

RESOLUTION NO. 20- 16, 2020
COLUMBIA TOWNSHIP, HAMILTON COUNTY, OHIO

ADOPTING A HANDICAPPED PARKING POLICY

WHEREAS, Revised Code § 505.17 authorizes Columbia Township, Hamilton County, Ohio (the “Township”) to make such regulations and orders as are necessary to control vehicle parking in the unincorporated area of the Township;

WHEREAS, there is a need for regulating handicapped parking, including non-personalized handicapped parking on public streets, alleys, parking lots, and rights-of-way in front of residential, commercial, or industrial structures, as well as on-street non-designated handicapped parking on public streets abutting residences;

WHEREAS, the Township has developed a policy pertaining to handicapped parking, including non-personalized handicapped parking on public streets, alleys, parking lots, and rights-of-way in front of residential, commercial, or industrial structures, as well as on public streets abutting residences (the “Handicapped Parking Policy”), a copy of which policy is attached hereto as Exhibit A;

WHEREAS, the Township desires to adopt the Handicapped Parking Policy and the regulations and orders contained therein;

WHEREAS, the Township desires that the Township Administrator be responsible for reviewing and approving or rejecting all applications submitted under the Handicapped Parking Policy;

WHEREAS, the Township is a limited home rule township that has all of the powers of local self-government under R.C. Chapter 504; and

WHEREAS, the Board, upon majority vote, hereby dispenses with the requirement that this resolution be read on two separate days, and hereby authorizes the adoption of this resolution upon its first reading.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Columbia Township, Hamilton County, Ohio, for the benefit and welfare of Columbia Township and its citizens, hereby adopts the Handicapped Parking Policy attached hereto as Exhibit A and the regulations and orders contained therein in their entirety;

BE IT FURTHER RESOLVED, that, under the Handicapped Parking Policy, the Township Administrator shall be responsible for: (1) reviewing and approving or rejecting all applications submitted under the Handicapped Parking Policy; and (2) if necessary, removing on-street, non-personalized Designated Handicapped Parking Spaces in accordance with the Handicapped Parking Policy; and

BE IT FURTHER RESOLVED, that all parking regulations and orders in the Handicapped Parking Policy shall be governed by the following terms and conditions:

1. Definitions

- A. "Owner" means any individual or entity who owns a motor vehicle.
- B. "Operator" means any individual who operates a motor vehicle.
- C. "Motor vehicle" shall have the same meaning as in Revised Code § 4501.01(B).
- D. "Designated Handicapped Parking Space" means a parking space on private property or on a public street, alley, parking lot, or right-of-way in front of a residential, commercial, or industrial structure that displays the International Symbol of Access (also known as the International Wheelchair Symbol).

- 2. No person shall stop, stand, or park any motor vehicle at a Designated Handicapped Parking Space on private property or on any public streets, alleys, parking lots or other public rights-of-way unless the motor vehicle is being operated by, or for the transport of, a handicapped person and is displaying a parking card, a placard, or special license plates authorized by R.C. § 4503.44.
- 3. Any motor vehicle parked in violation of this Resolution or the Handicapped Parking Policy may be towed and/or ordered into storage by the Township or the Hamilton County Sheriff's Office. The Owner of the motor vehicle may claim the vehicle upon presentation of proof of ownership. Proof of ownership may be evidenced by a certificate of title to the motor vehicle. The Owner of the motor vehicle must pay all expenses (including towing expenses), costs, charges, and fines relating to any violation of this Resolution or the Handicapped Parking Policy.
- 4. The parking regulations and orders in the Handicapped Parking Policy shall not be effective until signs imprinted with the International Symbol of Access are prominently displayed in the areas to be regulated.

5. Enforcement

- A. It shall be the duty of the Hamilton County Sheriff's Office, which provides police services to the Township, to report the following information pertaining to a motor vehicle believed to be improperly stopped, standing, or parked in a Designated Handicapped Parking Space: (1) the location of the stopped, standing, or parked vehicle; (2) the state license number of the stopped, standing, or parked vehicle; (3) the time during which the vehicle was stopped, standing, or parked in violation of the Handicapped Parking

Policy; and (4) any other relevant facts pertaining to the alleged parking violation.

- B. The Hamilton County Sheriff's Office – as the Township's authorized representative – shall affix to a motor vehicle believed to be improperly stopped, standing, or parked in a Designated Handicapped Parking Space a notice to the Owner or Operator of the motor vehicle that it is parked in violation of the regulations of the Township. Such notice shall advise the Owner or Operator of the penalties he or she faces.
 - C. In lieu of the notice required under 5(B), the Hamilton County Sheriff's Office is authorized to use the Ohio Uniform Traffic Ticket to issue a citation to the Owner or Operator of any motor vehicle believed to be violating this Resolution or the Handicapped Parking Policy.
 - D. Each Owner or Operator of a motor vehicle stopped, standing, or parked in violation of this Resolution or the Handicapped Parking Policy is guilty of a misdemeanor and may be subject to fines ranging from \$250.00-\$500.00 for each violation.
 - E. As set forth in the Handicapped Parking Policy, the Township Administrator (or such other Township official or employee as the Township Administrator may designate), shall have the authority to designate and establish Designated Handicapped Parking Spaces and administer criteria for determining the need for additional Designated Handicapped Parking Spaces. The Township Administrator shall also have the authority to recommend the need for additional Designated Handicapped Parking Spaces to the Board of Trustees of Columbia Township (the "Board"). The Board, upon determining a need for additional Designated Handicapped Parking Spaces exists, may pass a resolution establishing such additional Designated Handicapped Parking Spaces.
6. In any hearing or other legal proceeding regarding an alleged violation of this Resolution or the Township's Handicapped Parking Policy, testimony that a motor vehicle bearing a certain license plate was found illegally parked (as prohibited by this Resolution and/or the Handicapped Parking Policy) and further testimony that the record of the Ohio Registrar Bureau of Motor Vehicles shows that the license plate was issued to the defendant shall be *prima facie* evidence that the motor vehicle that was illegally parked was so parked by the defendant. A certified registration copy showing that the license plate on the motor vehicle was issued to the defendant, from the Registrar, shall constitute proof of ownership.

Motion to accept Resolution made by: Mr. Kubicki

Seconded by: Mr. Kritikos

VOTE:

TRUSTEE	VOTING	SIGNATURE	DATE
David Kubicki, President	<u>yes</u>	<u>[Signature]</u>	<u>4/14/2020</u>
Chris Kritikos, Vice-President	<u>YES</u>	<u>[Signature]</u>	<u>4/14/2020</u>
Susan Hughes, Trustee	_____	_____	_____

ATTEST: Carole B. Heekin 4/14/20
Caroline Heekin, Fiscal Officer

APPROVED as to form: _____
Township Legal Counsel

Passed this 14 day of April, 2020