

Date: October 18, 2023

To: Members of City Council

From: Mayor Aftab Pureval

202302212

Subject: ORDINANCE – 729-30 Impoundment for Illegal Dumping

Attached is an ordinance captioned as follows:

ORDAINING new Section 729-31, “Impoundment of Motor Vehicles Used to Facilitate Illegal Dumping,” of Chapter 729, “Waste Disposal,” of the Cincinnati Municipal Code; **MODIFYING** the provisions of Chapter 513, “Impoundment of Motor Vehicles,” of the Cincinnati Municipal Code by **AMENDING** Section 513-1, “Impoundment of Motor Vehicles,” Section 513-5, “Notice of Impoundment,” Section 513-7, “Impounding Fees,” Section 513-9, “Appeal Procedure,” and Section 513-11, “Sales of Impounded Vehicles”; **MODIFYING** the provisions of Chapter 515, “Parking Infractions; Collections Procedure,” of the Cincinnati Municipal Code by **AMENDING** Section 515-9, “Impoundment and Immobilization”; and **MODIFYING** the provisions of Chapter 729, “Waste Disposal,” of the Cincinnati Municipal Code by **AMENDING** Section 729-30, “Dumping Prohibited,” to permit impoundment of vehicles used to facilitate illegal dumping and to conform the Cincinnati Municipal Code to the policies and procedures of the City with respect to parking violations.

The purpose of this ordinance is to provide a comprehensive update to the laws pertaining to the impoundment of vehicles within the city. This ordinance addresses concerns about the impounding procedure, impound costs and appeals processes, which are best represented by the Law and Police Departments. More importantly, for Buildings & Inspections, it provides a comprehensive new tool in our efforts to curb dumping. By expanding the impounding laws, the city can now seek to impound the vehicles causing illegal dumping. Given our use of cameras and the ability to identify vehicle license plates, we believe this measure will help curb numerous citable offenses upon vacant lots, reduce costly clean-up measures paid for by the city, and decrease blight within our low-moderate single family neighborhoods where most of these offenses occur. This new approach requires three changes outlined below:

- Sec. 729-30 pertains to vehicles engaged in dumping activity. Amendments clarify each act by a vehicle is an offense, and violations are liable for a \$1,250 fine, escalating to \$3,000 if sent to collection.
- Sec. 729-31 introduces a new section, allowing police to impound privately owned vehicles, not rental agency, or common carrier owned vehicles, that have been engaged in illegal dumping activity. It provides impounding procedures and appeals processes and notes this impoundment is in addition to fines levied by Section 729.30.
- Sec. 513-1(a)(13) adds violations of Sec 729-31 as an impoundable offense and subject to the regulations pertaining to impoundment.

The Administration recommends passage of the attached ordinance.

cc: Art Dahlberg, Director, Buildings & Inspections