

**ORDINANCE NO. OR19-23**

**AN ORDINANCE BY THE TROTWOOD CITY COUNCIL AMENDING “PART THREE – TRAFFIC CODE” OF THE TROTWOOD CODES OF ORDINANCES BY REPEALING CURRENT SECTIONS 303.08 “IMPOUNDING OF VEHICLES; REDEMPTION” AND 351.14 “OVERNIGHT PARKING OF TRUCKS AND TRAILERS” AND ENACTING NEW SECTIONS 303.08 “IMPOUNDING OF VEHICLES; REDEMPTION” AND 351.14 “PARKING OF TRUCKS AND TRAILERS” TO MODIFY AND UPDATE REGULATIONS PERTAINING TO THE PARKING OF TRUCKS AND TRAILERS IN THE CITY OF TROTWOOD, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Article XVIII, Section 3, of the Constitution of the State of Ohio, grants municipalities the authority to exercise all powers of local self-government and to enact and enforce local police, sanitary, and other regulations that are not in conflict with the general laws of the State of Ohio; and

**WHEREAS**, City Council has determined that certain provisions of the current “Part Three – Traffic Code” of the Trotwood Codes of Ordinances require revision to modify and update regulations pertaining to the parking of trucks and trailers in the City of Trotwood; and

**WHEREAS**, the City Manager, Deputy City Manager, and Police Chief recommend that City Council repeal current Sections 303.08 “Impounding of Vehicles; Redemption” and 351.14 “Overnight Parking of Trucks and Trailers” of “Part III – Traffic Code” of the Trotwood Codes of Ordinances in their entirety and that new Sections 303.08 “Impounding of Vehicles; Redemption” and 351.14 “Parking of Trucks and Trailers” be enacted in order to protect and promote the public health, safety, and welfare; and

**WHEREAS**, City Council accepts the recommendation made by the City Manager, Deputy City Manager, and Police Chief and, therefore, will amend “Part Three – Traffic Code” of the Trotwood Codes of Ordinances as set forth herein; and

**WHEREAS**, City Council has determined that for the immediate preservation of the public peace, health, safety, and welfare of the residents of the City of Trotwood, and to promote the efficient and orderly administration of the Traffic Code by the Trotwood Police Department, it is necessary that this Ordinance take immediate effect.

NOW, THEREFORE, BE IT ORDAINED BY A VOTE OF FIVE (5) MEMBERS OF THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

**SECTION I:** “Part III – Traffic Code” of the Trotwood Codes of Ordinances is hereby amended as set forth herein.

**SECTION II:** Sections 303.08 “Impounding of Vehicles; Redemption” and 351.14 “Overnight Parking of Trucks and Trailers” of the Trotwood Codes of Ordinances are hereby repealed in their entirety.

**SECTION III:** New Sections 303.08 “Impounding of Vehicles; Redemption” and 351.14 “Parking of Trucks and Trailers” are hereby enacted as set forth in Exhibit A attached hereto and incorporated herein by reference, with additions in **bold** and underscored and deletions in ~~strikethrough~~.

**SECTION IV:** In order to protect and promote the public peace, health, safety, and welfare of the residents of the City of Trotwood, and to promote efficient and orderly administration of the Traffic Code by the Trotwood Police Department, Trotwood City Council hereby determines that an emergency exists which requires the expedited implementation of this Ordinance.

**SECTION V:** It is hereby found and determined 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 any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code.

**SECTION VI:** In accordance with Section 4-6 of the Charter of the City of Trotwood, State of Ohio, this Ordinance shall take effect immediately upon its adoption by Council.

Passed this 5th day of June, 2023.

TROTWOOD, OHIO 45426

3035 OLIVE ROAD

CITY OF TROTWOOD

ATTEST:

  
KARA B. LANDIS  
CLERK OF COUNCIL

APPROVED:

  
MARY A. MCDONALD  
MAYOR

  
YVONNE F. PAGE  
VICE-MAYOR

**CERTIFICATE OF RECORDING OFFICER**

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. **OR19-23** adopted by the Trotwood City Council at a regular scheduled meeting held on the **5th** day of **June, 2023**, and that I am duly authorized to execute this certificate.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
KARA B. LANDIS  
CLERK OF COUNCIL

303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

- (a) Police officers are authorized to provide for the removal of a vehicle under the following circumstances:
- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.
  - (2) When any vehicle or "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 is left on private property for more than forty-eight consecutive 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 forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving such vehicle in such place. Prior to disposal of an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63, it shall be photographed by a law enforcement officer.
  - (3) When any vehicle has been stolen or operated without the consent of the owner and is located upon either public or private property.
  - (4) When any vehicle displays illegal license plates or fails to display the current lawfully required plates and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
  - (5) When any vehicle has been used in or connected with the commission of a felony and is located upon either public or private property.
  - (6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb, or property, and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
  - (7) When any vehicle is left unattended either on public or private property due to the removal of an ill, injured, or arrested operator, or due to the abandonment thereof by the operator during or immediately after pursuit by a law enforcement officer.
  - (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision and is located either on public or private property.
  - (9) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.

- (10) When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required, and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.
- (b) Any vehicle removed under authority of subsection (a)(2) hereof shall be ordered into storage and/or disposed of as provided under Ohio R.C. 4513.60 et seq. Any other vehicle removed under authority of this section shall be ordered into storage and the Municipal police shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the police offices to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner, or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges.
- (c) No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima-facie evidence that it was so removed by the owner or operator.
- (d) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

351.14 ~~OVERNIGHT~~ PARKING OF TRUCKS AND TRAILERS.

- (a) Except for the purpose of actively loading and unloading, ~~No person shall park any~~ **no** truck, trailer, or camping trailer **shall be parked** on the streets of the City. **Such vehicles parked on the streets of the City shall be subject to impoundment subject to the provisions of Section 303.08.** ~~from the hours of 6:00 p.m. through 6:00 a.m.~~ Panel trucks or pick-up trucks, 3/4 tons or less, are excluded from the prohibition set forth herein.
- (b) No truck, trailer or camping trailer shall be parked on property that is not commercially zoned as a semi-truck or other commercial vehicle parking terminal. Such vehicles parked on property that is not commercially zoned as semi-truck or other commercial parking terminal shall be subject to impoundment subject to the provisions of Section 303.08.
- (~~b~~c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor **and subject to a mandatory fine of \$150.00.** 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.