

# Ordinance No. 1276-15

## AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by amending Section 405.02, as amended by Ordinance No. 645-06, passed June 12, 2006 relating to impounding vehicles.

**Council Member Kelley**

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

### **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:**

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by amending Section 405.02, as amended by Ordinance No. 645-06, passed June 12, 2006 to read as follows:

#### **Section 405.02**      **Impounding of Vehicles**

Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

(a) When any vehicle is left unattended upon any street, alley or bridge and constitutes an unreasonable hazard or obstruction to the normal movement of traffic or unreasonably interferes with street cleaning or snow removal operations, or when any vehicle is left on any street or public property for more than seventy-two (72) hours.

(b) (1) Upon complaint of any person adversely affected, when any motor vehicle, other than an abandoned junk motor vehicle as defined in RC 4513.63, that has been left on private residential or private agricultural property for at least four (4) hours without the permission of the person having the right to the possession of the property.  
(RC 4513.60(A)(1))

(2) When any motor vehicle, other than an abandoned junk motor vehicle as defined in RC 4513.63, has been left on a public street or other property open to the public for the purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight (48) hours or longer without notification to the Chief of Police of the reasons for leaving the motor vehicle in such place.

(3) When any motor vehicle is an abandoned junk motor vehicle as defined in RC 4513.63 and removal is authorized by that Section.

(4) When any junk motor vehicle as defined in RC 4513.65 has not been either covered by being housed in a garage or other suitable structure, or removed from the property, within ten (10) days of the date of receipt of a notice meeting the requirements of division (b) of Section 451.27 by the person having the right to possession of the property on which the junk motor vehicle is left.

(c) When any vehicle has been stolen or operated without the consent of the owner.

(d) When any vehicle is parked on any street or other public property and displays illegal plates or fails to display the current lawfully required license plates.

(e) When any vehicle has been used in or connected with the commission of procuring, soliciting, prostitution, soliciting drug sales in violation of Section 607.20, or any felony.

(f) 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.

(g) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator.

# Ordinance No. 1276-15

(h) When any vehicle has been operated by any person who failed to stop in case of accident or collision.

(i) When any vehicle has been operated by any person who is driving without a lawful license or while his or her license has been suspended or revoked.

(j) When any vehicle is found standing or parked in violation of the provisions of Section 451.04, 451.05, 451.06, 451.11, 451.13, 453.01, 453.02, 455.05, 455.06 or 455.07 of these Codified Ordinances and such vehicle has four (4) or more of any combination of:

(1) Unpaid parking infraction judgments, and/or

(2) Previously issued outstanding criminal citations or notices of violation of any of the provisions of this Traffic Code.

(k) When any vehicle constitutes an unreasonable hazard to persons or property at the scene of a fire, accident, disaster, riot or emergency of any kind.

(l) When any vehicle is found standing or parked in violation of the provisions of Sections 451.03, 451.041, 451.08 through 451.10, 451.12, 451.15 through 451.25, divisions (i), (j) or (k) of Section 451.33, or division (a) of Section 461.15.

(m) When any vehicle is ordered immobilized pursuant to RC Chapters 4503, 4507, or 4511.

(n) When any vehicle that is subject to an order of immobilization and impoundment under RC 4503.233 is found being operated on any street or highway.

(o) When any vehicle is found standing or parked on any street or highway in the Central Business District, without regard to whether any parking infraction is being committed at the time. As used in this division, "Central Business District" has the same meaning as in Section 325.12 of the Codified Ordinances; and

**Section 2.** That Section 405.02 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by Ordinance No. 645-06, passed June 12, 2006, is repealed.

**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

KJK:rns  
10-19-15

