



First Reading: March 1, 2011
Second Reading: March 15, 2011

RESOLUTION NO. 2011-037

Board of Trustees, Liberty Township
Butler County, Ohio

RESOLUTION TO ADOPT REGULATIONS PROHIBITING COMMERCIAL VEHICLES AND / OR TRAILERS, RECREATIONAL VEHICLES AND / OR TRAILERS, SEMI-TRUCKS AND / OR SEMI-TRAILERS FROM PARKING WITHIN THE PUBLIC RIGHT-OF-WAY AND PROHIBITING PORTABLE STORAGE UNITS BEING PLACED WITHIN THE PUBLIC RIGHT-OF-WAY IN RESIDENTIAL DISTRICTS, AND PROHIBITING PLACEMENT OF DUMPSTERS WITHIN THE PUBLIC RIGHT-OF-WAY

RESOLVED by the Board of Trustees of Liberty Township, Butler County, Ohio, that:

WHEREAS, Ohio Revised Code § 504.04 grants limited home rule townships the authority to exercise all powers of local self-governance, except those in conflict with either the general laws of Ohio or any of the requirements or prohibitions contained in Chapter 504;

WHEREAS, Liberty 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, The Board of Trustees of Liberty Township find it in the best interest of public safety to prohibit commercial vehicles and / or trailers, recreational vehicles and / or trailers, and semi-trucks and / or semi-trailers from being parked within the public right-of-way, public streets, or alley ways, and prohibiting portable storage units being placed within the public right-of-way in residential districts because they harm the aesthetics of the community and reduce property values, they create an unsafe traffic environment, in particular impeding the safe passage of emergency and service vehicles and interfering with sight distance visibility; and

WHEREAS, The Board of Trustees of Liberty Township find it in the best interest of public safety to prohibit the keeping of dumpsters within the public right-of-way, public streets, or alley ways in residential districts because they create an unsafe traffic environment, in particular the safe passage of emergency and service vehicles, interference with sight distance visibility and visibility dangers at night; and

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

WHEREAS, the Board of Trustees of Liberty Township deems it necessary and does intend, acting pursuant to its limited home rule powers, to control the parking of commercial vehicles and / or trailers, semi-trucks and / or semi-trailers, recreational vehicles and / or trailers, portable storage units, and dumpsters on public streets, alley ways or public rights-of-way located in residential districts within the township; and

WHEREAS, Liberty 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; and

WHEREAS, this resolution supersedes prior RESOLUTION NO. 2008-056.

THEREFORE BE IT RESOLVED by the Board of Township Trustees of Liberty Township, Butler County, Ohio adopt the following:

SECTION 1: Definitions. As used in this Resolution:

- (A) "Alley way" means a street intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic;
- (B) "Commercial Vehicle" means a type of vehicle that may be used for transporting goods or passengers and may or may not be titled or registered to a company. Commercial vehicle may include fleet vehicles, company vehicles or other vehicles used for business.
- (C) "Commercial Trailer" means a non-motorized vehicle that is mounted on or pulled by another vehicle used for transporting goods, materials or equipment.
- (D) "Portable Storage Units" means an enclosed storage container constructed of plywood over steel frames or similar materials that does not exceed eight (8) feet in width, nine (9) feet in height and twenty (20) feet in length.
- (E) "Prohibited vehicle" means any commercial vehicle and / or trailer or any recreational vehicle and / or trailer that exceeds eighty-four (84) inches in width, measured from the outside of the tire most protruding to the outside of the opposite most protruding tire, or "semi-trailer" or "semi-truck" as defined below.
- (F) "Public street" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel;

- (G) "Recreational Vehicle" means a motorized or non-motorized wheeled vehicle used for camping, boating, or other recreational activities.
- (H) "Recreational Trailer" means a non-motorized vehicle that is mounted on or pulled by another vehicle used for camping, boating, or other recreational activities.
- (I) "Residential district" means any property or portion thereof located within the unincorporated area of Liberty Township that has been established as a R-1, R-2, R-3, R-4, R-RE, R-SE, R-PUD, or A-1 (if developed as part of a properly approved and recorded subdivision) district according to the terms set forth in the Liberty Township Zoning Resolution;
- (J) "Right-of-way" means land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes and includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state of Ohio or any of its political subdivisions;
- (K) "Semi-trailer" means any non-motive powered commercial vehicle that is designed and intended to be towed by another vehicle in a manner that part of the weight of the vehicle being towed rests on and is carried by the towing vehicle.
- (L) "Semi-truck" means any motor vehicle designed and used primarily for towing other vehicles and not so constructed so as to carry a load other than a part of the weight of the vehicle and load so towed.

