

ORDINANCE 2021-09
BY
MAYOR RAYMOND ARRIOLA

AN ORDINANCE AMENDING §70.27 OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.

WHEREAS, §70.27 of the Code of Ordinances of the Municipality of New Lebanon which reads as follows:

§ 70.27 IMPOUNDING OF VEHICLES; REDEMPTION.

(A) Police officers are authorized to provide for the removal and impounding 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 as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.

(2) When any vehicle or ABANDONED JUNK MOTOR VEHICLE, as defined in R.C. § 4513.63, is left on private property for more than 72 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 traffic or parking, or on or within the right-of-way of any road or highway, for 48 consecutive hours or longer, without notification to the Police Chief of the reasons for leaving the vehicle in such place. Prior to removal of an ABANDONED JUNK MOTOR VEHICLE, as defined in R.C. § 4513.63, it shall be photographed by a law enforcement officer in the place where abandoned.

(3) When any vehicle has been stolen or operated without the consent of the owner.

(4) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates.

(5) When any vehicle has been used in or connected with the commission of a felony.

(6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Title whereby its continued operation would constitute a condition hazardous to life, limb, or property.

(7) When any vehicle is left unattended due to the removal of an ill, injured, or arrested operator.

(8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision.

(9) When any vehicle has been operated by any person who is driving without a lawful license or while his or her license has been suspended or revoked.

(10) When any vehicle is found for which two or more citation tags for violations of this Title have been issued and the owner or operator thereof has failed to respond to the citation tags as lawfully required.

(B) Any vehicle removed under authority of division (A)(2) shall be ordered into storage or disposed of as provided under R.C. §§ 4513.60 et seq. Any other vehicle removed under authority of this section shall be ordered into storage and the Police Department shall 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 Department 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 the 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.

('80 Code, § 70.12) Penalty, see § 70.99

Statutory reference:

Abandoned and unclaimed motor vehicles, impoundment, see R.C. §§ 4513.60 et seq.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of New Lebanon, Ohio, that **§70.27 IS HEREBY AMENDED TO READ**

§ 70.27 IMPOUNDING OF VEHICLES; REDEMPTION.

(A) Police Officers are authorized to provide for the removal and impounding 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, stopped, or left standing as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.
- (2) When any Abandoned Motor Vehicle is in violation of § 73.14
- (3) When any Junk Motor Vehicle is in violation of § 70.28
- (4) When any vehicle is in violation of § 73.03
- (5) When any vehicle is in violation of § 73.13
- (6) When any vehicle has been stolen or operated without the consent of the owner
- (7) When any vehicle displays illegal, fictitious, or expired license plates or fails to display the current lawfully required license plates
- (8) When any vehicle has been used in or connected with the commission of a felony
- (9) When any vehicle is or possibly contains evidence for an investigation
- (10) When the driver or person in charge of any vehicle is placed under arrest and taken into custody or detained which leaves or will leave a vehicle unattended
- (11) When any vehicle is left unattended due to the removal of an ill or injured operator
- (12) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provision of this Title whereby it continued operation would constitute a condition hazardous to life, limb, or property

- (13) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision
- (14) When any vehicle has been operated by any person who is driving without a lawful license or while his or her license has been suspended or revoked
- (15) When any vehicle is found with two or more citation for violations of this Title have been issued and the owner or operator thereof has failed to respond to the citation tags as lawfully required
- (16) When any vehicle is parked, stopped, or left unattended at the street or curb edge of roadway where stopping, parking, or standing is prohibited
- (17) When any vehicle is parked, stopped, or left unattended in any fire lane
- (18) When any vehicle is parked, stopped, or left unattended in such a manner that it blocks a fire escape ladder, device, or exit or blocks ready access to a fire hydrant
- (19) When any vehicle is parked, stopped or left unattended, legally or illegally, in such a manner that the incident commander at the scene of an emergency determines that it presents a hazard or adversely effects emergency response and requests the vehicle to be removed
- (20) When any vehicle is left unattended in an intersection
- (21) When any vehicle is left unattended parked, stopped, or standing so as to block access to a street, alley, driveway, parking lot, or other public access area
- (22) When any vehicle has been tagged with a notice of violation and has not been moved at least 75 feet under its own power within the 72 hour warning period
- (23) When any vehicle is left parked, stopped, or standing on private residential property or private agricultural property in violation of ORC 4513.60

(B) Any vehicle removed under authority of division (A)(2) shall be ordered into storage or disposed of as provided under R.C. §§ 4513.60 et seq. Any other vehicle removed under authority of this section shall be ordered into storage and the Police Department shall 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 Department 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 the vehicle was impounded or, as the court may require, post a bond in an amount set by the court, or receive a citation 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.

SECTION 1: This ordinance shall take effect and be in force from and after the earliest period by law.

Passed this 7th day of December, 2021.


First Reading: November 2, 2021

Second Reading: November 16, 2021

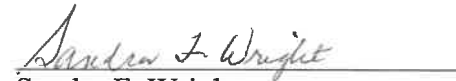
Third Reading: December 7, 2021

Effective Date: December 27, 2021

APPROVED:


Raymond Arriola
Mayor

ATTEST:


Sandra F. Wright
Clerk of Council

APPROVED:

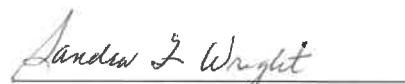


Glenna A. Madden
Municipal Manager

Dated: December 7, 2021

CERTIFICATE

I, Sandra F. Wright, Clerk of Council of the Municipality of New Lebanon, Ohio do hereby certify the foregoing is a true and correct copy of Ordinance 2021-09 as passed by Council and approved by the Mayor and that the same has been published as required by Section 2.17 of the Charter of the Municipality of New Lebanon, Ohio.


Sandra F. Wright
Clerk of Council