

**CITY OF XENIA, OHIO
ORDINANCE 2018 – 31**

**AMENDING CHAPTER 238 AND SECTION 298.01(b) AND ENACTING SECTIONS 284.01,
284.02 AND 284.03 OF THE ADMINISTRATION CODE, AND AMENDING CHAPTERS
450, 452, AND 454, AND REPEALING CHAPTER 410 OF THE TRAFFIC CODE, AS
CONTAINED IN THE CODIFIED ORDINANCES OF THE CITY OF XENIA, OHIO**

WHEREAS, Article VIII of the City’s Charter authorizes this Council to create, as it deems proper, Boards and Commissions to assist the Council by acting as advisory committees to the Council;

WHEREAS, in 1985, the Council created the City’s Traffic Commission, to assist and advise the Council on traffic matters within the City;

WHEREAS, Title Eight of the City’s Administration Code contains provisions regarding the establishment, powers and duties of the City’s various Boards and Commissions, and contains Chapter 284., titled “Traffic Commission,” which currently contains no sections, needs to be amended to outline the powers and duties of the City’s Traffic Commission;

WHEREAS, the provisions of Chapter 238., titled “Department of Public Safety,” last date to the 1960s and 1970s and need to be updated to reflect the duties and functions of the Department and its employees in today’s environment;

WHEREAS, Ohio Revised Code Section 737.022 grants this Council the authority to authorize the Director of Public Safety to make and issue rules and regulations concerning parking and other traffic matters;

WHEREAS, Chapter 4521 of the Ohio Revised Code authorizes this Council to create noncriminal parking violations and establish a Parking Violations Bureau to administer and enforce those violations;

WHEREAS, this Council, by Resolution 2018-W, passed on August 9, 2018, requested the Xenia Municipal Court to establish a Parking Violations Bureau, as required by the Ohio Revised Code, and the Xenia Municipal Court has authorized the establishment of said Bureau; and

WHEREAS, this Council finds it to be in the best interests of the health, safety and welfare of the City and its inhabitants to amend Chapter 238 and Section 298.01(b), enact Sections in Chapter 284 of the City’s Administration Code, amend Chapters 450, 452, and 454, and repeal Chapter 410 of the City’s Traffic Code.

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least four (4) members of the City Council concurring, that:

Section 1. Chapter 238. of the City’s Administration Code, titled “Department of Public Safety,” is hereby amended, and Section 238.07 is hereby enacted, as shown in the attached Exhibit A.

Section 2. Section 298.01(b) of the City’s Administration Code, titled “Fees from Part Four – Traffic Code,” is hereby amended as shown in the Attached Exhibit B.

Section 3. Sections 284.01, 284.02 and 284.03 are hereby enacted, to be added to Part Two, “Administration Code,” Title Eight, “Boards, Commissions and Committees,” Chapter 284., “Traffic Commission,” as shown in the attached Exhibit C.

Section 4. Chapter 450. of the City’s Traffic Code, to be titled “Parking Violations Bureau” is hereby amended, and Sections 450.02, 450.03, 450.04, 450.05, 450.06, 450.07, 450.08, 450.09, 450.10, 450.11, and 450.12 are hereby enacted, as shown in the attached Exhibit D.

Section 5. Chapter 452. of the City’s Traffic Code, to be titled “Parking on Public or Private Property; Parking Facilities,” is hereby amended, and Sections 452.90. 452.01 and 452.92 are hereby enacted, as shown in the attached Exhibit E.

Section 6. Chapter 454. of the City’s Traffic Code, to be titled “Private Tow-Away Zones; Abandoned or Unclaimed Vehicles; Reclamation; Disposal,” is hereby amended as shown in the attached Exhibit F.

Section 7. Existing Chapter 238., Section 298.01(b), Chapter 450., Chapter 452., and Chapter 454. of the Codified Ordinances are hereby repealed.

Section 8. Existing Chapter 410. of the City’s Traffic Code, titled “Traffic Commission,” is hereby repealed in its entirety, as shown in the attached Exhibit G.

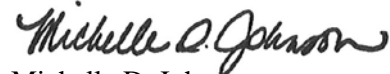
Section 9. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 10. This Ordinance shall be effective as of January 1, 2019.


Introduced: September 27, 2018

Adopted: October 25, 2018

Attest:



Michelle D. Johnson
City Clerk



Michael D. Engle
President, Xenia City Council

CHAPTER 238
DEPARTMENT OF PUBLIC SAFETY

238.01	<u>Establishment</u>	238.05	Civil Service
238.02	<u>Public Safety Director</u>	238.06	Residency
238.03	<u>Animal Control</u>	<u>238.07 Indigent Burials</u>	
238.04	<u>Emergency Police Officers and Firefighters</u>		

CROSS REFERENCES

See Section Histories for Similar State Law
Authority to Establish Rules & Regulations – see ORC 737.022
Burial of unclaimed body - ORC 9.15
Residency Requirements for Certain Employees – see ORC 9.481

238.01 ~~ESTABLISHMENT; DIRECTOR.~~

(a) Establishment: In accordance with Section 7.01 of the City Charter, There is hereby established a Department of Public Safety, to be headed which shall be administered by a Director of Public Safety, is hereby established who shall be the City Manager acting ex officio. The Director of Public Safety shall be the executive head of the Police and Fire Divisions and shall have all powers and duties connected with and incident to the appointment, regulation and government of these Divisions, except as otherwise provided by law. He or she shall keep a record of his or her proceedings, a copy of which, certified by him or her, shall be competent evidence in all courts.
(1964 Code §121.01)

(b) Divisions: The Department of Public Safety shall include the following Divisions:

- (1) The Police Division;**
 - (2) The Fire Division.**
- (Ord. 2018-31. Passed **/**/)****

238.02 PUBLIC SAFETY DIRECTOR.

~~AUTHORITY OF CITY MANAGER TO ASSIGN RANK.~~

(a) Appointment: The City Manager is hereby appointed as the Public Safety Director, acting ex-officio.

(b) Powers and Duties: The Public Safety Director is hereby authorized to have the following powers and to perform the following duties:

- (1) The Public Safety Director shall have supervision and control of the Safety Department and its Divisions, except that the Chiefs of the Divisions shall have the exclusive control of the stationing and transfer of all officers and employees of their respective Divisions, under such general rules and regulations as the Director of Public Safety prescribes.**
- (2) The Public Safety Director shall have the authority to appoint the Police Chief and the Fire Chief and all other subordinate officers of the Police Division and the Fire Division.**
- (3) The Public Safety Director shall have the authority to assign grade ranks for** police officers and firefighters, now members of their respective Divisions, and police officers and firefighters who may hereafter be appointed to such respective Divisions, shall be given a grade rank by the City Manager upon the recommendation of the Chief of the proper Division, without regard to the minimum required time of service, if such police officer and

~~firefighter, or such new appointee to such position, has had a prior service record of employment as a police officer or firefighter, and such prior experience is of the duration and quality which, in the opinion of the City Manager and Chief of the proper Division, justifies waiver of the minimum required time of service in lower grades. Such ranking of police officers and firefighters shall be subject to review and recommendation by the Civil Service Commission, but and the determination of the Public Safety Director Civil Service Commission shall be final.~~

~~(1964 Code §121.02)~~

- (4) The Public Safety Director, upon the review and recommendation of the City Engineer, shall make and issue rules and regulations concerning:**
- A. The number, type and location of traffic control devices and signs;**
 - B. The regulation or prohibition of parking on public ways and/or public property, including the authority to establish permit parking and the fee for such permits;**
 - C. The creation or abolition of disability parking spaces on public ways and/or public property, in accordance with state law and, when requested by private individuals, upon the recommendation of the City's Traffic Commission;**
 - D. The regulation of the right-of-way at intersections of streets, alleys, and highways;**
 - E. The regulation or prohibition of turns at intersections;**
 - F. The creation, abolition, and regulation of through routes and truck routes, pedestrian crosswalks and safety zones, bus loading and unloading zones, business loading zones, and traffic lanes and passing zones;**
 - G. The regulation of the direction of traffic on public ways and the creation and abolition of one-way public streets, roads, alleys, courts or drives; and**
 - H. The establishment of snow routes and regulation of parking on those designated routes.**
- (Statutory Reference ORC 737.022)*
- (5) Any additional powers or duties relative to police, fire and EMS services as may be necessary to carry out the duties placed upon the Public Safety Director pursuant to the City's Charter, by City Council or by applicable state law.**

(c) Unclassified Service: In accordance with Section 10.04 of the City Charter, the position of Public Safety Director shall be in the unclassified service.
(Ord. 2018-31. Passed **//**)**

238.03 ANIMAL CONTROL.

~~ADDITIONAL POLICE DURING EMERGENCIES; BOND FOR PRIVATE POLICE.~~

The Public Safety Director is hereby authorized to contract for the services of an animal control officer, who shall be under the supervision and control of the Director.

(Ord. 2018-31. Passed **//**)**

~~The Chief of Police shall have exclusive control of the stationing and transfer of all patrolmen and other officers and employees in the Division of Police, under such general rules and regulations as the Director of Public Safety prescribes. In case of riot or other like emergency, the Director of Public Safety may appoint additional patrolmen and officers for temporary service, who need not be in the classified list of such Division, and such additional officers or patrolmen shall be employed only for the time during which the emergency exists. The Director of Public Safety may commission private policemen, who may not be in the classified list of the Division, under such rules and regulations as he or she may prescribe. However, no such private policeman shall be appointed until a bond of not less than one thousand dollars (\$1,000.00) is filed, conditioned upon his or her legally performing his or her duties as such.~~

~~(1964 Code § 121.03)~~

238.04 EMERGENCY POLICE OFFICERS AND FIREFIGHTERS.
ADDITIONAL FIREFIGHTERS DURING EMERGENCIES.

(a) Emergency Police Officers and Firefighters: In case of riot or other like emergency, the Public Safety Director may appoint additional police officers and officers for temporary service in the Police Division and/or additional firefighters, EMTs, paramedics, and officers for temporary service in the Fire Division, who need not be in the classified list of such Divisions. Such additional persons shall be employed only for the time during which the emergency exists.

(b) Cooperation with Other Agencies: In case of riot or other like emergency, the Public Safety Director may call upon other political subdivisions within Greene County or any adjacent county to furnish such law enforcement, fire protection and/or emergency medical services personnel, together with appropriate equipment and apparatus, as may be necessary to preserve the public peace and to protect persons and property. Such request shall be made in accordance with any mutual aid contract the City has entered into or, if no contract with the other political subdivision exists, then such request shall be made in accordance with state law.
(Ord. 2018-31. Passed **//**)**

~~In case of riot or other like emergency, the Director of Public Safety may appoint additional firefighters and officers for temporary service who need not be in the classified list of the Division of Fire. Such additional firefighters or officers shall be employed only for the time during which the emergency exists. Such emergency firefighters may be recruited in advance of need and trained for service with the Division in such numbers as the Fire Chief, in consultation with the Director of Public Safety, may determine. Such regularly recruited and trained emergency officers shall have the designation "extra firefighters," and they shall report for duty at each fire in answer to the public alarm system.
(1964 Code § 121.04)~~

238.05 CIVIL SERVICE; APPOINTMENTS, PROMOTIONS.

The Department of Public Safety **and its Divisions** shall be maintained under the civil service system, as provided for by the Constitution of Ohio and the City Charter. ~~The Civil Service Commission shall prescribe the qualifications for all officers of the Department of Public Safety and for all appointments and promotions in the rank within the Department.~~
(Ord. 77-02. Passed 01/27/77; Ord. 2018-31. Passed **//**)**

238.06 RESIDENCY REQUIREMENT.

(a) Adequate Response Times: To ensure adequate response times to emergencies or disasters, the full-time employees of ~~All appointments made on or after 9-1-1977, to the sworn positions within the Police Division and the Fire Division of the Department of Public Safety shall, **as a condition of employment, reside either** be of persons who acquire or retain residency within Greene County or a county adjoining Greene County. Persons may be appointed who certify, in writing, that they will satisfy all residency requirements within six (6) months after appointment. Appointees who fail to acquire or retain their residence within the required limits shall be dismissed from employment.~~

(b) Collective Bargaining Agreements: If an employee who is covered by this section is also covered by an applicable collective bargaining agreement, the terms of the collective bargaining agreement regarding residency requirements shall control. In no instance shall the collective bargaining agreement applicable to an employee covered by this section impose residency requirements on the employee that are more restrictive than those provided under division (a) of this section.

(c) Exceptions: If an unusual hardship or emergency is found to exist by the **Public Safety Director, the Director** ~~City Manager, the City Manager~~ may, in his or her discretion, permit an **employee** ~~appointee~~ to live temporarily outside the ~~required~~ residency limits **prescribed by division (a) of this section** for a period of no longer than six (6) months. Failure of the **employee** ~~appointee~~ to resume his or her proper residency **by the end of** ~~during~~ such six-month period shall result in termination of his or her employment.

(Ord. 00-34. Passed 08/10/00; **Ord. 2018-31. Passed **/**/****)

238.07 INDIGENT BURIALS.

The Director of Public Safety is hereby designated as the proper officer of the City of Xenia to carry out those duties imposed on the City by ORC 9.15, and shall establish and maintain an indigent burial policy to carry out those duties, in accordance with ORC 9.15.

(Ord. 2018-31. Passed **//**)**

Chapter 298: Fee Schedule

(b) Fees from Part Four: Traffic Code.

Table B.1

Xenia Code Section	Chapter 412: Traffic Control Devices	Fee
Abatement of Obstruction in Street		
	<u>Failure to comply with notice to remove abatement</u>	<u>Actual costs of expenses incurred</u>
412.02(d)	Failure to pay receive payment of the costs and expenses within thirty (30) days from date bill sent to owner for the abatement of obstruction in street by city employees	\$36.00 additional assessment fee
412.08(e)	Parades and Assemblages Permit	\$400.00
412.09(a)(b)	Commemorative Street Name Application Request that an existing street that is not state route and that is within the city be designated with a commemorative street name to honor a business or person	\$187.00
412.10(a)(6)	Block Parties Block Party Application	\$11.00

Table B.2

Xenia Code Section	Chapter 452: Parking Generally	Fee/Fine
<u>Chapter 452</u>	<u>Parking in violation of any section of Chapter 452., except 452.08, or in violation of any parking regulation issued by the Public Safety Director under Section 238.02</u>	<u>\$20.00</u>
<u>Disability Parking Spaces</u>		
<u>452.08(b)(1)</u>	<u>Parked in Disability Space without valid placard, parking card or license plate</u>	<u>\$250</u>
<u>452.08(b)(2)</u>	<u>Parking in Access Aisle</u>	<u>\$250</u>
<u>452.08(f)</u>	<u>Failure to Display Required Placard, License Plates, Parking Card or Special Handicapped License Plates</u>	<u>\$100.00</u>

<u>Xenia Code Section</u>	<u>Chapter 450: Parking Violations Bureau</u>	<u>Fee/Fine</u>
<u>450.04(e)</u> <u>450.06(c)</u>	<u>Failure to Timely Answer a Parking Ticket</u>	<u>Additional \$20.00</u>
<u>450.05</u>	<u>Failure to Timely Answer a Notice of Violation</u>	<u>Additional \$25.00</u>
<u>450.07</u>	<u>Hearings (for failure to appear at requested hearing or if judgment is entered against the requester of the hearing)</u>	<u>Up to \$100.00</u>
<u>450.08</u>	<u>Failure to Timely Pay Judgment or Default Judgment</u>	<u>\$25.00</u>
<u>450.10</u>	<u>Judgment Release</u>	<u>\$5.00 processing fee per judgment</u>
<u>450.11</u>	<u>Immobilization Release Fee</u>	<u>\$25.00</u>

<i>Xenia Code Section</i>	<i>Chapter 452: Parking Generally</i>	<i>Fee</i>
452.16	Disabled Parking Spaces	-
452.16(b)	Failure to provide disabled parking spaces or failure to provide disabled parking sign	\$10.00
452.16(e)	Parking in disabled parking space if paid within 5 days.	\$250.00
452.16(e)	Parking in disabled parking space if paid after 5 days.	\$300.00
452.16(e)	Failure to display disabled parking card or license plate if paid within 5 days.	\$20.00
452.16(e)	Failure to display disabled parking card or license plate if paid after 5 days.	\$40.00

<i>Xenia Code Section</i>	<i>Chapter 454: Parking Meters</i>	<i>Fee</i>
454.07(b)	Parking within Municipal Parking Lots	-
	Discounted Placard Parking in Lot 3	\$15.00 per quarter (3-month period)
	Placard Parking Lots 2, 7, and 8	\$50.00 per quarter (3-month period)
	Reserved Parking Lots 2, 7, and 8	\$150.00 per year

CHAPTER 284
Traffic Commission

284.01 Establishment; Organization

284.02 Members; Oath of Office

284.03 Powers and Duties

CROSS REFERENCES

Appointments and Vacancies – see CHTR. 8.03

Composition, Membership, Meetings – see CHTR. 8.02

Establishment – see CHTR. 8.01

Powers and Duties – see CHTR. 8.02

284.01 ESTABLISHMENT; ORGANIZATION.

(a) Establishment: A Traffic Commission, to act as an advisory committee, is hereby established as authorized by Sections 8.01 and 8.02 of the Xenia City Charter.

