

TITLE EIGHT - Parking
 Chap. 452. Parking Generally.
 Chap. 454. Parking Infractions; Parking Violations Bureau

CHAPTER 452
 Parking Generally

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CROSS REFERENCES

- See section histories for similar State law
 Parking defined - see TRAF. 402.26
 Stop defined - see TRAF. 402.45
 Stopping and standing defined - see TRAF. 402.47
 Police may remove ignition key from unattended vehicle - see TRAF. 404.01
 Impounding; redemption - see TRAF. 404.07
 Parking near stopped fire apparatus - see TRAF. 432.27
 Lights on parked or stopped vehicles - see TRAF. 438.09
 Parking of bicycles; locks - see TRAF. 444.08
 Storage of junk vehicles - see GEN. OFF. 660.07

452.01 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

- (a) (1) Upon any highway, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway if it is practicable to stop, park, or so leave such vehicle off the paved or main traveled part of the highway. In every event a clear and unobstructed portion of the highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.
- (2) This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.66)

452.02 POLICE MAY REMOVE ILLEGALLY PARKED VEHICLE.

(a) Whenever any police officer finds a vehicle standing upon a highway in violation of Ohio R.C. 4511.66 or a substantially similar municipal ordinance, such officer may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel, where such vehicles constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety.
(ORC 4511.67)

452.03 PROHIBITED STANDING OR PARKING PLACES.

(a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this title, or while obeying the directions of a police officer or a traffic-control device, in any of the following places:

- (1) On a sidewalk, except a bicycle;

- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within ten feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within 20 feet of a crosswalk at an intersection;
- (7) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign, or traffic-control device;
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic-control device;
- (9) Within 50 feet of the nearest rail of a railroad crossing;
- (10) Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of the entrance when it is properly posted with signs;
- (11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (12) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;
- (14) At any place where signs prohibit stopping;
- (15) Within one foot of another parked vehicle;
- (16) On the roadway portion of a freeway, expressway, or thruway.

(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.68)

452.04 MANNER OF PARALLEL AND ANGLE PARKING; HANDICAPPED PERSONS.

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than 12 inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within the Municipality unless an unoccupied roadway width of not less than 25 feet is available for free-moving traffic.

(b) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within 12 inches of the left-hand curb of a one-way roadway.

(c) No vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.

(d) Notwithstanding any statute or any rule, regulation, resolution, or ordinance, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the Director of Transportation.

(e) 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 all political subdivisions and by the State and all agencies and instrumentalities thereof at all offices and facilities where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this division and Ohio R.C. 3781.111(C) shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

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

- B. 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.
- (2) Any motor vehicle that is parked in a special marked parking location in violation of division (f)(1)A. or (f)(1)B. of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the Municipality. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles.
- (3) If a person is charged with a violation of division (f)(1)A. or (f)(1)B. of this section, it is an affirmative defense to the charge that the person suffered an injury not more than 72 hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in Ohio R.C. 4503.44(A)(1).

(g) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or 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 is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(h) No owner of an office, facility, or parking garage where special parking locations are required to be designated in accordance with division (e) of this section shall fail to properly mark the special parking locations in accordance with that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

(i) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or 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.

(j) 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 Ohio R.C. 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 Ohio R.C. 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.
(ORC 4511.69(A)-(I), (K))

(k) 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 the roadway as is indicated by appropriate signs or markings.
(Adopting Ordinance)

(l) Whoever violates division (a) or (c) of this section is guilty of a minor misdemeanor.
(ORC 4511.69(J)(1))

(m) Whoever violates division (f) of this section shall be subject to the following penalties:

- (1) For the first offense, the offender shall be fined two hundred fifty dollars (\$250.00);
- (2) If the offender has previously been convicted of or pleaded guilty to one violation of division (e) of this section, then the offender shall be fined three hundred fifty dollars (\$350.00);
- (3) If the offender has previously been convicted of or pleaded guilty to two violations of division (e) of this section, then the offender shall be fined five hundred dollars (\$500.00).
(Ord. 2000-55. Passed 7-24-00.)

