

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

September 24, 2012

8:00 PM

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

3. **APPROVAL OF MINUTES:** July 23, 2012; September 4, 2012 Special Meeting

4. **OPEN MEETING**

5. **REPORT OF COMMITTEES**

ZONING & PLANNING COMMITTEE

1. ORDINANCE 02-12 CREATING A ZONING TEXT AMENDMENT TO SECTION 761.04 OF TITLE SIX OF PART SEVEN OF "THE PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

6. **MAYOR'S REPORT**

7. **LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION**

1. RESOLUTION 54-12 TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT. FIRST READING.
2. RESOLUTION 55-12 AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA SOIL & WATER CONSERVATION DISTRICT AS A MEMBER OF THE EUCLID CREEK WATERSHED COUNCIL. FIRST READING.
3. RESOLUTION 56-12 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER. FIRST READING.
4. RESOLUTION 57-12 AUTHORIZING THE TRANSFER OF UNAPPROPRIATED FUNDS FROM THE "ISSUE II PROJECTS FUND #431" TO THE "FLOOD CONTROL FUND #426." FIRST READING.
5. RESOLUTION 58-12 A RESOLUTION AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "GENERAL IMPROVEMENT & REPAIR- CAPITAL OUTLAY #408." FIRST READING.
6. RESOLUTION 59-12 A RESOLUTION AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "OPERATION HOME IMPROVEMENT #103." FIRST READING.
7. RESOLUTION 60-12 AUTHORIZING THE MAYOR TO ENTER INTO A MUNICIPAL AGENCY AGREEMENT WITH THE CUYAHOGA COUNTY LAND REUTILIZATION CORPORATION FOR THE PROVISION OF NUISANCE ABATEMENT SERVICES FOR THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

8. RESOLUTION 61-12 A RESOLUTION AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "GENERAL FUND #101-LAW DEPARTMENT-CONTRACTUAL SERVICES-OUTSIDE LEGAL EXPENSES." FIRST READING.
9. ORDINANCE 26-12 CREATING NEW SECTION 337.32 "DISTURBING THE PEACE; EXCESSIVE SOUND VOLUME" OF CHAPTER 337 "SAFETY AND EQUIPMENT" OF TITLE FIVE "VEHICLES" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.
10. ORDINANCE 27-12 AMENDING SECTION 531.09 "ABATEMENT OF CRIMINAL ACTIVITY NUISANCES" OF CHAPTER 531 "NUISANCES" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.
11. ORDINANCE 28-12 REPEALING AND REPLACING CHAPTER 351 "PARKING GENERALLY" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.
12. ORDINANCE 29-12 REPEALING AND REPLACING CHAPTER 353 "PARKING METERS" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.
13. ORDINANCE 30-12 AN ORDINANCE AMENDING CHAPTER 147 "PARKING GENERALLY" OF TITLE FIVE "ADMINISTRATIVE" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

8. LAW DIRECTOR'S REPORT

9. LETTERS AND COMMUNICATIONS

- 10. ADJOURN TO EXECUTIVE SESSION:** For the purpose of discussing the sale of real property.

11. ADJOURN TO REGULAR MEETING OF COUNCIL

12. ADJOURN

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 02-12
INTRODUCED BY: Miller
REQUESTED BY: Planning Commission

February 13, 2012
Second Reading: June 11, 2012
Third Reading: September 24, 2012

AN ORDINANCE

CREATING A ZONING TEXT AMENDMENT TO SECTION 761.04 OF TITLE SIX OF PART SEVEN OF "THE PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council has requested that Section 761.04 of Chapter 761 of Title Six of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio, relating to "Administration" within the City be amended; and

WHEREAS, the Council deems that the aforesaid zoning amendment should be made and that the same is conducive to the public health, safety, convenience, and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 761.04 (d) of Chapter 761 of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio is hereby amended and supplemented by the enactment of the amended Section 761.04 entitled "Zoning and Building Standards Board of Appeals: Appeals; Variances", which shall read as follows:

761.04 ZONING AND BUILDING STANDARDS BOARD OF APPEALS; APPEALS; VARIANCES.

(d) The Board of Appeals shall not have jurisdiction to hear an appeal or grant a variance in the following cases:

- ...
- (6) From any decision of the City Architect, as provided for in this Code; or
- (7) From any decision of the Architectural Review Board, as provided for in this Code; or
- (8) **From the uses specifically prohibited or not expressly permitted as may be provided for in this Title. Any use that is specifically prohibited or not expressly permitted in this Title shall, within five years from the date of the enactments of this section, be altered to comply with the provisions of this Title.**

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meeting open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that a vital function of the municipal government is affected hereby. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2012.

David B Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 54-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 24, 2012

A RESOLUTION

TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT.

WHEREAS, the City of South Euclid is located within the jurisdiction of the Cuyahoga County Solid Waste Management District; and

WHEREAS, the Cuyahoga County Solid Waste Management District Policy Committee prepared and adopted a final draft of the Cuyahoga County Solid Waste Management Plan Update in accordance with Ohio Revised Code Sections 3734.53, 3734.54, and 3734.55; and

WHEREAS, the City of South Euclid must decide whether it approves of said Solid Waste Management Plan Update no later than November 17, 2012.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of South Euclid, Ohio:

Section 1: That the City of South Euclid hereby approves the Cuyahoga County Solid Waste Management Plan Update.

Section 2: That the Clerk of Council is hereby directed to send the Cuyahoga County Solid Waste District a certified copy of this Resolution to the attention of Diane T. Bickett, Executive Director, Cuyahoga County Solid Waste Management District, 4750 East 131st Street, Garfield Heights, OH 44015.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Ohio Revised Code.

Section 4: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that the City must notify the Cuyahoga County Solid Waste Management District of its approval of the plan. Wherefore, this Resolution shall take effect upon passage and approval.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 55-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 24, 2012

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AS A MEMBER OF THE EUCLID CREEK WATERSHED COUNCIL.

WHEREAS, the City of South Euclid is a member of the Euclid Creek Watershed Council; and

WHEREAS, the Euclid Creek Watershed Council desires to implement the Euclid Creek Watershed Plan, fully endorsed by the State of Ohio; and

WHEREAS, by entering into a memorandum of understanding with the Cuyahoga Soil and Water Conservation District, said watershed plan can be successfully implemented; and

WHEREAS, the member communities of the Euclid Creek Watershed Council have reviewed the memorandum and recommend passage by each respective City Council; and

WHEREAS, the Council of the City of South Euclid must authorize the Mayor to sign said memorandum of understanding no later than October 24, 2012.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of South Euclid, Ohio:

Section 1: That the Council of the City of South Euclid hereby authorizes the Mayor to enter into a memorandum of understanding with the Cuyahoga Soil and Water Conservation District as a member of the Euclid Creek Watershed Council.

Section 2: That the memorandum of understanding shall be in substantially the same form as that attached to this legislation.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Ohio Revised Code.

Section 4: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that the City must notify the other communities of the Euclid Creek Watershed Council of its approval of the memorandum. Wherefore, this Resolution shall take effect upon passage and approval.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Approved:

Georgine Welo, Mayor

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

Resolution 56-12

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER

(CITY COUNCIL)

Revised Code, Secs. 5705.34-5705.35

The Council of the City of South Euclid, Cuyahoga

County, Ohio, met in session on the day of (Regular Or Special)

2012, at the office of with the following members

present:

Three horizontal lines for listing members present.

Mr./Mrs. moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st,

2013; and

WHEREAS, The Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of South Euclid,

Cuyahoga County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	Co. Fiscal Officer's Est. of Yield of Levy (Carry to Schedule A, Column II)
GENERAL FUND:		
Current Expense Levy authorized by voters on for not to exceed _____ years.	,20	
Current Expense Levy authorized by voters on for not to exceed _____ years.	,20	
Total General Fund outside 10m. Limitation.		
Park Fund: Levy authorized by voters on for not to exceed _____ years.	,20	
Recreation Fund: Levy authorized by voters on for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on for not to exceed _____ years.		
Fund: Levy authorized by voters on for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on for not to exceed _____ years.	,20	

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the Fiscal Officer of said County.

Mr./Mrs. _____ seconded the Resolution and the roll being called

upon its adoption the vote resulted as follows:

Mr./Mrs. _____

Mr./Mrs. _____

Mr./Mrs. _____

Adopted the _____ day of _____, 20 _____.

Attest:

President of Council

Clerk of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, _____ County, ss.

I, _____, Clerk of the Council of the City
of _____ within and for said County, and in whose custody the Files
and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby
certify that the foregoing is taken and copied from the original _____

now on file, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20_____

Clerk of Council

No. _____

COUNCIL OF THE CITY OF

_____ County, Ohio.

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY FISCAL OFFICER

(City Council)

Adopted _____, 20 ____

Clerk of Council

Filed _____, 20 ____

County Fiscal Officer

By _____
Deputy

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 57-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 24, 2012

A RESOLUTION

AUTHORIZING THE TRANSFER OF UNAPPROPRIATED FUNDS FROM THE "ISSUE II PROJECTS FUND #431" TO THE "FLOOD CONTROL FUND #426."

WHEREAS, there is an unencumbered balance in the Issue II Projects Fund; and

WHEREAS, the Finance Director wishes to transfer said unencumbered fund balance to the Flood Control Fund for contractual services; and

WHEREAS, the Council of the City of South Euclid, Ohio acknowledges that the Ohio Revised Code now requires a Resolution authorizing the transfer of monies from one fund to any other fund of the City.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of South Euclid, Ohio:

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to transfer \$464,650.00 from the "Issue II Projects Fund #431" to the "Flood Control Fund #426."

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Ohio Revised Code.

Section 3: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents and for the further reason that a vital function of government is affected thereby. Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 58-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 24, 2012

A RESOLUTION

A RESOLUTION AUTHORIZING THE APPROPRIATION OF
UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND:
"GENERAL IMPROVEMENT & REPAIR- CAPITAL OUTLAY #408."

WHEREAS, the Brewer-Garrett Energy Conservation Project contained two change orders approved by the City's Board of Control; and

WHEREAS, funds must be appropriated to cover the cost of the change orders.

NOW THEREFORE BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to appropriate unappropriated funds in the "General Improvement & Repair- Capital Outlay Fund #408" in the amount of \$21,109.00 for the Brewer-Garrett energy conservation project.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Ohio Revised Code.

Section 3: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents and for the further reason that a vital function of government is affected thereby. Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 59-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 24, 2012

A RESOLUTION

A RESOLUTION AUTHORIZING THE APPROPRIATION OF
UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND:
"OPERATION HOME IMPROVEMENT #103."

WHEREAS, funding was received for demolition to be used as part of the City's Green Neighborhoods Initiative; and

WHEREAS, these funds were not budgeted in the 2012 Budget.

NOW THEREFORE BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to appropriate unappropriated funds in the "Operation Home Improvement Fund #103" in the amount of \$64,984.00.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Ohio Revised Code.

Section 3: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents and for the further reason that a vital function of government is affected thereby. Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 60-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 24, 2012

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A MUNICIPAL
AGENCY AGREEMENT WITH THE CUYAHOGA COUNTY
LAND REUTILIZATION CORPORATION FOR THE
PROVISION OF NUISANCE ABATEMENT SERVICES
FOR THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, Ohio Revised Code Section 751.261 (E) permits a municipal corporation to enter into an agreement with a county land reutilization corporation for the county land reutilization corporation to act as the agent of the municipality in removing and demolishing vacant buildings, making emergency corrections of hazardous conditions, and abating nuisances; and

WHEREAS, the City of South Euclid wishes to enter into such an agreement with the Cuyahoga County Land Reutilization Corporation for the provision of the above services.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of South Euclid, Ohio:

Section 1: That the Mayor be and she is hereby authorized to enter into an agency agreement with the Cuyahoga County Land Reutilization Corporation for the provision of demolition and nuisance abatement services as defined in the agreement, a copy of which is attached hereto and made a part hereof as Exhibit A.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Ohio Revised Code.