(b) Membership: The Traffic Commission shall consist of five (5) at-large members and a member of Council; all members to be appointed by a majority vote of the City Council.

(c) Organization: The member of Council appointed to the Traffic Commission shall serve as the Chair of the Commission, without the power to vote except in the event of a tie vote. At its first meeting of the year, the members of the Traffic Commission shall elect a Vice-Chair by a majority vote of the members appointed to the Commission. The Secretary of the Commission shall be the City Clerk, or other person so designated by City Council. It shall be the duty of the Secretary to keep an accurate record of the proceedings of the Commission.

(d) Meetings: The Commission shall conduct its meetings at the times designated by City Council, and shall follow the same rules of order as the City Council. In addition, the following rules shall apply to all meetings of the Commission:

- (1) Quorum – A quorum of the Traffic Commission shall be three (3) members, and the Chair shall not be included in the count for a quorum.**
- (2) Majority Vote – A majority vote of the at-large members present at a meeting shall be necessary to take any action and for the passage of motions, and the Chair shall only vote in the event of a tie-vote.**
- (3) Open Meetings – The Commission shall comply with Ohio’s Open Meeting Act and shall advertise and conduct its meetings in accordance with the same.**
- (4) Rules of Order – The Commission shall conduct its business and meetings in accordance with the Rules of Council, and where the Rules of Council are silent, Robert’s Rules of Order shall apply to the conduct and order of the Commission’s meetings.**

(Ord. 2018-31. Passed **//**)**

284.02 MEMBERS; OATH OF OFFICE.

(a) Qualifications: Members of the Traffic Commission shall be electors of the City at the time of their appointment and during their respective terms of office, and shall not hold other elected office or employment with the City, except as otherwise herein provided, and shall not serve on any other Commission or Board during their term on the Traffic Commission.

(b) Term:

- (1) The term of the five (5) at-large members shall be four (4) years, and each member shall continue in office until his or her successor is appointed.**
- (2) The term of the Councilmember shall be one (1) year, and the appointed Councilmember shall continue in office until his or her successor is appointed. In the event the appointed Councilmember is unable to chair the Commission, the City Council shall designate an alternate Councilmember to chair the Commission.**

(c) Oath of Office: All at-large members of the Commission, before entering upon the duties of his or her office, shall take and subscribe to an oath or affirmation, which shall be filed and kept in the office of the City Clerk, that he or she will support the Constitution of the United States, the Constitution of the State of Ohio, and the Charter and ordinances of the City of Xenia, and that he or she will faithfully, honestly and impartially discharge the duties of his or her office.

(d) Compensation: All appointed members of the Traffic Commission shall serve on the Commission without compensation therefore.

(e) Vacancy:

- (1) In the event a vacancy is declared where an at-large member resigns or is unable to serve, or where a vacancy has been declared in accordance with division (e)(2) of this section, or where City Council determines there is good cause to remove a member, a vacancy during the term of any member of the Commission shall be filled for the unexpired term by the appointment of a new member upon a majority vote of the City Council.**
- (2) A vacancy on the Commission shall be declared by the Chair whenever any member misses or fails to be present at three (3) consecutive regular meetings of the Commission or twenty-five percent (25%) of such meetings in any calendar year, unless such absences are excused by the Commission and the reason thereof entered in the proceedings of the Commission.**
(Ord. 2018-31. Passed **//**)**

284.03 POWERS AND DUTIES.

(a) Powers: In accordance with Section 8.02 of the City's Charter, the Traffic Commission shall act as an advisory commission to the City Council on all matters assigned to it by Council.

(b) Duties: The Traffic Commission shall have the following duties:

- (1) To review and report to Council its recommendations on any traffic matter referred to it by City Council;**
- (2) To carry on public education activities in traffic matters;**
- (3) To receive and review any complaints from the public having to do with traffic issues, to investigate such complaints, to determine whether such complaints are valid, and to forward such valid complaints to the Public Safety Director, with its recommendations;**
- (4) To review requests from private individuals for disability parking spaces on public ways and/or public property and make recommendations to the Public Safety Director on whether to grant such requests; and**
- (5) Make monthly reports to City Council, if needed.**
(Ord. 2018-31. Passed **//**)**

CHAPTER 450
Parking Violations Bureau
Definitions

<u>450.01</u>	<u>Definitions</u>	<u>450.07</u>	<u>Denials; Hearings</u>
<u>450.02</u>	<u>Parking Violations Bureau</u>	<u>450.08</u>	<u>Judgments</u>
<u>450.03</u>	<u>Parking Tickets; Service</u>	<u>450.09</u>	<u>Joint Liability of Owner and Operator;</u> <u>Rental Vehicles</u>
<u>450.04</u>	<u>Answers to Charge; Penalties</u>	<u>450.10</u>	<u>Effect of Multiple Judgments</u>
<u>450.05</u>	<u>Failure to Answer; Notice of</u> <u>Violation</u>	<u>450.11</u>	<u>Impoundment; Immobilization</u>
<u>450.06</u>	<u>Waiver of Fine or Ticket</u>	<u>450.12</u>	<u>Fines, Penalties and Costs</u>

CROSS REFERENCES

See Section Histories for Similar State Law
Abandoned and Unclaimed Vehicles – see TRAF. Ch. 454.
Noncriminal Parking Infractions – see ORC Ch. 4521
Parking Regulations – see TRAF. Ch. 452.
Private Tow-Away Zones - see TRAF. 454.02

450.01 DEFINITIONS.

For the purposes of this Chapter and Chapter 452. of this Traffic Code, the following meanings shall apply:

(a) “Disability Parking Space” or “Handicap Parking Space” means a motor vehicle parking location that is reserved for the exclusive standing or parking of a vehicle that is operated by or on behalf of a person with a disability that limits or impairs the ability to walk and displays a placard or license plates issued under ORC 4503.44.

(b) “Law Enforcement Officer” or “Officer” means every officer authorized to direct or regulate traffic, and shall also mean any City employee and/or agent whose duties include the issuance of parking tickets while engaged in such duty.

(c) “Parking Violation” means a violation of any provision of Chapter 452 of this Traffic Code.

(d) “Person with a disability that limits or impairs the ability to walk” has the same meaning as in ORC 4503.44.

(e) “Vehicle” has the same meaning as in ORC 4511.01.

Statutory Reference: ORC 4521.01
(Ord. 2018-31. Passed **//**)**

~~For the purpose of these Codified Ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~Accessible Parking Spaces for Disabled Persons. Parking spaces marked in accordance with and to the specifications of the Americans With Disabilities Act Accessibility Guidelines (ADAAG), published in the Federal Register, Volume 56, Number 144, 7 26 1991, as amended, which specifications are incorporated herein by reference for all purposes as if fully rewritten herein.~~

~~Disabled Person. An individual who has a physical or mental impairment that substantially limits one or more of the major life activities; a record of such an impairment; or being regarded as having such an impairment.~~

~~Parking Card or Special License Plate for Disabled Persons. Any parking card or license plate issued under Ohio R. C. 4503.44 or 4503.41, and also means any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty.~~

~~Parking Meter. A mechanical device installed for the regulation of parking by lawful authority. Each parking meter shall contain a slot for the deposit of lawful coin of the United States and a receptacle for receiving and storing such coin. Each parking meter shall display brief directions as to its operation and the value of lawful coin required to be deposited. Each parking meter shall contain a timing mechanism which shall indicate either a balance of legal parking time or overtime parking by an appropriate signal at the expiration of such lawful time.~~

~~Parking Meter Space. A space within a parking meter area which is designated, for the parking of a single vehicle, by marked lines on the curb or paved surface area adjacent to a parking meter. Posted notice on the meter or on signs shall indicate the maximum consecutive parking time limit during which a vehicle may be legally parked in a particular parking meter space and the days and hours when the requirement to deposit lawful coin shall apply.~~

~~Snow. Any precipitation depositing any accumulation on the streets, including snow, sleet, hail, ice and freezing rain.~~

~~Snow Emergency. Highway conditions that are hazardous and dangerous to vehicular and pedestrian traffic and so declared by the Director of Public Safety. There are three levels of snow emergencies:~~

~~Level 1. Roadways are hazardous with blowing and drifting snow. Roads are also icy. Drive very cautiously.~~

~~Level 2. Roadways are hazardous with blowing and drifting snow. Only those who feel it is necessary to drive should be out on the roadways. Contact your employer to see if you should report to work.~~

~~Level 3. All roadways are closed to non-emergency personnel. No one should be out during these conditions unless it is absolutely necessary to travel. All employees should contact their employer to see if they should report to work. Those traveling on the roadways may subject themselves to arrest.~~

~~Snow Emergency Routes. All streets in the city so designated and marked.~~

~~Vehicles. All self-propelled motorized vehicles using city streets and highways, excluding public transportation vehicles.~~

450.02 PARKING VIOLATIONS BUREAU.

(a) Establishment: There is hereby established a Parking Violations Bureau, within the Police Division, within the Department of Public Safety.

(b) Jurisdiction:

(1) The Parking Violations Bureau shall have jurisdiction over each parking violation that is a violation of Chapter 452. of this Traffic Code and each parking violation that is a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code that occur within the City. Notwithstanding any other provision of law to the contrary, each parking violation

that is a violation of Chapter 452. of this Traffic Code and each parking violation that is a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code that occur within the City, and the enforcement of the same, shall be handled pursuant to and be governed by the provisions of this Chapter.

- (2) The Greene County Juvenile Court and the Xenia Municipal Court's Traffic Violations Bureau shall retain jurisdiction over each parking infraction that occurs within the territorial jurisdiction of the respective court that is not within the jurisdiction of the Parking Violations Bureau as determined under division (b)(1) of this section. However, notwithstanding any other provision of law to the contrary, each such parking violation and the enforcement of such parking violation shall be handled by the Juvenile Court or the Traffic Violations Bureau pursuant to, and be governed by, the provisions of this Chapter.

(c) Violations Clerk: The Public Safety Director is hereby appointed the Violations Clerk for the Bureau, and shall appoint hearing examiners and necessary clerical employees for the Bureau. No person shall be employed as a hearing examiner unless such person is an attorney admitted to the practice of law in the State of Ohio or is a former law enforcement officer. The Public Safety Director may designate, in his or her sole discretion, any of the powers or duties of the Violations Clerk provided for under this Chapter to any deputy violations clerks.

(d) Contracted Services: The Public Safety Director is hereby authorized to contract with any governmental or nongovernmental entity to provide services in processing, collection and enforcing parking tickets issued by law enforcement officers and civil judgments and default civil judgments entered pursuant to this Chapter. No contract so entered into shall affect the responsibilities of hearing examiners, as prescribed in this Chapter, or the ultimate responsibility of the Violations Clerk to collect, retain and disburse fines, penalties, fees, and costs for parking violations, and monies paid in satisfaction of judgments and default judgments.

(e) Fines and Penalties:

- (1) The fines, penalties, fees, and costs for parking violations, failure to timely answer a parking ticket, failure to timely answer a notice of violation, hearing costs, failure to timely pay judgments, judgement releases and immobilization fees shall be as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code.
- (2) The fines, penalties, fees, and costs for parking violations, and monies paid for satisfaction of judgments, which are collected by the Bureau, shall be collected, retained and disbursed by the Bureau to the City of Xenia.
- (3) The fines and penalties for parking violations shall be collected, retained, and disbursed by the clerk of the Juvenile Court or the violations clerk of the Traffic Violations Bureau if the parking violation occurred within the territorial jurisdiction of the respective court and if it did not occur within the jurisdiction of the Parking Violations Bureau. The fines and penalties collected by the clerk of the Juvenile Court or the violations clerk of the Traffic Violations Bureau shall be disbursed by the clerk to the local authority whose ordinance, resolution, or regulation was violated.

Statutory Reference: ORC 4521.04; 4521.05
(Ord. 2018-31. Passed **/**/**)

450.03 PARKING TICKETS; SERVICE.

(a) Adoption: A parking ticket, in the form prescribed by division (b) of this section, is hereby adopted and shall be used in all cases in which a person is charged with committing a parking violation under Chapter 452 of this Traffic Code and/or each parking violation that is a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code. In the alternative, the "Ohio Uniform Traffic Ticket" described in State Traffic Rule 3(A) and (B) may be used as the parking ticket. Any parking ticket issued for a parking violation under Chapter 452. of this Traffic Code and/or each parking violation that is a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code shall be the summons and complaint for the purposes of this Chapter.

(b) Contents: A parking ticket issued for a violation of any provision of Chapter 452. of this Traffic Code and/or a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code shall contain provisions that:

- (1) Advise the person to whom the ticket is issued that he or she must answer in relation to the parking violation charged in the ticket;**
- (2) Advise the person to whom the ticket is issued that if he or she fails to answer in a timely manner, additional penalties shall apply;**
- (3) Specify the allowable answers that may be made to the parking violation charged, as provided in Section 450.04;**
- (4) Advise the person that he or she will be afforded a hearing if he or she denies in his or her answer that he or she committed the parking violation;**
- (5) Specify the entity to which, the time within which, and the allowable manners in which the answer must be made;**
- (6) Indicate the penalties that may result from failure to timely answer and the fine that arises from the parking ticket;**
- (7) Warn that failure to timely answer or to appear at a requested hearing will be considered an admission of the parking violation;**
- (8) Warn that a default civil judgment potentially may be entered against the person and, if different, the owner of the vehicle if the person fails to timely answer or to appear at a requested hearing; and**
- (9) Any other information as required by law.**

(c) Duty of Issuing Officer: The law enforcement officer issuing the parking ticket shall complete the parking ticket by:

- (1) Identifying the parking violation charged;**
- (2) Recording the license plate number, type, and make or model of the vehicle;**
- (3) Indicating the date, time and place of the violation;**
- (4) Signing the ticket and affirming the facts it contains; and**
- (5) Identifying the offender and serve the ticket by one of the following methods:**
 - A. If the operator of the vehicle is present, the officer shall record on the parking ticket, in the space provided for identification of the offender, the name of the operator and shall then personally serve the ticket upon the operator.**
 - B. If the operator of the vehicle is not present, the officer shall insert the word "owner" in the space provided for the identification of the offender and shall then constructively serve the parking ticket upon the owner of the vehicle by affixing it to the vehicle in a conspicuous place.**

(d) Constructive Service:

- (1) Constructive service of a parking ticket upon an owner of a vehicle by affixation as provided in division (c)(5) of this section, or by the procedure described in division (d)(2) of this section, has the same force and effect, and potentially subjects both the owner and the operator of the vehicle whose act or omission resulted in the parking infraction, if different, to the same fine and the same penalties for failure to timely answer or to appear, if a hearing is requested, as if the parking ticket were personally served on both the owner and operator of the vehicle at the time of the violation.**
- (2) An operator of a vehicle who is not the owner of the vehicle, but who operates it with the express or implied permission of the owner is the agent of the owner for purposes of the receipt of parking tickets served in accordance with this section, and personal service of a parking ticket upon the operator in accordance with this section constitutes constructive service upon the owner for purposes of this Chapter. The operator of a rented or leased vehicle whose act or omission resulted in an alleged parking infraction shall not be considered an agent of the owner if the owner is engaged in the business of renting and leasing vehicles pursuant to a written rental or lease agreement and if the owner follows the procedures set forth in Section 450.09 of this Chapter.**

(e) Joint Liability: Except as provided in Section 450.09 of this Chapter, when a parking ticket is issued for a parking infraction and is served pursuant to this section, the operator of the vehicle whose act or omission resulted in the parking infraction for which the ticket was issued and the owner of the vehicle involved in the parking infraction, if different, are jointly liable for the parking infraction and any fine or penalty arising out of the parking infraction. Any owner of a vehicle who pays any fine or penalty imposed for a parking infraction pursuant to this Chapter may recover the amount paid from the operator of the vehicle whose act or omission resulted in the parking infraction.

(f) No Arrest: No person upon whom a parking ticket charging a parking violation under Chapter 452. of the City's Traffic Code shall be arrested as a result of the commission of the parking violation.

(g) Records: The original of the parking ticket issued pursuant to this section or any true copy of the same shall be considered a record kept in the ordinary course of business of the City and the Police Division, and shall be prima facie evidence of the facts it contains.

**Statutory Reference: ORC 4521.03
(Ord. 2018-31. Passed **/**/**)**

450.04 ANSWERS TO CHARGE; PENALTIES.

(a) Answer to Charge: A person who is personally or constructively served with a parking ticket charging the commission of a parking violation under Chapter 452. of this Traffic Code and/or a parking violation that is a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code shall answer the charge in person or by mail to the Parking Violations Bureau. Such answer shall be made within thirty (30) days of the date of issuance of the ticket, and shall be in one of the following forms:

- (1) An admission that the person committed the parking violation, by payment of the fine for said parking violation, as established by Chapter 298. of the Administration Code, in accordance with division (b)(1) of this section;**
- (2) An admission that the person committed the parking violation, with a written request that the fine be waived or reduced, in accordance with division (b)(2) of this section.**

(3) A denial that the person committed the parking violation and request for a hearing relative to the parking violation, in accordance with division (b)(3) of this section. If the person desires the presence, at the hearing, of the officer who issued the parking ticket, the person must request the officer's presence in his or her answer.