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

- A. Except as otherwise provided in division (n) of this section, the offender shall be issued a warning.
- B. If the offender previously has been convicted of or pleaded guilty to a violation of division (h) of this section or of a municipal ordinance

that is substantially similar to that division, the offender shall not be issued a warning but shall be fined not more than twenty-five dollars (\$25.00) for each parking location that is not properly marked or whose markings are not properly maintained.
(ORC 4511.69(J)(3))

(o) Whoever violates any other provision of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 408.01.

452.05 WILLFULLY LEAVING VEHICLES ON PRIVATE OR PUBLIC PROPERTY.

(a) No person shall leave any motor vehicle, other than an abandoned junk motor vehicle, as defined in Ohio R.C. 4513.63, on private residential or private agricultural property for more than four 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 upon or within the right of way of any road or highway, for forty-eight hours or longer, without notification to the Chief of Police of the reasons for leaving the motor vehicle in such place.

(b) No person shall leave a vehicle, other than an abandoned junk motor vehicle, at a repair garage or place of storage for a longer period than that agreed upon by the owner of such garage or place of storage and the owner or person in custody or control of such vehicle.

(c) Divisions (a) and (b) of this section do not apply to any private residential property or private agricultural property that is established as a private tow-away zone in accordance with Section 452.06.

(d) As used in divisions (a) through (c) of this section, "private residential property" means private property on which is located one or more structures that are used as a home, residence, or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence, or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(ORC 4513.60, 4513.61)

(e) (1) 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.

- (2) For purposes of this division (e), the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.
- (3) 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.

(f) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the Municipality in disposing of such abandoned junk motor vehicle, less any money accruing to the Municipality from such disposal. (ORC 4513.64)

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

(a) If an owner of private property posts on the property in a conspicuous manner a prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

- (1) Park a vehicle on the property without the owner's consent;
- (2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.

(b) Whoever violates division (a) of this section is guilty of a minor misdemeanor. (ORC 4511.681)

- (c) (1) The owner of private property may establish a private 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 private 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;

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 private property that is established as a private tow-away zone in accordance with division (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 division (c)(1)A.3. of this section, and the owner, subject to division (d) of this section, may recover a vehicle that has been so removed only in accordance with division (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 division (c)(2) of this section by an unlicensed tow truck or unlicensed tow truck operator.
 - (4) Divisions (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 private tow-away zone under division (c)(1) of this section.
- (d) If the owner or operator of a vehicle that has been ordered into storage pursuant to division Ohio R.C. 4513.60(A) or of a vehicle that is being removed under authority of division (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 division (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;
 - (2) If the vehicle was being removed under authority of division (c)(2) of this section, it is not parked on the private property established as a private 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 private property that is established as a private tow-away zone in accordance with division (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 division (c)(2) of this section, the owner or agent promptly shall notify the Police Department, 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 private property in the Police Chief's jurisdiction that is established as a private tow-away zone of which the Police Chief has received notice under division (e)(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 division (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 private property that is established as a private tow-away zone under division (c)(1) of this section other than in accordance with division (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)
 - (1) Whoever violates division (c)(3) of this section is guilty of a minor misdemeanor.
 - (2) Except as otherwise provided in this division, whoever violates division (g) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (g) of this section or Ohio R.C. 4513.60(F), whoever violates division (g) of this section is guilty of a misdemeanor of the third degree.
(ORC 4513.60)

452.07 UNATTENDED VEHICLES; DUTY TO LOCK IGNITION, REMOVE KEY, SET BRAKE, ETC.

- (a)
 - (1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

- (2) The requirements of this section relating to the stopping of the engine, locking of the ignition, and removing the key from the ignition of a motor vehicle shall not apply to an emergency vehicle or a public safety vehicle.

(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.661)

452.08 OPENING DOORS ON SIDE AVAILABLE TO TRAFFIC.

(a) No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.70)

452.09 SELLING, WASHING OR REPAIRING VEHICLE UPON ROADWAY.

No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying such vehicle for sale; or
- (b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

452.10 TRUCK LOADING ZONES.

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 BUS STOPS AND TAXICAB STANDS.

(a) No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately posted, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone, and then only for a period not to exceed three minutes, if such stopping is not prohibited therein by posted signs.

