

AN ORDINANCE

BY: MR. EPLEY

NO. 4807

TO AMEND EXISTING SECTION 303.08, *IMPOUNDING OF VEHICLES; REDEMPTION*, OF THE TRAFFIC CODE TO PROVIDE FOR THE OPTION OF IMMOBILIZING MOTOR VEHICLES IN LIEU OF TOWING.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Section 303.08, *Impounding of Vehicles; Redemption*, of the Traffic Code is hereby amended to read as follows, with added material in **bold** type and deleted material in ~~strike-through~~ type:

303.08 IMPOUNDING AND IMMOBILIZATION OF VEHICLES;
REDEMPTION.

(a) Parking Violation, Vacant Car: Whenever any police officer finds a vehicle unattended upon any street or land owned by the City and parked in violation of regulation, law or the ordinances of the City, such officer may provide for the removal of such vehicle to an approved garage or other place of safety so as to impound the vehicle under this section.

(b) Unpaid Parking Ticket: Whenever any police officer finds a vehicle upon any street or land owned by the City, whether or not attended and whether or not being operated, having ~~atwo or more~~ parking tickets previously issued which ~~hashave~~ remained unpaid for ten days or more, and if the owner or operator of such vehicle has failed to post bail on such previous tickets and has failed to appear in court to answer to the charges contained ~~in that parking ticket~~ **therein**, the officer may:

- (1) provide for the removal of such vehicle to an approved garage or other place of safety so as to impound the vehicle under this section.; **or**
- (2) **cause such vehicle to be immobilized by the installation of a wheel clamp, boot, or similar device (an "immobilization device") so as to impound the vehicle in place under this section.**

(c) To accomplish the purposes of this section or of any other section of this Traffic Code which provides for a vehicle to be removed or impounded, a police officer may secure the services of a private tow truck operator with a tow truck who may cause a vehicle to be so removed.

(d) Any motor vehicle which has been impounded by a police officer of the City shall be stored at such place or places as may be designated from time to time by the City Manager.

(e) Any motor vehicle which has been immobilized by a police officer of the City shall remain subject to all parking regulations and ordinances of the City, including the 18-hour rule.

(f) No person shall remove, deface, damage, destroy, tamper with, or attempt to remove, deface, damage, destroy, or tamper with, any immobilization device installed pursuant to this section. A violation of this subsection shall constitute a misdemeanor of the fourth degree for the first offense, and a misdemeanor of the third degree for each subsequent offense. This subsection shall not apply to a police officer of the City, bailiff of the municipal court, or other authorized person while releasing the motor vehicle to its owner pursuant to subsection (i) hereof.

~~(e)~~**(g) Notice of the immobilization, removal or impounding of such motor vehicle shall be mailed to the owner thereof within ~~twenty-four hours~~ one regular (1) business day after the vehicle is immobilized or ordered into storage, or ~~within eight hours~~ after the officials of the City discover the name and address of the owner, whichever occurs later.**

(h) The City shall not be obligated to guard, protect or in any way to care for motor vehicles or their contents. The City shall have no liability or responsibility whatsoever for any damage inflicted upon, or theft of, such motor vehicles, their parts, accessories or contents, by persons other than agents or employees of the City.

(g)(i) **Release of vehicle:** Upon the payment by the owner or operator of the costs of ~~the tow truck and operator~~ **incurred by the immobilization, removal or impounding of such motor vehicle**, and upon posting of bail in an amount equal to the maximum fine for the violation(s) charged against such vehicle, its owner or operator, the police officer having custody or control of the impounded motor vehicle shall release it to such owner. **For purposes of this subsection, "costs" shall include all of the following which are applicable:**

- (1) Fees of the tow truck and operator;
- (2) Storage fees; and
- (3) An immobilization fee, which shall be established and updated from time to time by the City Manager in such amount as will reasonably recover the actual administrative costs associated with the immobilization and release of an immobilized vehicle.

SECTION II.

This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

SECTION III.

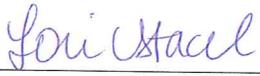
This Ordinance shall be in full force and effect on the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this 10th day of August, 2015.



Mayor William D. Duncan

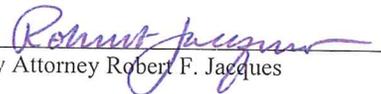
ATTEST:



Clerk of Council

TO THE CLERK:

Please publish the foregoing by incorporating the same into the Codified Ordinances of the city.



City Attorney Robert F. Jacques