(b) Manner of Answering:

(1) If the person answers by admitting the parking violation and paying the fine, such payment shall be made by paying in person at the City's Utility Billing Division, by sending payment through the mail to the City's Utility Billing Division, or by utilizing the online payment option on the City's website. The person shall note the number of the parking ticket on their method of payment, when paying by check or credit card, or the person shall send a copy of the ticket with his or her payment.

(2) If the person answers by admitting the parking violation but that admission includes a request that the fine be waived, the person shall submit a written explanation and evidence to the Parking Violations Bureau with his or her answer. The explanation and evidence shall explain the circumstances surrounding the parking violation. The answer, written explanation and evidence may be submitted to the Parking Violations Bureau in person or by mail. The person's request for waiver shall be processed in accordance with Section 450.06 of this Chapter.

(3) If the person answers by denying the parking violation and requesting a hearing relative to the parking violation, the written answer and request for hearing shall be submitted to the Parking Violations Bureau in person or by mail, and shall be processed in accordance with Section 450.07 of this Chapter.

(c) Timeliness of Answer: For an answer to be considered timely, it must be submitted in one of the manners provided in division (b) of this section on or before the date that is thirty (30) days from the date of issuance of the parking ticket. For answers that are mailed, the postmark must be a date that is on or before the date that is thirty (30) days from the date of issuance of the parking ticket.

(d) Failure to Answer: If a person who is personally or constructively served with a parking ticket charging the commission of a parking violation under Chapter 452. of this Traffic Code and/or each parking violation that is a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code fails to timely answer the charge, as provided in division (a) of this section, the Parking Violations Bureau shall issue the proper notifications of infraction pursuant to Section 450.05 of this Chapter and proceed according to that Section.

(e) Additional Penalty: Failure to timely answer to a charge may result in the imposition of additional penalties, as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code.

(f) Records: The issuance of a parking ticket, the filing of or failure to file an answer by a person personally or constructively served with the ticket, the substance of the answer, the payment of any fine, and all other relevant information shall be entered into the records of the Parking Violations Bureau.

**Statutory Reference: ORC 4521.06
(Ord. 2018-31. Passed **/**/**)**

450.05 FAILURE TO ANSWER; NOTICE OF VIOLATION.

(a) Notice: When a person is personally or constructively served with a parking ticket charging the commission of a parking violation under Chapter 452. of this Traffic Code or a violation of any parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code and the person fails to answer the charge within thirty (30) days of the date of issuance of the ticket, the Parking Violations Bureau shall send notifications of the parking violation as follows:

- (1) If the person who fails to answer was the operator of the vehicle involved in the parking violation at the time of the commission of the parking violation and was personally served with the parking ticket, a notification of the violation shall be sent to that person, and additionally if such person is not the owner of the vehicle, as determined from the records of the Bureau of Motor Vehicles, a notification of the violation also shall be sent to the owner at his or her most recent address appearing in such records;**
- (2) If the person who fails to answer was the owner of the vehicle and was constructively served with the parking ticket, a notification of the violation shall be sent to the owner at his or her most recent address appearing in the records of the Bureau of Motor Vehicles.**

(b) Content of Notice: A notification of violation shall be sent within twelve (12) months after the expiration of time specified in Section 450.04(a) for making an answer, shall be sent by first class mail, and shall contain all of the following:

- (1) An identification of the parking violation with which the person was charged and the time and date of the parking violation, which identification may be a copy of the parking ticket charging the parking violation that was personally or constructively served upon the person;**
- (2) An identification of the amount of the fine, penalties, and costs arising out of the parking violation that are due;**
- (3) A warning that the person must answer the parking violation charged in the ticket within thirty (30) days or a default civil judgment in the amount of the fines, penalties, and costs due may be entered against the person;**
- (4) A description of the allowable answers that may be made, and the manners in which they may be made, as set forth in Section 450.04 of this Chapter, and notification that the person will be afforded a hearing before a hearing officer if he or she denies in his or her answer that the parking violation was committed;**
- (5) An identification of the manners in which and the entity to which an answer may be made;**
- (6) A warning that if the person fails to appear at a requested hearing, a default civil judgement in the amount of the fine, penalties, and costs due may be entered against the person.**

(c) Answer to Notice: A person who receives a notice for failure to answer pursuant to this section may answer the parking violation with which he or she is charged by answering as provided in Section 450.04(a). An answer to a notice sent pursuant to this section shall be made within thirty (30) days after the date on which the notice was mailed and shall be one of the answers specified in Section 450.04(a), except that if the answer includes payment of the fine arising out of the parking infraction any penalty arising out of such infraction also shall be paid. The answer shall be governed by the provision of Section 450.04(b), except that any determination of the amount to be paid under an answer admitting the commission of the parking violation with explanation also shall consider any penalty arising out of such infraction.

(d) Failure to Answer Notice: If a person who is issued a notice for failure to answer under this section fails to timely answer the notice, as provided in division (c) of this section, the failure to answer shall be considered an admission that the person committed the parking violation, and a default civil judgment, in the amount of the fine, penalties, and costs due may be entered against the person. Failure to timely answer the notice may result in the imposition of additional penalties, as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code.

(e) Records: The sending of the notification for failure to answer, the filing or failure to file an answer to the notice by the person to whom it was sent, the substance of the answer, the payment of any fine, and any other relevant information shall be entered into the record of the Parking Violations Bureau.

Statutory Reference ORC 4521.07
(Ord. 2018-31. Passed **/**/**)

450.06 WAIVER OF FINE OR TICKET.

(a) Admission and Request for Waiver: When a person answers by admitting the parking violation but that admission includes a request that the fine be waived, in accordance with Section 450.04(a)(2) and (b)(2), the Violations Clerk, or his designee, shall, within thirty (30) days, determine whether the explanation and evidence mitigates the fact that the person committed the parking violation and notify the person, in writing, of the determination.

(b) Determination:

- (1) If the Violations Clerk, or his designee, determines that the explanation meets any of the conditions outlined in division (d) of this section and mitigates the fact that the person committed the parking violation, the Clerk shall eliminate or reduce the amount of the fine arising out of the parking violation. If the fine is eliminated or reduced and the person has previously paid the fine, the amount paid in excess of the revised fine shall be returned to the person; if the fine is eliminated or reduced and the person has not previously paid the fine, the person shall be instructed to pay only the amount of the revised fine, if any.**
- (2) If the Violations Clerk, or his designee, determines that the explanation does not meet any of the conditions outlined in division (d) of this section and does not mitigate the fact that the person committed the parking violation, the person shall be instructed to pay the full amount of the fine arising out of the parking violation.**

(c) Timely Payment: If the person has admitted he or she committed a parking violation and the person's fine is reduced in accordance with (b)(1) of this section and the person has not previously paid the fine, or if the person owes the full amount of the fine in accordance with (b)(2) of this section, the determination sent to the person shall instruct him or her to pay the amount due within ten (10) days of receipt of the notice of determination. Failure to pay the amount of the fine due within the ten (10) days indicated, may result in the imposition of additional penalties, as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code. Furthermore, the determination and the amounts due shall be considered a judgment and shall be treated as if they were a judgment rendered subsequent to a hearing held pursuant to Section 450.07 of this Chapter.

Statutory Reference: ORC 4521.06

(d) Conditions for Waiver: The Violations Clerk, or his designee, is authorized to waive the parking ticket, or waive the fine, or reduce the fine if the Clerk, or his designee, determines that the explanation provided by the person to whom the parking ticket was issued meets any of the following conditions:

- (1) The vehicle was temporarily disabled;**
- (2) The parking meter was defective;**
- (3) Emergency parking due to a medical emergency;**
- (4) The vehicle is a government vehicle parked while the operator is on official government business and that business has caused the vehicle to be parked in excess of the posted time limit or on an expired meter;**
- (5) The person was cited for a violation of 452.08 and provides proof that at the time of violation, the person or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that was then valid, or special handicapped license plates that were then valid, or a parking card that was then valid, but the person failed or neglected to display the placard, plates or parking card as required (in such cases the fine may be reduced that that set forth in Section 298.01(b) of the City's Administration Code); or**
- (6) Any other extraordinary circumstance that mitigates the fact that the person committed a parking violation.**

(e) Conditions for Waiver or Reduction for Disabled Parking Space Violation: The Violations Clerk, or his designee, is authorized to waive the parking ticket, or waive the fine, or reduce the fine if the Clerk, or his designee, in cases where the parking ticket was issued for a violation of Section 452.08 of this Traffic Code in the following circumstances only:

- (1) If the person is charged with a violation of Section 452.08(b)(1)A.(i) or (ii) of this Traffic Code and provides a sworn affidavit from a licensed medical professional showing that the person suffered an injury not more than seventy-two (72) hours prior to the time the person was issued the ticket and that, because of the injury, the person meets at least one (1) of the criteria contained in ORC 4503.44(A)(1), the fine may be waived.**
- (2) If the person is charged with a violation of Section 452.08(b)(1)A.(i) or (ii) of this Traffic Code and the person provides written proof showing that at the time of the violation, 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, or 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 placard, license plates, parking card or special handicapped license plates as required, the fine may be reduced in accordance with the fees set forth in Chapter 298. of the City's Administration Code.**
(Ord. 2018-31. Passed **//18)**

450.07 DENIALS; HEARINGS.

(a) Right to Hearing: A person who is personally or constructively served with a parking ticket charging the commission of a parking violation under Chapter 452. of the City's Traffic Code and/or a parking violation that is a violation of a parking regulation issued by the Public Safety Director under Section 238.02 of the City's Administration Code, or who receives notice of the violation pursuant to Section 450.05 of this Chapter, who answers by denying he or she committed the parking violation shall be granted a hearing to determine if the person committed the parking violation.

(b) Hearing: The Parking Violations Bureau shall set a date for the hearing and notify the person, in writing, of the date, time, and place of the hearing. The hearing shall be conducted by a hearing examiner of the Parking Violations Bureau, and each hearing shall be conducted in such manner as the hearing examiner considers appropriate. Rules regarding the admissibility of evidence shall not be strictly applied in the hearing, but all testimony shall be under oath.

(c) Burden of Proof; Evidence:

- (1) At the hearing, the City has the burden of proving, by a preponderance of the evidence, that the person for whom the hearing is being conducted committed the parking violation. The City shall submit the original parking ticket that was personally or constructively served on the person or a true copy of the ticket, and information from the Ohio Bureau of Motor Vehicles that identifies the owner of the vehicle. The ticket and information in proper form is prima-facie evidence that the registered owner of the vehicle was the person who committed the parking violation.**
- (2) The City may present additional evidence and testimony at the hearing. The City does not have to be represented at the hearing by an attorney.**
- (3) The person for whom the hearing is being conducted may present any relevant evidence and testimony at the hearing. The person does not have to attend the hearing if he or she submits documentary evidence to the hearing examiner prior to the day of the hearing.**

(d) Presence of Officer: If the person, in his or her answer, denied that he or she committed the parking violation and requested the presence at the hearing of the officer who issued the parking ticket, the officer shall be required to attend the hearing unless the hearing examiner determines that the officer's presence is not required. If the officer's presence at the hearing has been requested and the officer is unable to attend the hearing on the day and at the time scheduled, the hearing examiner may grant a reasonable continuance.

(e) Decisions:

- (1) If the person for whom the hearing is being conducted appears at the scheduled hearing or submits evidence in accordance with division (c)(3) of this section, the hearing examiner shall consider all evidence and testimony presented and shall determine whether the City has established, by a preponderance of the evidence, that the person committed the parking violation. If the hearing examiner determines that the person committed the parking violation, an order indicating the determination as a judgment against the person and requiring the person to pay the appropriate fine and any additional penalties and/or hearing costs shall be entered in the records of the Parking Violations Bureau.**
- (2) If the person for whom the hearing is being conducted fails to appear at the scheduled hearing and fails to submit evidence in accordance with division (c)(3) of this section, the hearing examiner shall, if he or she determines for any evidence and testimony presented at the hearing, by a preponderance of the evidence, that the person committed the parking violation, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties and/or hearing costs. A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.**
- (3) If a person who is sent a notification of violation pursuant to Section 450.05 does not timely answer, as provided in Section 450.05(c), the hearing examiner shall, if he or she determines from any evidence and testimony presented by the City, by a**

preponderance of the evidence, that the person committed the parking violation, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties and/or hearing costs. A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.

- (4) If the hearing examiner does not determine, by a preponderance of the evidence, that a person in any of the classes described in divisions (e)(1), (2) or (3) of this section committed the parking violation, the hearing examiner shall enter judgment against the City and shall enter the judgment and dismissal in the records of the Parking Violations Bureau. No additional penalties or hearing costs shall be entered against the person if the hearing examiner finds the person did not commit the parking violation.

(f) Default Judgments: A default judgment entered under this section may be vacated by the hearing examiner who entered it if all of the following apply:

- (1) The person against whom the default judgment was entered files a motion with the Parking Violations Bureau within one (1) year of the date of entry of the judgment;
- (2) The motion sets forth a sufficient defense to the parking violation out of which the judgment arose; and
- (3) The motion sets forth excusable neglect as to the person's failure to attend the hearing or answer the notification of the violation.

(g) Hearing Costs: When authorized under division (e) hereof, the hearing examiner may include in the judgment entered against any person the costs associated with the requested hearing, as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code.

Statutory Reference: ORC 4521.08

(Ord. 2018-31. Passed **/**/**)

450.08 JUDGMENTS.

(a) Payment of Judgments: Payment of any judgment or default judgment entered against a person pursuant to this Chapter shall be made to the Parking Violations Bureau Clerk or his designee within ten (10) days of entry. All money paid in satisfaction of a judgment or default judgment shall be disbursed by the Clerk to the City's General Fund, and the Clerk shall enter the fact of payment of the money and its disbursement in the records of the Bureau. If payment is not made within the required ten (10) days, the Parking Violation Bureau may assess an additional penalty, as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code. The judgment or default judgment may then be filed with the Clerk of the Xenia Municipal Court, and when so filed, shall have the same force and effect as a money judgment in a civil action rendered in the Court.

(b) Judgments Filed with the Xenia Municipal Court: Judgments and default judgments filed with a court pursuant to this division shall be maintained in accordance with ORC 4521.08(C). When a judgment or default judgment is filed with the Court, execution may be levied, and such other measures may be taken for its collection as are authorized for the collection of an unpaid money judgment in a civil action rendered in the Court. The Xenia Municipal Court may assess costs against the judgment debtor, in an amount not exceeding ten dollars (\$10) for each parking violation, to be paid upon satisfaction of the judgment.

(c) Appeals: Any person against whom a judgment or default judgment is entered pursuant to Section 450.07, and the City if a judgment is entered against it pursuant to Section 450.07, may appeal the judgment or default judgment to the Xenia Municipal Court if the judgment or default

judgment was entered by the bureau, or to the Greene County Juvenile Court if the judgment or default judgment was entered by a referee of the Juvenile Court, by filing notices of appeal with the Parking Violations Bureau or the referee of the Juvenile Court, and the Xenia Municipal Court or the Clerk of the Juvenile Court within fifteen (15) days of the date of entry of the judgment and by the payment of such reasonable costs as the Xenia Municipal Court or the Greene County Juvenile Court requires. Upon the filing of an appeal, the applicable court shall schedule a hearing date and notify the parties of the date, time, and place of the hearing. The hearing shall be held by the applicable court in accordance with the rules of the court. Service of a notice of appeal under this division by a person does not stay enforcement and collection of the judgment or default judgment from which appeal is taken by the person unless the person who files the appeal posts bond with the Parking Violations Bureau or the Greene County Juvenile Court in the full amount of the judgment, plus court costs, at or before the service of the notice of appeal. Notwithstanding any other provision of law, the judgment on appeal of the Xenia Municipal Court or the Greene County Juvenile Court is final, and no other appeal of the judgment of the Parking Violations Bureau, or the referee of the Juvenile Court, whichever is applicable, and no appeal of the judgment of the Xenia Municipal Court or the Juvenile Court may be taken.

(d) Time for Filing Judgment: A judgment or default judgment entered pursuant to Section 450.07 may be filed with the Xenia Municipal Court under division (b) of this section at any time within three (3) years after the date of issuance of the parking ticket charging the parking violation out of which the judgment arose.

(Statutory Reference: ORC 4521.08)

(Ord. 2018-31. Passed **/**/**)

450.09 JOINT LIABILITY OF OWNER AND OPERATOR; RENTAL VEHICLES.

(a) When Owner Not Liable: An owner of a vehicle is not jointly liable with the operator of the vehicle whose act or omission resulted in a parking ticket for the parking violation or any fine, penalty, or processing fee arising out of the parking violation under this Chapter if either of the following apply:

- (1) The owner answers the charge of the parking violation under Section 450.04 or 450.05 of this Chapter, the answer denies that the owner committed the violation and requests a hearing concerning the violation, the owner additionally asserts and provides reasonable evidence at that time to prove that the vehicle, at the time of the commission of the parking violation, was being used by the operator without the owner's express or implied consent, and the Parking Violations Bureau or the Greene County Juvenile Court determines that the vehicle was being used without the owner's express or implied consent at that time. If the Bureau or the Juvenile Court does not so determine, it shall conduct the hearing concerning the parking violation according to Section 450.07 of this Chapter.
- (2) The owner answers the charge of the parking violation under Section 450.04 or 450.05 of this Chapter, the answer denies that the owner committed the parking violation, the owner additionally submits evidence at that time that proves that, at the time of the alleged commission of the parking violation, the owner was engaged in the business of renting or leasing vehicles under written rental or lease agreements, and the owner additionally submits evidence that proves that, at the time of the alleged commission of the parking violation, the vehicle in question was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement. If the owner does not so prove, the Parking Violations Bureau or the Greene County Juvenile Court shall conduct a hearing relating to the parking violation according to Section 450.07 of this Chapter.