(b) No operator of a bus shall stop, stand or park such vehicle upon any street or other public way at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated and posted as such, except in case of an emergency.

(c) No operator of a bus shall fail to enter a bus stop on a street or other public way in such a manner that the bus when stopped to load or unload passengers or baggage is in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) No operator of a taxicab shall stand or park such vehicle upon any street or other public way at any place other than in a taxicab stand so designated and posted as such. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers.

**452.12 PARKING IN ALLEYS AND NARROW STREETS;
EXCEPTIONS.**

(a) No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic control signal.

(b) Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed 30 minutes.

452.13 PARKING FOR FUNERALS.

No person shall park any vehicle in front of any church, funeral parlor, residence or other building in which funeral services are being conducted, during the services or for a period of one hour before such services are to begin, provided that signs are placed at the curb indicating that the space is to be kept free from parking. The location and

extent of such space shall be fixed by the Police Chief. Such signs shall be supplied at the expense of the funeral director conducting the funeral and shall meet the specifications established by the Police Chief. The hearse and necessary vehicles for the conveyance of the family, relatives and friends of the deceased, as are designated by the funeral director in charge, may be parked in such space during such funeral services.

(1974 Code, § 351.12)

452.14 SNOW EMERGENCIES.

(a) Within the limits of the availability of manpower and equipment, the Municipality will endeavor to remove snow from the following streets, or portions thereof, but nothing contained herein shall be construed to require such removal:

- (1) Main Street
- (2) Columbus Street
- (3) High Street
- (4) London Street
- (5) Market Street
- (6) New Street

(b) At any time when the accumulation of snow reaches or exceeds two inches in the Municipality all motor vehicles shall be removed from the streets listed in division (a) of this section between the hours of 11:00 p.m. and 5:00 a.m. of the following day and such streets shall be kept clear during such hours or until the snow has been removed.

(c) Any vehicle which is not removed from the streets listed in division (a) of this section shall be towed therefrom upon order of any Municipal officer, the reasonable cost of such towing and of storage of such vehicle to be paid for by the owner of such vehicle.

(d) No liability is assumed by the Municipality for clearing of any private drive, alley or approach.

452.15 MAXIMUM 24-HOUR PARKING.

No person shall park any vehicle upon any street in the Municipality for a continuous period of more than 24 hours.

(1974 Code, § 351.11)

452.16 PARKING ON STREETS WITHOUT CURBS.

Where parking is permitted on streets or highways which have not been improved with curbs and gutters, such parking shall be only on the berm, and no person shall at any time park a vehicle on the traveled portion of a roadway.

(1974 Code, § 351.05)

452.165 PARKING ON FIFTH AVENUE.

Parking on either side of Fifth Avenue is hereby prohibited.

(Ord. 1995-28. Passed 7-24-95.)

452.17 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.

452.18 WAIVER.

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.

452.99 PENALTY.

(EDITOR'S NOTE: See Sections 408.01 and 408.02 for general Traffic Code penalty if no specific penalty is provided. See Section 454.09 for parking infraction fines.)

CHAPTER 454
Parking Infractions; Parking Violations Bureau

454.01	Definitions.	454.05	Answers to charge; judgments.
454.02	Decriminalization; impoundment and immobilization of vehicle.	454.06	Failure to answer.
454.03	Parking ticket; service and liability.	454.07	Nonliability of owner.
454.04	Parking Violations Bureau.	454.08	Parking ticket form.
		454.09	Parking infraction fines.

CROSS REFERENCES

Impounding of vehicles; redemption - see TRAF. 404.07, 452.02
Parking generally - see TRAF. Ch. 452

454.01 DEFINITIONS.

As used in this chapter:

- (a) "Bureau" means the Parking Violations Bureau of the Municipality, unless specifically identified as another bureau, in which case it means the bureau so identified.
- (b) "Court" or "Mayor's Court" means the Mayor's Court of the Municipality, unless specifically identified as another court, in which case it means the court so identified.
- (c) "Law enforcement officer" means all officers and positions listed in Section 606.01.
- (d) "Local authority" means every county, municipal corporation, township or other local board or body having authority to adopt police regulations pursuant to the Constitution and laws of the State.
- (e) "Parking infraction" means a violation of any of the provisions of Section 436.09, 452.01, 452.03, 452.04, 452.05, 452.06, 452.07, 452.09, 452.10, 452.11, 452.12, 452.15 or 452.16.
- (f) "Vehicle" has the same meaning as in Section 402.57.
(Ord. 1994-25. Passed 10-12-94.)

