

BOARD OF TRUSTEES

BRUNSWICK HILLS TOWNSHIP, MEDINA COUNTY OHIO

RESOLUTION NO. 27-2009

THE BOARD OF TRUSTEES OF BRUNSWICK HILLS TOWNSHIP, MEDINA COUNTY, OHIO MET FOR THEIR REGULAR MEETING ON JUNE 23, 2009 AT THE BRUNSWICK HILLS TOWNSHIP HALL, 1918 PEARL ROAD BRUNSWICK, OHIO.

WHEREAS, ORC 505.17(A) AUTHORIZED THE TOWNSHIP TO ADOPT REGULATIONS REGULATING PARKING WITHIN THE UNINCORPORATED AREAS OF BRUNSWICK HILLS TOWNSHIP.

WHEREAS, DEVELOPMENT WITHIN THE TOWNSHIP HAS PROGRESSED TO THE POINT THAT REGULATION FOR THE PARKING OF VEHICLES WITHIN THE TOWNSHIP IS NECESSARY FOR THE SAFETY AND WELFARE OF THE RESIDENTS AND

WHEREAS, THE MEDINA MUNICIPAL COURT HAS AUTHORIZED BY JOURNAL ENRTRY THE ESTABLISHMENT OF A NON-CRIMINAL PARKING VIOLATIONS BUREAU.

NOW THEREFORE BE IT RESOLVED THAT THE TOWNSHIP ADOPT THE ATTACHED PARKING REGULATIONS.

BE IT FURTHER RESOLVED THAT PURSANT TO ORC 4521.02 VIOLATION OF SUCH REGULATION SHALL NOT BE CONSIDERED A CRIMINAL OFFENSE FOR ANY PURPOSE AND THAT NO PERSON WHO VIOLATES SUCH SHALL BE ARRESTED FOR SAID VIOLATION WHICH SHALL BE HANDLED PURSANT TO SAID SECTION 4521.02 ORC AS A NON CRIMINAL PARKING VIOLATION.

ESBER MOVED TO ADOPT RESOLUTION # 27-2009

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BRUNSWICK HILLS TOWNSHIP
PARKING REGULATIONS

SECTION 1: DEFINITIONS

- 1.1 "Vehicle" means every device, including a motorized bicycle, in, upon, or by which any person or property maybe transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, electric personal assistive mobility devices, 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.
- 1.2 "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, equipment used in construction work, farm machinery, and agricultural machinery not designed for or employed in general highway transportation, and vehicles used by public law enforcement officers and duly qualified fire and rescue personnel when responding to emergency calls.
- 1.3 "Motorcycle" means every motor vehicle, other than a tractor, having a saddle for use of the operator and designed to travel on not more than three wheels in contact with the ground, but not limited to, motor vehicles known as "motor-driven-cycle," "motor scooter," or "motorcycle" without regard to weight or brake horsepower.
- 1.4 "Bicycle" means every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power upon which any person may ride having either tandem wheels, or one wheel in front and two wheels in the rear, any of which is more than fourteen inches in diameter.
- 1.5 "Motorized bicycle" means any vehicle having either two tandem wheels or one wheel in front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement and produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.
- 1.6 "Person" means every natural person, firm, co-partnership, association, or corporation.
- 1.7 "Pedestrian" means any natural person afoot.
- 1.8 "Driver or operator" means every person who drives or is in actual physical control of a vehicle.
- 1.9 "Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

- 1.16 "Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.
- 1.17 "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.
- 1.18 "Traffic control devices" means all flaggers, signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, including signs denoting names of streets and highways.
- 1.19 "Traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop, to proceed, to change direction, or not to change direction.
- 1.20 "Traffic" means pedestrian, ridden or herded animals, vehicles, and other devices, either singly or together, while using any highway for purposes of travel.
- 1.21 "Right-of-way" means either of the following, as the context requires:
- (a) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle or pedestrian approaching from a different direction into its or the individual's path;
 - (b) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.
- 1.22 "Alley" means a street or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the legislative authority of the municipal corporation in which such street or highway is located.
- 1.23 "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.
- 1.24 "Expressway" means a divided arterial highway for through traffic with full or partial control of access of fifty percent of all crossroads separated in grade.
- 1.25 "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

- 1.26 "Operate" means to cause or have caused movement of a vehicle on any public or private property used by the public for purposes of vehicular travel or parking.
- 1.27 "Park or parking" means the standing of a motor vehicle, whether occupied or not.
- 1.28 "Handicapped parking space" means a special parking location on publicly owned or privately owned parking lots, parking garages, or other parking areas, designated through the posting of an elevated sign, whether permanently affixed or moveable, imprinted with the international symbol of access. All elevated signs shall be mounted on a fixed or moveable post and the distance from the ground to the top of the sign shall measure five feet. There also shall be affixed upon the surface of that sign or affixed next to the designated sign a notice that states the fine applicable for the offense of parking a motor vehicle is not legally entitle to be parked in that location.