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. Such necessity exists by reason of the fact that in order to continue neighborhood revitalization initiatives, the foregoing must be adopted at the earliest possible time. Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 61-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 24, 2012

A RESOLUTION

A RESOLUTION AUTHORIZING THE APPROPRIATION OF
UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND:
"GENERAL FUND #101-LAW DEPARTMENT-CONTRACTUAL
SERIVCES-OUTSIDE LEGAL EXPENSES."

WHEREAS, funds must be appropriated to pay for outside legal expenditures..

NOW THEREFORE BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to appropriate unappropriated funds in the "General Fund #101-Law Department-Contractual Services-Outside Legal Expenses" in the amount of \$61,727.35.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Ohio Revised Code.

Section 3: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents and for the further reason that a vital function of government is affected thereby. Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 26-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 24, 2012

AN ORDINANCE

CREATING NEW SECTION 337.32 "DISTURBING THE PEACE; EXCESSIVE SOUND VOLUME" OF CHAPTER 337 "SAFETY AND EQUIPMENT" OF TITLE FIVE "VEHICLES" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid can protect the health, safety, and welfare of its residents by preventing disturbances of the peace.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 337.32 "Disturbing the Peace; Excessive Sound Volume" of Chapter 337 "Safety and Equipment" of Title Five "Vehicles" of Part Three "Traffic Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

337.32 DISTURBING THE PEACE; EXCESSIVE SOUND VOLUME.

(a) No person shall use, operate or play upon any public road, street or highway in this Municipality, any radio, music player, tape cassette, disc player, television or audio system in a motor vehicle, at such a volume so as to disturb the peace, quiet, comfort or repose of others, within the City, or at any time with louder volume than is necessary for the convenient hearing of the person or persons who are in the vehicle in which such device is operating and who are voluntary listeners thereto. The operation of any such device in such manner as to be plainly audible to person or persons other than the occupants of said vehicle shall be prima-facie evidence of a violation of this section.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Ohio Revised Code.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for further reason that disturbances of the peace must be prevented. Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 27-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 24, 2012

AN ORDINANCE

AMENDING SECTION 531.09 "ABATEMENT OF CRIMINAL ACTIVITY NUISANCES" OF CHAPTER 531 "NUISANCES" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid recognizes the need to promote, protect, and improve the health, safety, and welfare of the residents; and

WHEREAS, the City can protect the health, safety, and welfare of its residents by abating criminal activity on properties found to be a nuisance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 531.09 "Abatement of Criminal Activity Nuisances" of Chapter 531 "Nuisances" of Part Five "General Offenses Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

531.09 ABATEMENT OF CRIMINAL ACTIVITY NUISANCES.

(a) The following activities occurring on **either** residential or commercial properties, **or within one thousand (1,000) feet of the property line of said residential or commercial property**, and engaged in by an owner, occupant or invitee of the owner or occupant of such residential or commercial properties, are hereby declared to be public nuisances.

(1) Any animal violations under Sections 505.01, Dogs and Other Animals Running at Large; Dangerous and Vicious Dogs; 505.09, Barking or Howling Dogs; 505.06, Poisoning Animals; 505.07, Cruelty to Animals; 505.071, Neglect of Animals; 505.08, Noxious Odors; Unsanitary Conditions;

(2) Any disorderly conduct, disturbance of the peace or other violation of Chapter 509 of the Codified Ordinances;

(3) Any drug abuse violation under Chapter 513 of the Codified Ordinances;

(4) Any gambling violation under Chapter 517 of the Codified Ordinances;

(5) Any health, safety or sanitation violation under Chapter 521 of the Codified Ordinances;

(6) Any obstruction of official business violation under Section 525.07 of the Codified Ordinances;

(7) Any alcohol violations under Chapter 529 of the Codified Ordinances;

(8) Any sex offenses under Sections 533.07, Public Indecency; 533.08, Procuring; 533.09, Soliciting; or 533.10, Prostitution, of the Codified Ordinances;

(9) Any offense against another person under Chapter 537 of the Codified Ordinances;

(10) Any offense against property under Sections 541.03, Criminal Damaging or Endangering; 541.04, Criminal Mischief, of the Codified Ordinances;

(11) Any littering or deposition of waste under Chapter 527 of the Codified Ordinances;

(12) Any theft violation under Sections 545.05, Petty Theft; 545.08, Unauthorized Use Property, of the Codified Ordinances;

(13) Any weapons, explosives, firearm or handgun violation under Chapter 549 of the Codified Ordinances;

(14) Any fireworks violation under Chapter 1540 of the Codified Ordinances;

(15) Any waste container violation under Section 1411.081 of the Codified Ordinances; and

(16) Any offense that is a felony under the Ohio Revised Code.

(b) The Chief of Police or his designee, upon finding that two or more nuisance activities declared in this section have occurred within any 12-month period, may cause a written notice and order to be served on the owner of the property declaring that such property is a nuisance property. The notice and order shall set forth the nature of the nuisances, the estimated costs to abate any future nuisances, and state that the owner may avoid being charged the costs of abatement by taking steps to prevent any further nuisance activity as set forth in this section. The notice shall further state that if a third or subsequent nuisance activity as declared in this section occurs within 12 months of the written notice, the City may abate the nuisance by responding to the activities using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property. Notice shall be served as set forth in Sections 531.02 and 531.03 of the Codified Ordinances.

(c) If within 12 months after the written notice referred to in division (b) of this section has occurred, a third nuisance activity as declared in this section occurs, the City may abate the nuisance by responding to the activity using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property in the same manner as in Section 531.04 of the Codified Ordinances, and the costs shall be calculated as set forth in division (e) of this section. The City shall provide notice to the owner of the nuisance property of the City's intent to assess the costs of abatement against the owner's property at least 30 days before such costs are certified to the County for assessment against the property, and such notice shall contain a description of the nuisance activity that is the basis for the notice of intent to assess the property, and the cost to abate. Notice shall be served as set forth in Section 531.03 of the Codified Ordinances.

(d) The owner of a nuisance property who receives a notice from the Chief of Police or his designee pursuant to this section may appeal such notice by submitting a written request for reconsideration to the Chief of Police within 30 days of the date of the notice. If the Chief of Police finds that the facts presented do not support the declaration of a nuisance, the Chief shall rescind the notice. Otherwise, the Chief shall deny the request and refer the appeal for hearing by the Board of Zoning Appeals. Any such appeal shall not stay any actions by the City to abate the first or any subsequent nuisance activity. In any such appeal, the City must show by a preponderance of the evidence that each violation stated in the notice being appealed has occurred, and that the declaration of the property as a nuisance property or of the intent of the City to assess the property for abatement costs, whichever is applicable, is justified. The City shall be deemed to have failed to have met this standard if the owner demonstrates by a preponderance of evidence that:

(1) He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice; or

(2) He or she had knowledge of the nuisance activity, but has promptly and vigorously taken all actions necessary to abate each nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9); or

(3) He or she had knowledge of the nuisance activity and could not, with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property, he or she promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9).

(e) Costs of abatement shall be assessed based upon an escalating defined cost. The escalating defined costs are: two hundred and fifty (\$250) upon the first declaration of nuisance under this chapter; five hundred dollars (\$500) on the second nuisance declaration; seven hundred fifty dollars (\$750) on the third nuisance declaration; and one thousand dollars (\$1,000) on each subsequent nuisance declaration.

(f) The declaration of a nuisance property, an order to abate a nuisance, or the assessment of costs by the City on a property, do not affect or limit the City's right or authority to bring criminal prosecution or other legal action against any person for violation of the City's ordinances.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Ohio Revised Code.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for further reason that the City must be able to abate instances of criminal activity on properties which have been declared a nuisance. Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Approved:

Georgine Welo, Mayor

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 28-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 24, 2012

AN ORDINANCE

REPEALING AND REPLACING CHAPTER 351 "PARKING GENERALLY" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, in order to ensure all rules and regulations pertaining to the parking of motor vehicles are contained in one section of the Codified Ordinances, City Council wishes to repeal and replace Chapter 351 "Parking Generally"; and

WHEREAS, the rules and regulations contained in Chapter 351 "Parking Generally" are now made part of the new Chapter 147 "Parking Generally."

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Chapter 351 "Parking Generally" of Part Three "Traffic Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby repealed and replaced in its entirety by the new Chapter 147 "Parking Generally.":

CHAPTER 351 "PARKING GENERALLY"

~~351.01 POLICE MAY REMOVE UNATTENDED VEHICLE WHICH OBSTRUCTS TRAFFIC.~~

~~(a) Whenever any police officer finds a vehicle standing upon a highway in violation of Ohio R.C. 4511.66 or a substantially similar municipal ordinance, such officer may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.~~

~~(b) Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety.~~

~~(ORC 4511.67)~~

~~351.02 REGISTERED OWNER PRIMA FACIE LIABLE FOR UNLAWFUL PARKING.~~

~~In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the record of Ohio Registrar of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima facie evidence that the vehicle which was unlawfully parked, was so parked by the defendant. A certified registration copy, showing such fact, from the Registrar shall be proof of such ownership.~~

~~351.03 PROHIBITED STANDING OR PARKING PLACES.~~

~~No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:~~

- ~~(a) On a roadway having less than twenty feet in width;~~
- ~~(b) On a sidewalk, except a bicycle;~~
- ~~(c) In front of or within six feet of any private driveway;~~
- ~~(d) Within an intersection;~~
- ~~(e) Within ten feet of a fire hydrant;~~

- ~~(f) On a crosswalk;~~
- ~~(g) Within 20 feet of a crosswalk at an intersection;~~
- ~~(h) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign or official traffic control signal located at the side of a roadway;~~
- ~~(i) Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within seventy-five feet of such entrance, when signs are erected giving notice thereof;~~
- ~~(j) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;~~
- ~~(k) Alongside of vehicles stopped or parked;~~
- ~~(l) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;~~
- ~~(Ord. 26-70. Passed 11-23-70.)~~
- ~~(m) At any place where official signs prohibit or limit stopping, standing or parking;~~
- ~~(Ord. 21-81. Passed 7-13-81.)~~
- ~~(n) Within one foot of any parked vehicle;~~
- ~~(o) In any private driveway, alleyway or areaway between buildings when, in the opinion of the Fire Chief, such parking constitutes a fire hazard or an obstruction to or interference with operation of the fire-fighting equipment of the City;~~
- ~~(p) Upon the side of the street on which fire hydrants are placed, unless the roadway exceeds 30 feet in width, when signs are erected giving notice thereof;~~
- ~~(q) Within 50 feet of any hazardous or congested place, when such standing, stopping or parking would increase such hazard;~~
- ~~(r) Within 50 feet of any school building or playground when such standing, stopping or parking would cause a hazardous condition;~~
- ~~(s) Between the sidewalk and roadway;~~
- ~~(t) No vehicle shall be parked on any lot other than in an enclosed structure thereon or on the driveway from the public right of way to the enclosed structure;~~
- ~~(Ord. 26-70. Passed 11-23-70; Ord. 04-08. Passed 1-28-08.)~~
- ~~(u) Upon the dividing space, barrier or median section of any divided roadway.~~
- ~~(Ord. 21-81. Passed 7-13-81.)~~

~~351.04 PARKING NEAR CURB; HANDICAPPED LOCATIONS ON PUBLIC AND PRIVATE LOTS AND GARAGES.~~

- ~~(a) No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, and with the right wheels of the vehicle not more than one foot from the curb or the edge of the roadway, except where parking is permitted on the left side of a one-way street, unless it is impossible to approach so close to the curb, and in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.~~
- ~~(b) No vehicle shall be stopped or parked on a road or street with the vehicle facing in a direction other than the direction of travel on that side of the road or street.~~
- ~~(c) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or~~

~~movable, imprinted with the international symbol of access, and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C. 3781.111(B) shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure five feet. All handicapped parking spaces shall be non-metered.~~

~~(d) No person shall stop, stand or park any motor vehicle at special parking locations provided for in subsection (c) hereof or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages or other parking areas and designated in accordance with subsection (c) hereof, unless one of the following applies:~~

~~(1) The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates;~~

~~(2) The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.~~

~~(e) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle shall be permitted to park for a period of two hours in excess of the legal parking period permitted by the Municipality, except where a local ordinance or police rule provides otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.~~