- (3) The owner, at a hearing concerning the parking violation conduction in accordance with Section 450.07 of this Chapter, proves that the vehicle, at the time of the parking violation, was being used by the operator without the owner’s express or implied consent or proves the facts described in division (a)(2) of this section.**

(b) Rentals:

- (1) An owner of a vehicle who is engaged in the business of renting or leasing vehicles under written rental or lease agreements, but who does not satisfy the additional requirements of division (a)(2) of this section is not liable for any penalties or processing fees arising out of a parking violation involving the vehicle if at the time of the commission of the parking violation, the vehicle was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement, and if the owner answers the charge of the parking violation by denying that the owner committed the parking violation or by paying the fine arising out of the parking violation within thirty (30) days after actual receipt of the parking ticket charging the violation or, if the owner did not receive the parking ticket, within thirty (30) days after receipt of the notification of violation.**
- (2) Proof that the vehicle was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement at the time of the alleged parking violation shall be established by sending a true copy of the rental or lease agreement or an affidavit to that effect to the Parking Violations Bureau or the Greene County Juvenile Court, as applicable, within thirty (30) days after the date of receipt by the owner of the parking ticket charging the violation or, if the owner did not receive the parking ticket, within thirty (30) days after receipt of the notification of violation. The submission of a true copy of a written rental or lease agreement or affidavit shall be prima-facie evidence that a vehicle was in the care, custody, or control of a person other than the owner. The affidavit authorized by this section shall be accompanied by a postage-paid, self-addressed envelope, shall be in a form the Ohio Registrar of Motor Vehicles shall prescribe, and shall include space for the Parking Violations Bureau or the Juvenile Court to indicate receipt of the affidavit. Within thirty (30) days of receipt of the affidavit, the Bureau or Court shall return a receipted copy of the affidavit to the rental or lease company. In addition, any information required by division (a)(2) of this section may be provided on magnetic tape or another computer readable media in a format acceptable to the Parking Violations Bureau or Juvenile Court.**

Statutory reference: ORC 4521.09
(Ord. 2018-31. Passed **//**)**

450.10 EFFECT OF MULTIPLE JUDGMENTS.

(a) Notice of Judgment to Registrar:

- (1) If a judgment or default judgment is entered against a person pursuant to Section 450.08 of this Chapter for a violation of Section 452.08 of this Traffic Code and the person has not paid the judgment or default judgment within ten (10) days of the date of entry of the judgment, the Parking Violations Bureau may give notice of that fact to the Ohio Registrar of Motor Vehicles. The notice, if given, shall be given not earlier than sixteen (16) days nor later than three (3) years after the date of entry of the judgment, and shall be in a form and manner, and contain such information, as the Registrar prescribes.**
- (2) If three (3) or more judgments or default judgments have been entered against a person pursuant to Section 450.08 of this Chapter and the person has not paid the judgments or default judgments within ten (10) days of the date of entry of the third**

judgment, the Parking Violations Bureau may give notice of that fact to the Registrar. The notice, if given, shall be given not earlier than sixteen (16) days nor later than three (3) years after the date of entry of the third judgment, and shall be in a form and manner, and contain such information, as the registrar prescribes.

(b) Issuance of Certificate of Registration Prohibited: Upon receipt of a notice as provided in division (a) of this section, neither the registrar nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the notice unless the person presents a release as provided in division (c) of this section or unless the registrar is properly notified by the Parking Violations Bureau that the judgment or default judgment described in division (a)(1) of this section or the judgments or default judgments described in division (a)(2) of this section have been paid, dismissed, or reversed on appeal, or that the initial notice was given in error and is therefore canceled.

(c) Release of Vehicle: When a notice as provided in division (a) of this section is given to the registrar and the judgments or default judgments are subsequently paid, dismissed, or reversed on appeal, or it is discovered that the notice was given in error and is therefore canceled, the Parking Violations Bureau shall immediately notify the registrar of such payment, dismissal, reversal, or cancellation. The notification shall be in a form and manner, and contain such information, as the registrar prescribes. If the initial notice was not given in error, the Parking Violations Bureau shall charge the person a processing fee, as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code, for each judgment or default judgment to cover the costs of the Ohio Bureau of Motor Vehicles in administering this section. Upon payment of the fee, the Parking Violations Bureau shall give to the person a release to be presented at the time of registering or transferring the registration of a motor vehicle owned or leased by the person. All fees collected under this division shall be transmitted monthly to the Registrar for deposit in the public safety--highway purposes fund established by ORC 4501.06.

(d) Yearly Notice: The Parking Violations Bureau shall provide further notice to the Registrar no later than thirteen (13) months after the date the Registrar entered the original notice into the records of any judgments or default judgments that are still outstanding.

(e) Determining Number of Judgments: In determining whether the judgments or default judgments that have been entered against a person as provided in division (a)(2) of this section total three (3) or more, the Parking Violations Bureau may apply to that total any violation the person committed during the relevant time period by illegally standing or parking a vehicle in a disability parking space, irrespective of the amount of the fine imposed for such violation.
Statutory Reference: ORC 4521.10

(Ord. 2018-31. Passed **/**/**)

450.11 IMPOUNDMENT; IMMOBILIZATION.

(a) Impoundment or Immobilization:

- (1) Any vehicle with three (3) or more parking violations in which judgments or default judgments have been filed with the Xenia Municipal Court pursuant to Section 450.08 of this Chapter is subject to impoundment or immobilization by the Xenia Police Division. Impoundment or immobilization pursuant to this division is permitted without regard to whether the vehicle, at the time of the impoundment or immobilization, is legally parked.

- (2) Any vehicle that is illegally parked in a manner that constitutes an obstruction to traffic or a danger to persons or property may be impounded or removed pursuant to Section 452.16 of this Traffic Code.**

(b) Release of Vehicle:

(1) Impoundment:

- A. A vehicle impounded under division (a)(1) of this section shall be released to the owner upon the owner or any lienholder of the vehicle presenting a valid certificate of title to the vehicle to the Parking Violations Bureau and upon the owner or lienholder either paying the payment of the judgments or default fault judgments and paying the fines, penalties, fees, and costs due on the parking violation(s) issued or outstanding or upon the owner or any lienholder of the vehicle posting a bond equal to the amount of any fine, fees, or costs associated with the parking violation; however, in no case shall the required bond be in excess of one thousand dollars (\$1,000).**
- B. A vehicle impounded under division (a)(2) of this section shall be released to the owner upon the owner or any lienholder of the vehicle presenting a valid certificate of title to the vehicle to the Parking Violations Bureau and upon the owner or lienholder either admitting the parking violation and paying the fine for said violation or upon the owner or lienholder posting a bond equal to the amount of any fine, fees, or costs associated with the parking violation; however, in no case shall the required bond be in excess of one thousand dollars (\$1,000).**
- C. Upon payment of any monies due under division (b)(1)A. or (b)(1)B. or the posting of bond under division (b)(1)B. of this section, the owner or any lienholder of the vehicle may claim the vehicle from the place of storage upon presentation of proof of ownership, and the payment of all expenses, charges, or fines incurred with the place of storage for towing and storing the vehicle.**
- (2) Immobilization: A vehicle immobilized under division (a)(1) of this section shall be released to the owner upon the owner or any lienholder of the vehicle presenting a valid certificate of title to the vehicle to the Parking Violations Bureau and upon the owner or lienholder paying the payment of the judgments or default fault judgments, and any costs associated with immobilizing the vehicle, as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code, and paying the fines, penalties, fees, and costs due on the parking violation(s) issued or outstanding or upon the owner or any lienholder of the vehicle posting a bond equal to the amount of any fine, fees, or costs associated with the parking violation; however, in no case shall the required bond be in excess of one thousand dollars (\$1,000).**
Statutory Reference: ORC 4521.02
(Ord. 2018-31. Passed **//**)**

450.12 FINES, PENALTIES AND COSTS.

On or after the effective date of this Chapter, the fines, penalties, costs and fees for any parking violation administered pursuant to this Chapter shall be as set forth in the City's Fee Schedule in Part Two – Title Twelve, Chapter 298. of the Administration Code.
(Ord. 2018-31. Passed **//**)**

CHAPTER 452

Parking Generally on Public or Private Property; Parking Facilities

452.01	<u>Prohibitions against Parking on Traveled Portion of Street or Highway</u>	452.13	<u>Loading Zones; Bus Stops; Taxi Stands</u>
452.02	<u>Requirements when Leaving Vehicle Unattended</u>	452.14	<u>Prohibitions Applicable to Off-Street Parking Facilities</u>
452.03	<u>Parking Prohibitions on Streets and Right-of-Ways</u>	452.15	<u>Parking on Private Property</u>
452.04	<u>Parking near Curb</u>	452.16	<u>Removal of Illegally Parked Vehicle; Reclamation</u>
452.05	<u>Manner of Angle Parking</u>	452.17	<u>(Reserved)</u>
452.06	Parking in Alleys <u>or on</u> Narrow Streets	452.18	<u>(Reserved)</u>
452.07	<u>Other Parking Prohibitions; Designated Parking Spaces on Public Property</u>	452.19	<u>(Reserved)</u>
452.08	<u>Parking for Disabled Persons</u>	452.20	<u>(Reserved)</u>
452.09	<u>Parking during Snow Emergencies</u>	452.21	<u>Exceptions</u>
452.10	<u>Parking of Certain Vehicles Prohibited</u>	<u>452.90</u>	<u>Civil Liability for Parking Violations</u>
452.11	<u>Parking Vehicle with Illegal or Expired Plates on Street or Highway</u>	<u>452.91</u>	<u>Liability of Owner for Parking Violations</u>
452.12	<u>Selling, Washing or Repairing Vehicle Upon Roadway</u>	<u>452.92</u>	<u>Definitions</u>
		452.99	Penalties

CROSS REFERENCES

See Section Histories for Similar State Law
Abandoned and Unclaimed Vehicles – see TRAF. Ch. 454
Local Option to Create Noncriminal Violations – see ORC 4521.02
Parking Violations Bureau – see TRAF. Ch. 450
Private Tow-Away Zones - see TRAF. 454.02

452.01 PROHIBITIONS AGAINST PARKING ON TRAVELED PORTION OF ON STREETS OR HIGHWAYS.

(a)(4) **Prohibitions:** Upon any street or highway outside a business or residential district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the street or highway if it is practicable to stop, park or so leave such vehicle off the paved or main traveled part of the street or highway. In every event, a clear and unobstructed portion of the street or 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 two hundred 200 feet (200') in each direction upon such street or highway.

(b) Exceptions: (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 street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position. (ORC 4511.66)

~~(b) Except as otherwise provided in this subsection, 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.~~

(c) Removal of Obstructing Vehicle:

- (1) Whenever any police officer finds a vehicle standing upon a street or highway in violation of this section, 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 street or highway.**
- (2) Whenever any police officer finds a vehicle unattended upon any street, highway, bridge or causeway, or in any tunnel, where such vehicle 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)

452.02 **REQUIREMENTS WHEN LEAVING VEHICLE UNATTENDED.**
POLICE MAY REMOVE ILLEGALLY PARKED VEHICLE.

(a) **Requirements: 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 street or highway.**

~~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) **Exceptions: 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 do not apply to any of the following:**

- (1) A motor vehicle that is parked on residential property;**
 - (2) A motor vehicle that is locked, regardless of where it is parked;**
 - (3) An emergency vehicle; or**
 - (4) A public safety vehicle.**
- (ORC 4511.661)**

~~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 **PARKING PROHIBITIONS ON STREETS AND RIGHT-OF-WAYS.**
PROHIBITED STANDING OR PARKING PLACES.

(a) **Prohibitions:** No person shall stand or park a vehicle, ~~including boats,~~ except when necessary to avoid conflict with other traffic or to comply with the provisions of this **Traffic Code** section, or while obeying the directions ~~in response to an order or direction~~ 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** ~~street lawn area or front lawn;~~
- (2) In front of a public or private driveway;
- (3) Within 20 feet of the intersecting street curb or edge of pavement in an intersection;
- (4) Within ten feet **(10')** of a fire hydrant;
- (5) On ~~or in~~ a crosswalk;
- (6) Within **twenty feet (20')** 20 feet of a crosswalk **at an intersection;**
- (7) Within **thirty feet (30')** 30 feet of, and upon the approach to, any flashing beacon, stop sign or traffic-control device;

- (8) Between a safety zone (~~i.e. crosswalk, intersection~~) and the adjacent curb or within **thirty feet (30')** ~~30 feet~~ of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic-control device;
- (9) **Within fifty feet (50') of the nearest rail of a railroad crossing** ~~On any freeway entrance or exit ramp, or the shoulder adjacent thereto;~~
- (10) Within **twenty feet (20')** ~~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 **seventy-five feet (75')** ~~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** ~~along the side of~~ any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a street **or highway, or within a street or highway tunnel;**
- (14) At any place where signs prohibit stopping, ~~standing or parking or where the curbing is painted yellow or at any place in excess of the maximum time limit indicated by signs;~~
- (15) Within one foot (**1'**) of another parked vehicle; **or**
- (16) On the roadway portion of a freeway, expressway, or thruway.
- ~~(17) On a bicycle path;~~
- ~~(18) On a bridle path; or~~
- ~~(19) In a designated fire lane on public or private property.~~

(b) **Exceptions: 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 one hundred and fifty (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 Section 432.24 of this Traffic Code.**

(ORC 4511.68)

~~A vehicle or a person in violation of this section will be issued a notice of violation by the Xenia Police Division or the Planning and Zoning Department. The penalty for such a violation will be twenty dollars (\$20.00). If the violation notice is not paid within five calendar days after its issuance, the penalty is forty dollars (\$40.00). Duplicate copies of the violation notice will be filed with the Xenia Police Division and the Chief Building Official. If the violator fails to pay the penalty as prescribed in this section, any violation of the section will constitute a minor misdemeanor. The Xenia Police Division is hereby authorized to institute and administer a program, supplemented by appropriately trained volunteers of the City of Xenia Police Division Volunteer Program, to enforce the provisions of this section.~~

452.04 **PARKING NEAR CURB.**

~~MANNER OF PARALLEL AND ANGLE PARKING.~~

(a) **Parking on Right-Hand Side of Street:** 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 **twelve 12 inches (12")** 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) **Parking on Left-Hand Side of Street: On those one-way streets where the City has permitted parking of vehicles on the left-hand side of the street, such vehicles shall be parked with the left-hand wheels adjacent to and within twelve inches (12") of the left-hand curb.**

~~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) Facing Direction of Travel:

- (1) A. Except as provided in division subsection (c)(1)B. of this section, no vehicle shall be stopped or parked on a street road or highway with the vehicle facing in a direction other than the direction of travel on that side of the street 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 that side of the street 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 street road or highway. The motorcycle may face any direction when so parked. Not more than two **(2)** motorcycles at a time shall be parked in a parking space as described in division subsection (c)(2) of this section, irrespective of whether or not the space is metered.
(ORC 4511.69 (A) - (C))

~~(d) Notwithstanding any 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 Ohio Director of Transportation or the City's Safety Director.~~

~~(e) Upon streets or other public ways or places where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of roadway as is indicated by appropriate signs or markings.~~

~~(f) Whoever violates subsection (a), or (e) of this section is guilty of a minor misdemeanor.~~

452.05 MANNER OF ANGLE PARKING.

~~WILLFULLY LEAVING VEHICLES ON PRIVATE OR PUBLIC PROPERTY.~~

Upon streets where angle parking is permitted, no person shall stop, stand, or park a vehicle other than at the angle to the curb or edge of roadway as indicated by appropriate signs or markings.

(Ord. 2018-31. Passed **//**)**

~~(a) The County Sheriff or Chief of Police, within the Sheriff's or Chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the Sheriff or Chief of Police 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 R.C. § 4513.63, that:~~

- (1) ~~Has come into the possession of the Sheriff, Chief of Police, or state highway patrol trooper as a result of the performance of the Sheriff's, Chief'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 Sheriff or Chief of Police 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 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 Sheriff, Chief of Police, 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 Sheriff, Chief of Police, or state highway patrol trooper. If the Sheriff, Chief of Police, or state highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the Sheriff, Chief of Police, or state highway patrol trooper shall order the removal of the vehicle.~~

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

~~(b) If the Sheriff, Chief of Police, 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 Sheriff or Chief of Police not more than two hours after the time it is removed.~~

~~(c) (1) The Sheriff or Chief of Police immediately shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the Sheriff or Chief of Police, or by a state highway patrol trooper. Upon obtaining such identity, the Sheriff or Chief of Police shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified mail with return receipt requested, notice that informs 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 mailing of the notice.~~

~~(2) 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, the owner may not retrieve any personal item that has been determined by the Sheriff, Chief of Police or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation. For purposes of this division (c)(2), "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 records of the Bureau of Motor Vehicles 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 owner of the place of storage or the owner's employee, and the notice was sent to the motor vehicle owner by the owner of the place of storage or the owner's employee, 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 mailing of 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 Sheriff or Chief of Police, 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 Sheriff or Chief of Police. 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 Sheriff or Chief of Police 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 Sheriff or Chief of Police shall retain the original of the affidavit for the Sheriff's or Chief's 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 to such owner 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 Police Chief of the reason for leaving the motor vehicle in such place.~~

~~B. — For purposes of this subsection (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 subsection (g) 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 IN ALLEYS OR ON NARROW STREETS.

