

HAMILTON TOWNSHIP PARKING CODE

Chapter 1. General Provisions

1.1. Title

This parking code shall be known and may be cited as the “Hamilton Township, Warren County, Ohio Residential Parking Code”, and may be referred to herein as the “Parking Code” or the “Code”.

1.2 Purpose

This Code is enacted pursuant to Hamilton Township’s authority under the Ohio Revised Code, including but not limited to R.C. 505.17, to regulate the parking of vehicles and placement of storage containers in and around the public right-of-way in the unincorporated territory of the Township. The purpose of this Code is to promote the public health, safety, morals, comfort, prosperity and general welfare.

1.3 Jurisdiction

The provisions of the Parking Code shall apply to all public rights-of-way located within the unincorporated areas of Hamilton Township, Warren County, Ohio.

1.4 Interpretation and Conflicts

1.4.1 Unless otherwise set forth herein, terms used within this Code shall be defined in accordance with the definitions assigned to the same terms in the Hamilton Township Zoning Code, and the same principles of interpretation applicable to the Zoning Code shall be similarly applicable to the Parking Code.

1.4.2 This Code is intended to be consistent and harmonious with other applicable laws, including but not limited to the provisions of the Ohio Revised Code, the Township Zoning Code and the resolutions of the Hamilton Township Board of Trustees.

1.4.3 If any provision of the Parking Code is inconsistent with another provision herein or any provision set forth in the Township Zoning Code, the more restrictive provision shall govern. To the extent possible, all provisions of this Code shall be interpreted in a manner compliant with the Ohio Revised Code.

1.5 Relationship with Private-Party Agreements

1.5.1 This Parking Code is not intended to interfere with or abrogate any third-party private agreements, including but not limited to easements, covenants or other legal agreements between third parties. However, wherever this Code imposes a greater restriction than those imposed by a third-party private agreement upon the parking of vehicles, placement of

storage containers or other use of the public rights-of-way, the provisions of this Code shall govern.

- 1.5.2** In no case shall the Township be obligated to enforce the provisions of any easements, covenants or agreements between private parties, nor shall the Township be held liable for any violation of any easements, covenants or agreements between private parties, by virtue of this Parking Code or otherwise.

Chapter 2 General Road Parking Regulations

- 2.1** Vehicle parking shall be limited to the non-fire hydrant side of any right-of-way that is less than twenty-four (24) feet wide.
- 2.2** Vehicle parking is prohibited within one hundred (100) feet from any point of ingress or egress of a Township fire or police station.
- 2.3** Vehicle parking is prohibited within ten (10) feet of any fire hydrant.
- 2.4** No vehicle shall be parked in any public right-of-way for a period longer than seventy-two (72) consecutive hours without the express permission of the Hamilton Township Police Chief.
- 2.5** Vehicle parking is prohibited within twenty (20) feet of any roundabout or other similar traffic control terminus.
- 2.6** No dumpster, trailer, storage container or other portable container shall be placed in the right-of-way for any length of time except with the express permission of the Township, as evidenced by a zoning certificate lawfully issued in accordance with the Township Zoning Code.
- 2.7** The parking of any vehicle or placement of any dumpster, trailer, storage container or other portable container shall be prohibited in any area designated as a fire lane.

Chapter 3 Residential Road Parking Regulations

- 3.1** No vehicle shall be parked on any portion of the right-of-way abutting private property for a period longer than seventy-two (72) consecutive hours without the abutting property owner's express consent to such parking.
- 3.2** Vehicle parking is prohibited in the cul-de-sac portion of any right-of-way.
- 3.3** No semi-truck cab and/or semi-trailer or a vehicle with a gross vehicle rating of 26,000 or more pounds shall be parked in the right-of-way in a residential district abutting private property for a period of eight (8) or more consecutive hours, with or without the abutting private property owner's express consent to such parking.

Chapter 4 Snow Emergencies

4.1 Declared Snow Emergencies

- 4.1.1** The provisions of Chapter 4 of this Code shall apply during any snow emergency declared by the Township. For the purposes of this Code, a “Snow Emergency” is hereby defined as the period of time during which two (2) or more inches of snow or ice has accumulated, or is expected to accumulate, within the unincorporated area of Hamilton Township, such that the Township has determined road conditions within its unincorporated territory have become, or are likely to become, hazardous for vehicular travel.
- 4.1.2** The Hamilton Township Administrator, or his designee in the Administrator’s absence, is hereby authorized to declare a Snow Emergency within the Township’s unincorporated territory. The Hamilton Township Administrator, or his designee in the Administrator’s absence, is hereby further authorized to cancel a declared Snow Emergency within the Township’s unincorporated territory upon the Administrator’s conclusion that road conditions have improved and are no longer hazardous for vehicular travel.
- 4.1.3** An order declaring a Snow Emergency shall become effective two (2) hours after it has been announced by the Township to the local news media. The Snow Emergency shall continue in full force and effect until the same is canceled by the Township upon announcement of such cancelation to the local news media.