**454.02 DECRIMINALIZATION; IMPOUNDMENT AND
IMMOBILIZATION OF VEHICLE.**

(a) Except as provided in Section 454.06(e), the commission of a parking infraction shall not be considered a criminal offense for any purpose. A person who commits a parking infraction shall not be arrested as a result of such act. All parking infractions shall be dealt with in accordance with this chapter.

(b) A vehicle found standing or parked in violation of any of the sections that constitute a parking infraction, as provided in Section 454.01(e), is subject to impoundment or immobilization by law enforcement officers of the Municipality or their agents, irrespective of whether or not the vehicle is impeding or hindering the movement of other vehicles. The owner of a vehicle impounded pursuant to this chapter shall be liable for impoundment fees and storage charges as provided in Section 404.07(b).

(c) A vehicle so impounded or immobilized shall be released to the owner upon the owner's presenting a valid certificate of title to the vehicle to the Violations Clerk of the Parking Violations Bureau and upon the owner's either paying the fine due on the parking infraction that led to the impoundment or immobilization or posting a bond equal to or exceeding the amount of such fine. In no case, however, shall the owner of a vehicle impounded or immobilized pursuant to this chapter be required to post a bond in excess of one thousand dollars (\$1,000) to obtain release of the vehicle. (Ord. 1994-25. Passed 10-12-94.)

454.03 PARKING TICKET; SERVICE AND LIABILITY.

(a) The parking ticket form adopted in Section 454.08 shall be used by law enforcement officers in all cases in which a person is charged with committing a parking infraction within the Municipality. The parking ticket shall be the summons and complaint for the purposes of this chapter.

(b) A law enforcement officer who issues a parking ticket for a parking infraction shall complete the ticket by identifying the parking infraction charge, recording the license plate number and the type, make or model of the vehicle, and indicating the date, time and place of the charged parking infraction. The officer shall sign the ticket, affirm the facts it contains and file a copy with the Violations Clerk. If the operator of the vehicle is present, the officer shall also record on the ticket the name of the operator (in a space provided on the ticket for identification of the offender) and then shall personally serve the parking ticket upon the operator. If the operator of the vehicle is not present, the officer shall insert the word "owner" in the space provided on the ticket for identification of the offender and then shall constructively serve the parking ticket upon the owner of the vehicle by affixing the ticket to the vehicle in a conspicuous place. Constructive service of a parking ticket upon an owner of a vehicle by such affixation or by the procedure described in division (d) of this section has the same force and effect as if the parking ticket were personally served on both the owner and the operator of the vehicle at the time of the violation, 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, fees and costs for failure to timely answer or to appear, if a hearing is requested.

(c) The original of a parking ticket issued pursuant to this section or any true copy thereof shall be considered a record kept in the ordinary course of business of the Municipality and of the law enforcement agency whose officer issued it, and shall be prima-facie evidence of the facts it contains.

(d) 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 a parking ticket served in accordance with this section. 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 to be 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 454.07.

(e) Except as provided in Section 454.07, 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 for any fine, penalty, fees or costs arising out of the parking infraction. Any owner of a vehicle who pays any fine, penalty, fees or costs imposed for a parking infraction pursuant to this chapter may recover the amount so paid from the operator of the vehicle whose act or omission resulted in the parking infraction.

(f) No person who is served with a parking ticket pursuant to this section shall be arrested as a result of the commission of a parking infraction.
(Ord. 1994-25. Passed 10-12-94.)

454.04 PARKING VIOLATIONS BUREAU.

(a) A Parking Violations Bureau is hereby established. The Bureau shall be administered and operated in the manner and form set forth in this chapter and under the supervision and control of the Mayor, who may delegate the responsibility for operating the Bureau in such a manner as he or she deems appropriate. The Mayor shall establish the Bureau and appoint qualified employees to administer it. The Mayor is hereby authorized to adopt rules and regulations for the operation thereof. The Bureau has jurisdiction over each parking infraction that occurs within the Municipality. Notwithstanding any other provision of law to the contrary, each parking infraction that occurs within the jurisdiction of the Bureau and the enforcement of such parking infraction shall be handled pursuant to and governed by this chapter.