~~(f) No owner of an office, facility or parking garage where special parking locations must be designated in accordance with subsection (c) hereof shall fail to properly mark the special parking locations as required by that subsection or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.~~

~~(g) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.~~

~~(h) As used in this section:~~

~~(1) "Handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition.~~

~~(2) "Person with a disability that limits or impairs the ability to walk" means any person who, as determined by a physician or chiropractor, meets any of the following criteria:~~

~~A. Cannot walk 200 feet without stopping to rest;~~

~~B. Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;~~

~~C. Is restricted by a lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest;~~

~~D. Uses portable oxygen;~~

~~E. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association;~~

~~F. Is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition.~~

~~(3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under Ohio R.C. 4503.41 or 4503.44, and also mean any substantially equivalent license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty.~~

~~(i) Whoever violates division (f) of this section shall be subject to the following penalties:~~

~~(1) Except as provided in this division (i)(2), the offender shall be issued a warning;~~

~~(2) If the offender previously has been convicted of or pleaded guilty to a violation of division (f) of this section, the offender shall not be issued a warning but shall be fined twenty-five dollars (\$25.00) for each parking location that is not properly marked or whose markings are not properly maintained.~~

~~(3) Whoever violates any other provisions of this section shall be fined an amount not to exceed two hundred fifty dollars (\$250.00) but in no case shall the offender be sentenced to any term of imprisonment.~~

~~(Ord. 113-99, Passed 12-27-99; Ord. 20-06, Passed 4-10-06.)~~

~~**351.045 COMMERCIAL VEHICLES – PARKING IN STREET.**~~

~~(a) No person shall park a truck, trailer, semi-trailer or other commercial vehicle, as defined in Section 724.06(d), in a roadway at any time in front of or alongside of property used for residential purposes, except in case of a breakdown of such truck, trailer or semi-trailer, or commercial vehicle, for loading and unloading purposes, or for service-related work.~~

~~(b) Notwithstanding any provision of this Code, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over or under a street, may stop, stand or park where necessary in order to perform such work, provided a flagman is on duty, or warning signs or lights are displayed as may be prescribed by the State.~~

~~(Ord. 19-06, Passed 4-10-06.)~~

~~**351.05 MOVING ANOTHER'S VEHICLE INTO PROHIBITED PARKING PLACE.**~~

~~No person, except authorized police personnel, shall move a vehicle not owned by or lawfully in charge of such person into any area in which parking is prohibited or away from a curb to such distance as is not lawful.~~

~~**351.06 SELLING, WASHING OR REPAIRING VEHICLE UPON ROADWAY.**~~

~~No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:~~

~~(a) Displaying such vehicle for sale;~~

~~(b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.~~

~~**351.07 UNATTENDED VEHICLE; DUTY TO STOP ENGINE, REMOVE KEY, SET BRAKE AND TURN WHEELS.**~~

~~(a) (1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.~~

~~(2) The requirements of this section relating to the stopping of the engine, locking of the ignition, and removing the key from the ignition of a motor vehicle shall not apply to an emergency vehicle or a public safety vehicle.~~

~~(ORC 4511.661)~~

~~(b) Except as otherwise provided in this division, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the third degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the second degree.~~

~~**351.08 OPENING VEHICLE DOOR ON TRAFFIC SIDE. (REPEALED)**~~

~~(EDITOR'S NOTE: Section 351.08 was repealed by Ordinance 28-06, passed May 22, 2006. Please see Section 331.43.)~~

351.09 TRUCK ZONES.

~~(a) No person shall stop, stand or park any vehicle other than a commercial vehicle in any place marked as a truck zone during the hours when such zone is reserved for loading purposes.~~

~~(b) No person shall stop, stand or park a commercial vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a truck zone during the hours when the provisions applicable to truck zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.~~

~~(Ord. 61-56. Passed 7-23-56.)~~

351.10 BUS STOPS AND TAXICAB STANDS.

~~(a) The Director of Public Safety is hereby authorized and required to establish bus stops and taxicab stands on such public streets in such places and in such number as he determines to be of the greatest benefit and convenience to the public, and every bus stop and taxicab stand shall be designated by appropriate signs.~~

~~(b) No driver of any vehicle other than a bus shall stand or park such vehicle in an officially designated bus stop, and no driver of any vehicle other than a taxicab shall stand or park such vehicle in an officially designated taxicab stand, except that the driver of any passenger vehicle may temporarily stop such vehicle in any such stop or stand for the purpose of and while actually engaged in the loading or unloading of passengers.~~

~~(c) No driver of any bus or taxicab shall stand or park upon any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.~~

~~(Ord. 61-56. Passed 7-23-56.)~~

351.11 PARKING IN NARROW STREETS AND ALLEYS.

~~(a) No person shall stop, stand or park any vehicle upon a street, other than an alley, in such manner or under such conditions as to leave available less than 18 feet of the width of the roadway for the free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations, official traffic control devices or signals of a police officer.~~

~~(b) No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.~~

~~(Ord. 61-56. Passed 7-23-56.)~~

351.12 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

~~(a) (1) Upon any highway, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway if it is practicable to stop, park, or so leave such vehicle off the paved or main traveled part of the highway. In every event a clear and unobstructed portion of the highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.~~

~~(2) This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.~~

~~(ORC 4511.66)~~

~~(b) Except as otherwise provided in this division, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a~~

~~misdemeanor of the third degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the second degree.~~

~~351.13 PARKING ON POSTED PRIVATE PROPERTY. (REPEALED)~~

~~(EDITOR'S NOTE: Section 351.13 was repealed as part of the 1999 updating and revision of these Codified Ordinances. See Section 351.20(a).)~~

~~351.14 ALL-NIGHT PARKING PROHIBITED.~~

~~No person shall park a vehicle on any street or highway in the City between the hours of 2:00 a.m. and 6:00 a.m. on any day, except bona fide emergency vehicles and physicians on emergency house calls. Nothing herein contained shall limit the authority of the Director of Public Safety to further limit or entirely prohibit parking between such hours at places which he may from time to time designate and cause to be marked with appropriate signs.~~

~~(Ord. 24-81. Passed 7-13-81.)~~

~~351.15 PARKING IN DRIVEWAYS.~~

~~(a) No person shall cause or permit any vehicle or other obstacle to stand or remain in the driveway beside or in such close proximity to any apartment house in the City as to obstruct the free passage of the City's Fire Department apparatus along such driveway.~~

~~(b) No person shall cause or permit any vehicle to stop, stand or park at any time in any public or private driveway, alleyway, lane or other area way within ten feet of any building occupied by, or designed to be occupied by, more than two families, except for such time as is absolutely necessary for the taking on or unloading of passengers or merchandise.~~

~~(Ord. 61-56. Passed 7-23-56.)~~

~~351.16 EMERGENCY PARKING BAN.~~

~~(a) Whenever the Mayor, or in his absence the Director of Public Safety, or in the absence of the Director of Public Safety, the Director of Service shall declare an emergency to exist, by reason of heavy accumulation of snow or other cause, parking of any vehicles, except for immediate loading or unloading of passengers, shall be prohibited during the duration of such emergency on all streets within the confines of the city.~~

~~Such ban shall commence one hour after the first announcement by radio or television stations that such emergency has been declared.~~

~~Upon the declaration of an emergency by reason of heavy accumulation of snow, as hereinbefore provided, the prohibition of parking of any vehicles shall be extended to include all Municipally owned parking lots between the hours of 3:00 a.m. to 6:00 a.m. If the snow ban emergency is removed as to its application to City streets, but, the Municipally owned parking lots have not been cleared, then, in such event, the prohibition of parking in the Municipally owned lots shall continue daily between the hours of 3:00 a.m. to 6:00 a.m. until such lots have been cleared and the parking ban removed by the City.~~

~~Whenever any police officer finds a vehicle standing upon a street or highway, or in any of the Municipally owned parking lots in violation of the foregoing provisions, he may order removal of such vehicle, or require the driver or other person in charge of the vehicle to remove the same.~~

~~(b) Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree, and in the case of removal of the vehicle by the Police Department, towing and storage charges shall be charged to the owner of the removed vehicle.~~

~~(Ord. 35-79. Passed 12-26-79.)~~

~~351.17 EMERGENCY AND PUBLIC SAFETY VEHICLES.~~

~~The provisions of this chapter regulating the parking and standing of vehicles shall apply to authorized public safety and emergency vehicles, except that a driver when operating any such vehicle in an emergency, and when not otherwise directed by a police officer, may park or stand notwithstanding the provisions of this chapter.~~

~~(Ord. 20-73. Passed 4-2-73.)~~

~~351.18 PARKING ON PUBLIC PROPERTY OTHER THAN STREETS.~~

~~(a) The parking of vehicles on public property other than streets shall be prohibited without the consent of the proper governmental agency in charge of such public property.~~

~~(b) No vehicle shall be parked on public property in violation of the rules and regulations established by the governmental agency controlling such public property.~~

~~(c) The provisions of division (b) of this section shall not be applicable unless the public property is posted in a conspicuous manner setting forth the prohibition of parking or the conditions and regulations under which parking is permitted.~~

~~(Ord. 45-78. Passed 10-23-78.)~~

~~351.19 WILLFULLY LEAVING VEHICLES ON PRIVATE OR PUBLIC PROPERTY.~~

~~(a) Impounding Abandoned Motor Vehicle on Public Property; Notice; Disposition.~~

~~(1) The Police Chief of the municipality may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that has come into the possession of the Police Chief as a result of the Police Chief's duties or that has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer without notification to the Police Chief of the reasons for leaving the motor vehicle in such place, except that when such motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately. The Police Chief shall designate the place of storage of any motor vehicle so ordered removed.~~

~~(2) The Police Chief immediately shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the owner and any lienholder of a motor vehicle ordered into storage by the Police Chief, and if known, shall send or cause to be sent notice to the owner or lienholder at his or her last known address by certified mail with return receipt requested, that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of mailing of the notice. The owner or lienholder of the motor vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle. If the owner or lienholder of the motor vehicle reclaims it after a search of the records of the Bureau has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the owner of the place of storage or the owner's employee, and the notice was sent to the motor vehicle owner by the owner of the place of storage or the owner's employee, the owner or lienholder shall pay to the place of storage a processing fee of \$25, in addition to any expenses or charges incurred in the removal and storage of the vehicle.~~

~~(3) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing the notice, and if the vehicle is to be disposed of at public auction as provided in Ohio R.C. 4513.62, the Police Chief, without charge to any party, shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of Ohio R.C. 4513.61. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Police Chief. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in Ohio R.C. 4513.62, the Police Chief shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed, and that all requirements of Ohio R.C. 4513.61 have been complied with. The Police Chief shall retain the original of the affidavit for his or her records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within 30 days of the presentation, will issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.~~

~~(4) Whenever a motor vehicle salvage dealer or other facility receives such an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility is not required to obtain a state certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.~~

~~(ORC 4513.61)~~

~~(b) Abandonment of Junk Motor Vehicle Prohibited:~~

~~(1) A. No person shall willfully leave an abandoned junk motor vehicle, as defined in Ohio R.C. 4513.63, on private property for more than 72 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 48 hours or longer without notification to the Police Chief of the reason for leaving the motor vehicle in such place.~~

~~B. For purposes of this division (b)(1), the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.~~

~~C. Nothing contained in this section and Ohio R.C. 4513.60, 4513.61 and 4513.63 shall invalidate or prevent the enactment of further provisions of municipal ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property, or private property within the Municipality.~~

~~(ORC 4513.64)~~

~~(2) Whoever violates this division (b) is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 303.22(b) and shall also be assessed any costs incurred by the Municipality in disposing of such abandoned junk motor vehicle, less any money accruing to the Municipality from such disposal.~~

351.20 PARKING PROHIBITIONS ON PRIVATE PROPERTY; PRIVATE TOW-AWAY ZONES.

~~(a) 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:~~

~~(1) Park a vehicle on the property without the owner's consent;~~

~~(2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.~~

~~(ORC 4511.681)~~

~~(b) (1) The owner of private property may establish a private tow-away zone only if all of the following conditions are satisfied:~~

