

RESOLUTION #013-2022

A RESOLUTION REQUESTING THE CREATION OF A PARKING BUREAU, ADOPTION OF A NON-CRIMINAL PARKING INFRACTION VIOLATION, AND CREATION OF THE POSITIONS OF VIOLATIONS CLERK AND HEARING EXAMINER IN MIAMI TOWNSHIP

Whereas, Ohio Revised Code Chapter 4521 authorizes the Board of Trustees to adopt a non-criminal offense parking violation, and to request the Miamisburg Municipal Court to authorize the creation of a parking violations bureau to handle all infractions occurring within the unincorporated area of the Township; and

Whereas, the Board of Trustees desire to establish a non-criminal offense parking violation and a parking violations bureau in Miami Township; and

Whereas, the board of Trustees desire to create the positions of Violations Clerk and Hearing Examiner, with said positions being appointed by the Township Administrator;

Whereas, the Board of Trustees desires to dispense with the requirement that a resolution be read on two separate days, and authorizes the adoption of this resolution upon its first reading; and

Therefore Be it Resolved, pursuant to O.R.C. Section 505.17 and O.R.C. Chapter 4521, the Board of Trustees of Miami Township, Montgomery County, Ohio hereby adopt the attached noncriminal parking infraction violations which shall not be considered a criminal offense and for which no person shall be arrested for a violation or with parking infraction being defined as any violation of this resolution.

Be it Further Resolved, that pursuant to O.R.C. Section 4521.04 the Board of Trustees hereby request the Miamisburg Municipal Court to authorize Miami Township to establish a parking violations bureau to handle all parking infractions in violation of this resolution occurring within the unincorporated area of Miami Township, and to this effect the attached letter to Judge Robert Rettich III shall be filed with the Miamisburg Municipal Court Clerk;

Be it Further Resolved, that the Miami Township Board of Trustees create the positions of Violations Clerk and Hearing Examiner and authorize the Township Administrator to appoint persons to fill these positions;

Be it Further Resolved, this resolution is not effective until thirty (30) days after the Miamisburg Municipal Court authorized the establishment of a Parking Violations Bureau; and

Be it Further Resolved, that the township Fiscal Officer shall cause a copy of this Resolution to be posted in five (5) conspicuous places in the township for a period of thirty (30) days. Additionally, the entire resolution shall be posted on the township website and shall be available as a printed document at the Township Administration Offices during normal business hours. The section headings, numbers, a brief summary, and availability of the Miami Township Parking Regulations shall be published in a newspaper of general circulation in the Township for two (2) consecutive weeks.

	Yes	No	Abstain	Absent
Terry W. Posey Jr., President	✓			
John Morris, Vice-President	✓			
Donald Culp, Trustee	✓			

Attested:



Aaron F. Newell, Fiscal Officer

Passed: January 18, 2022

NON-CRIMINAL PARKING INFRACTION VIOLATION

1.1 Prohibited Standing or Parking Places-General

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 Resolution or while obeying the directions of a police officer or a traffic control device, in any of the following places:

- A. On a sidewalk, except a bicycle
- B. In front of a public or private driveway or within 2 1/2 feet (30 inches) of such driveways
- C. Within an intersection
- D. Within ten feet of a fire hydrant
- E. On a crosswalk
- F. Within twenty feet of a crosswalk at an intersection or within twenty feet of a crosswalk located within the block where a school is located during regular hours
- G. Within thirty feet of, and upon the approach to, any flashing beacon stop sign or traffic control device
- H. Within fifty feet of the nearest rail of a railroad crossing
Within twenty feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five feet of the entrance when it is properly posted with signs
- J. Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic
- K. Alongside any vehicle stopped or parked at the edge or curb of a street
- L. Upon any bridge or other elevated structure upon a street, or within a street tunnel
- M. At any place where signs prohibit stopping, standing, or parking, or at any place in excess of the maximum time limited by signs
- N. Within one foot of another parked vehicle
- O. Any other locations prohibited as provided for in the Ohio Revised Code

1.2 Trailer/Semitrailer/POD/Dumpsters/Extended Parking

- A. No moving van, truck, trailer, or semitrailer shall be permitted to park along any township street other than to load and unload. Moving vans, trailers, and/or semitrailers parked for loading and unloading must be connected to a towing vehicle at all times.

- B. No Portable Storage Unit (POD) or Dumpster shall be permitted to park along any township street other than to load and unload. Portable storage Units (POD) and dumpsters so parked for loading and unloading must be connected to a towing vehicle at all times.
- C. Parking is prohibited for longer than seventy-two (72) hours on any street or property open to the public for the purpose of vehicular travel, or upon or within the right of way of any street unless the owner of the vehicle notifies the Chief of Police of the need to leave the vehicle parked in such areas for longer than seventy-two (72) hours and receives permission to so park the vehicle.

1.3 Snow Emergency Parking

Parking is prohibited upon any Township street on which signs are posted in accordance with this section.

Signs conforming to O.R.C. 4511.09 and indicating the existence of the snow emergency regulations shall be erected at all entrances to Township subdivisions at locations to be determined by the Township.

A snow emergency may be declared whenever snow/ice removal or treatment by Township trucks, plows or other vehicles is necessary in all parts of the Township do to:

1. Snow has accumulated to a depth of three (3) or more inches and/or
2. The accumulation of ice and amounts deemed by the Township create hazardous road conditions.

The Township Road Superintendent, Township Administrator or President of the Board of Township Trustees, may declare a snow emergency and make an announcement of such emergency to the local news media. The snow emergency will remain in effect for the specific period provided in the announcement or until canceled by a subsequent announcement to the local news media by the Township.

The parking prohibitions set forth in this section shall be in effect two (2) hours following the Township declaration of a snow emergency and announcement of such emergency to the local media. The snow emergency shall remain in effect for the specific period provided in the announcement or until canceled by a subsequent announcement to the local news media by the Township. The

1.4 IMPOUNDMENTS

The Township Road Superintendent, the Township Administrator, the Chief of Police, or any Township Police Officer may order into storage and tow, or have towed, any vehicle parked in violation of these regulations. The owner or any lien holder of a vehicle ordered into storage may claim the vehicle upon presentation of proof of ownership, and payment of all expenses, charges, and fines incurred as a result of the parking violation, and removal and storage of the vehicle.

1.5 PARKING TICKET

The attached parking tickets shall be used as the parking tickets issued under this Resolution. The procedure for issuing parking tickets shall be governed by attached ORC Section 4521.03 or other applicable Section in ORC Chapter 4521 all of which are incorporated herein.

1.6 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.

1.7 ANSWERING PARKING TICKET

A person who is issued a parking ticket under this Resolution shall answer the parking ticket within ten (10) days of receipt thereof.

1.8 FINES

The fines applicable to parking infraction violations shall be as indicated in the attached parking ticket.