ORDINANCE NO. 2019-9

AN ORDINANCE AMENDING SECTION 356.02 TITLED "IMPOUNDING OF VEHICLES; PUBLIC PROPERTY," AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend Section 356.02 titled "Impounding of Vehicles; Public Property" to amend the towing fees therein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto:

SECTION 1. The Council hereby accepts the amendments to Section 356.02 titled "Impounding of Vehicles; Public Property" of the Kent Codified Ordinances as outlined in Exhibit "A", attached hereto and made a part hereof.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED  January 16, 2019  
Date

EFFECTIVE: January 16, 2019  
Date

ATTEST:  
Tara Grimm, MMC  
Clerk of Council

__________________________
Jerry T. Fiala  
Mayor and President of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. ______________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON __________________, 20___.

(SEAL)

__________________________
TARA GRIMM, MMC  
CLERK OF COUNCIL
Exhibit A

356.02 IMPOUNDING OF VEHICLES; PUBLIC PROPERTY.

(a) The Police Department is authorized to provide for the immediate removal 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 so 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. (Adopting ordinance)

(2) When any vehicle has been left unattended or abandoned in excess of twenty-four consecutive hours upon any public street or other public bridge, alley, or causeway, which period of time shall include moving any vehicle to another public street or right of way for parking or storage purposes. (Ord. 1971-18. Passed 2-1-71.)

(3) When a vehicle is parked on public property in violation of rules and regulations set out by the governmental agencies controlling the public property.

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

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

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

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

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

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

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

(1011) When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required.

(b) The Police Department is hereby authorized to remove and tow away or have removed and towed away by commercial towing service any motor vehicle parked in any place, including private property, whether with or without the permission of the owner, when such parked vehicle blocks the use of a fire hydrant or obstructs, or in the opinion of the Safety Director or his/her designee, may obstruct or tend to obstruct the movement of access of any public safety or emergency vehicle thereon or thereto, or
places the citizens of the City in jeopardy of their health and/or safety. Exempted from this section are vehicles operated by Public Safety officers in emergency situations.

(c) The Police Department shall forthwith 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 such 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 receipt of the release form and payment of all towage and storage charges. Should said vehicle not be claimed and released, it shall be disposed of pursuant to Section 356.11 of this code.

(d) The Safety Director shall promulgate and publish a set of rules and regulations to implement this section as he deems proper, including the establishment of reasonable maximum rates for the removal and storage of any vehicle removed from private property. The rates established pursuant to this section shall be posted as provided in Section 356.04 subsection (c).