~~A. The owner posts on the owner's property a sign that is at least 18 inches by 24 inches in size, that is visible from all entrances to the property, and that contains at least all of the following information:~~

~~1. A notice that the property is a private tow-away zone and that vehicles not authorized to park on the property will be towed away;~~

~~2. The telephone number of the person from whom a towed-away vehicle can be recovered, and the address of the place to which the vehicle will be taken and the place from which it may be recovered;~~

~~3. A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge, in an amount not to exceed ninety dollars (\$90.00), and a storage charge, in an amount not to exceed twelve dollars (\$12.00) per 24-hour period; except that the charge for towing shall not exceed one hundred fifty dollars (\$150.00), and the storage charge shall not exceed twenty dollars (\$20.00) per 24-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer.~~

~~B. The place to which the towed vehicle is taken and from which it may be recovered is conveniently located, is well lighted, and is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipality in which the private tow-away zone is located.~~

~~(2) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (b)(1) without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner or the owner's agent may remove, or cause the removal of, the vehicle; the owner and the operator of the vehicle shall be deemed to have consented to the removal and storage of~~

~~the vehicle and to the payment of the towing and storage charges specified in division (b)(1)A.3. of this section, and the owner, subject to division (c) of this section, may recover a vehicle that has been so removed only in accordance with division (e) of this section.~~

~~(3) If the Municipality requires tow trucks and tow truck operators to be licensed, no owner of private property located within the Municipality shall remove or shall cause the removal and storage of any vehicle pursuant to division (b)(2) of this section by an unlicensed tow truck or unlicensed tow truck operator.~~

~~(4) Divisions (b)(1) through (3) of this section do not affect or limit the operation of Ohio R.C. 4513.60 through 4513.65 as they relate to property other than private property that is established as a private tow-away zone under division (b)(1) of this section.~~

~~(e) If the owner or operator of a vehicle that has been ordered into storage pursuant to division Ohio R.C. 4513.60(A) or of a vehicle that is being removed under authority of division (b)(2) of this section arrives after the vehicle has been prepared for removal but prior to its actual removal from the property, the owner or operator shall be given the opportunity to pay a fee of not more than one half of the charge for the removal of vehicles under Ohio R.C. 4513.60(A) or of vehicles under division (b)(2) of this section, whichever is applicable, that normally is assessed by the person who has prepared the vehicle for removal, in order to obtain release of the vehicle. Upon payment of that fee, the vehicle shall be released to the owner or operator, and upon its release, the owner or operator immediately shall move it so that:~~

~~(1) If the motor vehicle was ordered into storage pursuant to Ohio R.C. 4513.60(A), it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable;~~

~~(2) If the vehicle was being removed under authority of division (b)(2) of this section, it is not parked on the private property established as a private tow-away zone without the consent of the owner or in violation of any posted parking condition or regulation.~~

~~(d) (1) If an owner of private property that is established as a private tow-away zone in accordance with division (b)(1) of this section or the authorized agent of such an owner removes or causes the removal of a vehicle from that property under authority of division (b)(2) of this section, the owner or agent promptly shall notify the Police Department, the vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered.~~

~~(2) The Police Chief shall maintain a record of vehicles that the Police Chief orders into storage pursuant to Ohio R.C. 4513.60(A) and of vehicles removed from private property in the Police Chief's jurisdiction that is established as a private tow-away zone of which the Police Chief has received notice under division (d)(1) of this section. The record shall include an entry for each such vehicle that identifies the vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a particular vehicle shall be provided to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the vehicle and requests information pertaining to its location.~~

~~(3) Any person who registers a complaint that is the basis of the Police Chief's order for the removal and storage of a vehicle under Ohio R.C. 4513.60(A) shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.~~

~~(e) The owner of a vehicle that is ordered into storage pursuant to Ohio R.C. 4513.60(A) or of a vehicle that is removed under authority of division (b)(2) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed ninety dollars (\$90.00), and storage, in an amount not to exceed twelve dollars (\$12.00) per 24-hour period; except that the charge for towing shall not exceed one hundred fifty dollars (\$150.00), and the storage charge shall not exceed twenty dollars (\$20.00) per 24-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer. Presentation of proof of ownership, which may be evidenced by a certificate of title to the~~

~~vehicle also shall be required for reclamation of the vehicle. If a vehicle that is ordered into storage pursuant to Ohio R.C. 4513.60(A) remains unclaimed by the owner for 30 days, the procedures established by Ohio R.C. 4513.61 and 4513.62 shall apply.~~

~~(f) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under division (b)(1) of this section other than in accordance with division (b)(2) of this section, and no person shall remove, or cause the removal of, any motor vehicle from any other private property other than in accordance with Ohio R.C. 4513.60 through 4513.65.~~

~~(g) (1) Whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree.~~

~~(2) Whoever violates division (b)(3) of this section is guilty of a misdemeanor of the fourth degree.~~

~~(3) Except as otherwise provided in this division, whoever violates division (f) of this section is guilty of a misdemeanor of the fourth degree. If the offender has been convicted of or pleaded guilty to a violation of division (f) of this section or Ohio R.C. 4513.60(F), whoever violates division (f) of this section is guilty of a misdemeanor of the third degree.~~

351.99 PENALTY.

~~(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty if no specific penalty is provided.)~~

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Ohio Revised Code.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for further reason that all rules and regulations related to the parking of motor vehicles should be contained within one section of the codified ordinances. Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 29-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 24, 2012

AN ORDINANCE

REPEALING AND REPLACING CHAPTER 353 "PARKING METERS" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, in order to ensure all rules and regulations pertaining to the parking of motor vehicles are contained in one section of the Codified Ordinances, City Council wishes to repeal and replace Chapter 353 "Parking Meters"; and

WHEREAS, the rules and regulations contained in Chapter 353 "Parking Meters" are now made part of the new Chapter 147 "Parking Generally."

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Chapter 353 "Parking Meters" of Part Three "Traffic Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby repealed and replaced in its entirety by the new Chapter 147 "Parking Generally.":

CHAPTER 353 PARKING METERS.

~~353.01 ESTABLISHMENT OF PARKING METER AREAS.~~

~~The Director of Public Safety is hereby authorized and directed to establish and mark off streets or parts thereof, as have been or may from time to time be designated by ordinance for the limited parking of automobiles, and other parking areas and zones, including Municipal off-street parking lots, in and on which the allowable parking shall be as prescribed by the provisions of the ordinances of the City applicable to parking upon such streets or other areas or zones, including Municipal parking lots.~~

~~(Ord. 70-60. Passed 11-14-60.)~~

~~353.02 PARKING METER RATES.~~

~~(a) Whenever a vehicle is parked in a metered parking zone where a parking meter has been installed, the person parking such vehicle shall deposit in the parking meter a coin of United States money of the denomination designated on the plates attached to the parking meter, if such meter displays a signal showing that legal parking is only permitted on such deposit. The coin required in any metered parking zone, except as herein otherwise provided, shall be as follows:~~

- ~~(1) One nickel for each 24 minutes.~~
- ~~(2) One dime for each 48 minutes.~~
- ~~(3) One quarter for each 120 minutes.~~
- ~~(4) Two quarters for special ten-hour meters.~~

~~(Ord. 9-85. Passed 7-22-85.)~~

~~(b) Notice to the public shall be given by appropriate signs setting forth the length of time parking is permitted and the conditions thereof. Such notice may be placed upon the parking meter stand or in the immediate vicinity thereof. Vehicles shall be parked entirely within a metered parking zone at each place where such zones are established as provided in Section 353.01 and are so marked off.~~

~~(Ord. 9-63. Passed 3-11-63.)~~

~~(c) The provisions of this section shall not apply to vehicles parked upon streets of the City or upon Municipal off-street parking areas between the hours of 6:00 p.m. and 8:00 a.m. of the following day and on Sundays and the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and~~

~~Christmas Day, except that for the Cedar Warrensville off-street parking area, the same shall not apply between the hours of 12:00 midnight and 8:00 a.m. the following morning, and on Sundays and the holidays herein set forth.~~

~~(Ord. 10-96. Passed 3-25-96.)~~

~~353.03 COMPLIANCE WITH METER RULES.~~

~~(a) No person shall park or cause or permit to be parked, any vehicle owned or operated by such person in any parking space without depositing the coins designated in Section 353.02 in the slot provided in such parking meter.~~

~~(b) No person shall cause or permit any vehicle registered in his name to be parked overtime or beyond a lawful period of time prescribed by or in accordance with the provisions of this chapter.~~

~~(c) No person shall cause or permit any vehicle owned or operated by such person to be parked across any line designating a metered parking zone. The fact that a vehicle is in a metered parking zone when the time signal on the parking meter for the same shows no parking permitted, unless a deposit of a coin is made as provided in this section, shall be deemed prima-facie evidence of the unlawful parking of such vehicle by its owner.~~

~~(Ord. 61-56. Passed 7-23-56.)~~

~~353.04 COLLECTION OF COINS.~~

~~The Finance Director shall have charge of the collecting of coins deposited in parking meters.~~

~~(Ord. 61-56. Passed 7-23-56.)~~

~~353.05 USE OF FUNDS.~~

~~The coins required to be deposited under the provisions of Section 353.02 and the fines accruing from the parking violations in metered zones are levied and assessed as fees to provide for the proper regulation and control of traffic upon the public streets; to cover the cost of supervising and regulating the parking of vehicles in the parking meter zones and areas created hereby; to acquire, purchase, construct, maintain and operate off-street parking facilities; and to cover the cost of the rental, purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of parking meters, parking lots and parking facilities and the expense of the cost of the clearing, cleaning, operating and maintaining the off-street parking lots owned or leased by the City and for collection of fines resulting from any parking violations. Any surplus in the fund established from the collection of coins and fines, and hereby designated the Parking Lot and Parking Meter Fund, may from time to time be transferred to the General Fund by order of Council.~~

~~(Ord. 27-63. Passed 5-27-63.)~~

~~353.06 RESERVATION OF POWERS.~~

~~Nothing in this chapter shall be construed as prohibiting the City from providing bus stops, taxicab stands and other zones of similar nature, including zones for the loading or unloading of trucks, vans or other commercial vehicles.~~

~~(Ord. 61-56. Passed 7-23-56.)~~

~~353.07 PRIMA FACIE EVIDENCE OF VIOLATION.~~

~~In any hearing in the Municipal Court on a charge of illegal parking of a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this chapter, and further testimony that the records of the Ohio Registrar or Deputy Registrar of Motor Vehicles show that such license plate was issued to the defendant, shall be prima-facie evidence that the vehicle which was unlawfully parked, was so parked by the defendant. A certified copy showing such fact from the Registrar or Deputy Registrar shall be proof of such ownership.~~

~~(Ord. 61-56. Passed 7-23-56.)~~

353.08 PARKING BY PERMIT.

~~(a) General Provisions. In any Municipal parking lot, where there is an established parking zone designated as a "Permit Only Parking", a person properly displaying a parking permit purchased for each such vehicle in accordance with the terms herein specified:~~

~~(1) Permits shall not be issued to any type of trailer, construction equipment or equipment used in the landscaping business.~~

~~(2) A permit may be issued to any commercial vehicle owned by a merchant having a place of business within the City and which vehicle is used by the owner or an employee in connection with such business. The vehicle shall not exceed the weight limits defined in Section 339.02 and must adhere to current parking restriction for the parking lot where the vehicle is parked.~~

~~(b) Permit Fee and Renewal Schedule. The Traffic Commissioner shall issue a parking permit, upon payment. Permits so issued shall expire on December 31 of the year issued, and may be renewed up to January 10 of the year following the year of issuance. Permits purchased after the fifteenth day of the next month, except that all permits issued in January shall cost the following:~~

~~(1) Rushton Municipal Parking Lot and Mayfield/Green Parking Lot. A fee of eighty dollars (\$80.00) per calendar year. The Rushton Lot is located along Rushton Road and extends onto Dean Road. The Mayfield/Green Municipal Lot is located on the southwest corner of Mayfield and South Green.~~