PARKING PROHIBITIONS ON PUBLIC AND PRIVATE PROPERTY; TOW AWAY ZONES.

(a) **Narrow Streets: 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 (10') 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.**

If an owner of public or 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; or

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

(b) **Alleys: 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 thirty (30) minutes.**

(Ord. 2018-31. Passed **//**)**

~~Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.~~

~~(c) (1) The owner of public or private property may establish a 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 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; and~~
- ~~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 public or private property that is established as a tow away zone in accordance with subsection (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 subsection (c)(1)A.3. of this section, and the owner, subject to subsection (d) of this section, may recover a vehicle that has been so removed only in accordance with subsection (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 subsection (c)(2) of this section by an unlicensed tow truck or unlicensed tow truck operator.~~

~~(4) Subsections (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 tow away zone under subsection (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 subsection (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 subsection (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; or~~
- ~~(2) If the vehicle was being removed under authority of subsection (c)(2) of this section, it is not parked on the public or private property established as a 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 public or private property that is established as a tow away zone in accordance with subsection (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 subsection (c)(2) of this section, the owner or agent promptly shall notify the Police Division 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 public or private property in the Police Chief's jurisdiction that is established as a tow away zone of which the Police Chief has received notice under subsection (c)(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 subsection (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 public or private property that is established as a tow away zone under subsection (c)(1) of this section other than in accordance with subsection (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.~~

(Am. Ord. 3-65. Passed 12/12/13)

452.07 **OTHER PARKING PROHIBITIONS; DESIGNATED PARKING SPACES ON PUBLIC PROPERTY.**

~~UNATTENDED VEHICLES; DUTY TO LOCK IGNITION, REMOVE KEY, SET BRAKE AND THE LIKE.~~

(a) **Prohibitions: No person shall stop, stand or park a vehicle, except where necessary to avoid conflict with other traffic or while obeying the directions of a police officer, in any of the following places:**

- (1) **On any freeway entrance or exit ramp or the shoulder adjacent thereto;**
~~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) **In a designated fire lane, whether on public or private property;**
~~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.~~
- (3) **On or in a street lawn area or front lawn or on a curb;**
- (4) **On a bicycle path or brindle path; or**
- (5) **Where the curbing is painted yellow.**

(b) **Prohibitions Applicable to Designated Parking Spaces on Public Property: No person shall stop, stand or park a vehicle, except where necessary to avoid conflict with other traffic or while obeying the directions of a police officer, in any of the following spaces:**

- (1) **In a designated parking space on public property, whether metered or unmetered, in excess of the maximum time limit indicated by signs;**
- (2) **In a designated parking space on public property, whether metered or unmetered, in such a way that the vehicle is not entirely within the limits of the space so designated by marked lines;**
- (3) **In a designated, metered parking space on public property, during the hours when parking limits applicable to such space are in effect, when no legal parking time is displayed on the meter;**
- (4) **In a designated parking space on public property, whether metered or unmetered, in violation of any posted restrictions regarding hours, time limits, reserved parking, “authorized only” parking, “employee only” parking or any other parking restriction;**
- (5) **In a parking space on public property designated as permit-only parking without prominently displaying the required permit on the dashboard or hanging from the rearview mirror; or**
- (6) **In parking space on public property in violation of any parking rule or regulation established by the Director of Public Safety in accordance with Section 238.02 of the City’s Administration Code.**
(Ord. 2018-31. Passed **//**)**

~~Except as otherwise provided in this subsection, 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.~~

452.08 **PARKING FOR DISABLED PERSONS.**
~~OPENING DOORS ON SIDE AVAILABLE TO TRAFFIC~~

(a) **Handicapped Parking Spaces:**

- (1) **Public Offices and Facilities:** 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 the City 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 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 (5'). 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.
- (2) **Private Property:** 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 as required by the Americans with Disabilities Act (ADA) and Ohio law. 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 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 (5'). 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.

~~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) **Prohibitions:**

- (1) **A. No person shall stop, stand, or park any motor vehicle at special parking locations provided under division (a)(1) of this section, or at special clearly-marked parking locations provided in or on privately-owned parking lots, parking garages, or other parking areas, that are designated in accordance with division (a)(2), unless one of the following applies:**
- (i) **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**
- (ii) **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.**

B. Any motor vehicle that is parked in a special marked parking location in violation of division (b)(1)A.(i) or (ii) of this section may be towed or otherwise removed from the parking location by the City's Division of Police. 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 City or the place of storage 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 City or the place of storage for towing and storing motor vehicles.

(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 (a)(1) 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 division (a)(2) of this section.

~~Except as otherwise provided in this subsection, 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)~~

(c) Handicapped Parking in Excess of Posted Time Limits: 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 shall not be permitted to park for a period in excess of the legal parking period permitted.

(d) Designated Parking Spaces: No owner of an office, facility, or parking garage where special parking locations are required to be designated in accordance with division (a)(1) 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.

(e) Exceptions:

(1) If a person is charged with a violation of division (b)(1)A.(i) or (ii) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two (72) hours prior to the time the person was issued the ticket and that, because of the injury, the person meets at least one (1) of the criteria contained in ORC 4503.44(A)(1). In such cases the person may admit the parking violation and request a waiver of the fine in accordance with Section 450.04(a)(2) and Section 450.06(e)(1) of this Traffic Code.

(2) If a person is charged with a violation of division (b)(1)A.(i) of this section and if at the time of the violation, 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 required. In such cases, the

- person may admit the parking violation and request a reduction in the fine in accordance with Section 4504.04(a)(2) and Section 450.06(e)(2) of this Traffic Code.
- (3) If a person is charged with a violation of division (b)(1)A.(ii) of this section and if at the time of the violation, 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 placard or license plates as required. In such cases, the person may admit the parking violation and request a reduction in the fine in accordance with Section 4504.04(a)(2) and Section 450.06(e)(2) of this Traffic Code.

(f) Placards or License Plates Issued under Prior Law: 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.

(g) Definitions: 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” has the same meaning as in 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 ORC 4503.41 or 4503.44, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty.

(Statutory Reference ORC 4511.69(E) - (I), (K) and ORC 3781.111)

(Editor’s Note: See Section 450.01 for the definition of “disability parking space,” and “vehicle.”)

452.09 PARKING DURING SNOW EMERGENCIES.

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) Declared Snow Emergency: No person shall park any vehicle on any street or roadway upon which are posted permanent signs giving notice that parking is limited or prohibited during a snow emergency during any period of time when a properly declared snow emergency is in effect.

~~Displaying such vehicle for sale; or~~

(b) Removal of Illegally Parked Vehicle: Notwithstanding any other provision of this section, any police officer may immediately order into storage any vehicle parked in violation of this section. The owner or any lienholder of a vehicle ordered into storage may claim the vehicle upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, and payment of all expenses, charges and fines incurred as a result of the removal and storage of the vehicle.

(Ord. 2018-31. Passed **/**/**)

~~Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.~~

452.10 **PARKING OF CERTAIN VEHICLES PROHIBITED.**
TRUCK LOADING ZONES.

(a) Prohibition on Vehicles: No person shall park any commercial tractor, semitrailer, trailer, agricultural tractor, travel trailer, recreational vehicle, motor home, bus, boat, or truck designed by the manufacturer to carry a load of more than three-quarters of a ton (1500 lbs.) on any street or right-of-way within a business or residential district, except when loading or unloading or in cases of emergencies.

(b) Prohibition on Trailers: No person shall park any trailer or semitrailer on any street or right-of-way within the City when such trailer or semitrailer is not attached to a tractor or other vehicle of motor power used in connection with the movement thereof.

(c) Definitions: As used herein, “travel trailer” and “motor home” have the same meaning as defined in ORC 4501.01.

(Ord. 2018-31. Passed **//**)**

~~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.~~

452.11 **PARKING VEHICLE WITH ILLEGAL OR EXPIRED PLATES ON STREET OR HIGHWAY.**

BUS STOPS AND TAXICAB STANDS.

(a) Expired License Plates: No person shall park any vehicle upon any public street, highway or parking lot or area within the City upon which are displayed any license plates that have expired, or any license plates issued in another state for which the period of reciprocal agreement with the state of issue has expired.

~~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) Illegal License Plates: No person shall park any vehicle upon any public street, highway or parking lot or area within this City upon which are displayed any license plates not legally registered and issued for such vehicle, or upon which are displayed any license plates that were issued on an application for registration that contains any false statement by the applicant.

(Ord. 2018-31. Passed **//**)**

~~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.~~

452.12 **SELLING, WASHING OR REPAIRING VEHICLE UPON ROADWAY.**
PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.

(a) **Prohibitions: No person shall stop, stand or park a vehicle upon any street, highway or public parking lot or parking area within the City, including the right-of-way, for the purpose of:**

- (1) Displaying such vehicle for sale;**
- (2) Washing or cleaning the exterior or interior of the vehicle, including any trunk or storage space; or**
- (3) Greasing or making any repairs to the vehicle, except where the repairs are necessitated by an emergency.**
(Ord. 2018-31. Passed **//**)**

~~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.~~

~~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.~~

452.13 **LOADING ZONES, BUS STOPS AND TAXI STANDS.**
SNOW EMERGENCIES.

(a) **Business Loading Zones: No person shall stop, stand, or park a vehicle upon a street or right-of-way in a business or commercial district for any purpose or length of time other than for the expeditious loading or unloading, delivery, or pickup of materials or merchandise within a marked loading zone, during the permitted hours, as indicated upon the sign marking the loading zone. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.**

Definitions. The words and/or phrases used in this section are defined in Chapter 450, §450.01.

Snow

Snow Emergency

—Level 1

—Level 2

—Level 3

Snow Emergency Routes

Vehicles

(b) **Bus Stops:**

- (1) No person shall stop, stand, or park a vehicle other than a bus in a bus stop 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 and luggage, but only when such stopping does not interfere with any bus waiting to enter or about to enter such zone, and then only for a period not to exceed three (3) minutes, if such stopping is not otherwise prohibited therein by posted signs.**
- (2) The operator of a bus shall not stop, stand, or park such vehicle upon any street 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.**
- (3) The operator of a bus shall enter a bus stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position**

with the right front wheel of such vehicle not further than eighteen inches (18") from the curb and the bus approximately parallel to the curb, so as not to unduly impede the movement of other vehicular traffic.

General Provisions:

(1) A. ~~City Council, with a recommendation from the Director of Public Safety shall, by adoption of an ordinance, designate streets which are heavily traveled and which are necessary thoroughfares for the movement of vehicular traffic through the city as Snow Emergency Routes.~~

B. ~~The following streets are declared to be Snow Emergency Routes:~~

<i>Route</i>	<i>From</i>	<i>To</i>
Ankeney Mill Road	Sutton Drive	End
Church Street	Columbus Street	Third Street
Cincinnati Avenue	Third Street	US 35
Collier St./Edison Blvd./		
Sutton Drive	SR 68	Main Street
Colorado Drive	Lower Bellbrook Road	Second Street/Upper Bellbrook Road
Columbus Street	Home Avenue	Stevenson Road
County Club Drive	Detroit Street	Dead End
Dayton Avenue	Main Street	End
Detroit Street	US 35	Old Springfield Pike
Hollywood/Kinsey Road	End	End
Home Avenue	Detroit Street	Corporate Limit
Industrial Boulevard	Lower Bellbrook Avenue	Cincinnati Avenue
Ledbetter Road	Cincinnati Avenue	Detroit Street
Lower Bellbrook Avenue	Vilma Way	Second Street
Main Street	US 35	Douglas Street
Market Street	Detroit Street	Collier Street
Monroe Drive	Lake Street	Country Club Drive
Orville Way	SR 42	End
Patton Street	Home Avenue	Birch Road
Pawnee Trail/Rockwell Dr.	End	End
Progress Drive	Dayton Xenia Road	Second Street
Second Street	US 35	Columbus Street
Sheelin Road	Towler Drive	Dayton Road
Tennessee Drive	Colorado Drive	End
West Street	Church Street	Ankeney Mill Road
Wilson Drive	Detroit Street	Joyce Drive

(2) ~~No parking shall be permitted on Snow Emergency Routes when the snow accumulation exceeds four inches.~~

(3) ~~All streets designated as Snow Emergency Routes shall be posted with suitable signs or markers at intervals not exceeding 500 feet, which signs shall bear the words "Snow Emergency Route."~~

(4) ~~When, in the opinion of the Director of Public Safety, the actual or expected precipitation of snow will create hazardous or dangerous highway conditions for vehicular or pedestrian traffic, he or she shall have authority to declare a snow emergency.~~

A. ~~No vehicle shall be parked on a Snow Emergency Route, unless the Snow Emergency Route signs permit certain parking.~~

B. ~~Any vehicle parked, stalled or incapable of moving under its own power or left unattended upon any street designated as a Snow Emergency Route may be removed~~

~~or towed away to any other location by the Division of Police or any person authorized by the Director of Public Safety.~~

~~C. Registered owners of vehicles parked in designated emergency routes shall be responsible for reimbursing the city for costs associated with the towing and storage of removed vehicles parked along Snow Emergency Routes.~~

~~D. The Director of Public Safety may declare any Snow Emergency Route or any part of a Snow Emergency Route to be free from the restrictions herein imposed when, in his or her opinion, the weather or street conditions warrant such an exclusion. The Director of Public Safety shall give notice of this determination in the manner provided for in subsection (b)(4)A of this section.~~

~~(Ord. 05 79. Passed 12/08/05; Am. Ord. 05 80. Passed 12 08 05)~~

(c) Taxi Stands:

(1) No person shall stop, stand, or park a vehicle other than a registered taxicab in a taxicab stand, when any such taxi 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 and luggage, but only when such stopping does not interfere with any taxi waiting to enter or about to enter the taxi stand, and then only for a period not to exceed three (3) minutes, if such stopping is not otherwise prohibited by posted signs.

(2) The operator of a taxicab shall not stand or park such vehicle upon any street 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 and luggage.

(Ord. 2018-31. Passed **//**)**

452.14 **PROHIBITIONS APPLICABLE TO OFF-STREET PARKING FACILITIES.**
PARKING OF COMMERCIAL AND HEAVY VEHICLES.

(a) Prohibitions:

(1) No person, while in or upon an off-street parking facility, shall race the motor of any vehicle, needlessly bring to a sudden start or stop any vehicle, needlessly blow the horn of any vehicle, engage in racing with another vehicle, or engage in any other behavior so as to create a nuisance or disturbance that would annoy or endanger any persons, property or other vehicles in or upon the facility.

(2) No person shall consume any alcoholic beverage in or upon any off-street parking facility.

(3) No person, alone or in concert with others, shall assemble or congregate in or upon any off-street parking facility for the purpose of lingering or loitering.

No person shall park any bus, any commercial vehicle, tractor or trailer, motor home, recreational vehicle, boat, mobile home or modular home, which is greater than 18 feet long, seven feet wide and/or seven and one half feet high, or prepare the same to be parked, on any street, alley or other public right of way within the business and residential districts of the city for a period longer than one hour.

(b) Definitions: As used in this section:

(1) "Off-Street parking facility" means any off-street parking facility open to the public for vehicles including, but not limited to, parking lots, parking garages or any other place where vehicles may be parked, stored, housed or kept, whether on public or private property.

(2) "Vehicle" shall be defined in ORC 4501.01(A).

(Ord. 2018-31. Passed **//**)**

~~No person shall park or cause to be parked any trailer or semitrailer upon the streets or alleys of the city when such trailer or semitrailer is not attached to a tractor or other vehicle of motor power used in connection with the movement thereof.~~

~~(c) The provisions of this section shall not apply to any truck, tractor or trailer, motor home, recreational vehicle, boat, mobile home or modular home which is parked while loading or unloading, nor to the parking of a bus, truck, tractor or trailer, motor home, mobile home or modular home during the time when the driver or passengers thereof have stopped to eat or for emergency purposes.~~

~~(d) A vehicle or a person in violation of this section will be issued a notice of violation by the Xenia Police Division. The penalty for such a violation will be twenty dollars (\$20.00). If the violation notice is not paid within five calendar days after its issuance, the penalty is forty dollars (\$40.00). Duplicate copies of the violation notice will be filed with the Xenia Police Division. If the violator fails to pay the penalty as prescribed in this section, any violation of this section will constitute a minor misdemeanor. The Xenia Police Division is hereby authorized to institute and administer a program, supplemented by appropriately trained volunteers of the City of Xenia Police Division Volunteer Program, to enforce the provisions of this section.
(Ord. 96-93, passed 11-26-1996; Am. Ord. 04-29, passed 7-8-2004; Am. Ord. 13-56, passed 11-14-2013)~~

452.15 PARKING ON PRIVATE PROPERTY.

PARKING AND REPAIRING INOPERABLE MOTOR VEHICLES.

