

TEMPORARY ORDINANCE NO. 21-22

PERMANENT ORDINANCE NO. 23-22

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART THREE – TRAFFIC CODE, TITLE SEVEN – PARKING, CHAPTER 351 PARKING GENERALLY, SECTION 351.15 PARKING DURING SNOW REMOVAL OR STREET CLEANING AND PART THREE – TRAFFIC CODE, TITLE ONE – ADMINISTRATION, CHAPTER 303 ENFORCEMENT, IMPOUNDING AND PENALTY, SECTION 303.08 IMPOUNDING OF VEHICLES; REDEMPTION OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER

WHEREAS, annually, summer paving and construction projects encounter regular delays due to vehicles parked in marked paving and construction zones; and

WHEREAS, these vehicles result in increased construction costs and tie up police officers trying to determine and locate their owners; and

WHEREAS, these issues could be remediated by authorizing the Service-Safety Director to prohibit parking temporarily in paving and construction areas, as he is already authorized to do for snow removal and street cleaning pursuant to Lancaster Codified Ordinance (“LCO”) 351.15; and

WHEREAS, adding paving and construction to that LCO Section would allow vehicles parked in marked paving and construction zones where parking is temporarily prohibited by order of the Service-Safety Director to be removed and impounded in accordance with LCO 303.08, if necessary;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO,

SECTION 1. That Part Three – Traffic Code, Title Seven – Parking, Chapter 351 Parking Generally, Section 351.15 Parking During Snow Removal or Street Cleaning of the Codified Ordinances of the City of Lancaster, be repealed and replaced pursuant to Exhibit “A” attached hereto and incorporated by reference herein.

SECTION 2. That Part Three – Traffic Code, Title One – Administration, Chapter 303 – Enforcement, Impounding and Penalty, Section 303.08 Impounding of Vehicles; Redemption of the Codified Ordinances of the City of Lancaster, be repealed and replaced pursuant to Exhibit “B” attached hereto and incorporated by reference herein.

SECTION 3. That City Council hereby finds that this Ordinance was deliberated upon and passed in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: 8/8/22 after 2nd reading. Vote: Yeas 7 Nays 0

Approved: 8/8/22

Teresa A. Ull

Clerk: Teresa Lee Sandy

President of Council

David Schep
Mayor

Offered by: Corey Johnson

Second by: Mary R. Turner

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2022 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

EXHIBIT A

351.15 PARKING DURING SNOW REMOVAL, PAVING, CONSTRUCTION, OR STREET CLEANING.

(a) The Service-Safety Director is hereby authorized to prohibit parking temporarily on City streets where the City is in the process of removing snow, **paving, performing construction**, or cleaning the streets.

(b) The Service-Safety Director shall clearly designate and mark such streets on which parking will be prohibited temporarily for such purposes.

(c) Vehicles parked on the streets in violation of subsections (a) and (b) hereof **may** ~~shall~~ be removed and impounded in accordance with Section 303.08.
(Ord. 9-68. Passed 2-26-68.)

(d) 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.

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, **paving, construction**, 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.

- (11) When the driver has been cited under a state or local law that requires the impoundment of the motor vehicle. (Ord. 29-02. Passed 8-26-02.)

(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.