~~(2) Stanhope Municipal Parking Lot. A fee of one hundred dollars (\$100.00) per calendar year will be collected per calendar year. Permit holders in the Stanhope Municipal Lot shall be allowed to park a vehicle overnight (2:00 a.m. to 6:00 a.m.) in the permit spaces only. Any vehicle owned by a merchant having a place of business within the Cedar Center Municipal Parking Lot and registered to the business will be charged five dollars (\$5.00).~~

~~(c) Issuance and Display. All permits issued under this section shall be placed on the rearview mirror and shall be visible so as to be readable through the front windshield. Any person to display a permit in a way different than the above shall be in violation of this section.~~

~~(d) Replacement of Permits.~~

~~(1) Lost or stolen permits: Lost or stolen permits may be replaced upon presentation for inspection of the permit vehicle to the Traffic Commissioner. A five dollar (\$5.00) fee shall be charged for reissue.~~

~~(2) New vehicles: A replacement permit shall be issued upon payment of a five dollar (\$5.00) fee if a vehicle that was properly issued a permit is disposed of, provided that the original permit, or sufficient portions thereof, is removed prior to disposing of the vehicle and presented to the Traffic Commissioner prior to issuance of a new permit. Failure to provide adequate proof of removal shall result in the charge of a prorated fee for the replacement permit.~~

~~(3) All other City ordinances, rules and regulations not specifically abrogated herein shall remain in full force and effect.~~

~~(Ord. 14-92. Passed 5-11-92; Ord. 14-04. Passed 3-8-04.)~~

353.99 PENALTY.

~~(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty if no specific penalty is provided.)~~

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Ohio Revised Code.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for further reason that all rules and regulations related to the parking of motor vehicles should be contained within one section of the codified ordinances. Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 30-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 24, 2012

AN ORDINANCE

AN ORDINANCE AMENDING CHAPTER 147
"PARKING GENERALLY" OF TITLE FIVE "ADMINISTRATIVE"
OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED
ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid created new Chapter 147 "Parking Generally" through the passage of Ordinance 11-12 on September 10, 2012; and

WHEREAS, the Council of the City of South Euclid wishes to amend Chapter 147 "Parking Generally" to incorporate all rules and regulations related to the parking of motor vehicles contained throughout the Codified Ordinances of the City of South Euclid.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Chapter 147 "Parking Generally" of Title Five "Administrative" of Part One "Administrative Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

CHAPTER 147
Parking Generally

147.01	Designating parking infractions, establishing violations bureau	147.17	Parking in driveways
147.02	Police may remove unattended vehicle Which obstructs traffic	147.18	Emergency parking ban.
147.03	Registered owner prima-facie liable for unlawful parking.	147.19	Emergency and public safety vehicles.
147.04	Prohibited standing or parking places.	147.20	Parking on public property other than streets.
147.05	Parking near curb; handicapped locations on public and private lots and	147.21	Willfully leaving vehicle on private or public property.
147.06	Commercial vehicles-parking in street.	147.22	Parking prohibitions on private property; private tow-away zones.
147.07	Moving another's vehicle into prohibited parking places.	147.23	Establishment of parking meter areas.
147.08	Selling, washing or repairing vehicle upon roadway	147.24	Parking meter rates.
147.09	Unattended vehicle; duty to stop engine, remove key, set brake and turn wheels	147.25	Compliance with meter rules.
147.10	Opening vehicle door on traffic side. (Repealed)	147.26	Collection of coins.
147.11	Truck zones.	147.27	Use of funds.
147.12	Bus stops and taxicab stands	147.28	Reservation of Powers
147.13	Parking in narrow streets and alleys	147.29	Prima-facie evidence of violation.
147.14	Prohibition against parking on streets or highways.	147.30	Parking by permit.
147.15	Parking on posted private property (Repealed).	147.99	Penalty.
147.16	All-night parking prohibited		

147.01 DESIGNATING PARKING INFRACTIONS, ESTABLISHING VIOLATIONS BUREAU

1. Definitions.

- (A) "Parking Infraction" means a violation of Section 147.02.
- (B) "Vehicle" has the same meaning as in Section 301.51 of Codified Ordinances of the City of South Euclid.
- (C) "Court" or "Municipal Court" means the South Euclid Municipal Court.
- (D) "Bureau" means the City of South Euclid Parking Violations Bureau.
- (E) "Local Authority" means every county, municipal corporation, township, or other local board or body having authority to adopt police regulations pursuant to the constitution and laws of this state.
- (F) "Disability Parking Space" means a motor vehicle parking location that is reserved for the exclusive standing or parking of a vehicle that is operated by or on behalf of a person with a disability that limits or impairs the ability to walk and displays a placard or license plates issued under section 4503.44 of the Revised Code.
- (G) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

2. IMPOUNDMENT AND IMMOBILIZATION.

- (A) A parking infraction shall not be considered a criminal offense for any purpose.
- (B) A vehicle involved in five or more parking infractions in which judgments or default judgments have been filed with the Clerk of the Municipal Court pursuant to § 7(C) is subject to impoundment or immobilization by law enforcement officers of the City, without regard to whether the vehicle, at the time of impoundment or immobilization, is legally parked.
- (C) The owner of any vehicle impounded is liable for impoundment fees and storage charges as provided by § 6.
- (D) A vehicle impounded or immobilized under division (B) or (E) of this section shall be released to the owner upon the owner presenting a valid certificate of title to the vehicle to the violations clerk of the Parking Violations Bureau and either paying the fines, penalties, fees and costs due on the parking infractions issued or outstanding or payment of the judgments or default judgments which led to the impoundment or immobilization, or posting a bond equal to the amount of the fines, penalties, fees and costs. In no case shall the owner of a vehicle impounded or immobilized be required to post a bond in excess of \$1,000.00 to obtain release of the vehicle.
- (E) Notwithstanding divisions (B) and (D) of this section, a vehicle parked, stopped, or standing on a public street or highway in commission of a parking infraction is subject to impoundment if the law enforcement officer issuing the parking infraction determines that the vehicle is substantially impeding, or hindering the movement of other traffic.

3. PARKING TICKET, SERVICE AND LIABILITY.

- (A) The parking ticket adopted in § 9 shall be used by law enforcement officers in all cases in which a person is charged with committing a parking infraction within the City. The parking ticket shall be the summons and complaint.
- (B) A law enforcement officer who issues a parking ticket for a parking infraction shall complete the ticket by identifying the infraction charged, recording the license plate

number, type, and make or model of the vehicle, and indicating the date, time, and place of the infraction. The officer shall sign the ticket and affirm the facts it contains and file a copy with the violations clerk. If the operator of the vehicle is present, the officer shall record on the ticket the name of the operator on the ticket, and then shall personally serve the parking ticket upon the operator. If the operator of the vehicle is not present, the officer shall insert the word "owner" in the space provided on the ticket for identification of the offender, and constructively serve the parking ticket upon the owner of the vehicle by affixing the ticket to the vehicle in a conspicuous place.

Constructive service of a parking ticket upon an owner of a vehicle by affixation as provided in this division, or by the procedure described in division (D) of this section has the same force and effect, and potentially subjects both the owner and the operator of the vehicle whose act or omission resulted in the parking infraction, if different, to the same fine and the same penalties, fees, and costs for failure to timely answer or to appear, if a hearing is requested, as if the parking ticket were personally served on both the owner and operator of the vehicle at the time of the violation.

(C) The original of a parking ticket issued pursuant to this section or any true copy of it shall be considered a record kept in the ordinary course of business of the City and of the law enforcement agency whose officer issued it, and shall be prima facie evidence of the facts it contains.

(D) An operator of a vehicle who is not the owner of the vehicle, but who operates it with the express or implied permission of the owner, is the agent of the owner for purposes of the receipt of parking tickets served in accordance with this section and personal service of a parking ticket upon the operator in accordance with this section constitutes constructive service upon the owner. The operator of a rented or leased vehicle whose act or omission resulted in an alleged parking infraction is not considered an agent of the owner if the owner is engaged in the business of renting and leasing vehicles pursuant to a written rental or lease agreement and if the owner follows the procedures set forth in § 8.

(E) Except as provided in § 8, when a parking ticket is issued for a parking infraction and is served pursuant to this section, the operator of the vehicle whose act or omission resulted in the parking infraction for which the ticket was issued and the owner of the vehicle involved in the parking infraction, if different, are jointly liable for the parking infraction and any fine, penalty, fees, and costs arising out of the parking infraction. Any owner of a vehicle who pays any fine, penalty, fee, and cost imposed for a parking infraction may recover the amount paid from the operator of the vehicle whose act or omission resulted in the infraction.

(F) No person upon whom a parking ticket charging a parking infraction is personally or constructively served shall be arrested as a result of the commission of the parking infraction.

4. PARKING VIOLATIONS BUREAU.

(A) The City of South Euclid Parking Violations Bureau is hereby established pursuant to section 4521.04 of the Ohio Revised Code. The Parking Violations Bureau shall be a Division within the office of the Chief of Police. The Parking Violations Bureau has jurisdiction over each parking infraction that occurs within the territory of the City.

(B) The operating costs of the Parking Violations Bureau shall be paid by the City. *City Council shall appoint hearing examiner(s). The Police Chief shall appoint a violations clerk and necessary clerical employees.* No person shall be employed as a hearing examiner unless the person is an attorney admitted to the practice of law in this state or formerly was employed as a law enforcement officer.

(C) The fine, penalties, fees, and costs established for a parking infraction shall be collected, retained, and disbursed by the violations clerk if the parking infraction out of which the fine, penalties, fees, and costs arose occurred within the jurisdiction of the Bureau. The violations clerk shall issue blank tickets for parking infractions to law enforcement officers for the City, and prescribe conditions for issuance and

accountability. The fine, penalties, fees, and costs collected by a violations clerk for a parking infraction shall be disbursed by the clerk to the City.

(D) The Chief of Police has authority to contract with any nongovernmental entity to provide services in processing, collecting, and enforcing parking tickets issued by law enforcement officers and civil judgments and default civil judgments entered pursuant to this ordinance. No contract shall affect the responsibilities of hearing examiners, or the ultimate responsibility of the violations clerk to collect, retain, and disburse fines, penalties, fees, and costs for parking infractions and money paid in satisfaction of judgments and default judgments entered pursuant to this ordinance. All contracts entered into by the violations clerk shall be subject to approval of City Council and the Mayor.

5. ANSWERS, PROCEDURE.

(A) A person who is personally or constructively served with a parking ticket charging a parking infraction may answer the charge by appearing personally before the Parking Violations Bureau or by mail, within ten days from the date of the infraction. The answer shall be in one of the following forms:

(1) An admission that the person committed the infraction, by payment of any fine arising out of the parking infraction;

(2) An admission that the person committed the infraction, with an explanation of the circumstances surrounding the infraction;

(3) A denial that the person committed the infraction and a request for a hearing. If the person desires the presence, at the hearing, of the law enforcement officer who issued the parking ticket, the person must request his presence in his answer.

(B)(1) A person who admits that he committed a parking infraction shall, and a person who admits that he committed a parking infraction with explanation may, when he makes his answer, pay the fine arising out of the infraction admitted to the violations clerk of the Bureau.

(2) A person who admits that he committed a parking infraction with explanation shall submit evidence to the Bureau that explains the circumstances surrounding the parking infraction. The evidence may be submitted in person or, to avoid the necessity of personal appearance, may be sent as affidavits and other documentary evidence by mail. The Bureau, when it receives an answer admitting that a person committed a parking infraction with explanation, shall promptly determine whether the explanation mitigates the fact that the person committed the parking infraction and notify the person, in writing, of its determination.