(b) The fines, penalties, fees and costs established for a parking infraction shall be collected, retained and disbursed by the Violations Clerk if the parking infraction out of which the fines, penalties, fees and costs arose occurred within the jurisdiction of the Bureau.
(Ord. 1994-25. Passed 10-12-94.)

454.05 ANSWERS TO CHARGE; JUDGMENTS.

(a) A person who is personally or constructively served with a parking ticket charging the commission of a parking infraction may answer the charge by appearing personally before the Parking Violations Bureau or by mail. An answer shall be made within ten days from the date of the infraction and shall be in one of the following forms:

- (1) An admission that the person is guilty of the parking infraction by payment of any fine arising out of the infraction; or
- (2) A denial that the person is guilty of the parking infraction.

(b) A person who admits that he or she committed a parking infraction shall, when he or she makes his or her answer, pay the fine arising out of the infraction admitted to the Violations Clerk.

(c) A person who denies that he or she is guilty of a parking infraction shall be served with a uniform traffic ticket and shall be given a hearing in the Mayor's Court.

(d) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction fails to timely answer the charge, as provided in division (a) hereof, the Bureau shall issue the proper notification of infraction, pursuant to Section 454.06, and proceed according to such section. Failure to timely answer a charge may result in the imposition of an additional penalty of two dollars (\$2.00).

(e) 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 an answer, the payment of any fine, penalty, fee or cost, and any other relevant information, shall be entered in the records of the Bureau.
(Ord. 1994-25. Passed 10-12-94.)

454.06 FAILURE TO ANSWER.

(a) When a person is personally or constructively served with a parking ticket charging the commission of a parking infraction in accordance with Section 454.03, and the person fails to answer the charge within the time specified in Section 454.05, the Parking Violations Bureau shall send a notification of infraction as follows:

- (1) If the person who fails to answer was the operator of the vehicle involved in the parking infraction at the time of the commission of the infraction and was personally served with the parking ticket, a notification of infraction 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 Ohio Bureau of Motor Vehicles, a notification of infraction shall also 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 infraction shall be sent to the owner at his or her most recent address appearing in the records of the Bureau of Motor Vehicles.

(b) A notification of infraction shall be sent by first class mail within twelve months after the expiration of the time specified in Section 454.05 for the making of an answer and shall contain all of the following:

- (1) An identification of the parking infraction with which the person was charged and the time and date of the infraction, which identification may be a copy of the parking ticket charging the parking infraction that was personally or constructively served upon the person;
- (2) An identification of the amount of the fines, penalties, fees and costs that are due arising out of the parking infraction;
- (3) A description of the allowable answers that may be made and notification that the person will be afforded a hearing before the Mayor's Court if he or she denies in his or her answer that he or she is guilty of the parking infraction; and
- (4) An identification of the manner in which and the entity to which an answer may be made.

(c) A person who receives a notification of infraction pursuant to this section may answer the parking infraction with which he or she is charged and that is identified in the notification of infraction, by any of the means provided in Section 454.05(a) for answers to parking infractions charged in a parking ticket. Such answer shall be made within thirty days after the date on which the notification of infraction was mailed and shall be in one of the forms specified in Section 454.05(a) for answers to parking infractions charged in a parking ticket, except that if the answer includes payment of the fine arising out of the parking infraction, any penalty arising out of such infraction shall also be paid. The answer shall be governed by the provisions of Section 454.05(b) and (c) for answers relative to parking infractions charged in a parking ticket, except that any determination of the amount to be paid under an answer admitting the commission of the parking infraction with explanation shall also consider any penalty, fee or cost arising out of such infraction.

(d) The sending of a notification of infraction, the filing of or failure to file an answer by the person to whom it is sent, the substance of an answer, the payment of any fine, penalty, fee or cost, and any other relevant information, shall be entered in the records of the Bureau.

