

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
MADISON COUNTY

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|----------------------------|---|------------------------|
| VILLAGE OF WEST JEFFERSON, | : | |
| Appellee, | : | CASE NO. CA2014-04-012 |
| | : | <u>OPINION</u> |
| - vs - | : | 6/22/2015 |
| | : | |
| ANDREA CAMMELLERI, | : | |
| Appellant. | : | |

CRIMINAL APPEAL FROM MADISON COUNTY MUNICIPAL COURT
Case No. TRD 1401179

Ashli N. Stonerock, 8 East Main Street, West Jefferson, Ohio 43162, for appellee

Brian W. Harter, 580 South High Street, Suite 200, Columbus, Ohio 43215, for appellant

HENDRICKSON, J.

{¶ 1} Defendant-appellant, Andrea Cammelleri, appeals from a decision of the Madison County Municipal Court finding her guilty of violating a parking time limit ordinance. For the reasons outlined below, the judgment of the trial court is reversed, Cammelleri's conviction is vacated, and Cammelleri is discharged.¹

1. Pursuant to Loc.R. 6(A), we sua sponte remove this case from the accelerated calendar and place it on the regular calendar for purposes of issuing this opinion.

{¶ 2} At approximately 5:30 p.m. on February 13, 2014, Cammelleri had just woken up after working third shift when she looked out her window and noticed her pickup truck was no longer parked on the street in front of her house. Thinking her pickup truck had been stolen, Cammelleri called 911. The dispatcher inquired as to the make and model of Cammelleri's vehicle and told Cammelleri that her pickup truck had not been stolen, but had been impounded. A police officer later went to Cammelleri's house and gave her the parking citation.

{¶ 3} Cammelleri was cited for violating West Jefferson Codified Ordinances 351.16(a), which states:

It shall be unlawful for any person * * * to park * * * upon any street * * * in the Village, any motor vehicle camper, trailer, farm implement and/or non-motorized vehicle for a continued period of twenty-four hours * * *.

{¶ 4} Cammelleri contested the citation, and on March 18, 2014, the matter proceeded to a bench trial. At trial, Cammelleri stipulated that her 1993 Ford pickup truck was parked on the street outside of her house located in West Jefferson in excess of 24 hours. The only issue was whether the ordinance actually applied to Cammelleri's pickup truck. Cammelleri argued the ordinance did not apply because the language prohibits a motor vehicle camper from being parked on the street for an extended period of time. The village contended the ordinance did apply because a comma was inadvertently omitted between the phrase "motor vehicle" and the word "camper."

{¶ 5} The trial court held that when reading the ordinance in context, it unambiguously applied to motor vehicles and "anybody reading [the ordinance] would understand that it is just missing a comma." The trial court then found Cammelleri guilty of violating West Jefferson Codified Ordinances 351.16(a) and ordered her to pay court costs.

{¶ 6} Cammelleri now appeals and asserts three assignments of error for review.

{¶ 7} Assignment of Error No. 1:

{¶ 8} THE TRIAL COURT ERRED IN RULING THAT [CAMMELLERI] WAS GUILTY OF OVERTIME PARKING PURSUANT TO CODE SECTION 351.16(A) [sic] * * *.

{¶ 9} Assignment of Error No. 2:

{¶ 10} THE TRIAL COURT ERRED IN ULTIMATELY RULING THAT [CAMMELLERI] WAS GUILTY OF OVERTIME PARKING PURSUANT TO CODE SECTION 351.16(A) [sic] OF THE VILLAGE CODE; AND SPECIFICALLY THAT THE WEST JEFFERSON VILLAGE CODE SECTION 351.16 MET THE NOTICE REQUIREMENTS OF OHIO LAW.

{¶ 11} Assignment of Error No. 3:

{¶ 12} THE TRIAL COURT ERRED IN FAILING TO FIND ANY AMBIGUITY IN SECTION 351.16 OF THE VILLAGE CODE, THEREBY FURTHER FAILING TO RESOLVE THE AMBIGUITY IN FAVOR OF [CAMMELLERI].

{¶ 13} In her first assignment of error, Cammelleri argues the trial court erred in finding she violated West Jefferson Codified Ordinances 351.16(a) by parking her pickup truck on the street in front of her house in excess of the allotted time period because her pickup truck was not subject to the ordinance. More specifically, Cammelleri argues her pickup truck does not constitute a motor vehicle camper as identified by the ordinance. By using the phrase "motor vehicle camper," Cammelleri asserts the ordinance specifically identified and prohibited a camper that is propelled by an engine from parking on the street in excess of 24 hours. In contrast, the village argues it is clear a comma is missing between the phrase "motor vehicle" and the word "camper," and thus, the ordinance applies to Cammelleri's pickup truck as a motor vehicle. We agree with Cammelleri.