If the Bureau determines that the explanation mitigates the fact that the person committed the parking infraction, the Bureau shall eliminate or reduce the amount of the fine arising out of the parking infraction. If the fine is eliminated or reduced and the person has previously paid the fine, the amount paid in excess of the revised fine shall be returned to the person; if the fine is eliminated or reduced and the person has not previously paid the fine, the person shall pay only the amount of the revised fine. If the Bureau determines that the explanation does not mitigate the fact that the person committed the infraction, the person owes the entire amount of the fine arising out of the parking infraction, and if the person has not previously paid the fine, the person shall pay the entire amount of the fine. If a person admits that he committed a parking infraction with explanation and the person fails to pay the amount of the fine due within ten days after receiving notice of the Bureau's determination, unless the amount due has previously been paid, the Bureau's determination and the amount of the fine due shall be considered a judgment and shall be treated as if it were a judgment rendered subsequent to a hearing held pursuant to division (B) of § 7.

(3) A person who denies that he committed a parking infraction shall be granted a hearing concerning the infraction. The Bureau shall set a date for the hearing and notify the person, in writing, of the date, time, and place of the hearing. The hearing shall be

conducted by a hearing examiner of the Parking Violations Bureau in accordance with §7

(C) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction fails to timely answer the charge, as provided in division (A) of this section, the Parking Violations Bureau shall issue the proper notifications of infraction pursuant to § 6, and proceed according to that section. Failure to timely answer a charge may result in the imposition of an additional penalty of \$50.00.

(D) The issuance of a parking ticket, the filing of or failure to file an answer by a person personally or constructively served with the ticket, the substance of an answer, the payment of any fine, penalty, fee, and cost, and any other relevant information shall be entered in the records of the Bureau.

6. FAILURE TO ANSWER.

(A) When a person is personally or constructively served with a parking ticket charging the commission of a parking infraction and fails to answer the charge within the time specified in § 5, the Parking Violations Bureau shall send notification of infraction as follows:

(1) If the person who fails to answer was the operator of the vehicle involved in the parking infraction at the time of the commission of the parking infraction and was personally served with the parking ticket, a notification of infraction shall be sent to that person, and additionally, if such person is not the owner of the vehicle, as determined from the records of the Bureau of Motor Vehicles, a notification of infraction also shall be sent to the owner at his most recent address appearing in such records;

(2) If the person who fails to answer was the owner of the vehicle and was constructively served with the parking ticket, a notification of infraction shall be sent to the owner at his most recent address appearing in the records of the Bureau of Motor Vehicles.

(B) A notification of infraction shall be sent within twelve months after the expiration of the time specified in § 5 for the making of an answer, shall be sent by first class mail, and shall contain all of the following:

(1) An identification of the parking infraction with which the person was charged and the time and date of the infraction, which identification may be a copy of the parking ticket;

(2) The amount of the fine, penalties, fees, and costs due;

(3) A warning that the person must answer the parking infraction charged in the ticket within thirty days or a default civil judgment in the amount of the fine, penalties, fees, and costs due may be entered against the person;

(4) A description of the allowable answers that may be made and notification that the person will be afforded a hearing before the Bureau if he denies in his answer that he committed the parking infraction;

(5) An identification of the manner in which and the entity to which an answer may be made;

(6) A warning that if the person fails to appear at a requested hearing, a default civil judgment in the amount of the fine, penalties, fees, and costs due may be entered against the person.

(C) A person who receives a notification of infraction pursuant to this section may answer in any of the ways provided in division (A) of § 5 for answers to parking infractions charged in a parking ticket. An answer under this section shall be made within thirty days after the date on which the notification of infraction was mailed, and shall be in one of the forms specified in divisions (A)(1), (2), and (3) of § 5 for answers to parking infractions charged in a parking ticket, except that if the answer includes

payment of the fine arising out of the parking infraction any penalty, fee, or cost arising out of such infraction also shall be paid. The answer shall be governed by division (B) of § 5 for answers relative to parking infractions charged in a parking ticket, except that any determination of the amount to be paid under an answer admitting the commission of the parking infraction with explanation also shall consider any penalty, fee, or cost arising out of such infraction.

(D) If a person who is issued a notification of infraction fails to timely answer, as provided in division (C) of this section, the failure to answer shall be considered an admission that the person committed the parking infraction, and a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person. Failure to timely answer the parking infraction identified in the notification of infraction may result in the imposition of an additional penalty of \$50.00.

(E) The sending of a notification of infraction, the filing of or failure to file an answer by the person to whom it is sent, the substance of an answer, the payment of any fine, penalty, fee, and cost and any other relevant information shall be entered in the records of the Bureau.

7. HEARING PROCEDURE.

Information in proper form is prima facie evidence that the registered owner of the vehicle was the person who committed the (A) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction or who receives a notification of infraction, in his answer to the charge denies that he committed the infraction, the Parking Violations Bureau shall conduct a hearing to determine if the person committed the infraction. Each hearing shall be conducted by a hearing examiner of the Parking Violations Bureau, in such manner as the hearing examiner considers appropriate. Rules regarding the admissibility of evidence shall not be strictly applied in the hearing, but all testimony shall be under oath.

At the hearing, the City has the burden of proving, by a preponderance of the evidence, that the person committed the parking infraction. If the person, in his answer, denied that he committed the infraction and requested the presence at the hearing of the law enforcement officer who issued the parking ticket, the officer shall be required to attend the hearing unless the hearing examiner determines that the officer's presence is not required. If the officer's presence at the hearing has been requested and the officer is unable to attend the hearing on the day and at the time scheduled, the hearing examiner may grant a reasonable continuance. The person for whom the hearing is being conducted may present any relevant evidence and testimony at the hearing. The person does not have to attend the hearing if he submits documentary evidence to the hearing examiner prior to the day of the hearing.

The City shall submit the original parking ticket that was personally or constructively served on the person or a true copy of that ticket, and information from the Bureau of Motor Vehicles that identifies the owner of the vehicle. The ticket and the parking infraction. The City may present additional evidence and testimony at the hearing. The City does not have to be represented at the hearing by an attorney.

(B)(1) If a person for whom a hearing is to be conducted appears at the scheduled hearing, the hearing examiner shall consider all evidence and testimony presented and shall determine whether the City has established, by a preponderance of the evidence, that the person committed the parking infraction. If the hearing examiner determines that the person committed the infraction, an order indicating the determination as a judgment against the person and requiring the person to pay the appropriate fine and any additional penalties, fees and costs shall be entered in the records of the Parking Violations Bureau.

(2) If a person for whom a hearing is to be conducted fails to appear at the scheduled hearing and fails to submit evidence in accordance with that division, the hearing examiner shall, if he determines from any evidence and testimony presented, by a preponderance of the evidence, that the person committed the parking infraction, enter a default judgment against the person and require the person to pay the appropriate fine

and any additional penalties, fees, and costs. A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.

(3) If a person who is sent a notification of infraction does not timely answer, the hearing examiner of the Parking Violations Bureau shall, if he determines from any evidence and testimony presented to him, by a preponderance of the evidence, that the person committed the parking infraction, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties, fees, and costs. A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.

(4) If the hearing examiner does not determine, by a preponderance of the evidence, that a person in any of the classes described in division (B)(1), (2), or (3) of this section committed the parking infraction, the hearing examiner shall enter judgment against the City, shall dismiss the charge against the person, and enter the judgment and dismissal in the records of the Parking Violations Bureau.

(5) A default judgment entered under this section may be vacated by the hearing examiner who entered it if all of the following apply:

(a) The person against whom the default judgment was entered files a motion with the Parking Violations Bureau within one year of the date of entry of the judgment;

(b) The motion sets forth a sufficient defense to the parking infraction out of which the judgment arose; and

(c) The motion sets forth excusable neglect as to the person's failure to attend the hearing or answer the notification of infraction.

(C) Payment of any judgment or default judgment entered against a person pursuant to this section shall be made to the violations clerk of the Parking Violations Bureau in which the judgment was entered within ten days of the date of entry. All money paid in satisfaction of a judgment or default judgment shall be disbursed by the clerk to the City, and the clerk shall enter the fact of payment and its disbursement in the records of the Bureau. If payment is not made within this period, the judgment or default judgment shall be filed with the Clerk of the South Euclid Municipal Court and when so filed, shall have the same force and effect as a money judgment in a civil action rendered in that court.

As required by RC 4521.08(C), judgments and default judgments filed with the South Euclid Municipal Court pursuant to this division shall be maintained in a separate index and judgment roll from other judgments rendered in that court. Computer printouts, microfilm, microdot, microfiche, or other similar data recording techniques may be utilized to record such judgments. When a judgment or default judgment is filed with the court, execution may be levied, and such other measures may be taken for its collection as are authorized for the collection of an unpaid money judgment in a civil action rendered in that Court. The court may assess costs against the judgment debtor, in an amount not exceeding \$79.00 for each parking infraction, to be paid upon satisfaction of the judgment.

(D) Any person against whom a judgment or default judgment is entered pursuant to this section, and the City, if a judgment is entered against the City pursuant to this section, may appeal the judgment to the South Euclid Municipal Court by filing notices of appeal with the Parking Violations Bureau and the Municipal Court within fifteen days of the date of entry of the judgment and by the payment of such reasonable costs as the Court requires. Upon the filing of an appeal, the Court shall schedule a hearing date and notify the parties of the date, time, and place of the hearing. The hearing shall be held by the Court in accordance with the rules of the Court. Service of notice of appeal under this division by a person does not stay enforcement and collection of the judgment or default judgment from which appeal is taken by the person unless the person who files the appeal posts bond with the Parking Violations Bureau in the amount of the judgment, plus court costs, at or before service of the notice of appeal.

The judgment on appeal to the Municipal Court is final, and no other appeal of the judgment of the Parking Violations Bureau and no appeal of the judgment of the Municipal Court may be taken.

(E) A default judgment entered pursuant to this section may be filed with the Municipal Court under division (C) of this section at any time within three years after the date of issuance of the parking ticket charging the parking infraction out of which the judgment arose. This division applies to any ticket issued for an offense that would be a parking infraction on or after the effective date of this section if the ticket was issued within three years prior to the effective date of this section.

8. NONLIABILITY OF OWNER.

(A) An owner of a vehicle is not jointly liable with an operator of the vehicle whose act or omission resulted in a parking infraction for the parking infraction or any fine, penalty, fee, or cost arising out of the parking infraction if any of the following apply:

(1) The owner answers the charge of the parking infraction under § 5 or 6, the answer denies that he committed the infraction and requests a hearing concerning the infraction, the owner additionally asserts and provides reasonable evidence at that time to prove that the vehicle, at the time of the commission of the parking infraction, was being used by the operator without the owner's express or implied consent, and the Parking Violations Bureau determines that the vehicle was being used without the owner's express or implied consent at that time. If the Bureau does not so determine, it shall conduct the hearing concerning the infraction according to § 7.

(2) The owner answers the charge of the parking infraction under § 5 or 6, the answer denies that he committed the parking infraction, the owner additionally submits evidence at that time that proves that, at the time of the alleged commission of the infraction, the owner was either engaged in the licensed taxicab business or otherwise engaged in the business of renting or leasing vehicles underwritten rental or lease agreements, and the owner additionally submits evidence that proves that, at the time of the alleged commission of the parking infraction, the vehicle in question was in the care, custody, or control of a person other than the owner either pursuant to an employment relationship, if the owner was engaged in the licensed taxicab business, or otherwise pursuant to a written rental or lease agreement. If the owner does not so prove, the Parking Violations Bureau shall conduct a hearing relative to the infraction according to § 7.

(3) The owner, at a hearing concerning the parking infraction conducted in accordance with § 7, proves that the vehicle, at the time of the parking infraction, was being used by the operator without the owner's express or implied consent or proves the facts described in division (A)(2) of this section.

(B) An owner of a vehicle who is either engaged in the licensed taxicab business or otherwise engaged in the business of renting or leasing vehicles underwritten rental or lease agreements, but who does not satisfy the additional requirement of division (A)(2) of this section is not liable for any penalties arising out of a parking infraction involving the vehicle if at the time of the commission of the parking infraction, the vehicle was in the care, custody, or control of a person other than the owner either pursuant to an employment relationship, if the owner was engaged in the licensed taxicab business, or otherwise pursuant to a written rental or lease agreement, and if the owner answers the charge of the parking infraction by denying that he committed the parking infraction or by paying the fine arising out of the parking infraction within thirty days after actual receipt of the parking ticket charging the infraction or, if the owner did not receive the parking ticket, within thirty days after receipt of the notification of infraction.

