

RESOLUTION NO. 06 - 2011

**RESOLUTION ADOPTING REGULATIONS PROHIBITING COMMERCIAL
VEHICLES/TRAILERS AND RECREATIONAL VEHICLES/TRAILERS
PARKING WITHIN THE PUBLIC RIGHT-OF-WAY IN
RESIDENTIAL NEIGHBORHOODS AND PROHIBITING PLACEMENT OF
PORTABLE STORAGE UNITS AND DUMPSTERS WITHIN
THE PUBLIC RIGHT-OF-WAY**

WHEREAS, the West Chester Township Board of Trustees finds it in the best interest of public safety to prohibit commercial vehicles/trailers and recreational vehicles/trailers within the public right-of-way in residential neighborhoods because they create an unsafe traffic environment, particularly impeding the safe passage of emergency vehicles and interference with sight distance visibility and other visibility dangers; and,

WHEREAS, the West Chester Township Board of Trustees finds it in the best interest of public safety to prohibit the parking of trailers not attached to power/towing units within the public right-of-way in residential neighborhoods because they create an unsafe traffic environment, in particular the safe passage of emergency vehicles and interference with sight distance visibility and other visibility dangers; and,

WHEREAS, the West Chester Township Board of Trustees finds it in the best interest of public safety to prohibit portable storage units and dumpsters within the public right-of-way in residential neighborhoods because they create an unsafe traffic environment, in particular the safe passage of emergency vehicles and interference with sight distance visibility and other visibility dangers; and,

WHEREAS, such vehicles, trailers and portable storage units and dumpsters cause undo wear and damage to pavements constructed for normal residential use when parked or placed repeatedly in the same area; and,

WHEREAS, West Chester Township has adopted a Limited Home Rule form of government pursuant to Ohio Revised Code §504; and,

WHEREAS, West Chester Township has the authority to regulate parking and right-of-way matters pursuant to Ohio Revised Code §§504.04, 505.17, 4511.07 and 4521.02; and,

WHEREAS, West Chester Township desires to recognize the parking and right-of-way violations contained herein as a civil matter pursuant to Ohio Revised Code §4521.02 and not criminal violations.

NOW, THEREFORE, BE IT RESOLVED that the West Chester Township Board of Trustees does hereby agree to:

SECTION 1. Define for the purposes of this Resolution a Prohibited Vehicle as any vehicle or trailer that exceeds eighty-four (84) inches in width. The determining width shall be whichever of the following measures the widest: 1) the width as measured by the outside of the tire most protruding to the outside of the opposite most protruding tire, 2) the width of the box or 3) the width of the bed.

SECTION 2. Define for the purposes of this Resolution, a Residential Neighborhood as any platted subdivision containing residential dwellings or a location readily identified as a neighborhood of residential character.

SECTION 3. Establish no Prohibited Vehicle shall be parked or stored within the public right-of-way within or beside a Residential Neighborhood.

SECTION 4. Find that Section 3 of this Resolution shall not apply to the following:

(A) Any Prohibited Vehicle that is in the act of providing commerce or services to a residential property which is in close proximity to where such vehicle is parked. Prohibited Vehicle may not be left overnight or during times when not providing commerce or services to a residential property.

(B) Any government vehicle, emergency vehicle and/or apparatus or any vehicle authorized by West Chester Township to be within a Residential Neighborhood.

(C) Any public or church vehicle sanctioned for an applicable activity or school bus "laying-over" between scheduled passenger pickup points on regular routes; however, such layover shall be limited to a maximum of one hour.

(D) Any Recreational Vehicle, as defined in the West Chester Zoning Resolution, within the public right-of-way for purposes of loading/unloading for a period of time not to exceed forty-eight (48) hours in a fourteen (14) day period.

SECTION 5. Find that the placement of all portable storage units and dumpsters shall be prohibited within the public right-of-way within West Chester Township.

SECTION 6. Find that no trailer may be parked within the public right-of-way unless it is attached to a power/towing unit.

SECTION 7. Find that whoever violates any of these Sections contained within this Resolution shall be subject to the following civil penalty pursuant to Ohio Revised Code §4521.02(A), which shall accrue daily: one hundred dollars per every day of the offense.

SECTION 8. Find pursuant to Ohio Revised Code §4521.02(C), anyone who is ticketed under the preceding Section 7 of this Resolution shall pay the civil penalty or otherwise answer to the infraction within thirty (30) days of the issuance of the ticket.

SECTION 9. Authorize the West Chester Police Department pursuant to Ohio Revised Code §4521.02(B), to impound or immobilize any vehicle determined to be on violation of this Resolution, but in no case shall a bond or deposit in excess of the limits stated in Ohio Revised Code §4521.02(B) be required to obtain the release of such vehicle.

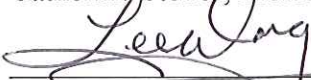
SECTION 10. Establish for purposes of application of Ohio Revised Code §4521.02 to this Resolution, portable storage units and dumpsters placed within the public right-of-way shall be considered vehicles.

Adopted this 12th day of April, 2011.



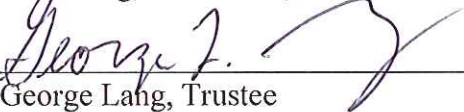
Catherine Stoker, President

YES
Yes / No



Lee Wong, Vice President

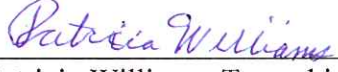
Yes
Yes / No



George Lang, Trustee

No
Yes / No

ATTEST:



Patricia Williams, Township Fiscal Officer

APPROVED AS TO FORM:



Donald L. Crain, Law Director