(e) No person who is issued a total of five tickets, or three tickets within any one-year period, pursuant to this chapter, shall fail to pay the prescribed civil fine or contest such tickets as provided in this chapter.
(Ord. 1994-25. Passed 10-12-94.)

454.07 NONLIABILITY OF OWNER.

(a) An owner of a vehicle is not jointly liable with an operator of such vehicle whose act or omission resulted in a parking infraction or any fine, penalty, fee or cost arising out of the parking infraction under this chapter if he or she can prove to the Mayor's Court by a preponderance of the evidence that:

- (1) The vehicle at the time of the commission of the parking infraction was used by the operator without the owner's express or implied consent.
- (2) The owner was either engaged in the licensed taxicab business or otherwise engaged in the business of renting or leasing vehicles under written rental or lease agreements, and at the time of the alleged commission of the parking infraction, the vehicle in question was in the care, custody or control of a person other than the owner, either pursuant to an employment relationship, if the owner was engaged in the licensed taxicab business, or pursuant to a written rental or lease agreement.

(b) An owner of a vehicle who is either engaged in the licensed taxicab business or otherwise engaged in the business of renting or leasing vehicles under written rental or lease agreements, but who does not satisfy the additional requirement of division (a)(2) of this section, is not liable for any penalties arising out of a parking infraction involving the vehicle if, at the time of the commission of the parking infraction, the vehicle was in the care, custody or control of a person other than the owner, either pursuant to an employment relationship, if the owner was engaged in the licensed taxicab business, or otherwise pursuant to a written rental or lease agreement, and if the owner answers the charge of the parking infraction by denying that he or she committed the parking infraction or by paying the fine arising out of the parking infraction within thirty days of the actual receipt of the parking ticket charging the infraction or, if the owner did not receive the parking ticket, within 30 days after receipt of the notification of infraction.
(Ord. 1994-25. Passed 10-12-94.)

454.08 PARKING TICKET FORM.

The following parking ticket is hereby adopted to be used by law enforcement officers in all cases in which a person is charged with a parking infraction within the Municipality.

Front

Offender
Name

License Plate #

Vehicle

Parking Infraction

Type, Make or Model

Fine:

Date of Violation

Time of Violation

Place of Violation

Below signed officer affirms the facts contained in this parking infraction.

Law Enforcement Officer

Rear

The owner/operator of the vehicle designated has been charged with a parking infraction.

You must, within 10 days, answer this infraction by admitting the parking infraction, or denying the parking infraction and requesting a hearing. Failure to timely answer will result in the imposition of a penalty in the amount of two dollars (\$2.00). If you deny that you committed the parking infraction, a uniform traffic ticket will be served upon you and you will be granted a hearing at the Mount Sterling Mayor's Court. You will be notified of the date, time and place of such hearing.

Answers may be made in person or by mail to the Violations Clerk, Parking Violations Bureau, Mount Sterling, Ohio 43143.
(Ord. 1994-25. Passed 10-12-94.)

454.09 PARKING INFRACTION FINES.

The following fines for parking infractions are hereby established:

<u>Section</u>	<u>Offense</u>	<u>Amount</u>
436.09	Display of license plates; registration; obstructions	\$10.00
452.01	Prohibition against parking on streets or highways	10.00
452.03	Prohibited standing or parking places	10.00
452.04	(a) Manner of parallel and angle parking	10.00
	(b) Handicapped persons:	
	First offense	250.00
	Second offense	350.00
	Third offense	500.00
452.05	Willfully leaving vehicles on private or public property	10.00
452.06	Parking prohibitions on private property; private tow-away zones	10.00
452.07	Unattended vehicles; duty to lock ignition, remove key, set brake, etc.	10.00
452.08	Opening doors on side available to traffic	10.00
452.09	Selling, washing or repairing vehicle upon roadway	10.00
452.10	Truck loading zones	10.00
452.11	Bus stops and taxicab stands	10.00
452.12	Parking in alleys and narrow streets; exceptions	10.00
452.14	Snow emergencies	10.00
452.15	Maximum 24-hour parking	10.00
452.16	Parking on streets without curbs	10.00

(Ord. 2000-59. Passed 8-28-00.)