

City of Cincinnati

KMB

AWB

An Ordinance No. _____

- 2021

MODIFYING Title V, “Traffic,” of the Cincinnati Municipal Code by AMENDING Section 515-9, “Impoundment and Immobilization,” of Chapter 515, “Parking Infractions; Collection Procedures,” to remove obsolete language.

WHEREAS, in 2018, Council passed Ordinance No. 168-2018, which modified Cincinnati Municipal Code (“CMC”) Section 515-9, “Impoundment and Immobilization,” by removing the provisions in CMC Sections 515-9(f) and (g) that implemented vehicle immobilization and fines associated with vehicle immobilization; and

WHEREAS, CMC Section 515-9(e) references the now repealed CMC Section 515-9(f), and this ordinance removes the reference to the repealed Section 515-9(f); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 515-9, “Towing and Impoundment,” of Chapter 515, “Parking Infractions; Collection Procedures,” of Title V, “Traffic,” of the Cincinnati Municipal Code is hereby amended as follows:

Section 515-9. – Impoundment and Immobilization

- (a) A vehicle involved in three or more parking infractions in which judgments or default judgments have been filed with the Clerk of the Municipal Court pursuant to Section 515-7 of this Chapter is subject to impoundment by law enforcement officers of the City of Cincinnati or their agents. Impoundment pursuant to this section is permitted without regard to whether the vehicle, at the time of impoundment, is legally parked. The owner of a vehicle impounded pursuant to this Chapter shall be liable for impoundment fees and storage charges as provided by Section 513-7 of this Code.
- (b) A vehicle impounded under paragraphs (a) or (c) of this section shall be released to the owner upon the owner presenting a valid certificate of title to the vehicle to the Clerk of the Parking Violations Bureau and upon the owner either paying the fines, penalties, fees and costs due on the parking infractions issued or outstanding or payment of the judgments or default judgments which led to the impoundment, or posting a bond equal to the amount of said fines, penalties, fees and costs. In no case, however, shall the owner of a vehicle impounded pursuant to this Chapter be required to post a bond in excess of one thousand dollars (\$1,000) to obtain release of the vehicle.

- (c) Notwithstanding paragraphs (a) and (b) of this section, a vehicle parked, stopped, or standing on a public street or highway in commission of a parking infraction is subject to impoundment.
- (d) A vehicle involved in three or more parking infractions in which judgments or default judgments have been filed with the Clerk of the Municipal Court pursuant to Section 515-7 of this Chapter is subject to immobilization. A vehicle may be immobilized by law enforcement officers or parking enforcement officers of the City of Cincinnati or parking enforcement officers acting pursuant to any parking modernization agreement or vehicle immobilization services agreement with the City. Immobilization pursuant to this section is permitted without regard to whether the vehicle, at the time of immobilization, is legally parked.
- (e) A vehicle immobilized under paragraph (d) of this section shall be released to the owner or the person lawfully authorized to be in control of the vehicle upon the owner or person lawfully authorized to be in control of the vehicle paying the fines, penalties, fees and costs, ~~including the removal fee described under paragraph (f) of this section,~~ due on the parking infractions issued or outstanding or payment of the judgments or default judgments, which led to the immobilization, or posting a bond equal to the amount of said fines, penalties, fees and costs. In no case, however, shall the owner of a vehicle immobilized pursuant to this Chapter be required to post a bond in excess of one thousand dollars (\$1,000) to obtain release of the vehicle.

Section 2. That existing Section 515-9, "Impoundment and Immobilization," of the Cincinnati Municipal Code is hereby repealed.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.