SECTION 2:

- (A) Parking of Prohibited Vehicles on Public Streets, Alley Ways or Public Rights of-Way Located in Residential Districts within the Township is Prohibited.
- (B) No person shall stop, stand, or park a Prohibited Vehicle, or any combination thereof on any public street, alley way or public right-of-way located in a residential district in any unincorporated portions of the township or within 300 feet of any residence located in a residential district, except as follows:
- (1) As permitted by federal, State or local law;
 - (2) While expeditiously loading or unloading any commercial vehicle and / or trailer with passengers, freight, materials or merchandise and

only between the hours of 7:00 a.m. and 10:00 p.m.;

- (3) While effecting emergency repairs when a vehicle is so disabled as to render it unsafe to proceed further;
- (4) Vehicles parked directly in front of a lot with a current and open building permit, for the purposes of active construction activities on that lot;
- (5) Any government vehicle, emergency vehicle and / or apparatus, trash or recycling collection, or any vehicle authorized by the Township Trustees to be within a residential district that would normally violate the above listed sections;
- (6) Any public, church, or school bus “laying over” between scheduled passenger pickup points on regular routes, however, such lay-over shall be limited to a maximum of one hour; or
- (7) Any Recreational Vehicle, that is parked in the public right-of-way for purposes of loading and unloading for a period of time not to exceed seventy-two (72) hours within any seven (7) day period.
- (8) Portable Storage Units placed in the public right-of-way for purposes of loading or unloading for a period of time not to exceed seventy-two (72) hours within any thirty (30) day period, subject to the following conditions:
 - (a) A permit must be applied for and approved by Liberty Township.
 - (b) Reflective tape shall be located on the ends/edges of the portable storage unit.
 - (c) A minimum of three (3) cones shall be placed in the direction of vehicular travel to warn motorists.
 - (d) The portable storage unit shall be placed on plywood or similar material to avoid damage to the public road.
 - (e) Any and all damage to a public road from the placement of the portable storage unit

shall be paid for by the applicant for the permit.

- (f) The portable storage unit shall be placed no further than ten (10) feet from the back of curb (or from the edge of pavement where no curb exists).
- (g) The portable storage unit shall not be placed in a manner that impedes the flow of storm water.

SECTION 3: The placement of all dumpsters shall be prohibited within the public right-of-way within Liberty Township.

SECTION 4:

- (A) 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: \$100 per every day of the offense (each vehicle constitutes a separate offense).
- (B) Pursuant to Ohio Revised Code § 4521.02(C), anyone who is ticketed under the preceding Subsection “(A)” shall pay the civil penalty or otherwise answer to the infraction within thirty (30) days of the issuance of the ticket.
- (C) Pursuant to Ohio Revised Code § 4521.02(B), the Butler County, Ohio Sheriff’s Office, or other designee of the Board of Township Trustees, is authorized to impound or immobilize any vehicle determined to be in violation of this Resolution, but in no case shall a bond or cash deposit in excess of the limits stated in Ohio Revised Code § 4521.02(B) be required to obtain release of such vehicle.
- (D) For purposes of application of Ohio Revised Code § 4521.02 to this Resolution, storage units and dumpsters placed within the public right-of-way shall be considered vehicles.

BE IT FURTHER RESOLVED that Sections 1 through 4 of this resolution shall be subject to the limitations, restrictions, and exceptions of Ohio’s traffic laws, as codified at Ohio Revised Code Sections 4511.01 to 4511.76 and 4513.02 to 4513.37; and

BE IT FURTHER RESOLVED that Sections 1 through 4 of this resolution shall be posted by the township fiscal officer in five conspicuous public places in the township for thirty days before becoming effective, and shall be published in a newspaper of general circulation in the township for three consecutive weeks.

Trustee Kern moved to approve the resolution. Trustee Hiltman seconded the motion. Upon call of the roll, the vote resulted as follows:

Trustee Kern,	yes
Trustee Hiltman,	yes
Trustee Maticic,	absent

First Reading: Tuesday, March 1, 2011

Adopted: Tuesday, March 15, 2011

absent

Christine Maticic, President

Patrick M. Hiltman, Vice President

David E. Kern, Trustee

AUTHENTICATION

This is to certify that this resolution was duly passed, and filed with the Liberty Township Fiscal Officer this 15th day of March, 2011.

Pamela Quinlisk
Fiscal Officer

APPROVED AS TO FORM:

Scott D. Phillips, Law Director



Embraced by nature. ♦ Inspired by progress.

**PORTABLE STORAGE UNITS PLACED IN THE PUBLIC RIGHT-OF-WAY
APPLICATION FOR PERMIT
(Res. 2011-037)**

Applicant's Name: _____

Address: _____

Phone #: _____ **Email:** _____

Vendors Name: _____ **Vendor Contact:** _____

Vendors Address: _____

Vendors Phone: _____ **Email:** _____

Portable Storage Unit Size: _____ **Quantity:** _____

Date Storage Unit will be placed: _____ **Date to be removed:** _____

APPLICANT AGREES TO AND LIBERTY TOWNSHIP ACCEPTS THIS CONTRACT UNDER THE FOLLOWING TERMS AND CONDITIONS:

- May be placed in the right-of-way for purposes of loading or unloading for a period of time not to exceed seventy-two (72) hours within any thirty (30) day period.
- Reflective tape shall be located on the ends/edges of the portable storage unit.
- A minimum of three (3) cones shall be placed in the direction of vehicular travel to warn motorists.
- The portable storage unit shall be placed on plywood or similar material to avoid damage to the public road.
- Any and all damage to a public road from the placement of the portable storage unit shall be paid for by the applicant for this permit.
- The portable storage unit shall be placed no further than ten (10) feet from the back of curb (or from the edge of pavement where no curb exists).
- The portable storage unit shall not be placed in a manner that impedes the flow of storm water.

Applicant's Signature

Date

**Authorized Approval of
Liberty Township**

Date