SECTION 2: PROHIBITED PARKING

- 2.1 No person shall stand or park a motor vehicle, except when necessary to avoid conflict with other traffic on in compliance with the law, or while obeying the directions of a police officer or traffic control device, in any of the following places:
- (a) On a sidewalk.
 - (b) In front of a public or private driveway.
 - (c) Within an intersection.
 - (d) Within ten (10) feet of a fire hydrant. **See last page attachment for Amendment*
 - (e) On a crosswalk.
 - (f) Within twenty (20) feet of a crosswalk at an intersection.
 - (g) Within thirty (30) feet of, and upon the approach to, any flashing beacon, stop sign, or traffic control device.
 - (h) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite to the ends of a safety zone, unless a different length is indicated by a traffic control device.
 - (i) Within fifty (50) feet of the nearest rail of a railroad crossing.
 - (j) Within twenty (20) feet of a driveway entrance to any fire station and, on the street opposite the entrance to any fire station, within seventy-five (75) feet of the entrance when it is properly posted with signs.

- (k) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic.
- (l) Alongside any vehicle stopped or parked at the edge of curb of a street.
- (m) Upon any bridge or elevated structure upon a highway, or within a highway tunnel.
- (n) At any place where signs prohibit stopping or parking.
- (o) Within one (1) foot of another parked vehicle.
- (p) On the roadway portion of a freeway, expressway, or thruway.
- (q) During a snow emergency parking ban.
- (r) On any township roads or streets between the hours of two o'clock AM and six o'clock AM.

2.2 Every motor vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right hand wheels of the vehicle parallel with and not more than twelve (12) inches from the right hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

2.3 No motor vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.

2.4 Notwithstanding any statute or resolution, equipment and vehicles used in construction, repair, utility work, or farming, near, on, over, or under the street or highway, may stop, stand, or park where necessary provided a flag person is on duty or warning signs or lights are displayed as may be prescribed by the director of transportation or the Ohio Manual of Uniform Traffic Control Devices.

2.5 No person shall stop, stand, or park any motor vehicle at or in a clearly marked handicapped parking space unless one of the following applies:

- (a) The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates.
- (b) The motor vehicle is being operated by and for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

- 2.6 If an owner of private property posts on the property, in a conspicuous manner, a prohibition against parking on the property or conditions and regulations under which parking is permitted; no person shall do either of the following:
- (a) Park a vehicle on the property without the owner's consent.
 - (b) Park a vehicle on the property in violation of any condition or regulation posted by the owner.
- 2.7 No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway, street, or roadway if it is practicable to stop, park, or so leave such vehicle off the paved or main traveled part of said highway, street, or roadway. In every event a clear and unobstructed portion of the highway, street, or roadway opposite such standing vehicle shall be available from a distance of two hundred feet in each direction upon such highway, street or roadway. This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway, street, or roadway in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.
- 2.8 Whenever any police officer finds a vehicle standing upon a highway, street, or roadway in violation of this Traffic Code, such officer may move such vehicle, or require the driver or other persons in charge of the vehicle to move the same, to a position that complies with these regulations. Whenever any police officer finds a vehicle unattended upon any highway, street, roadway, bridge, or causeway, where such vehicle constitutes an obstruction to traffic or creates a risk to the health, safety or welfare of the residents or traveling public or is parked in violation of a snow emergency ban, such officer may provide for towing, removal, and impounding of such vehicle at the owners expense.

