

ORDINANCE NO. OR22-23

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL AMENDING “PART THREE – TRAFFIC CODE” OF THE TROTWOOD CODES OF ORDINANCES BY REPEALING CURRENT SECTIONS 353.02 “LEAVING ABANDONED VEHICLES ON PUBLIC OR PRIVATE PROPERTY” AND 353.03 “NOTICE TO REMOVE” AND ENACTING NEW SECTIONS 353.02 “LEAVING ABANDONED VEHICLES ON PUBLIC OR PRIVATE PROPERTY” AND 353.03 “NOTICE TO REMOVE” TO MODIFY AND UPDATE REGULATIONS PERTAINING TO ABANDONED VEHICLES ON PUBLIC OR PRIVATE PROPERTY, 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 to harmonize the City Code pertaining to abandoned vehicles on public or private property in the City of Trotwood; and

WHEREAS, the City Manager, Deputy City Manager, and Police Chief recommend that City Council repeal current Sections 353.02 “Leaving Abandoned Vehicles on Public or Private Property” and 353.03 “Notice to Remove” of “Part III – Traffic Code” of the Trotwood Codes of Ordinances in their entirety and that new Sections 353.02 “Leaving Abandoned Vehicles on Public or Private Property” and 353.03 “Notice to Remove” 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 353.02 “Leaving Abandoned Vehicles on Public or Private Property” and 353.03 “Notice to Remove” of the Trotwood Codes of Ordinances are hereby repealed in their entirety.

SECTION III: New Sections 353.02 “Leaving Abandoned Vehicles on Public or Private Property” and 353.03 “Notice to Remove” are hereby enacted as set forth in Exhibit A attached hereto and incorporated herein by reference, with additions in **bold** and underscoring 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 3rd day of July, 2023.

TROTWOOD, OHIO 45426

3035 OLIVE ROAD

CITY OF TROTWOOD

ATTEST:



KARA B. LANDIS
CLERK OF COUNCIL

APPROVED:



MARY A. MCDONALD
MAYOR



YVETTE 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. OR22-23 adopted by the Trotwood City Council at a regular scheduled meeting held on the 3rd day of July, 2023, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

KARA B. LANDIS
CLERK OF COUNCIL

353.02 LEAVING ABANDONED VEHICLES ON PUBLIC OR PRIVATE PROPERTY.

- (a) Leaving of Wrecked, Unlicensed, Nonregistered, or Non-operating Vehicles on Streets and Private Property. No person shall leave any partially dismantled, unlicensed, unregistered, non-operating, wrecked or junked vehicle on any street or highway, or on any property within the City without first obtaining the consent of the Director of Public Safety or Chief of Police of the City, or unless said location is within a properly zoned area pursuant to the Code of Ordinances of the City.
- (b) Leaving Junk, Wrecked, Non-operating, Unlicensed, Unregistered, and Other Vehicles on Private or Public Property Without Permission or Notification.
 - (1) No person shall willfully leave any vehicle or any abandoned junk motor vehicle as defined in Ohio R.C. 4513.63 on private property for more than ~~seventy-two~~ **forty-eight** consecutive hours without the permission of the person having the right to 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 Chief of Police of the reasons for leaving the vehicle in that place.
 - (2) For purposes of this section, the fact that a vehicle has been so left without permission or notification is prima facie evidence of abandonment.

353.03 NOTICE TO REMOVE.

No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked, or abandoned vehicle to remain on that property longer than ~~seventy-two~~ **forty-eight** hours after receipt of written notice from the Chief of Police, or any member of his Department designated by him, to remove the vehicle from the property, except that this section shall not apply with regard to a vehicle in an enclosed building.