

ORDINANCE NO. 2024-02

AN ORDINANCE TO AMEND CHAPTER 303 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF HIRAM REGARDING ENFORCEMENT, IMPOUNDING AND PENALTY

WHEREAS, The Village Council has determined that it is necessary to utilize booting of vehicles as a method of enforcing the parking laws within the Village of Hiram; and

WHEREAS, the Hiram Village Council has considered enactment of Section 303.12 and 303.121 of the Village Codified Ordinances and has recommended changes to the code as the result of the consideration.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Hiram, Portage County, Ohio a majority or more of the members thereto concurring that:

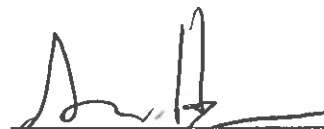
SECTION 1: The Village of Hiram Codified Ordinances Chapter 303 is amended as set forth in the attached Exhibit "A".

SECTION 2: It is hereby 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 the deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Revised Code of the State of Ohio.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.


First Reading: February 13, 2024
Second Reading: March 12, 2024

PASSED IN COUNCIL on third reading: April 9, 2024.



Mayor Anne Hayman

ATTEST:



Fiscal Officer Susan J. Skrovan-DeYoung

Approved as to Form:



Village Solicitor Jennifer Kangas Berendt

I SUSAN DEYOUNG, Fiscal Officer of the Village of Hiram, Ohio, hereby certify that the foregoing ~~Resolution or Ordinance~~ No. 2024-02 has been duly posted in the required 5 places.

4/16/2024 

Date Fiscal Officer, Village of Hiram

ORDINANCE 2024-02, EXHIBIT "A"

Chapter 303.12 IMMOBILIZATION OF VEHICLES BY BOOTING.

Boot or booting means a method or device to immobilize a vehicle by locking the device to at least one wheel to prevent the turning of that wheel. Police officers and designated Village employees are authorized to provide for the "booting" 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.
- (2) When any vehicle or "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 is left on private property for more than forty-eight consecutive hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving such vehicle in such place. Prior to disposal of an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63, it shall be photographed by a law enforcement officer.
- (3) When any vehicle has been stolen or operated without the consent of the owner and is located upon either public or private property.
- (4) When any vehicle displays illegal license plates or fails to display the current lawfully required plates and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (5) When any vehicle has been used in or connected with the commission of a felony and is located upon either public or private property.
- (6) 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, and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (7) When any vehicle is left unattended either on public or private property due to the removal of an ill, injured or arrested operator, or due to the abandonment thereof by the operator during or immediately after pursuit by a law enforcement officer.
- (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision and is located either on public or private property.
- (9) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.

(10) When any vehicle is found for which three 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, and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.

303.121 REDEMPTION OF BOOTED VEHICLES.

- (a) If the vehicle is immobilized by a boot, a notice of the booting shall be placed on the windshield that explains the reason for booting and the release procedure. Any person desiring to redeem a booted 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 booted or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. A police officer shall remove the boot after all applicable fines and fees are paid.
- (b) An immobilization fee of one hundred dollars (\$100.00) must be paid in addition to any outstanding traffic fines and applicable storage costs in order to obtain the official release of the vehicle. Payment must be made in cash, by money order, certified check, electronic payment or personal check. An additional fee of twenty dollars (\$20.00) will be charged for any check returned by the bank for insufficient funds or because the account is closed.
- (c) Parking citations in accordance with Chapter 309 may continue to accrue daily until the immobilization fee and all outstanding traffic fines are paid.
- (d) The immobilization device (boot) is the property of the Village and any damage to this device shall make the offender liable for the destruction of municipal property. Removing this device or moving the immobilized vehicle by any means or in any manner before an official release is obtained constitutes a separate and additional offense and may subject the offender to criminal penalties.
- (e) The Village assumes no liability for loss or damage to the vehicle or its contents while so immobilized.
- (f) No owner or operator shall remove a boot without complying with the above procedure. Possession of a vehicle which has been booted and unlawfully taken, by the owner or operator, shall constitute prima facie evidence that it was so removed by the owner or operator. Whoever violates this section is guilty of obstructing justice pursuant to Section 525.08.