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; or**
- (2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.**
(ORC 4511.681)

(Editor's Note: see Section 454.02 of this Traffic Code for regulations on establishing private tow-away zones)

~~No person shall park an inoperable motor vehicle, or permit an inoperable motor vehicle to be parked or to stand, on a street, public alley or public ground of the city for a period of more than 48 hours. No person shall use the streets, alleys or public grounds of the city for making repairs to motor vehicles, except that emergency repairs may be made thereon. (Ord. 65-22, passed 7-8-1965)~~

452.16 REMOVAL OF ILLEGALLY PARKED VEHICLE; RECLAMATION.

PARKING FOR DISABLED PERSONS.

(a) Police May Order Removal: Whenever any police officer finds a vehicle unattended and parked in violation of any provision of this Chapter, and where in the officer's discretion such vehicle constitutes an obstruction to traffic or a danger to persons or property, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety.

Definitions. The words and/or phrases used in this section are defined in Chapter 450, §450.01.

Accessible parking spaces for disabled persons

Disabled person

Parking card or Special license plate for disabled persons

(b) Impoundment or Immobilization of Vehicle: Whenever any police officer finds a vehicle standing or parked in violation of any provision of this Chapter, such officer may provide for the impoundment or immobilization of said vehicle.

(c) Reclamation:

- (1) Whenever a police officer has ordered the removal or impoundment of a vehicle under this section, the owner or any lienholder of the vehicle ordered into storage may claim the vehicle from the place of storage upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, and payment of all expenses, charges, and fines incurred as a result of the removal or impoundment and storage of the vehicle.**
- (2) Whenever a police officer has ordered the immobilization of a vehicle under this section, the owner or any lienholder of the vehicle may claim the vehicle from the Xenia Police Division upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, and payment of all expenses, charges and fines incurred as a result of the immobilization of the vehicle.**
(Ord. 2018-31. Passed **//**)**

(Editor's Note: ORC 4521.02 authorizes the impoundment, immobilization and payment for release of a vehicle)

~~Provision of accessible parking spaces in parking lots. Accessible parking spaces for disabled persons shall be provided and designated in all parking lots or structures in the city by the owners, proprietors or lessees thereof. 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 subsection and Ohio R.C. 3781.111(B) shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure five feet. 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.~~

~~(c) Use of accessible parking spaces.~~

- ~~(1) No person shall stop, stand or park any motor vehicle in an accessible parking space for disabled persons provided under this section unless the motor vehicle is being operated by or for the transport of a disabled person and is displaying a parking card or special license plate for disabled persons.~~
- ~~(2) A person operating a motor vehicle which does not meet the requirements set forth in subsection (c)(1) of this section and which is parked in an accessible parking space for disabled persons shall be issued a parking violation notice by the Police Division.~~

~~(d) Parking administration program. The Police Division is hereby authorized to institute and administer a parking administration program, supplemented by volunteers, appropriately trained, to enforce the provisions of this section and issue Parking Violation Notices.~~

~~(e) Penalty.~~

- ~~(1) Whoever violates subsection (b) of this section shall be fined ten dollars (\$10.00) for each and every day of noncompliance.~~
- ~~(2) Whoever violates subsection (c) of this section is guilty of a minor misdemeanor and shall be fined not less than two hundred fifty dollar (\$250.00) nor more than five hundred dollars (\$500.00). An offender who violates subsection (c) of this section shall be fined not more than one hundred dollars (\$100.00) if the offender, within five days of receiving the parking violation notice, proves the following to the satisfaction of the City Manager or his designee:
 - ~~A. At the time of the violation of subsection (c) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a~~~~

~~removable parking card or special license plates for disabled persons that then were valid but the offender or the person neglected to display the parking card or license plates as described in subsection (c) of this section.~~

- ~~(3) The fine amount for the Parking Violation Notices shall be as set forth in the fee schedule in Part Two Title Twelve, Chapter 298 of these Codified Ordinances.~~
- ~~(4) If a violator wishes to contest a violation of subsection (c) of this section before the Xenia Municipal Court, they may request that they be issued a Uniform Traffic Citation to replace the parking violation notice and have a court appearance date set.~~

~~In the event that an Ohio Uniform Traffic Citation is used in lieu of a parking violation notice, the Clerk of the Court shall pay every fine collected under subsection (e) of this section to the City Parking Fund. Except as provided in subsection (e) of this section, the city shall use the fine monies it receives under subsection (e) of this section to pay the expenses it incurs for enforcement and in complying with the signage and notice requirements contained in subsection (b) of this section. The city may use up to 50 percent of each fine it receives under subsection (e) 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 city political subdivision that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.~~

~~(Am. Ord. 06-79, passed 12-14-2006; Am. Ord. 07-39, passed 8-9-2007)~~

452.17 **(RESERVED)**

~~CITATIONS; FINES.~~

~~(a) The Division of Police shall attach, to any vehicle found parked in violation of any of the provision of this chapter, a notice that such vehicle is in violation and instructing the owner or operator thereof to report to the Division in regard to such violation. Unless otherwise provided in this chapter, if the owner or operator violating any of the provisions of this chapter reports to the Division within five days from the day noted on the parking violation notice so placed on the offender's vehicle for such violation, he or she shall be charged ten dollars (\$10.00). If, however, the owner or operator violating such provision fails to pay the ten dollar (\$10.00) charge within such five day period, then he or she shall be charged twenty five dollars (\$25.00). The charge may be deposited in the box in the lobby of City Hall or any other box so provided, or may be paid in person at City Hall, Monday through Friday, during normal business hours.~~

~~(b) Duplicate copies of such notice shall be filed with the Division. The failure of such owner or operator to make payment within the period provided for in this section shall constitute a minor misdemeanor.~~

~~(Ord. 86-2, passed 1-9-1986; Am. Ord. 08-78, passed 11-25-2008)~~

452.18 **(RESERVED)**

~~CANCELLATION OF CITATIONS AND PENALTIES.~~

~~(a) The Chief of Police or his or her designated officer, at his or her discretion, is hereby authorized to cancel parking citations, or penalties arising from such citations, on the following vehicles or because of the following circumstances:~~

- ~~(a) A disabled vehicle;~~
- ~~(b) A defective parking meter;~~
- ~~(c) A parking citation improperly or illegibly written;~~
- ~~(d) Emergency parking because of illness or physical handicap;~~
- ~~(e) Merchandise delivery while temporarily parked;~~
- ~~(f) Inability to obtain license information or to locate an owner after 60 days;~~
- ~~(g) Parking citations issued to persons on government business or using government vehicles or Armed Forces vehicles;~~

- ~~(h) The violator resides outside of the warrant service area established by the Municipal Court;~~
- ~~(i) The registration information is erroneous; or~~
- ~~(j) Any other extraordinary circumstance such as would result in an injustice if the citation or penalty is not canceled.~~

Cancellation Code

Administrative Procedure for 452.18

1. ~~Disabled Vehicle~~

- ~~Flat Tire~~
- ~~Stuck in ice, mud or snow~~
- ~~Out of gas~~
- ~~Motor won't run or is wet, defective or frozen~~
- ~~Brakes are frozen~~
- ~~Broken running gear~~
- ~~Shoved from original place~~

2. ~~Defective Parking Meter~~

~~This is to be used where a check actually shows the meter to be defective. It is also to be used when the meter checks OK and the person returns a second time to check on the report of the defective meter.~~

3. ~~Citation Improperly or Illegibly Written~~

~~This is to be used when an error in writing is apparent on the ticket or if the writing is illegible. It is also to be used if part of the information is left off the ticket or if information is in error. It is also to be used if, for obvious reasons, a ticket should not have been issued.~~

- ~~Area is not properly marked~~
- ~~Area is not restricted at the time of issuance, and the like~~
- ~~Curb painted yellow after car was parked~~

4. ~~Illness or Physical Handicap~~

- ~~Emergency illness where haste is a factor on the part of the doctor or patient~~
- ~~Illness occasioned by treatment in doctor's office~~
- ~~Handicapped individual requiring special handling~~
- ~~Other medical emergencies~~

5. ~~Merchandise Delivery~~

~~Either truck or pleasure car, but not to include the time necessary for purchase, billing, selection or other handling of merchandise~~

6. ~~Unable to Obtain License Information or to Locate Owner~~

- ~~Unable to check license~~
- ~~No forwarding address, or a false address~~

7. ~~Issued to Persons Using Government or Armed Forces Vehicles~~

- ~~Members of other enforcement agencies, principally the United State government~~
- ~~Officers from other cities and states~~
- ~~Officers using official cards on police business~~
- ~~Members of the Armed Forces, drafted or recalled, if license is out of use or if moved out of jurisdiction while in Armed Forces~~

8. ~~Residence Outside Warrant Service Area~~

~~To be used where the violator resides outside the limits set by the Municipal Court for the service of warrants by bailiffs~~

9. ~~Erroneous Registration Information~~

- ~~Registration information in error; error in bail office~~

10. ~~Other~~

~~Where extraordinary circumstances exist and injustice would result by not canceling parking citations, with justification, in writing, approved by the City Manager.~~

~~Cancellation Code~~

- ~~1. Disabled Vehicle~~
- ~~2. Defective parking meter~~
- ~~3. Citation improperly or illegibly written~~
- ~~4. Illness or physical handicap~~
- ~~5. Merchandise delivery~~
- ~~6. Unable to obtain license information or to locate owner~~
- ~~7. Issued to persons using government or Armed Forces vehicles~~
- ~~8. Residence outside warrant service area~~
- ~~9. Erroneous registration information~~
- ~~10. Other~~

~~(Ord. 83-7, passed 2-10-1983)~~

452.19 **(RESERVED).**

~~VALID REGISTRATION REQUIRED.~~

~~(a) No person shall stop, stand or park any motor vehicle in or on a public street, a public or private parking lot, or any other parking area open to the public under this section, unless the motor vehicle is displaying valid and/or proper registration.~~

~~(b) A vehicle parked in violation of this section shall be issued a parking violation notice by the Police Division. Duplicate copies of such notice shall be filed with the Police Division.~~

~~(c) The Police Division is hereby authorized to institute and administer a parking administration program, supplemented by volunteers, appropriately trained, to enforce the provisions of this section.~~

~~(d) Whoever violates this section shall be fined twenty dollars (\$20.00) if the parking violation notice is paid within five days of its issuance. If such notice is not paid within such five day period, the penalty shall be forty dollars (\$40.00).~~

~~(e) If the offender fails to pay the fine set forth in subsection (d) of this section, he or she shall be charged with a minor misdemeanor.~~

~~(Ord. 96-53, passed 6-27-1996)~~

452.20 **(RESERVED)**

~~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.~~

452.21 **EXCEPTIONS.**

~~WAIVER.~~

Notwithstanding any other provision of this Chapter, 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, however, that a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the Ohio Director of Transportation or the City's Public Safety Director.

(ORC 4511.69(D))

~~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.~~

452.90 CIVIL LIABILITY FOR PARKING VIOLATIONS.

Violation of any section of this Chapter shall not be considered a criminal offense for any purpose. A person who commits the violation shall not be arrested as a result of the commission of the violation, and all violations of this Chapter shall be handled pursuant to Chapter 450. of this Traffic Code.

(Ord. 2018-31. Passed **//**)**

Statutory Reference: ORC 4521.02

452.91 LIABILITY OF OWNER FOR PARKING VIOLATIONS.

In any hearing of any person charged with a violation of this Chapter, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Chapter and a noncertified copy of the law enforcement automated data system or a noncertified copy of a record of the Registrar of Motor Vehicles showing that the license plate was issued to that person or that the vehicle is registered in the person's name, shall be prima-facie evidence that the vehicle which was unlawfully parked, was so parked by that person, except as provided in Section 450.09 of this Traffic Code.

(Ord. 2018-31. Passed **//**)**

452.92 DEFINITIONS.

Any word or phrase not specifically defined in this Chapter shall have same meaning as in Ohio Revised Code Chapters 4511. or 4521., as applicable.

(Ord. 2018-31. Passed **//**)**

452.99 PENALTIES PENALTY.

All violations of this Chapter, including the penalties and fines therefor, shall be handled pursuant to Chapter 450. of this Traffic Code. The fines and penalties for violations of this Chapter shall be as set forth in the fee schedule in Part Two, Title Twelve, Section 298.01(b) of the City's Administration Code.

(Ord. 2018-31. Passed **//**)**

CHAPTER 454

Private Tow-Away Zones; Abandoned or Unclaimed Vehicles; Reclamation; Disposal

Parking Meters

454.01	<u>Impounding Motor Vehicle left on Private Residential or Agricultural Property or at Repair Garage</u>	454.06	<u>Junk Motor Vehicles: Order to Cover or Remove</u>
454.02	<u>Private Tow-Away Zones</u>	454.07	<u>Prohibition against Abandonment of Junk Motor Vehicle</u>
454.03	<u>Impounding Abandoned Motor Vehicle Or Vehicle that has come into the Possession of Law Enforcement Officers</u>	454.08	<u>Disposition of Abandoned Junk Motor Vehicle</u>
454.04	<u>Civil Action Against Towing Service Or Storage Facility</u>	454.09	<u>Prohibitions Related to Motor Vehicle Towing</u>
454.05	<u>Disposition of Unclaimed Motor Vehicles in Storage</u>	454.10	<u>Applicability</u>
		454.99	<u>Penalties</u>

CROSS REFERENCES

See Section Histories for Similar State Law
 Parking on private property violations - see TRAF. 452.15
 Prohibitions related to vehicle towing - see ORC 4513.67
 Storage facility requirements - see ORC 4513.69

454.01 IMPOUNDING MOTOR VEHICLE LEFT ON PRIVATE RESIDENTIAL OR AGRICULTURAL PROPERTY OR AT REPAIR GARAGE.
DEFINITIONS.

(a) Impoundment:

- (1) The City’s Chief of Police, upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Section 454.08 of this Traffic Code, that has been left on private residential or private agricultural property within the City for at least four (4) hours without the permission of the person having the right to the possession of the property. The Chief of Police, upon complaint of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. 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 private 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 (2) hours after the time it is removed from private property, unless the towing service is unable to deliver the motor vehicle within two (2) 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.

(b) Reclamation While Vehicle is being Prepared for Removal:

- (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 (1/2) of the fee for the removal of the motor vehicle established by the Ohio Public Utilities Commission in rules adopted under ORC 4921.25, in order to obtain release of the motor vehicle. However, if the City 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 (1/2) 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) Record of Vehicles:

- (1) The City's Chief of Police shall maintain a record of motor vehicles that the Chief 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 Chief's order for the removal and storage of a motor vehicle under division (a)(1) 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) Reclamation of Vehicle from Storage:

- (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 Ohio Public Utilities Commission in rules adopted under ORC 4921.25 or, if the City has established fees for vehicle removal and storage, payment of all applicable fees established by the City.**
 - 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.**
 - 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 Section 454.04 of this Traffic Code or under ORC 4513.611.

(2) 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 Ohio Public Utilities Commission in rules adopted under ORC 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 ORC 4513.69, 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 to be necessary to a criminal investigation; or

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.

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

(3) If a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section remains unclaimed by the owner for thirty (30) days, the procedures established by Sections 454.03 and 454.05 of this Traffic Code shall apply.

(e) Duties of Towing Service:

(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 Sections 454.03 to 454.08 of this Traffic Code.

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

(f) Limitations: 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 Section 454.02 of this Traffic Code.

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

(h) Definitions: As used in this section, “private residential property” means private property on which is located one (1) or more structures that are used as a home, residence, or sleeping place by one (1) or more persons, if no more than three (3) separate households are maintained in the structure or structures. “Private residential property” does not include any private property on which is located one (1) or more structures that are used as a home, residence, or sleeping place by two (2) or more persons, if more than three (3) separate households are maintained in the structure or structures.

(ORC 4513.60)

The words and/or phrases used in this section are defined in Chapter 450, § 450.01.

PARKING METER

PARKING METER SPACE

(1964 Code § 454.01)

454.02 **PRIVATE TOW-AWAY ZONES.**
PARKING WITHIN MARKED LINES OF METER SPACE.

(a) Establishing Private Tow-Away Zones: 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:

- (1) The owner of the private property posts on the property a sign, that is at least eighteen inches by twenty-four inches (18" x 24") in size, that is visible from all entrances to the property, and that includes all of the following information:**
 - A. A statement that the property is a tow-away zone;**
 - B. 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;**
 - C. If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;**
 - D. 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; and**
 - E. A statement that the failure to recover a towed vehicle may result in the loss of the title to the vehicle, as provided in ORC 4505.101(B).**
 - F. In order to comply with the requirements of division (a)(1) 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.**
- (2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:**
 - A. It is located within twenty-five (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 twenty-five (25) linear miles;**
 - B. It is well-lighted; and**
 - C. 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.**

(b) Removal of Vehicle from Tow-Away Zone:

- (1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (a) 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 section. 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 Ohio Public Utilities Commission in rules adopted under ORC 4921.25, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed, as provided in ORC 4505.101. The owner or lienholder of a vehicle that has been removed under this section, subject to division (c) of this section, may recover a vehicle in accordance with division (g) of this section.**

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

(c) Reclamation While Vehicle is being Prepared for Removal: If the owner or operator of a vehicle that is being removed under authority of division (b) 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 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 (1/2) of the fee for the removal of the vehicle established by the Ohio Public Utilities Commission in rules adopted under ORC 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.

