

DAYTON POLICE DEPARTMENT  
GENERAL ORDER  
PARKING ENFORCEMENT



RICHARD S. BIEHL – DIRECTOR AND CHIEF OF POLICE

Rev. 05/20

**POLICY STATEMENT**

Parking enforcement requires a knowledge and understanding of the ordinances and laws by those members of the department who are responsible for enforcement. City ordinance makes provisions for enforcement by Dayton Police Officers and Parking Enforcement Aides.

**I. TYPES OF ENFORCEMENT ACTION**

- A. Parking Warning Tag--Used when stricter enforcement serves no constructive purpose such as vehicles parked in front of the owner's residence etc.
- B. Parking Citation--Enforcement action used when vehicle is illegally parked but not in a tow zone or on the Tow-in-List. Parking citations are not to be used for expired license plates (See General Order 3.02-6 Towing Motor Vehicles, Section I.D.).
- C. Towing--Used when an unlawfully parked vehicle presents a hazardous condition, is on the Tow-in-List, or is in a Tow Away Zone.

**II. PARKED MOTOR VEHICLES MAY BE TOWED UNDER THE FOLLOWING CIRCUMSTANCES (See General Order 3.02-6 for towing other than parking violations):**

- A. Vehicles tagged for illegal parking and remain in place more than four hours after citation.
- B. Vehicles parked creating a traffic or safety hazard.
- C. Disabled vehicles left on shoulder of any highway/freeway for more than 2 hours.
- D. Vehicles left parked, stopped or standing on the right-of-way of a highway/freeway.
- E. Unattended vehicles parked in any intersection or on a bridge.
- F. Vehicles blocking fire exits, hydrants, or fire escape ladder or device.
- G. Vehicles parked on public property that is on the Tow-in-List.
  - Vehicles with Four (4) or more unpaid parking citations will appear on the tow-in list. Vehicles that are on the tow-in list for these violations may be towed when the officer comes into contact with the vehicle while parked on a public street.
  - Officers may **NOT** stop a moving vehicle for merely being on the tow list and then tow for that reason only. If a vehicle on the tow list is stopped for a moving violation for which a citation is warranted and issued, then that vehicle may also be towed.
  - If the officer comes into contact with an operator and they have a reason to tow for other than the tow-in list (i.e. "No operator's license) then they may tow the vehicle per current policy. (See 3.02-2 section XXI and 3.02-5 section II)
  - Officers may still provide the owner with the opportunity to have someone pay the unpaid citations at the Clerk of Courts Office and return to the scene in a reasonable amount of time prior to towing the vehicle.
  - Owners wishing to pay their unpaid parking/civil citations will be permitted to do so, provided they can get to the Clerk of Courts Office and back with the receipt in a timely manner.
  - Vehicles towed for being on the tow in list are not to have a HOLD placed on them unless there is an additional crime attributed to the vehicle.
- H. Vehicles left unattended in a no stopping zone, a no standing zone, a tow-away zone or blocking a driveway other than their own.

- I. Vehicles parked in an area where road work or road construction is to be done and notification signs were posted at least 48 hours prior.
- J. Vehicles left on PUBLIC property for 48 hours or longer without the permission of the Chief of Police.

### III. Parking in Front of the Court Building on Perry Street

The non-metered portion of Perry Street on the west side between Second and Third Streets will be designated for marked City of Dayton Police vehicles only. Officers or detectives who have an assigned parking space in the vicinity of the Safety Building shall not park their vehicles in either of the current "Dayton Police Vehicle" zones. Privately owned vehicles are never permitted to park in front of the Safety Building or in the "Marked Dayton Police Vehicle" zone on Perry Street.

### IV. PROCEDURE WHEN TOWING A VEHICLE IN VIOLATION OF BLOCKING TRAFFIC

Officers are often involved in situations where an illegally parked or mechanically disabled vehicle is impeding traffic. In these situations, a Parking Citation will not solve the problem and the officer must resort to towing the vehicle.

- A. Officers will run the registration. If the registration lists the owner's address as being very close to where the vehicle was left, the officer will attempt to contact the owner. If contact is not made, or the owner will not move the vehicle immediately, the officer will request a tow truck through the Radio Information Officer.
- B. If the operator of the vehicle returns before the tow truck, issue the operator a Parking Citation and permit him to take the vehicle. Attempt to cancel the tow through the RIO. If the tow cannot be canceled, advise the tow truck driver that it is a "dead run". Direct an e-mail to the Tow Administrator with a copy to their respective Division Commander (Major) and Division/Bureau Commander describing the time, location, Tow Company, reason, vehicle information, and Parking Citation information.
- C. If the operator returns while the tow truck is on scene, the officer will permit the tow truck driver to collect a "dead run" charge from the operator. If the operator pays the "dead run", no Parking Citation will be issued. Should the operator object to paying the "dead run" or does not have enough cash, the officer will issue a Parking Citation, release the tow truck, and complete an e-mail, as detailed in Section B. above.
  - If the vehicle is already on the tow truck and the owner can't pay the dead run fee; the officer may allow the tow to continue.
- D. If the vehicle is on the Tow-In List; the vehicle will be towed regardless. No "dead run" e-mail is made.
- E. See General Order 3.02-6 Towing Motor Vehicles, Section IV.C. for information regarding the inventorying of vehicles towed for parking violations.

### V. CANCELLATION OF PARKING CITATIONS

Parking Citations can only be canceled by supervisors. The supervisor will complete a Parking Ticket Cancellation Form F-440 and attach it to the Citation.

- A. The form and Citation will be forwarded to the respective Division Commander (Major) for review. After review, the Division Commander will initial the form for approval and route it to the Data Preparation Unit for cancellation. If not approved, the form and citation will be returned to the originating unit.
- B. If the vehicle is registered to a City Employee, the supervisor will explain the reason for cancellation on the rear of the cancellation form.

- C. Complaints or inquiries by city administrators or elected officials regarding enforcement action taken against city employees or elected officials or by Dayton Police Officers need to be sent in writing directly to the Director and Chief of Police for appropriate review and response.
- D. Unauthorized removal or destruction of a citation, depending on the specific circumstances may constitute a criminal offense.

## VI. PRIVATE PROPERTY ENFORCEMENT

- A. Police Employees may enforce "Handicapped Parking" violations on private property. It is one of the violations listed on the back of the Parking Citation. The handicapped space must be properly marked with both pavement markings and a visible posted sign. Violations are written on a parking citation.
- B. Police Employees may enforce "Fire Lane" violations on private property under O.R.C. 4511.681.
  - 1. **O.R.C. 4511.681 Parking prohibitions on private property states:**

"If an owner of private property posts on the property, in a conspicuous manner, a prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

- (A) Park a vehicle on the property without the owner's consent;
  - (B) Park a vehicle on the property in violation of any condition or regulation posted by the owner."
- 2. Officers may issue parking citations if signs for parking on private property are posted but if the private property owner requests that any vehicles to be towed, they must do so on their own and are responsible for contacting a tow company. The Code for the violation would be: **Other** - 4511.681 – Private Property Posted.