

VILLAGE OF GEORGETOWN, OHIO

ORDINANCE NO. 1223

AN ORDINANCE ADOPTING REGULATIONS FOR THE PARKING OF TRUCKS, SEMITRAILERS AND STORAGE UNITS ON VILLAGE STREETS AND DECLARING AN EMERGENCY

WHEREAS, the Georgetown Village Council seeks to regulate the parking of certain types of vehicles, semitrailers and storage units on Village streets for the safety of residents and others traveling on such streets.

BE IT ORDAINED by the Council of the Village of Georgetown, Brown County, Ohio, a two-thirds majority of all members thereof concurring as follows:

SECTION 1: The following shall be adopted and read as follows:

PARKING LIMITATIONS

(a) This section shall regulate certain trucks, semitrailers and storage units and shall be adopted for the safety of residents and others traveling on such streets.

(b) The following definitions shall apply to this section:

DUMPSTER. Any container designed or used for the collection and hauling of waste or debris, including but not limited to roll-off containers or boxes and bin containers.

MOVING VAN. A truck with an enclosed cargo space generally used for the moving of residential or commercial property from one location to another.

OWNER. Any person having a legal or equitable interest in property or otherwise having control of the property.

PERSON. An individual, corporation, partnership or any group acting as a unit.

PORTABLE STORAGE UNIT (POD). Any container transported to a designated location for storage or moving purposes (typically known as PODS, MODS, etc.).

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PROPERTY. Property has the same meaning as “premises” as that term is defined herein.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

SEMITRAILER. Semitrailer means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

STREET OR HIGHWAY. A street or highway is the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

TRAILER. A trailer means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a "semitrailer" and a vehicle of the dolly type, such as that commonly known as a "trailer dolly," a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than twenty-five miles per hour, and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour.

TRUCK. A truck is every motor vehicle, except trailers and semitrailers, designed and used to carry property.

VEHICLE. A vehicle is every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

VILLAGE. Village refers to the Village of Georgetown, Brown County, Ohio.

(c) **Truck/Trailer/Semitrailer Parking Prohibitions.** Except as authorized by permit herein, and with the exception of vehicles which have been registered and licensed as a passenger vehicle or a non-commercial truck and/or unless otherwise posted, no moving van, truck, trailer, or semitrailer shall be permitted to park along any Village street other than to load or unload. Moving vans, trailers and/or semitrailers so parked for loading or unloading must be connected to a towing vehicle at all times.

(d) **Portable Storage Unit (POD) and Dumpster Parking Prohibitions.** Except as authorized by permit herein, no portable storage unit (POD) or dumpster shall be permitted to park along any Village street other than to load or unload. Portable storage units (PODS) and dumpsters so parked for loading or unloading must be connected to a towing vehicle at all times.

(e) Permits Required for Temporary Parking of Moving Vans, Trailers, Semi-trailers, Dumpsters, and Portable Storage Units (PODS).

- (1) The parking prohibitions/permitting structure set forth in this section have been established due to specific traffic hazards and safety concerns which occur when large vehicles are parked on Village streets, especially for extended periods of time.
- (2) As is established herein, the parking of moving vans, trailers, semi-trailers, dumpsters, and portable storage units (PODS) is generally prohibited on any Village street except to load or unload. In addition, such vehicles and containers so parked for loading or unloading must be connected to a towing vehicle at all times.

(f) Permit For Temporary Parking Beyond Short Unloading/Loading Period. A temporary parking permit may be issued to allow for the parking of moving vans, trailers, semi-trailers, dumpsters and portable storage units (PODS) beyond the short loading/unloading period permitted herein.

(g) Duration of Temporary Parking Permits. Temporary Parking Permits issued pursuant to this section shall be for the shortest duration possible to fulfill the purposes for which the Temporary Parking Permit was requested. Unless extraordinary circumstances are established by the person requesting the Permit, no Temporary Parking Permit shall be issued for longer than seven (7) days and no more than four (4) Temporary Parking Permits shall be issued to the same person or address in any calendar year.

(h) Application Process. In order to obtain a Temporary Parking Permit, persons must provide the Village with a completed application which includes the following information:

1. Name, address, and telephone number of the applicant;
2. Address and proposed location of the moving van, trailer, semi-trailer, dumpster or portable storage unit (POD);
3. Type of vehicle or container for which the application is filed;
4. Size of the moving van, trailer, semi-trailer, dumpster, or portable storage unit (POD) for which the application is filed;
5. Name, contact person (including his/her direct telephone/mobile telephone number), address, and general telephone number of the company providing the moving van, trailer, semi-trailer, dumpster, or portable storage unit (POD);
6. Beginning and ending date for which a Temporary Parking Permit is being requested; and

7. Statement of extraordinary circumstances warranting the granting of a Temporary Parking Permit for longer than seven (7) days or more than four (4) such permits in one (1) calendar year.