(d) Duties of Towing Service:

- (1) Prior to towing a vehicle under division (b) 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 (a) of this section. The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty (30) days after the date on which the vehicle is recovered by the owner or lienholder or at least two (2) years after the date on which the vehicle was towed, whichever is earlier.
- (2) A towing service shall deliver a vehicle towed under division (b) of this section to the location from which it may be recovered not more than two (2) 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 (2) hours due to an uncontrollable force, natural disaster or other event that is not within the power of the towing service.

(e) Notice to Police Division; Record of Vehicles:

- (1) If an owner of a private property that is established as a private tow-away zone in accordance with division (a) of this section causes the removal of a vehicle from that property by a towing service under division (b) of this section, the towing service, within two (2) hours of removing the vehicle, shall provide notice to the City's Police Division, if the private property is located within the City, concerning all of the following:
 - A. The vehicle's license number, make, model and color;
 - B. The location from which the vehicle was removed;
 - C. The date and time the vehicle was removed;
 - D. The telephone number of the person from whom the vehicle may be recovered;and

E. The address of the place from which the vehicle may be recovered.

- (2) The Chief of Police shall maintain a record of any vehicle removed from private property within the City that is established as a private tow-away zone of which the Chief has received notice under this section. The record shall include all information submitted by the towing service. The 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.

(f) Notice to Owner and Lienholder by Towing Service or Storage Facility:

- (1) When a vehicle is removed from private property in accordance with this section, within three (3) 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 the records of the Ohio Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. Subject to division (f)(4) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholders as follows:
- A. Within five (5) business days after the Ohio Registrar of Motor Vehicles 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 or by a commercial carrier service utilizing any form of delivery requiring a return receipt;
- B. If the vehicle remains unclaimed thirty (30) days after the first notice is sent, in the manner required under division (f)(1)A. of this section;
- C. If the vehicle remains unclaimed forty-five (45) days after the first notice is sent, in the manner required under division (f)(1)A. of this section.
- (2) Sixty (60) days after any notice sent pursuant to division (f)(1) 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 ORC 4505.101(B), may initiate the process for obtaining a certificate of title to the motor vehicle as provided in ORC 4505.101(B).
- (3) 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 ORC 4505.101(B).
- (4) With respect to a vehicle concerning which a towing service or a storage facility is not eligible to obtain title under ORC 4505.101, the towing service or storage facility need only comply with the initial notice required under division (f)(1)A. of this section.

(g) Reclamation of Vehicle from Storage:

- (1) The owner or lienholder of a vehicle that is removed under division (b) of this section may reclaim it upon both of the following:
- A. 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;
- B. Payment of the following fees:
- (i) All applicable fees established by the Ohio Public Utilities Commission in rules adopted under ORC 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 send under division (f)(1)A. of this section;

- (ii) If notice has been sent to the owner and lienholder as described in division (f) of this section, a processing fee of twenty-five dollars (\$25).
- (2) A towing service or storage facility in possession of a vehicle that is removed under authority of division (b) of this section shall show the vehicle owner, operator or lienholder who contest the removal of the vehicle all photographs taken under division (d) 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.
- (3) 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 section 454.04 of this Traffic Code or ORC 4513.611.
- (4) 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 (b) 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 the purposes of division (g)(4) of this section, “personal items” do not include any items that are attached to the vehicle.

(h) Duty of Towing Service: No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under Section 454.02 of this Traffic Code or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.

(i) Limitations: This section does not affect or limit the operation of Sections 454.01 or 454.03 to 454.08 of this Traffic Code as they relate to property other than private property that is established as a private tow-away zone under division (a) of this section.

(j) Penalties: Whoever violates division (h)(1) of this section is guilty of a minor misdemeanor.

(k) Definitions: 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:

- (1) Any person who holds title to the property;
- (2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;
- (3) A person who is authorized to manage the property;
- (4) A duly authorized agent of any person listed in divisions (k)(1) to (k)(3) of this section. (ORC 4513.601)

(Editor’s Note: See Section 452.15 of this Traffic Code regarding parking on private property violations)

~~No person shall park a vehicle in a parking meter space in such a way that the vehicle shall not be entirely within the limits of the space so designated by marked lines.~~

~~(1964 Code § 454.02)~~

454.03 **IMPOUNDING ABANDONED MOTOR VEHICLE OR VEHICLE THAT HAS COME INTO THE POSSESSION OF LAW ENFORCEMENT OFFICERS. DEPOSIT OF COIN REQUIRED; ILLEGAL PARKING.**

(a) **Impoundment: The City's Chief of Police, or a state highway patrol trooper, upon notification to the Chief 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 Section 454.08 of this Traffic Code, that:**

- (1) Has come into the possession of the Chief or state highway patrol trooper as a result of the performance of the Chief's or trooper's duties; or**
- (2) Has been abandoned 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 forty-eight (48) hours or longer without notification to the Chief of Police 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 ORC 4513.66; or**
 - B. The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the Chief of Police 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 or state highway patrol trooper. If the Chief of Police or state highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the Chief of Police or state highway patrol trooper shall order the removal of the vehicle.**
- (3) The Chief of Police is hereby authorized to investigate why the motor vehicle has remained in the same place for seventy-two (72) hours or more and may determine, in his sole discretion, whether such motor vehicle has been abandoned.**
- (4) Subject to Section 454.03(c), the Chief shall designate the place of storage of any motor vehicle so ordered removed.**

~~No person shall cause, allow or permit a vehicle to occupy a parking meter space during the hours when the provisions applicable to such space are in effect, unless he or she shall deposit such lawful coin of the United States of appropriate denomination in the adjacent parking meter, as required by directions on the meter. Such person is not required to deposit a coin in a meter which indicates a balance of unused legal parking time left by the previous occupant of the space, so long as his or her occupancy of the space does not exceed the indicated unused parking time. The parking meter space may be lawfully occupied by such vehicle during the balance of legal parking time shown on the meter, provided that such occupancy does not exceed the established maximum consecutive parking time limit.~~

(b) **Delivery to Place of Storage: If the Chief of Police or 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 not more than two (2) hours after the time it is removed.**

~~No person shall fail to comply with the directions displayed on a parking meter or fail to set the timing mechanism in operation when so required.~~

(c) **Notice to Vehicle Owner:**

- (1) The Chief of Police shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the Chief or by a state highway patrol trooper within five (5) business days of the removal of the vehicle. Upon obtaining such identity, the Chief of Police shall send or cause to be sent to the owner or lienholder at the owner's**

or lienholder's last known address by certified mail with return receipt requested, notice that informs the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten (10) days of the date of mailing of the notice.

- (2) 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 Ohio Public Utilities Commission in rules adopted under ORC 4921.25 if the owner retrieves the personal items after hours, unless the towing services or storage facility fails to provide the notice required under ORC 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:
- A. Retrieve any personal item that has been determined by the Chief of Police 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.

For the 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 records of the Bureau of Motor Vehicles 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 owner of the place of storage or the owner's employee, the owner or lienholder shall pay to the place of storage a processing fee of twenty-five dollars (\$25), in addition to any expenses or charges incurred in the removal and storage of the vehicle.

No person shall cause, allow or permit a vehicle to occupy a parking meter space beyond the maximum consecutive parking time limit lawfully prescribed, for the particular space occupied, by appropriate notice on the meter or on posted signs, irrespective of the number or amount of coins deposited in such meter.

(1964 Code § 454.03)

(d) Disposal of Vehicle When Unclaimed: If the owner or lienholder makes no claim to the motor vehicle within ten (10) days of the date of mailing of the notice, and if the vehicle is to be disposed of at public auction, as provided in Section 454.05 of this Traffic Code, the Chief of Police shall proceed in accordance with ORC 4513.61(D).

(e) Duties of Towing Service or Storage Facility: No towing service or storage facility shall fail to comply with this section.
(ORC 4513.61)

454.04 CIVIL ACTION AGAINST TOWING SERVICE OR STORAGE FACILITY.
PARKING PROHIBITED IN METER SPACE.

(a) Civil Action:

- (1) A vehicle owner may bring a civil action in a court of competent jurisdiction against a towing service or storage facility that commits a major or minor violation.
- (2) If a court determines that the towing service or storage facility committed a minor violation, the Court shall award the vehicle owner the following:

- A. If the towing service or storage facility has not committed a prior minor violation within one (1) year of the minor violation for which the Court has determined the towing service or storage facility is liable, one hundred fifty dollars (\$150).
 - B. If the towing service or storage facility has committed one (1) prior minor violation within one (1) year of the minor violation for which the Court has determined the towing service or storage facility is liable, three hundred fifty dollars (\$350).
 - C. If the towing service or storage facility has committed two (2) prior minor violations within one (1) year of the minor violation for which the Court has determined the towing service or storage facility is liable, the violation constitutes a major violation and division (a)(3) of this section applies.
 - D. If the towing service or storage facility has committed three (3) prior minor violations within one (1) year of the minor violation for which the Court has determined the towing service or storage facility is liable, one thousand five hundred dollars (\$1,500).
 - E. If the towing service or storage facility has committed four (4) prior minor violations within one (1) year of the minor violation for which the Court has determined the towing service or storage facility is liable, two thousand dollars (\$2,000).
 - F. If the towing service or storage facility has committed five (5) prior minor violations within one (1) year of the minor violation for which the Court has determined the towing service or storage facility is liable, the violation constitutes a major violation and division (a)(3) of this section applies.
 - G. If the towing service or storage facility has committed six (6) or seven (7) prior minor violations within one (1) year of the minor violation for which the Court has determined the towing service or storage facility is liable, two thousand five hundred dollars (\$2,500).
 - H. If the towing service or storage facility has committed eight (8) prior minor violations within one (1) year of the minor violation for which the Court has determined the towing service or storage facility is liable, the violation constitutes a major violation and division (a)(3) of this section applies.
- (3) If a court determines that the towing service or storage facility committed a major violation, the Court shall award the vehicle owner the following:
- A. If the towing service or storage facility has not committed any prior major violations within one (1) year of the major violation for which the Court has determined the towing service or storage facility is liable, one thousand dollars (\$1,000).
 - B. If the towing or storage facility has committed one (1) prior major violation within one (1) year of the major violation for which the Court has determined the towing service or storage facility is liable, two thousand five hundred dollars (\$2,500).
 - C. If the towing service or storage facility has committed two (2) prior major violations within one (1) year of the major violation for which the Court has determined the towing service or storage facility is liable, three thousand five hundred dollars (\$3,500). In addition, the Court shall order the Ohio Public Utilities Commission to revoke the towing service's or storage facility's certificate of public convenience and necessity for six (6) months. The Commission shall comply with the order.

(4) If a vehicle owner brings a civil action against a towing service or storage facility that alleges multiple minor or major violations, the court shall award, with regard to each violation for which the towing service or storage facility is determined to be liable, a civil penalty as required under division (a)(2) or (a)(3) of this section. The court shall consider each violation as a separate violation for purposes of determining how many violations the towing service or storage facility has committed within one (1) year.

(5) In determining if a towing service or storage facility has committed prior minor or major violations within the applicable one -year period, a court shall consider only violations that have been determined by a court of competent jurisdiction to have been committed by the towing service or storage facility.

(b) Revocations: Upon expiration of the six-month revocation under division (a)(3)C. of this section, a court shall not consider any violation committed by the towing service or storage facility prior to the revocation for purposes of a civil action initiated after the expiration of the six-month revocation.

(c) Damages: In addition to an award made under division (a) of this section, if a court determines that a towing service or a storage facility committed a violation that caused actual damages, the court shall award the vehicle owner three times (3x) the actual damages and reasonable attorney fees.

(d) Notification to Public Utilities Commission: A court that issues a judgment under this section against a towing service or storage facility shall send a copy of that judgment to the Ohio Public Utilities Commission. The Commission shall provide a copy of the judgment upon request.

(e) Definitions: As used in this section:

(1) "Minor violation" means any of the following:

- A. Failure to deliver a vehicle to the designated location within two (2) hours after removal, unless the towing service was unable to deliver the motor vehicle within two (2) hours due to an uncontrollable force, natural disaster or other event that was not within the power of the towing service, as required under Section 454.01(a)(2) or Section 454.02(d)(2) of this Traffic Code;**
- B. Failure to provide a receipt as required under Section 454.01(b) or Section 454.02(c) of this Traffic Code;**
- C. Failure to take a towed vehicle to a location that meets the requirements of Section 454.02(a)(2) of this Traffic Code as required under that division;**
- D. Failure to comply with any photograph-related requirement established under Section 454.02(d)(1) or (g)(2) of this Traffic Code. If a court determines that a towing service or storage facility committed more than one (1) violation of Section 454.02(d)(1) or (g)(2) of this Traffic Code with regard to the same transaction, the court shall find the towing service or storage facility liable for only one (1) minor violation under this section;**
- E. Failure to send notice to the owner and any lienholder as required under Section 454.03(f)(1)A. of this Traffic Code;**
- F. Failure to provide an estimate as required under ORC 4513.68, containing the information required under that section;**
- G. Charging a fee that does not comply with ORC 4513.68(C) if the towing service fee is required to be reduced under that division;**
- H. Failure to post a notice pertaining to fee limitations as required under ORC 4513.68(D).**

(2) “Major Violation” means any of the following:

- A. Failure to give the owner of a vehicle, who arrives after the owner’s vehicle has been prepared for removal but prior to its actual removal, notification that the owner may pay a fee of not more than one-half (1/2) of the fee for the removal of the vehicle for the immediate release of the vehicle, as required under Section 454.01(b) or 454.02(c) of this Traffic Code;**
- B. Failure to release a vehicle upon payment of not more than one-half (1/2) of the fee for the removal of the vehicle as permitted under Section 454.01(b) or Section 454.02(c) of this Traffic Code;**
- C. Refusal to allow a vehicle owner to reclaim the owner’s vehicle upon payment of the applicable fees established by the Ohio Public Utilities Commission and presentation of proof of ownership as permitted under Section 454.01(d)(2) or Section 454.02(g)(1) of this Traffic Code;**
- D. Refusal to allow a vehicle owner to retrieve personal items from the owner’s vehicle under circumstances in which the owner is permitted to retrieve personal items under Section 454.01(d)(2) or Section 454.02(g)(4) of this Traffic Code;**
- E. Failure to provide notice to the appropriate law enforcement agency within two (2) hours of removing a vehicle as required under Section 454.02(e)(1) of this Traffic Code;**
- F. Failure to send notice that a vehicle has been towed to the vehicle owner and any known lienholder within thirty (30) days of removal of the vehicle from a private tow-away zone under Section 454.02 of this Traffic Code. If a court determines that a towing service or storage facility committed a violation specified in division (d)(2)F. of this section and a violation of division (d)(1)E. of this section with regard to the same transaction, the Court shall find the towing service or storage facility liable for only the major violation;**
- G. Failure to visibly display the certificate of public convenience and necessity number a required under ORC 4513.67(B)(1). (ORC 4513.611)**

~~Notwithstanding any provision of this chapter, no person shall park in a parking meter space when otherwise directed by a police officer or firefighter or when parking is prohibited by properly posted signs.
(1964 Code § 454.04)~~

**454.05 DISPOSITION OF UNCLAIMED MOTOR VEHICLES IN STORAGE.
DEFACING METERS; USE OF SLUGS.**

**Unclaimed motor vehicles ordered into storage pursuant to Sections 454.01 or 454.03 of this Traffic Code shall be disposed of at the order of the City’s Chief of Police to a motor vehicle salvage dealer or scrap metal processing facility, as defined in ORC 4737.05, or to any other facility owned by or under contract with the City for the disposal of such motor vehicles, or shall be sold by the Chief or licensed auctioneer at public auction after giving notice thereof by advertisement, published once a week for two (2) successive weeks, in a newspaper of general circulation in the county or as provided in ORC 7.16. Any moneys accruing from the disposition of an unclaimed motor vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the City’s General Fund.
(ORC 4513.62)**

~~No person shall:~~

- ~~(a) Deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter; or~~

~~(b) Cause, allow or permit any token, slug, false or counterfeited coin, device or other substance to be deposited in a parking meter.
(1964 Code § 454.05)~~

454.06 **JUNK MOTOR VEHICLE; ORDER TO COVER OR REMOVE.**
PARKING METER HOURS.

(a) Junk Motor Vehicle Defined: For purposes of this section, “junk motor vehicle” means any motor vehicle meeting the requirements of divisions (a)(2), (a)(3), (a)(4), and (a)(5) of Section 454.08 of this Traffic Code that is left uncovered in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of ORC 4737.05 to 4737.12 or regulated under authority of the City; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector’s vehicle.

(b) Unlicensed Collector’s Vehicles: The City shall not prevent a person from storing or keeping, or restrict a person in the method of storing or keeping, any collector’s vehicle on private property with the permission of the person having the right to the possession of the property; except that the City may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector’s vehicle stored in the open.