Proof that the vehicle was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement at the time of the alleged parking infraction shall be established by sending a true copy of the rental or lease agreement or an affidavit to that effect to the Parking Violations Bureau within thirty days after the date of receipt by the owner of the parking ticket charging the infraction or, if the owner did not receive the parking ticket, within thirty days after receipt of the notification of infraction. The submission of a true copy of a written rental or lease agreement or affidavit shall be prima facie evidence that a vehicle was in the care, custody, or control

of a person other than the owner. In addition, any information required by division (A)(2) of this section may be provided on magnetic tape or another computer-readable media in a format acceptable to the City of South Euclid.

9. PARKING TICKET ADOPTED.

The following parking ticket is adopted to be used by law enforcement officers in all cases in which a person is charged with a parking infraction within the City of South Euclid:

(Front)

Offender
Name

License Plate
No.

Vehicle

Parking Infraction
Date of Violation

Type,

Make

or

Model
Time of
Violation

Place of Violation

Below signed officer affirms the facts contained in this parking infraction.

Ptl.

(Back)

The owner-operator of the vehicle designated has been charged with a parking infraction.

You must, within 10 days, answer this infraction by admitting the parking infraction, admitting the parking infraction with an explanation of the circumstances, or denying the parking infraction and requesting a hearing.

Answers may be made in person, by mail or phone to the violations clerk, Parking Violations Bureau,
[address]

Failure to answer within 10 days or to appear at a requested hearing will be considered an admission of this parking infraction, and may result in a default judgment against you and impoundment or immobilization of the designated vehicle, and penalties prescribed by ordinance. *Any parking ticket that does not contain all of the above legal requirements shall be null and void, and shall not be enforced by the Bureau or the Court. Any money collected pursuant to a parking ticket that does not contain all of the above legal requirements shall be refunded to the person owning the vehicle.*

10. PARKING INFRACTION FINES.

The following fines for parking infractions are hereby established:

	If paid within 10 days of the time notice was issued	After 20 10 days but within 30 days from the time notice was issued	After 30 days but prior to the time a civil complaint is issued
351.03 147.04	\$15.00	\$30.00	\$45.00
351.04(f) 147.05 (f)	\$250.00	\$300.00	\$350.00
351.045 147.06	\$15.00	\$30.00	\$45.00
351.06 147.08	\$15.00	\$30.00	\$45.00
351.07 147.09	\$15.00	\$30.00	\$45.00
351.09 147.11	\$15.00	\$30.00	\$45.00
351.10 147.12	\$15.00	\$30.00	\$45.00
351.11 147.13	\$15.00	\$30.00	\$45.00
351.12 147.14	\$15.00	\$30.00	\$45.00
351.14 147.16	\$15.00	\$30.00	\$45.00
351.15 147.17	\$15.00	\$30.00	\$45.00

351.16 147.18 1 st offense	\$20.00	\$30.00	\$60.00
351.16 147.18 2 nd offense	\$30.00	\$50.00	\$100.00
351.18 147.20	\$15.00	\$30.00	\$45.00
351.19 147.21	\$15.00	\$30.00	\$30.00
351.20 147.22	\$15.00	\$30.00	\$45.00
353.03 147.25	\$15.00	\$30.00	\$45.00
353.08 147.30	\$15.00	\$30.00	\$45.00

147.02 POLICE MAY REMOVE UNATTENDED VEHICLE WHICH OBSTRUCTS TRAFFIC.

(a) Whenever any police officer finds a vehicle standing upon a highway in violation of Ohio R.C. 4511.66 or a substantially equivalent municipal ordinance, such officer may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel, where such vehicles constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety. (ORC 4511.67)

147.03 REGISTERED OWNER PRIMA-FACIE LIABLE FOR UNLAWFUL PARKING.

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the record of Ohio Registrar of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima-facie evidence that the vehicle which was unlawfully parked, was so parked by the defendant. A certified registration copy, showing such fact, from the Registrar shall be proof of such ownership.

147.04 PROHIBITED STANDING OR PARKING PLACES.

No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

- (a) On a roadway having less than twenty feet in width;
- (b) On a sidewalk, except a bicycle;
- (c) In front of or within six feet of any private driveway;
- (d) Within an intersection;
- (e) Within ten feet of a fire hydrant;
- (f) On a crosswalk;
- (g) Within 20 feet of a crosswalk at an intersection;
- (h) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign or official traffic control signal located at the side of a roadway;
- (i) Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within seventy-five feet of such entrance, when signs are erected giving notice thereof;
- (j) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
- (k) Alongside of vehicles stopped or parked;
- (l) Upon any bridge or other elevated structure upon a highway or within a highway tunnel; (Ord. 26-70. Passed 11-23-70.)
- (m) At any place where official signs prohibit or limit stopping, standing or parking; (Ord. 21-81. Passed 7-13-81.)
- (n) Within one foot of any parked vehicle;
- (o) In any private driveway, alleyway or areaway between buildings when, in the opinion of the Fire Chief, such parking constitutes a fire hazard or an obstruction to or interference with operation of the fire-fighting equipment of the City;
- (p) Upon the side of the street on which fire hydrants are placed, unless the roadway exceeds 30 feet in width, when signs are erected giving notice thereof; Within 50 feet of any hazardous or congested place, when such standing, stopping or parking would increase such hazard;
- (q) Within 50 feet of any school building or playground when such standing, stopping or parking would cause a hazardous condition;

- (r) Between the sidewalk and roadway;
- (s) No vehicle shall be parked on any lot other than in an enclosed structure thereon or on the driveway from the public right-of-way to the enclosed structure;
(Ord. 26-70. Passed 11-23-70; Ord. 04-08. Passed 1-28-08.)
- (t) Upon time dividing space, barrier or median section of any divided roadway.
(Ord. 21-81. Passed 7-13-81.)

147.05 PARKING NEAR CURB; HANDICAPPED LOCATIONS ON PUBLIC AND PRIVATE LOTS AND GARAGES.

(a) No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, and with the right wheels of the vehicle not more than one foot from the curb or the edge of the roadway, except where parking is permitted on the left side of a one-way street, unless it is impossible to approach so close to the curb, and in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

(b) No vehicle shall be stopped or parked on a road or street with the vehicle facing in a direction other than the direction of travel on that side of the road or street.

(c) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access, and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C. 3781.111(B) shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure five feet. All handicapped parking spaces shall be non-metered.

(d) No person shall stop, stand or park any motor vehicle at special parking locations provided for in subsection (c) hereof or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages or other parking areas and designated in accordance with subsection (c) hereof, unless one of the following applies:

- (1) The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates;
- (2) The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

(e) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle shall be permitted to park for a period of two hours in excess of the legal parking period permitted by the Municipality, except where a local ordinance or police rule provides otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(f) No owner of an office, facility or parking garage where special parking locations must be designated in accordance with subsection (c) hereof shall fail to properly mark the special parking locations as required by that subsection or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

(g) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(h) As used in this section:

- (1) "Handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition,
- (2) "Person with a disability that limits or impairs the ability to walk" means any

person who, as determined by a physician or chiropractor, meets any of the following criteria:

- A. Cannot walk 200 feet without stopping to rest;
 - B. Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
 - C. Is restricted by a lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest;
 - D. Uses portable oxygen;
 - E. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association;
 - F. Is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition.
- (3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under Ohio R.C. 4503.41 or 4503.44, and also mean any substantially equivalent license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty. (i) Whoever violates division (f) of this section shall be subject to the following penalties:
- (1) Except as provided in this division (i)(2), the offender shall be issued a warning;
 - (2) If the offender previously has been convicted of or pleaded guilty to a violation of ~~violated~~ division (f) of this section, the offender shall not be issued a warning but shall be fined twenty-five dollars (\$25.00) for each parking location that is not properly marked or whose markings are not properly maintained.
 - (3) ~~Whoever violates any other provisions of this section shall be fined an amount not to exceed two hundred fifty dollars (\$250.00) but in no case shall the offender be sentenced to any term of imprisonment.~~

147.06 COMMERCIAL VEHICLES - PARKING IN STREET.

(a) No person shall park a truck, trailer, semi-trailer or other commercial vehicle, as defined in Section 724.06(d), in a roadway at any time in front of or alongside of property used for residential purposes, except in case of a breakdown of such truck, trailer or semi-trailer, or commercial vehicle, for loading and unloading purposes, or for service-related work.

(b) Notwithstanding any provision of this Code, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over or under a street, may stop, stand or park where necessary in order to perform such work, provided a flagman is on duty, or warning signs or lights are displayed as may be prescribed by the State, (Ord. 19-06. Passed 4-10-06.)

147.07 MOVING ANOTHER'S VEHICLE INTO PROHIBITED PARKING PLACE.

No person, except authorized police personnel, shall move a vehicle not owned by or lawfully in charge of such person into any area in which parking is prohibited or away from a curb to such distance as is not lawful.

147.08 SELLING, WASHING OR REPAIRING VEHICLE UPON ROADWAY.

No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying such vehicle for sale;
- (b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

147.09 UNATTENDED VEHICLE; DUTY TO STOP ENGINE, REMOVE KEY, SET BRAKE AND TURN WHEELS.

- (a) (1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.
- (2) The requirements of this section relating to the stopping of the engine, locking of the ignition, and removing the key from the ignition of a motor vehicle shall not apply to an emergency vehicle or a public safety vehicle.
(ORC 4511.661)

~~(b) Except as otherwise provided in this division, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the third degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the second degree.~~

147.10 OPENING VEHICLE DOOR ON TRAFFIC SIDE. (REPEALED)

(EDITOR'S NOTE: Section ~~351.08~~ 147.10 was repealed by Ordinance 28-06, passed May 22, 2006. Please see Section 331.43.)

147.11 TRUCK ZONES.

(a) No person shall stop, stand or park any vehicle other than a commercial vehicle in any place marked as a truck zone during the hours when such zone is reserved for loading purposes.

(b) No person shall stop, stand or park a commercial vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a truck zone during the hours when the provisions applicable to truck zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.

(Ord. 61-56. Passed 7-23-56.)

147.12 BUS STOPS AND TAXICAB STANDS.

(a) The Director of Public Safety is hereby authorized and required to establish bus stops and taxicab stands on such public streets in such places and in such number as he determines to be of the greatest benefit and convenience to the public, and every bus stop and taxicab stand shall be designated by appropriate signs.

(b) No driver of any vehicle other than a bus shall stand or park such vehicle in an officially designated bus stop, and no driver of any vehicle other than a taxicab shall stand or park such vehicle in an officially designated taxicab stand, except that the driver of any passenger vehicle may temporarily stop such vehicle in any such stop or stand for the purpose of and while actually engaged in the loading or unloading of passengers.

(c) No driver of any bus or taxicab shall stand or park upon any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers. (Ord. 61-56. Passed 7-23-56.)

147.13 PARKING IN NARROW STREETS AND ALLEYS.

(a) No person shall stop, stand or park any vehicle upon a street, other than an alley, in such manner or under such conditions as to leave available less than 18 feet of the width of the roadway for the free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations, official traffic control devices or signals of a police officer.

(b) No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic. (Ord. 61-56. Passed 7-23-56.)

147.14 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

(a) (1) Upon any highway, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway if it is practicable to stop, park, or so leave such vehicle off the paved or main traveled part of the highway. In every event a clear and unobstructed portion of the highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.

(2) This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled

vehicle in such position. (ORC 4511.66)

~~(b) Except as otherwise provided in this division, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the third degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the second degree.~~

147.15 PARKING ON POSTED PRIVATE PROPERTY. (REPEALED)

(EDITOR'S NOTE: Section ~~351-13~~ 147.13 was repealed as part of the 1999 updating and revision of these Codified Ordinances. See Section ~~351-20(a)~~ 147.22.)

147.16 ALL-NIGHT PARKING PROHIBITED.

No person shall park a vehicle on any street or highway in the City between the hours of 2:00 a.m. and 6:00 a.m. on any day, except bona-fide emergency vehicles and physicians on emergency house calls. Nothing herein contained shall limit the authority of the Director of Public Safety to further limit or entirely prohibit parking between such hours at places which he may from time to time designate and cause to be marked with appropriate signs.