(i) **Criteria for Granting a Temporary Parking Permit.** Temporary parking permits for moving vans, trailers, semi-trailers, dumpsters, and portable storage units (PODS) will be issued to persons:

1. Who cannot reasonably locate the moving van, trailer, semi-trailer, portable storage unit (POD), or dumpster on an impervious surface other than on the Village street or in the Village right-of-way; and

2. Who are utilizing the moving van, trailer, semi-trailer, dumpster, or portable storage unit (POD) for bona fide moving, rehabilitation and/or construction purposes.

(j) **Extension of Temporary Parking Permit Period.** Persons who have been issued a Temporary Parking Permit may have the time period for which parking is permitted extended by requesting an extension of the permit period in writing prior to the expiration of the issued Temporary Parking Permit. The extension of any Temporary Parking Permit period is within the sole discretion of the Village.

(k) **Revocation of Temporary Parking Permit.** The Village reserves the right to revoke any Temporary Parking Permit issued if it determines, in its sole discretion, that the moving van, trailer, semi-trailer, dumpster, or portable storage unit (POD) creates a hazard or danger to the travelling public or pedestrians. If the Village determines the hazard or danger to be significant or if the moving van, trailer, semi-trailer, dumpster, or portable storage unit (POD) can be reasonably and quickly moved to another, safer location, the Village will require the immediate relocation of the moving van, trailer, semi-trailer, dumpster, or portable storage unit (POD). In all other cases, the Village will require that the moving van, trailer, semi-trailer, dumpster, or portable storage unit (POD) is moved within twenty-four (24) hours of the notification that it must be relocated.

(l) **Violation Penalties.** Any person who violates any of these regulations or any regulation or order adopted pursuant to these regulations is guilty of a minor misdemeanor.

(m) **Right to Tow/Impound Vehicles.** The Village Chief of Police, or any Village 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, which may be shown by a certificate of title to the vehicle, and payment of all expenses, charges, and fines incurred as a result of the parking violation and removal and storage of the vehicle.

(n) **Notice of Impoundment.** In the event that a vehicle is towed and impounded as provided for herein, the Village shall immediately cause a search to be made of the records of the

bureau of motor vehicles to ascertain the owner and any lienholder of the vehicle ordered into storage. If the owner and/or lienholder is found, the Village shall send or cause to be sent notice to the owner or lienholder that the vehicle will be declared a nuisance and disposed of if not claimed within twenty (20) days of the date of mailing of the notice. The notice shall be sent to the owner's or lienholder's last known address by certified mail with return receipt requested. The owner or lienholder of the vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the vehicle. If the owner or lienholder of the vehicle reclaims it after a search of the records of the bureau has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the Village or the owner of the place of storage, and the notice was sent to the vehicle owner or lienholder, the owner or lienholder shall pay to the Village or other place of storage a processing fee of twenty-five dollars (\$25.00) in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(o) **Unclaimed Vehicles.** If the owner or lienholder makes no claim to the vehicle within twenty (20) days of the date of mailing of the notice, and if the vehicle is to be disposed of at public auction as provided in section 4513.62 of the Revised Code, the Chief of Police shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Chief of Police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in section 4513.62 of the Revised Code, the Chief of Police shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The Chief of Police shall retain the original of the affidavit for the Chief of Police's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within thirty (30) days of the presentation, shall issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

(p) **Abatement of violation.** The imposition of the fines and penalties herein prescribed shall not preclude the Village from instituting, by and through its Solicitor, appropriate action to enjoin, restrain, correct or abate a violation, or to stop an illegal act.

SECTION 2: That this Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is declared to be an emergency measure necessary for the preservation of the health, safety and well-being of the residents of the Village in order to immediately begin regulation of the parking of certain vehicles and others devices in the Village.


SECTION 4: This Ordinance shall take effect at the earliest period allowed by law.

PASSED AND ADOPTED at a legally convened meeting of Council held on the 23rd day of August, 2018.



Dale E. Cahall, Mayor

ATTEST:



Natalie K.R. Newberry, Fiscal Officer