SECTION 3: PRIMA FACIA RESPONSIBILITY FOR PARKING VIOLATION

- 3.1 If a motor vehicle is stopped, standing, or parked in violation of this resolution, and the operator is present, the officer shall record the name of the operator on the ticket and shall serve the ticket upon the operator. If the owner is not present, the officer shall insert the word "owner" in the space provided and then shall constructively serve the ticket by affixing the ticket to the vehicle in a conspicuous place. Constructive service of a parking ticket has the same force and effect, and potentially subjects both the owner and the operator of the vehicle to the same fine and the same penalties for failure to timely answer or to appear.
- 3.2 The owner or any lien holder of a vehicle ordered towed and impounded may claim the vehicle upon presentation of proof of ownership to the violations clerk, which may be evidenced by a certificate of title to the vehicle, and the full payment of all expenses, charges, and fines incurred as a result of the parking violation, removal, towing, impounding, and storage of the vehicle. The bond of two hundred fifty dollars may be posted to obtain release of the vehicle pending a hearing on the charge.

3.3 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 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.

3.4 The owner of a vehicle cited for stopping, standing, or parking, in violation of this resolution may assert as an affirmative defense that the vehicle in question, at the time of the violation, was in possession of a person whom the owner had not knowingly permitted to operate the vehicle. The owner of a leased or rented vehicle cited for stopping, standing, or parking, in violation of this section may assert as an affirmative defense Section 9 of this Resolution.

SECTION 4: ISSUANCE OF PARKING CITATIONS, FINES AND COSTS

4.1 Parking tickets may be issued by a police officer or such other personnel duly authorized by the Brunswick Hills Township Board of Trustees.

4.2 In the absence of the operator of a vehicle found to be stopped, standing, or parked in violation of this resolution, a parking ticket may be served by attaching it to the vehicle.

4.3 The fines and costs for the parking violations set forth in this resolution shall be as established by resolution of the Brunswick Hills Township Board of Trustees from time to time, in the penalty section of this resolution which is hereby declared a part of this resolution.

PENALTY SECTION

Violations of this Traffic Code shall be punished by fines as set forth below. These fines are independent of, and in addition to, any administrative costs for removal and storage of the vehicle, and administrative costs resulting from an unsuccessful challenge of the violation.

PENALTIES

	If paid at the bureau within 5 days	If paid at the bureau after 5 days
2.1(a)	\$10	\$20
2.1(b)	\$10	\$20
2.1(c)	\$10	\$20
2.1(d)	\$15	\$30
2.1(e)	\$10	\$20
2.1(f)	\$10	\$20
2.1(g)	\$10	\$20
2.1(h)	\$15	\$30

2.1(j)	\$15	\$30
2.1(k)	\$10	\$20
2.1(l)	\$10	\$20
2.1(m)	\$10	\$20
2.1(n)	\$10	\$20
2.1(o)	\$10	\$20
2.1(p)	\$10	\$20
2.1(q)	\$15	\$30
2.1(r)	\$15	\$30
2.2	\$10	\$20
2.3	\$10	\$20
2.4	\$10	\$20
2.5	\$50	\$100
2.6	\$10	\$20
2.7	\$10	\$20

SECTION 5: PARKING TICKETS: PROCEDURES

- 5.1 Brunswick Hills Township shall adopt a parking ticket to be used by its law enforcement officers as approved by the Chief of Police.
- 5.2 The parking ticket adopted by Brunswick Hills Township shall be used by its law enforcement officers in all cases in which a person is charged with committing a parking infraction. Each parking ticket shall contain the parking infraction charged, and that certain penalties may result from a failure to timely answer, indicate the allowable answers and that the person will be afforded a hearing if he denies the parking infraction, specify the entity to which, the time within which, and the allowable manners in which he answer must be made, indicate the penalties that may result from failure to timely answer and the fine that arises from the parking infraction, and warn that a default civil judgment may be entered against the person and, if different, the owner of the vehicle if the person fails to answer or to appear at a requested hearing.
- 5.3 A law enforcement officer who issues a parking ticket shall complete the ticket by identifying the parking infraction charged, recording the license plate number, type, and make or model of the vehicle, and indicating the date, time, and place of the infraction. The officer shall sign the ticket and affirm the facts it contains. If the operator is present, the officer shall record the name of the operator in a space provided on the ticket and then shall personally serve the parking ticket upon the operator. If the operator of the vehicle is not present, the officer shall insert the word "owner" in the space provided on the ticket for identification of the offender, and then shall constructively serve the parking ticket for identification of the offender, and then shall constructively serve the parking ticket by affixing it to the vehicle in a conspicuous place. Constructive service of a parking ticket has the same force and effect, and potentially subjects both the owner and the operator of the vehicle to the same fine and penalties for failure to timely answer or to appear.

