

**BOARD OF TRUSTEES
JEFFERSON TOWNSHIP, MONTGOMERY COUNTY, OHIO**

RESOLUTION NO. 22-095

SECOND READING

**RESOLUTION ADOPTING PARKING REGULATIONS FOR JEFFERSON
TOWNSHIP, DISPENSING WITH A SECOND READING**

The Board of Trustees of Jefferson Township, Montgomery County, Ohio met in a regular meeting on the 20th day of September 2022 at 7:00 pm at the Township Offices located at 580 Calumet Lane, Dayton, Ohio with the following members present:

M. Michael McLaughlin (✓) **Sheila Back** (✓) **Joseph Barnes** (✓)
Moved by McLaughlin Second by Back for the adoption of the following Resolution:

WITNESSETH

WHEREAS the Board of Trustees of Jefferson Township seek to regulate parking on streets under the control of the Township for the safety of residents and others traveling on such streets: and

NOW THEREFORE BE IT RESOLVED, by the Board of Trustees of Jefferson Township, Montgomery County Ohio by authority of Section 505.17 of the Ohio Revised Code, that:

SECTION 1: The attached Parking Resolution shall be adopted for the safety of residents and others traveling on such streets.

SECTION 2: That this Resolution may be modified by resolution at any time to allow parking on streets previously designated as no parking or restricted parking and to prohibit or restrict parking on streets on which parking was previously permitted.

SECTION 3: 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 Administrative Offices during normal business hours.

SECTION 4: That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board 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 5: That the Board does hereby dispense with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and authorizes the adoption of this Resolution upon its first reading.

SECTION 6: This resolution is declared to be an emergency measure necessary for the preservation of the health, safety, and well-being of the residents of the Township in order to immediately begin regulation of parking in the Township.

SECTION 3: This resolution shall take effect at the earliest period allowed by law.

First Reading: September 20, 2022

Second Reading: October 04, 2022

Effective: October 4, 2022

The vote was as follows:

M. Michael McLaughlin

Yes ☒
No ☐
Abstain ☐

Sheila Back

Yes ☒
No ☐
Abstain ☐

Joseph Barnes

Yes ☒
No ☐
Abstain ☐

Adopted: 4th day of October 2022

Signed by:

By: Michael McLaughlin

Michael McLaughlin, President

By: Sheila Back

Sheila K. Back, Trustee

By: Joseph Barnes

Joseph Barnes, Trustee

Attest to Signatures:

By: Tracey Edwards

Tracey Edwards, Fiscal Officer

JEFFERSON TOWNSHIP PARKING REGULATIONS

Chapters and Sections:

Chapter 1 Scope and Administration Sections

- 101 General
- 102 Applicability

Chapter 2 Definitions

- 201 General
- 202 General Definitions

Chapter 3 Scope and Administration Sections

- 301 General Prohibitions
- 302 Permits Required for Temporary Parking of Moving Vans, Trailers, Semi-Trailers, Dumpsters, and Portable Storage Units (PODS)

Chapter 4 Fire Lane Parking Prohibitions

- 401 General Prohibitions

Chapter 5 Special Event/Temporary Parking Prohibitions

- 501 General Prohibitions

Chapter 6 Enforcement

- 601 Unlawful Acts
- 602 Penalties and Fines
- 603 Towing and Impoundment
- 604 Abatement and Other Lawful Remedies

CHAPTER 1: SCOPE AND ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Jefferson Township Parking Regulations, hereinafter referred to as "these regulations" or "the Township Parking Resolution."

101.2 Repeal of Prior Parking Resolutions. These regulations are enacted pursuant to Ohio Revised Code Section 505.17 and repeal and replace all the previously enacted resolutions of the Township pertaining to parking except for the Township's annual Snow Emergency Resolution which governs the procedures for declaring a Snow Emergency in the Township.

101.3 Scope. The provisions of these regulations shall apply to all vehicle parking in Jefferson Township, including, but not limited to, parking on any township street, or highway, parking on established roadways proximate to buildings, and parking on private property as necessary to provide access to the property by public safety vehicles and equipment.

101.4 Intent. These regulations shall be construed to secure its expressed intent, which is to ensure public health, safety, and welfare insofar as they are affected by parked vehicles impeding travel.

101.5 Severability. If a section, subsection, sentence, clause, or phrase of these regulations is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of these regulations.

SECTION 102 APPLICABILITY

102.1 General. The provisions of these regulations shall apply to all matters affecting or relating to parking in Jefferson Township.

102.2 Existing remedies. The provisions of these regulations shall not be construed to abolish or impair existing remedies of the Township or its officers or agencies relating to the citation or removal of illegally or dangerously parked vehicles.

CHAPTER 2: DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of these regulations, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the single number includes the plural and the plural, the singular.

201.3 Terms not defined. Where terms are not defined in these regulations the usual customary definition shall apply.

201.4 Capitalization. Defined words may begin with an uppercase or lower-case letter, interchangeably and without significance as to their meaning.

SECTION 202 GENERAL DEFINITIONS

BICYCLE. A bicycle is a 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 two tandem wheels, or one wheel in the front and two wheels in the rear, or two wheels in the front and one wheel in the rear, any of which is more than fourteen inches in diameter.

DRIVER OR OPERATOR. A driver or operator is any person who drives or is in actual physical control of a vehicle, trackless trolley, or streetcar.

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.

