicles with motive power registered and licensed for operation on public thoroughfares, and not exceeding 22 feet in total overall length, or eight feet in width, or eight feet in height, may stand or park on a public street for period not to exceed three hours in a 24-hour period.

(2) Residents who rent or lease a commercial moving vehicle with a gross vehicle weight of less than 26,001 pounds, for the purpose of moving their personal or household goods, may park the vehicle at the curb in front of their residence for up to 12 hours (in a 24-hour period) for the purpose of loading and unloading.

(3) Recreational vehicles registered and licensed for road use may be parked at the curb in front of the residence of the owner of such recreational vehicle for the purpose of loading and unloading for a period not to exceed six consecutive hours in a 24-hour period.

(d) Penalty. Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.



#### 452.15 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.

#### 452.16 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.

(b) Except as otherwise provided in this division, the fine for a violation of any of the provisions of this chapter shall be forty dollars (\$40.00) if paid within ten days, but later than seventy-two hours, from the date of the issuance of the traffic ticket. If the traffic ticket is paid within seventy-two hours of the time and date of issuance, the fine shall be thirty dollars (\$30.00).

#### 452.17 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.

#### 452.18 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 police 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 police department, 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.

452.99 PENALTY.

(EDITOR'S NOTE: See Sections 408.01 and 408.02 for general Traffic Code penalty if no specific penalty is provided.)

**SECTION IV** It is hereby found and determined that all formal actions of this 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 of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION V** That this Ordinance shall be in full force and effect at the earliest date allowed by law.

**PASSED this 14th day of November, 2023.**

  
Thomas Franz, Mayor

**ATTEST:**

  
Marla Goodrich, Clerk of Council

## CERTIFICATE

I, Marla Goodrich, 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 November, 2023.

  
\_\_\_\_\_  
Marla Goodrich, Clerk of Council

## CERTIFICATE OF POSTING

I, Marla Goodrich, 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.

  
\_\_\_\_\_  
Marla Goodrich, Clerk of Council