- 5.4 The original of a parking ticket or any true copy of it shall be considered a record kept in the ordinary course of business at the local authority and shall be prima-facie evidence of the facts it contains.
- 5.5 An operator of a vehicle who is not the owner, but who operates it with the express or implied consent of the owner is the agent of the owner for purposes of the receipt of parking tickets. The operator of a rented or leased vehicle shall not be considered an agent of the owner if the owner is engaged in the business of renting and leasing vehicles pursuant to a written rental or lease agreement.
- 5.6 When a parking ticket is issued, the operator of the vehicle and the owner of the vehicle are jointly liable for the parking infraction and any fine or penalty. Any owner who pays any fine may recover the amount paid from the operator of the vehicle.
- 5.7 No person upon whom a parking ticket is served shall be arrested as a result of the parking infraction.

SECTION 6: ANSWER TO CHARGE: PENALTIES ADDITIONAL PENALTIES FOR FAILURE TO COMPLY

- 6.1 A person who is served with a parking ticket may answer the charge by personal appearance before the bureau, by telephone, or by mail. An answer shall be made within ten (10) days of the date of issue of the citation and shall be in one of the following forms:
- (a) An admission that the person committed the parking infraction, by payment of any fine arising out of the parking infraction.
 - (b) An admission with an explanation of circumstances surrounding the parking infraction.
 - (c) A denial that the person committed the parking infraction and a request for a hearing. If the person desires the presence of the law enforcement officer who issued the citation, the person must request his presence in his answer.
- 6.2 A person who admits that he committed a parking infraction shall pay the fine to the violations clerk.
- 6.3 The person who admits that he committed a parking infraction with explanation shall submit evidence to the bureau that explains the circumstances surrounding the infraction. The evidence may be submitted in person or may be sent as affidavits and other documentary evidence, by mail. The bureau shall promptly determine whether the explanation mitigates the infraction, then the fine shall be reduced or eliminated. If the fine is reduced or eliminated and the person has previously paid the fine, then the amount paid in excess of the revised fine shall be returned to the person. If the fine is eliminated

or reduced and the person has not previously paid the fine, the person shall pay only the amount of the revised fine. If the bureau determines that the explanation does not mitigate the parking infraction, the person owes the entire amount of the fine, and if the person has not previously paid the fine, the person shall pay the entire amount of the fine. If a person admits that he committed a parking infraction with explanation and he fails to pay the amount of the fine due within ten (10) days after receiving notice of the bureau or juvenile court's determination and the amount of the fine due shall be considered a judgment and shall be treated as if it were a judgment rendered subsequent to a hearing held pursuant to Section 8 of this Resolution.

- 6.4 A person who denies that he committed a parking infraction shall be granted a hearing concerning the infraction. The bureau shall set a date for the hearing and notify the person, in writing, of the date, time, and place of the hearing. The hearing shall be conducted by a hearing examiner of the parking violations bureau.
- 6.5 If a person who is served with a parking ticket charging a parking infraction fails to timely answer the charge, the parking violations bureau shall issue the proper notifications of infraction pursuant to Section 7 of this Resolution, and proceed according to that section. Failure to timely answer a charge may result in the imposition of additional penalties prescribed by resolution of Brunswick Hills Township.
- 6.6 The issuance of a parking ticket, the filing of or failure to file an answer by a person served with the ticket, the substance of an answer, the payment of any fine, and any other relevant information shall be entered in the records of the bureau.

SECTION 7: FAILURE TO ANSWER: PROCEDURE

- 7.1 When a person is served with a parking ticket and the person fails to answer the charge, the parking violations bureau shall send notification of infraction as follows:
 - (a) If the person who fails to answer was the operator of the vehicle and was personally served with the parking ticket, a notification of infraction shall be sent to that person, and additionally if such person is not the owner of the vehicle, as determined by the records of the bureau of motor vehicles, a notification of infraction also shall be sent to the owner at his most recent address appearing in the records of the bureau of motor vehicles.
 - (b) If the person who fails to answer was the owner of the vehicle and was served with the parking ticket, a notification of infraction shall be sent to the owner at his most recent address appearing in the records of the bureau of motor vehicles.