MOTORIZED BICYCLE. A motorized bicycle is any vehicle having either two tandem wheels or one wheel in the 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 that 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.

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 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 is 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.

TOWNSHIP. Township refers to Jefferson Township, Montgomery County, Ohio.

CHAPTER 3: STREET PARKING RESTRICTIONS

SECTION 301 GENERAL PROHIBITIONS

301.1 Street Parking Prohibition. On any Township Street that is less than twenty-four (24) feet wide, parking is to be limited to the non-fire hydrant side of the roadway.

301.2 Cul-De-Sac Prohibition. Parking is prohibited in the cul-de-sac portion of any Township Street.

301.3 Intersection Prohibitions. Parking is prohibited on both sides of any street at any point between zero (0) and thirty (30) feet from the end of the radius of an intersecting street.

301.4 Fire Station Prohibitions. Parking is prohibited on both sides of any street at any point between zero (0) and one hundred (100) feet from the driveway entrance/exit of a fire station.

301.5 Fire Hydrant Prohibitions. Parking is prohibited within ten (10) feet of a fire hydrant on the fire hydrant side of any street which is greater than twenty-four (24) feet wide.

301.6 Unpaved Rights-of-Way. Parking is prohibited on any unpaved portion of any right-of-way.

301.7 Truck/Trailer/Semitrailer Parking Prohibitions. Except as authorized by permit in Section 303 of this Resolution, 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 Township 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.

301.8. Portable Storage Unit (POD) and Dumpster Parking Prohibitions. Except as authorized by permit in Section 303 of this Resolution, no portable storage unit (POD) or dumpster shall be permitted to park along any Township 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.

301.9. Seventy-Two (72) Hour Parking Limitation. Parking is prohibited for longer than seventy-two (72) hours on any street or other property open to the public for purposes 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.

**SECTION 302 PERMITS REQUIRED FOR TEMPORARY PARKING OF
MOVING VANS, TRAILERS, SEMI-TRAILERS, DUMPSTERS,
AND PORTABLE STORAGE UNITS (PODS).**

302.1 General Statement. 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 Township streets, especially for extended periods of time.

302.2 General Prohibition. As is established in Section 301 of this Resolution, the parking of moving vans, trailers, semi-trailers, dumpsters, and portable storage units (PODS) is generally prohibited on any Township 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.

302.3 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 by Section 301 of this Resolution.

302.4 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.

302.5 Application Process. In order to obtain a Temporary Parking Permit, persons must provide the Township Administrative Office with a completed application which includes the following information:

- a) Name, address, and telephone number of the applicant.
- b) Address and proposed location of the moving van, trailer, semi-trailer, dumpster or portable storage unit (POD).
- c) Type of vehicle or container for which the application is filed.
- d) Size of the moving van, trailer, semi-trailer, dumpster, or portable storage unit (POD) for which the application is filed.
- e) 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).
- f) Beginning and ending date for which a Temporary Parking Permit is being requested; and

- g) 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.

302.6 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:

- a) Who cannot reasonably locate the moving van, trailer, semi-trailer, portable storage unit (POD), or dumpster on an impervious surface other than on the Township Street or in the Township right-of-way; and
- b) Who are utilizing the moving van, trailer, semi-trailer, dumpster, or portable storage unit (POD) for bona fide moving, rehabilitation and/or construction purposes.

302.7 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 Township.

302.8 Revocation of Temporary Parking Permit. The Township 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 Township 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 Township will require the immediate relocation of the moving van, trailer, semi-trailer, dumpster, or portable storage unit (POD). In all other cases, the Township 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.

CHAPTER 4: FIRE LANE PARKING PROHIBITIONS

SECTION 401 GENERAL PROHIBITIONS

401.1 Fire Lane Prohibitions. Parking is prohibited in any area designated as a fire lane.

CHAPTER 5: SPECIAL EVENT/TEMPORARY PARKING PROHIBITIONS

SECTION 501 GENERAL PROHIBITIONS

501.1 General Statement. The parking prohibitions set forth in this section have been established due to specific traffic hazards and safety concerns associated with temporary events and conditions. The Township shall post temporary “No Parking” signs in the affected areas at least twenty-four (24) hours in advance of such temporary events unless such notice is not possible or practical given the nature or timing of the event.

501.2 Miscellaneous Temporary Parking Prohibitions. Parking is prohibited at any location and for any duration deemed necessary by the Township as a result of conditions, events, or activities which render parking hazardous or contrary to the public safety and welfare.

501.3 Public Assemblage Permits. Parking may be limited on any Township Street as provided for by the Township Public Assemblage Permit Policy which allows for certain streets to be closed, or parking to be limited, for limited special events as approved by the Montgomery County Sheriff Office, the Fire Chief and the Township Administrator.

CHAPTER 6: ENFORCEMENT

SECTION 601 UNLAWFUL ACTS

601.1 Unlawful acts. It shall be unlawful for a person to be in conflict with or in violation of any of the provisions of these regulations.

SECTION 602 PENALTIES AND FINES

602.1 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.

SECTION 603 TOWING AND IMPOUNDMENT

603.1 Right to Tow/Impound Vehicles. The Township 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, 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.

SECTION 604 ABATEMENT AND OTHER LAWFUL REMEDIES

604.1 Abatement of violation. The imposition of the fines and penalties herein prescribed shall not preclude Jefferson Township from instituting, by and through its law director, appropriate action to enjoin, restrain, correct or abate a violation, or to stop an illegal act.