4.2 Parking During Declared Snow Emergencies

- 4.2.1** Parking of all vehicles shall be prohibited during a Snow Emergency in any right-of-way within the unincorporated territory of Hamilton Township on which traffic control devices compliant with R.C. 4511.09 are displayed.
- 4.2.2** To the extent possible, all dumpsters, trailers, storage containers and other portable containers shall be immediately removed from the right-of-way upon the announcement of a Snow Emergency, and the same shall not be returned to the right-of-way until the cancelation of the Snow Emergency.
- 4.2.3** No vehicle shall be parked, or any dumpster, trailer, storage container or other portable container placed, in or around the right-of-way while a Snow Emergency is in effect in a manner which impedes or obstructs the Township’s provision of emergency or weather-related services.

Chapter 5 Enforcement and Penalties

5.1 Enforcement Action

- 5.1.1** Each and every officer of the Hamilton Township Police Department shall be empowered to enforce this Code and shall be considered an “Enforcing Officer” for the purposes of this Code. Enforcing Officers are authorized to take any and all enforcement action

necessary to carry out the spirit and intent of this Code, including but not limited to issuing orders and citations to prevent and stop violations of the Code.

5.1.2 Whenever an Enforcing Officer determines that a violation of this Code has occurred, the Enforcing Officer may issue a citation to the owner of the offending vehicle or object, and/or any other person responsible for such violation, ordering the violation be remedied. For the purposes of this Code, a “person” shall be deemed to include any individual, firm, corporation or other entity.

5.1.3 A “Citation” for any violation of this Code shall:

- A.** Be in writing;
- B.** Identify the Code violation;
- C.** Include a brief statement as to why the Citation is being issued;
- D.** State the applicable penalty and fine for such violation; and
- E.** State the date, time and manner on and in which the person may pay the applicable fine or otherwise answer the Citation.

5.1.4 Service of a Citation shall be as follows:

- A.** By personal delivery to, or by leaving the Citation at the usual place of residence of, the owner of the offending vehicle or object, and/or any other person responsible for such violation;
- B.** By certified mail, return receipt requested, addressed to the owner of the offending vehicle or object, and/or any other person responsible for such violation (service to be deemed complete upon mailing); or
- C.** By posting a copy of the Citation in a conspicuous place on the offending vehicle or object.

5.1.5 Nothing herein restricts or prohibits an Enforcing Officer from issuing a warning with respect to any violation of this Code, in the Enforcing Officer’s discretion. The warning shall state the time within which the violation must be remedied in order to avoid a Citation for the violation.

5.2 Penalties and Fines

5.2.1 Any person who violates any provision of this Code, or otherwise fails to obey any lawful order of an Enforcing Officer issued pursuant hereto, shall be deemed guilty of a minor misdemeanor.

5.2.2 Any person who violates any provision of this Code shall be subject to a fine in the amount of:

A. \$135 if the violation pertains to unauthorized parking in a fire lane; or

B. \$120 for any other violation of this Code.

5.2.3 Nothing in this Code shall be interpreted as limiting Hamilton Township's available remedies with respect to a Code violation. Hamilton Township's election to pursue a particular remedy shall not preclude the Township from pursuing a different or additional remedy or action to enjoin, restrain, correct, abate or remedy a violation of this Code.

5.3 Towing and Impoundment of Offending Vehicles

5.3.1 An Enforcing Officer shall be authorized to order the towing and storage of any vehicle parked in a manner which violates any provision of this Code. The vehicle shall be towed and impounded by a person of Hamilton Township's choosing.

5.3.2 The owner of a vehicle towed and/or impounded pursuant to this Code shall be responsible for all costs and expenses associated with the tow and impoundment.

5.3.3 A vehicle impounded pursuant to this Code shall be released to its lawful owner upon the owner's presentation of documents establishing his lawful ownership of the vehicle, and full payment of all costs and expenses associated with the vehicle's tow and impoundment. Proof of ownership of a vehicle may be shown by the presentation of a certificate of title to the vehicle.

5.3.4 Neither Hamilton Township nor any of its officials, officers, employees, representatives, agents or contractors shall be responsible for any damage or injury to any vehicle towed and/or impounded pursuant to this Code.