{¶ 14} Interpretation of a statute or ordinance is a matter of law, and thus, the proper standard of review is de novo. *State v. Straley*, 139 Ohio St.3d 339, 2014-Ohio-2139, ¶ 9. The paramount concern is determining legislative intent in enacting the statute. *State ex rel.*

Steele v. Morrissey, 103 Ohio St.3d 355, 2004-Ohio-4960, ¶ 21. To discern this intent by looking at the language used in the statute itself, we must read words and phrases in context and construe them in accordance with rules of grammar and common usage. *State ex rel. Choices for S.W. City Schools v. Anthony*, 108 Ohio St.3d 1, 2005-Ohio-5362, ¶ 40. "[I]f such intent is clearly expressed therein, the statute may not be restricted, constricted, qualified, narrowed, enlarged or abridged." *State ex rel. McGraw v. Gorman*, 17 Ohio St.3d 147, 149 (1985). In other words, if the meaning is unambiguous and definite, then the statute is to be applied as written and needs no further interpretation. *State ex rel. Herman v. Klopfleisch*, 72 Ohio St.3d 581, 584 (1995).

{¶ 15} In this instance, the intent of the ordinance is plain from the grammar and language used in West Jefferson Codified Ordinances 351.16(a). According to ordinary grammar rules, items in a series are normally separated by commas. *Chicago Manual of Style* 312 (16th Ed.2010). The items included in the series of motor vehicle camper, trailer, and farm implement are separated by commas. In order to interpret the ordinance in the way the village suggests, prohibiting parking either a motor vehicle *or* a camper upon a street in the village for over 24 hours, a comma must be inserted between the phrase "motor vehicle" and the word "camper." However, no such comma exists. According to the rules of grammar, "motor vehicle camper" is one item. See *Karder Mach. Co. v. Liberty Mut. Ins. Co.*, 9th Dist. Summit No. 14486, 1990 WL 177199, *3 (Nov. 7, 1990).

{¶ 16} Furthermore, the structure of the sentence is consistent with the meaning of "motor vehicle camper." According to West Jefferson Codified Ordinances 301.20, subject to exceptions, "motor vehicle" is defined as "every vehicle propelled or drawn by power other than muscular power." The ordinary definition of "camper," among others, is "any of various motor vehicles or trailers equipped for camping out." *Webster's New World College Dictionary* 211 (4th Ed.1999). When considering the plain meaning of the terms taken

together, a motor vehicle camper is a vehicle propelled or drawn by power other than muscular power equipped for camping. In line with this definition, a motor vehicle camper could be a type of motor home equipped for camping that is self-propelled by an engine, a type of trailer equipped for camping that is drawn by a truck or other motor vehicle, or a truck or other motor vehicle equipped for camping by placement of an attachment onto the vehicle itself.

{¶ 17} Finally, reading "motor vehicle camper" as one item does not produce an absurd result. The definition of "motor vehicle camper" is consistent with the Ohio Revised Code's definition of "recreational vehicle." R.C. 4501.01(Q) defines "recreational vehicle," subject to certain requirements, as "a vehicular portable structure" that "is designed for the sole purpose of recreational travel." R.C. 4501.01(Q) also lists specific types of recreational vehicles, including travel trailer, motor home, truck camper, fifth wheel trailer, and park trailer.² Cammelleri testified when she typed "motor vehicle camper" into an internet search engine, the results produced were of recreational vehicles.

{¶ 18} By utilizing rules of grammar and employing the common meaning of terms, "motor vehicle camper" has a clear definition that does not produce an absurd result. If the village desires a different reading, it should amend the ordinance and insert a comma between the phrase "motor vehicle" and the word "camper." As written, however, legislative intent is clear from looking at the language used in the ordinance itself.

{¶ 19} Applying the ordinance to the case at bar, Cammelleri's pickup truck does not meet the definition of "motor vehicle camper." While it is a motor vehicle, Cammelleri's

2. R.C. 4501.01(Q)(6)(c) defines "truck camper" as: "[A] nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle." R.C. 4501.01(Q)(6)(c) further states: "'Truck camper' does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling." There is no indication Cammelleri's pickup truck was equipped with any such topper, cap, or camper to render it either a recreational vehicle or capable of use as a dwelling.

pickup truck is not equipped for camping. Moreover, Cammelleri's pickup truck does not fall within the purview of other enumerated items in West Jefferson Codified Ordinances 351.16(a).

{¶ 20} Consequently, the trial court erred in finding Cammelleri violated the ordinance by parking her pickup truck on the street in front of her house located in West Jefferson in excess of 24 hours. Cammelleri's first assignment of error is sustained. In light of our resolution of Cammelleri's first assignment of error, her second and third assignments of error are moot.

{¶ 21} Judgment reversed, Cammelleri's conviction is vacated, and Cammelleri is hereby discharged.

S. POWELL, P.J., and RINGLAND, J., concur.