(c) Order to Conceal or Remove: The City’s Chief of Police, the City Council, or the City’s Planning and Zoning Department may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten (10) days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

**(d) Prohibitions: No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten (10) days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each day that a junk motor vehicle continues to be so left constitutes a separate offense.
(ORC 4513.65)**

(e) Penalties:

- (1) Whoever violates division (d) of this section is guilty of a minor misdemeanor on the first offense, and the Court shall impose a mandatory fine of not less than fifty dollars (\$50.00).**
- (2) If, within two (2) years of the offense, the offender has previously been convicted of or pled guilty to a violation of this section, the offender shall be guilty of a misdemeanor of the fourth degree on the first offense and the Court shall impose a mandatory fine of not less than one hundred twenty-five dollars (\$125.00), in addition to any other penalties provided by law.**
- (3) If, within two (2) years of the offense, the offender has previously been convicted of or pled guilty to two (2) violations of this section, the offender shall be guilty of a misdemeanor of the third degree and the Court shall impose a mandatory fine of not less than two hundred fifty dollars (\$250.00), in addition to any other penalties provided by law.**

- (4) If, within two (2) years of the offense, the offender has previously been convicted or pled guilty to three (3) violations of this section, the offender shall be guilty of a misdemeanor of the second degree and the Court shall impose a mandatory fine of not less than three hundred seventy-five dollars (\$375), in addition to any other penalties provided by law.
- (5) If, within two (2) years of the offense, the offender has previously been convicted or pled guilty to four (4) or more violations of this section, the offender shall be guilty of a misdemeanor of the first degree and the Court shall impose a mandatory fine of not less than five hundred dollars (\$500), in addition to any other penalties provided by law.
- (6) In addition, the offender may be assessed any costs incurred by the City in removing and/or in disposing of the abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the City from the disposal of the vehicle.
(Ord. 2018-31. Passed **/**/)**

~~A two hour parking limit shall be in effect from 8:00 a.m. to 6:00 p.m. on Monday, Tuesday, Wednesday, Thursday and Saturday, and from 8:00 a.m. to 9:00 p.m. on Friday of each week. Such metered and signed parking restrictions shall not be in operation at other hours or on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.~~
~~(Ord. 87 79, passed 11 24 1987)~~

454.07 PROHIBITION AGAINST ABANDONMENT OF JUNK MOTOR VEHICLE.
PARKING WITHIN MUNICIPAL PARKING LOTS.

(a) Prohibition against Abandonment of Junk Motor Vehicle:

- (1) No person shall willfully leave an abandoned junk motor vehicle, as defined in Section 454.08 of this Traffic Code, on private property within this City for more than forty-eight (48) hours without the permission of the person having the right to the possession of the property;
- (2) No person shall willfully leave an abandoned junk motor vehicle, as defined in Section 454.08 of this Traffic Code, on a public street or other property open to the public for purposes of vehicular travel or parking within this City, or upon or within the right-of-way of any road or highway, forty-eight (48) hours or longer without notification to the City's Chief of Police of the reasons for leaving the motor vehicle in such place.
- (3) For purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima-facie evidence of abandonment.

~~The Director of Public Safety is hereby authorized and instructed to cause parking lots acquired from or maintained by the proceeds of the Traffic Fund to be marked in individual parking spaces for the parking of vehicles. All vehicles parked in such parking lots shall be so parked that all portions of such vehicles shall be entirely within the limits of the parking space so designated. The enforcement of regulations pertaining to parking lots shall be under the direction of the Division of Police.~~
~~(Ord. 56 14, passed 5 24 1956)~~

(b) Penalties: Whoever violates this section is guilty of a minor misdemeanor, and shall also be assessed any costs incurred by City in disposing of the abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the City from the disposal of the vehicle.
(ORC 4513.64)

~~Schedules of fees and hours for parking in municipal parking lots, other than at meters, shall be established. Restrictions affecting hours, time limits, reserved parking, authorized only parking, or any other restriction for parking, shall be posted by the city. No person shall fail to comply with any established schedule of fees, hours for parking or posted restriction.~~
~~(Ord. 99 40, passed 8 26 1999)~~

~~(c) All provisions of this chapter which are applicable to off street metered parking lots and parking meter zones therein, including violations, shall apply to municipal parking lots.
(Ord. 58-8, passed 5-22-1958)~~

454.08 **DISPOSITION OF ABANDONED JUNK MOTOR VEHICLE.**
PARKING WITHIN THE DOWNTOWN AREA.

(a) **Definition: "Abandoned Junk Motor Vehicle" means any motor vehicle meeting all of the following requirements:**

~~The following downtown area of the city shall be designated as a limited parking zone: the area bounded on the north by Church Street, the west by Church Street to Cincinnati, then south on Cincinnati to Miami, on the south by Miami Avenue between Cincinnati and South Detroit, and on the east by Collier Street to Third, then along Third to Detroit, and south on Detroit to Miami, except public parking areas within Xenia Redevelopment Project Number One (Towne Square area).~~

(1) **Left on private property for forty-eight (48) hours or longer without the permission of the person having the right to the possession of the property, 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 forty-eight (48) hours or longer;**

~~Metered and signed areas shall be designated within this zone by the Chief of Police.~~

(2) **Three (3) years old, or older;**

~~The Chief shall cause appropriate signs or meters to be placed at the locations within the limited parking zone and shall direct the Police Division to enforce the hourly limits for parking, as designated.~~

(3) **Extensively damaged, such damage including, but not limited to, missing wheels, tires, motor, or transmission;**

(4) **Apparently inoperable; and**

(5) **Having a fair market value of one thousand five hundred dollars (\$1,500) or less.**

(b) **Disposal:**

(1) **The City's Chief of Police, or state highway patrol trooper upon notification to the Chief of such action, shall order any abandoned junk motor vehicle to be photographed by a law enforcement officer. The officer shall record the make of motor vehicle, the serial number when available, and shall also detail the damage or missing equipment to substantiate the value of one thousand five hundred dollars (\$1,500) or less.**

(2) **The Chief of Police shall thereupon immediately dispose of the abandoned junk motor vehicle to a motor vehicle salvage dealer, as defined in ORC 4738.01, or a scrap metal processing facility, as defined in ORC 4737.05, which is under contract to the City or to any other facility owned by or under contract with the City for the destruction of such motor vehicles. The records and photographs relating to the abandoned junk motor vehicle shall be retained by the Division of Police for a period of at least two (2) years.**

(3) **The Division of Police shall execute in quadruplicate 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 and, within thirty (30) days of disposing of the vehicle, shall sign and file the affidavit with the clerk of courts of the county in which the motor vehicle was abandoned.**

(4) **The clerk of courts shall retain the original of the affidavit for the Clerk's files and shall furnish one (1) copy thereof to the Registrar, one (1) copy to the motor vehicle salvage dealer or other facility handling the disposal of the vehicle, and one (1) copy to**

the Division of Police, who shall file such copy with the records and photographs relating to the disposal.

- (5) Any moneys arising from the disposal of an abandoned junk motor vehicle shall be deposited in the City's General Fund.

~~The Chief shall designate certain spaces within the downtown area as 30 minute parking zones. He or she shall cause signs to be placed at appropriate locations designating the time limit for the parking zones.
(Ord. 97-55, passed 11-13-1997)~~

(c) Abandoned Junk Vehicle on Public Property: Notwithstanding Section 454.03 of this Traffic Code, any motor vehicle meeting the requirements of divisions (a)(3), (a)(4) and (a)(5) of this section which has remained unclaimed by the owner or lienholder for a period of ten (10) days or longer following notification as provided in Section 454.03 of this Traffic Code may be disposed of as provided in this section.
(ORC 4513.63)

454.09 PROHIBITIONS RELATED TO MOTOR VEHICLE TOWING.

~~PARKING WITHIN XENIA REDEVELOPMENT PROJECT NUMBER ONE; VIOLATIONS;
FINES.~~

~~Parking within the public parking area of Xenia Redevelopment Project Number One of the City's Urban Renewal Area is subject to the following rules and regulations.~~

(a) Prohibition Against Monetary Compensation in Exchange for Authorization to Tow: No towing service shall knowingly offer or provide monetary compensation in exchange for the authorization to tow a motor vehicle from a specified location or on behalf of the person to whom the towing service offered or provided the compensation. This section does not prohibit a towing service from negotiating or reducing towing and storage fees.
(ORC 4513.612)

~~Parking shall be limited to a three-hour period.~~

(b) Prohibitions Related to Motor Vehicle Towing:

- (1) No towing service shall permit the operation of a towing vehicle on behalf of the towing service, unless both of the following apply:
- A. The towing service holds a valid certificate of public convenience and necessity as required by ORC Chapter 4921.; and
 - B. The certificate number and business telephone number is visibly displayed on both the left and right sides of the towing vehicle.
- (2) No towing service shall do either of the following:
- A. Fail to make its current certificate of public convenience and necessity available for public inspection during normal business hours;
 - B. Fail to include its certificate number on all written estimates, contracts, invoices and advertising, except that the Ohio Public Utilities Commission, by rule, may exempt from the requirements of division (b)(2)B. of this section any type of advertising where the size or nature of the advertisement makes it unreasonable to add a certificate number.
(ORC 4513.67)

~~Vehicles of employees of businesses of the Urban Renewal Area, which are parked within certain designated areas for employee parking, shall not be subject to the three-hour parking limitation, provided that such vehicles display an approved sticker or emblem of identification.~~

(c) **Penalties:**

- (1) Whoever violates division (a) this section is guilty of a minor misdemeanor. (ORC 4513.612)**
- (2) Except as provided in division (c)(3) of this section, whoever violates division (b) of this section is guilty of a minor misdemeanor. A towing service that is issued a citation for a violation of division (b) of this section is not permitted to enter a written plea of guilty and waive the right to contest the citation in a trial but instead must designate an agent to appear in person in the proper court to answer the charge. If the towing service is convicted of or pleads guilty to the offense, the court shall notify the towing service that a subsequent offense will result in the seizure and impoundment of any tow truck that is used to tow vehicles on behalf of the towing service until the towing service obtains a certificate of public convenience and necessity.**
- (3) If a towing service previously has been convicted of or pleaded guilty to a violation of division (b) of this section, a violation of division (b) of this section is a misdemeanor and, notwithstanding ORC 2929.24 to 2929.28, the court shall impose upon the towing service a fine of five hundred dollars (\$500). The court shall require the towing service to disclose the license plate number of every vehicle used to tow vehicles on behalf of the towing service and the court shall order an appropriate law enforcement agency to seize and impound all such vehicles. Upon presentation of a certificate of public convenience and necessity for the towing service, the court shall terminate the order and the law enforcement agency in possession of the vehicles shall release the vehicles.**
- (4) The offenses established under division (b) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of ORC 2901.20. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4513.67)**

~~The parking of vehicles in fire lanes within the Urban Renewal Area is prohibited.~~

(d) Definitions: As used in division (b) of this section, “towing service” means any for-hire motor carrier that is engaged on an intrastate basis anywhere in this State in the business of towing a motor vehicle over any public highway in this State. (ORC 4513.67)

~~The Division of Police shall attach, to any vehicle found to be parked in violation of this section, a notice that such vehicle is in violation and instructing the owner or operator thereof to report to the Division in regard to such violation. If the owner or operator violating this section reports to the Division within five days from the day noted on the parking violation notice so placed on the offender’s vehicle, he or she shall be charged five dollars (\$5.00). The five dollar (\$5.00) charge may be deposited in the box in the lobby of City Hall or in any other box so provided, or may be paid in person at City Hall, Monday through Friday, during normal business hours. If the offender fails to pay the five dollar (\$5.00) charge within five days, such offender shall pay to the Division, as a penalty for and in full satisfaction of such violation, the sum of ten dollars (\$10.00), provided such payment is made within ten days from the day noted on the parking violation notice.~~

~~(e) Duplicate copies of such parking violation notices shall be filed with the Division.~~

~~(f) The failure of such owner or operator to make payment within the periods provided for in this section shall constitute a minor misdemeanor.~~

~~454.095 WAIVER OF COIN DEPOSIT REQUIREMENT DURING CHRISTMAS HOLIDAY SEASON.~~

~~— Upon written request from the Chamber of Commerce, the City Manager may, during the Christmas holiday season, the period between Thanksgiving and New Year's Day, suspend the requirement of coin deposits in parking meters within the city as required by § 454.03. Such waiver of the coin deposits is not, however, a waiver of the parking time limits prescribed on the parking meters. All other provisions of § 454.03, except for the requirement of the coin deposit, shall remain in full force and effect. (Ord. 87-72, passed 11-12-1987)~~

454.10 **APPLICABILITY.**
VIOLATIONS; FINES.

Nothing in this Chapter shall be deemed to apply to stolen vehicles, which shall be disposed of in accordance with ORC 2981.11 to 2981.13.
(Ord. 2018-31. Passed **//**)**

~~(a) The Division of Police shall attach, to any vehicle found in violation of a parking meter provision of this Traffic Code, a notice that such vehicle is in violation of this chapter and instructing the owner or operator thereof to report to the Division in regard to such violation. If the owner or operator violating such provision reports to the Division within five days from the day noted on the parking violation notice so placed on the offender's vehicle, he or she shall be charged, except that violators of §454.07(b) and (c) or §454.03(c) shall be charged in accordance with subsection (b) of this section. The five dollar (\$5.00) charge may be deposited in the box in the lobby of City Hall or in any other box so provided, or may be paid in person at City Hall, Monday through Friday, during normal business hours. If the offender fails to pay the five dollar (\$5.00) charge within five days, such offender shall pay to the Division, as a penalty for and in full satisfaction of such violation, the sum of ten dollars (\$10.00), provided such payment is made within ten days from the day noted on the parking violation notice.~~

~~(b) For a violation of §§ 454.07(b) and (c) or § 454.03(c), the owner or operator of the vehicle shall be charged ten dollars (\$10.00), if paid within five days of the date of the violation. If the offender fails to pay the ten dollar (\$10.00) charge within five days of the date of the violation, such offender shall pay twenty five dollars (\$25.00), provided such payment is made within ten days of the violation.~~

~~(c) For any violation of parking limitation signs posted as authorized in §454.08, the owner or operator of the vehicle shall be charged ten dollars (\$10.00), if paid within five days of the violation. If the offender does not pay the ten-dollar (\$10.00) charge within five days of the date of the violation, such offender shall pay twenty five dollars (\$25.00), provided such payment is made within ten days of the violation.~~

~~(d) Duplicate copies of the parking violation notice shall be filed with the Division.~~

~~(e) The failure of such owner or operator to make payment within the periods provided for in this section shall constitute a minor misdemeanor.
(Ord. 97-55, passed 11-13-1997; Am. Ord. 08-78, passed 11-25-2008)~~

454.99 **PENALTIES PENALTY.**

See Chapter 408. of this Traffic Code for penalties for provisions of this Chapter for which no penalty is otherwise provided in the section violated.
(Ord. 2018-31. Passed **//**)**

CHAPTER 410
Traffic Commission

~~410.01 ESTABLISHMENT; COMPOSITION; COMPENSATION; TERMS; QUORUM; VACANCIES.~~

~~There is hereby established a Traffic Commission. The Commission shall consist of five voting members, who shall be residents of the city and who shall be appointed by the City Council to staggered terms of four years each. All such appointed members shall serve without compensation. In addition, a member of the City Council shall serve a one-year term, sit with the Commission as liaison and act as Chairperson of the Commission without the power to vote, except in the event of a tie vote. A quorum shall consist of three members. In the event of the death or resignation of any member, a successor shall be appointed by the City Council to serve for the unexpired term for which such member was appointed.~~
(Ord. 88-51, passed 5-26-1988)

~~410.02 DUTIES.~~

~~(a) The duties of the Traffic Commission shall be as follows:~~

- ~~(1) Coordinate traffic activities;~~
- ~~(2) Carry on educational activities in traffic matters;~~
- ~~(3) Receive complaints having to do with traffic matters;~~
- ~~(4) Receive from the city staff recommendations based upon sound engineering judgment and in accordance with the *Ohio Manual of Uniform Traffic Control Devices for Streets and Highways*;~~
- ~~(5) Review traffic flow, turning radii, and related traffic concerns for all major development plans including subdivisions, Planned Unit Developments (PUDs) and redevelopment projects that have major impact on traffic and existing thoroughfares prior to plan submission to the Xenia Planning and Zoning Commission;~~
- ~~(6) Review traffic impact analyses and recommend appropriate improvements to the Xenia Planning and Zoning Commission and City Council;~~
- ~~(7) Make monthly reports to the City Council; and~~
- ~~(8) Recommend to the City Council and other city officials ways and means for improving existing traffic conditions and the administration and enforcement of traffic regulations.~~

~~(b) The city staff shall consist of a person from the office of the City Engineer and from the Police Division.~~

~~(Ord. 85-62, passed 9-12-1985; Am. Ord. 08-53, passed 8-28-2008)~~

~~410.03 TEMPORARY RULES.~~

~~The Traffic Commission may make temporary rules regulating traffic, in accordance with this Traffic Code and with the Ohio Revised Code, for testing traffic regulations and control devices under actual conditions of traffic, provided that such temporary rules are in conformity with the *Ohio Manual of Uniform Traffic Control Devices for Streets and Highways*. No such temporary rule shall remain in effect for more than 90 days, unless the same is confirmed and approved by resolution of the City Council.~~

~~(Ord. 85-62, passed 9-12-1985)~~