(Ord. 24-81. Passed 7-13-81.)

147.17 PARKING IN DRIVEWAYS.

(a) No person shall cause or permit any vehicle or other obstacle to stand or remain in the driveway beside or in such close proximity to any apartment house in the City as to obstruct the free passage of the City's Fire Department apparatus along such driveway.

(b) No person shall cause or permit any vehicle to stop, stand or park at any time in any public or private driveway, alleyway, lane or other areaway within ten feet of any building occupied by, or designed to be occupied by, more than two families, except for such time as is absolutely necessary for the taking on or unloading of passengers or merchandise.

(Ord. 61-56. Passed 7-23-56.)

147.18 EMERGENCY PARKING BAN.

(a) Whenever the Mayor, or in his absence the Director of Public Safety, or in the absence of the Director of Public Safety, the Director of Service shall declare an emergency to exist, by reason of heavy accumulation of snow or other cause, parking of any vehicles, except for immediate loading or unloading of passengers, shall be prohibited during the duration of such emergency on all streets within the confines of the city.

Such ban shall commence one hour after the first announcement by radio or television stations that such emergency has been declared.

Upon the declaration of an emergency by reason of heavy accumulation of snow, as hereinbefore provided, the prohibition of parking of any vehicles shall be extended to include all Municipally owned parking lots between the hours of 3:00 a.m. to 6:00 a.m. If the snow ban emergency is removed as to its application to City streets, but, the Municipally owned parking lots have not been cleared, then, in such event, the prohibition of parking in the Municipally owned lots shall continue daily between the hours of 3:00 a.m. to 6:00 a.m. until such lots have been cleared and the parking ban removed by the City.

Whenever any police officer finds a vehicle standing upon a street or highway, or in any of the Municipally owned parking lots in violation of the foregoing provisions, he may order removal of such vehicle, or require the driver or other person in charge of the vehicle to remove the same.

~~(b) Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree, and in the case of removal of the vehicle by the Police Department, towing and storage charges shall be charged to the owner of the removed vehicle.~~

~~(Ord. 35-79. Passed 12-26-79.)~~

147.19 EMERGENCY AND PUBLIC SAFETY VEHICLES.

The provisions of this chapter regulating the parking and standing of vehicles shall apply to authorized public safety and emergency vehicles, except that a driver when operating any such vehicle in an emergency, and when not otherwise directed by a police officer, may park or stand notwithstanding the provisions of this chapter.

(Ord. 20-73. Passed 4-2-73.)

147.20 PARKING ON PUBLIC PROPERTY OTHER THAN STREETS.

(a) The parking of vehicles on public property other than streets shall be prohibited without

the consent of the proper governmental agency in charge of such public property.

(b) No vehicle shall be parked on public property in violation of the rules and regulations established by the governmental agency controlling such public property.

(c) The provisions of division (b) of this section shall not be applicable unless the public property is posted in a conspicuous manner setting forth the prohibition of parking or the conditions and regulations under which parking is permitted.

(Ord. 45-78. Passed 10-23-78.)

147.21 WILLFULLY LEAVING VEHICLES ON PRIVATE OR PUBLIC PROPERTY.

(a) Impounding Abandoned Motor Vehicle on Public Property; Notice; Disposition

- (1) The Police Chief of the municipality may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in *Ohio* R.C. 4513.63, that has come into the possession of the Police Chief as a result of the Police Chief's duties or that has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer without notification to the Police Chief of the reasons for leaving the motor vehicle in such place, except that when such motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately. The Police Chief shall designate the place of storage of any motor vehicle so ordered removed.
- (2) The Police Chief immediately shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the owner and any lienholder of a motor vehicle ordered into storage by the Police Chief, and if known, shall send or cause to be sent notice to the owner or lienholder at his or her last known address by certified mail with return receipt requested, that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of mailing of the notice. The owner or lienholder of the motor vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle. If the owner or lienholder of the motor vehicle reclaims it after a search of the records of the Bureau has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the owner of the place of storage or the owner's employee, and the notice was sent to the motor vehicle owner by the owner of the place of storage or the owner's employee, the owner or lienholder shall pay to the place of storage a processing fee of \$25, in addition to any expenses or charges incurred in the removal and storage of the vehicle.
- (3) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing the notice, and if the vehicle is to be disposed of at public auction as provided in *Ohio* R.C. 4513.62, the Police Chief, without charge to any party, shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of *Ohio* R.C. 4513.61. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Police Chief. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in *Ohio* R.C. 4513.62, the Police Chief shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed, and that all requirements of *Ohio* R.C. 4513.61 have been complied with, The Police Chief shall retain the original of the affidavit for his or her records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within 30 days of the presentation, will issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.
- (4) Whenever a motor vehicle salvage dealer or other facility receives such an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility is not required to obtain a state certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.
(ORC 4513.61)

(b) Abandonment of Junk Motor Vehicle Prohibited.

- (1) A. No person shall willfully leave an abandoned junk motor vehicle, as defined in

Ohio R.C. 4513.63, on private property for more than 72 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 48 hours or longer without notification to the Police Chief of the reason for leaving the motor vehicle in such place.

- B. For purposes of this division (b)(1), the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.
- C. Nothing contained in this section and Ohio R.C. 4513.60, 4513.61 and 4513.63 shall invalidate or prevent the enactment of further provisions of municipal ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property, or private property within the Municipality.

(ORC 4513.64)

- (2) Whoever violates this division (b) ~~is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 303.99(b) and shall also be assessed any costs incurred by the Municipality in disposing of such abandoned junk motor vehicle, less any money accruing to the Municipality from such disposal.~~

147.22 **PARKING PROHIBITIONS ON PRIVATE PROPERTY; PRIVATE TOW-AWAY ZONES.**

(a) 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:

- (1) Park a vehicle on the property without the owner's consent;
- (2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.

(ORC 4511.681)

(b) (1) The owner of private property may establish a private tow-away zone only if all of the following conditions are satisfied:

A. The owner posts on the owner's property a sign that is at least 18 inches by 24 inches in size, that is visible from all entrances to the property, and that contains at least all of the following information:

- 1. A notice that the property is a private tow-away zone and that vehicles not authorized to park on the property will be towed away;
- 2. The telephone number of the person from whom a towed-away vehicle can be recovered, and the address of the place to which the vehicle will be taken and the place from which it may be recovered;
- 3. A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge, in an amount not to exceed ~~ninety dollars (\$90.00)~~, **one hundred twenty five dollars (\$125.00)**, and a storage charge, in an amount not to exceed ~~twelve dollars (\$12.00)~~ **twenty dollars (\$20.00)** per 24-hour period; except that the charge for towing shall not exceed ~~one hundred fifty dollars (\$150.00)~~ **two hundred dollars (\$200.00)**, and the storage charge shall not exceed twenty dollars (\$20.00) per 24-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer.

B. The place to which the towed vehicle is taken and from which it may be recovered is conveniently located, is well lighted, and is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipality in which the private tow-away zone is located.

- (2) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (b)(1) without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner or the owner's agent may remove, or cause the removal of, the vehicle, the owner and the operator of the vehicle shall ~~be~~ deemed to have consented to the removal and storage of the vehicle and to the payment of the towing and storage charges specified in division (b)(1)A.3 of this section, and the owner, subject to division (c) of this section, may recover a vehicle that has been so removed only in accordance with division (e) of this section.

- (3) If the Municipality requires tow trucks and tow truck operators to be licensed, no owner of private property located within the Municipality shall remove or shall cause the removal and storage of any vehicle pursuant to division (b)(2) of this section by

an unlicensed tow truck or unlicensed tow truck operator.

- (4) Divisions (b)(1) through (3) of this section do not affect or limit the operation of Ohio R.C. 4513.60 through 4513.65 as they relate to property other than private property that is established as a private tow-away zone under division (b)(1) of this section.

(c) If the owner or operator of a vehicle that has been ordered into storage pursuant to division Ohio R.C. 4513.60(A) or of a vehicle that is being removed under authority of division (b)(2) of this section arrives after the vehicle has been prepared for removal but prior to its actual removal from the property, the owner or operator shall be given the opportunity to pay a fee of not more than one-half of the charge for the removal of vehicles under Ohio R.C. 4513.60(A) or of vehicles under division (b)(2) of this section, whichever is applicable, that normally is assessed by the person who has prepared the vehicle for removal, in order to obtain release of the vehicle. Upon payment of that fee, the vehicle shall be released to the owner or operator, and upon its release, the owner or operator immediately shall move it so that:

- (1) If the motor vehicle was ordered into storage pursuant to Ohio R.C. 4513.60(A), it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable;
- (2) If the vehicle was being removed under authority of division (b)(2) of this section, it is not parked on the private property established as a private tow-away zone without the consent of the owner or in violation of any posted parking condition or regulation.

- (d) (1) If an owner of private property that is established as a private tow-away zone in accordance with division (b)(1) of this section or the authorized agent of such an owner removes or causes the removal of a vehicle from that property under authority of division (b)(2) of this section, the owner or agent promptly shall notify the Police Department, the vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered.

- (2) The Police Chief shall maintain a record of vehicles that the Police Chief orders into storage pursuant to Ohio R.C. 4513.60(A) and of vehicles removed from private property in the Police Chief's jurisdiction that is established as a private tow-away zone of which the Police Chief has received notice under division (d)(1) of this section. The record shall include an entry for each such vehicle that identifies the vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a particular vehicle shall be provided to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the vehicle and requests information pertaining to its location.

- (3) Any person who registers a complaint that is the basis of the Police Chief's order for the removal and storage of a vehicle under Ohio R.C. 4513.60(A) shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(e) The owner of a vehicle that is ordered into storage pursuant to Ohio R.C. 4513.60(A) or of a vehicle that is removed under authority of division (b)(2) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed ~~ninety dollars (\$90.00)~~ **one hundred twenty five dollars (\$125.00)**, and storage, in an amount not to exceed ~~twelve dollars (\$12.00)~~ **twenty dollars (\$20.00)** per 24-hour period; except that the charge for towing shall not exceed ~~one hundred fifty dollars (\$150.00)~~ **two hundred dollars (\$200.00)**, and the storage charge shall not exceed twenty dollars (\$20.00) per 24-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle also shall be required for reclamation of the vehicle. If a vehicle that is ordered into storage pursuant to Ohio R.C. 4513.60(A) remains unclaimed by the owner for 30 days, the procedures established by Ohio R.C. 4513.61 and 4513.62 shall apply.

(f) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under division (b)(1.) of this section other than in accordance with division (b)(2) of this section, and no person shall remove, or cause the removal of, any motor vehicle from any other private property other than in accordance with Ohio R.C. 4513.60 through 4513.65,

- ~~(g) (1) Whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree.~~
~~(2) Whoever violates division (b)(3) of this section is guilty of a misdemeanor of the fourth degree.~~
~~(3) Except as otherwise provided in this division, whoever violates division (f) of this section is guilty of a misdemeanor of the fourth degree. If the offender has been convicted of or pleaded guilty to a violation of division (1) of this section or Ohio R.C. 4513.60(F), whoever violates division (f) of this section is guilty of a misdemeanor of the third degree.~~

147.23 ESTABLISHMENT OF PARKING METER AREAS.

The Director of Public Safety is hereby authorized and directed to establish and mark off streets or parts thereof, as have been or may from time to time be designated by ordinance for the limited parking of automobiles, and other parking areas and zones, including Municipal off-street parking lots, in and on which the allowable parking shall be as prescribed by the provisions of the ordinances of the City applicable to parking upon such streets or other areas or zones, including Municipal parking lots.

(Ord. 70-60. Passed 11-14-60.)

147.24 PARKING METER RATES.

(a) Whenever a vehicle is parked in a metered parking zone where a parking meter has been installed, the person parking such vehicle shall deposit in the parking meter a coin of United States money of the denomination designated on the plates attached to the parking meter, if such meter displays a signal showing that legal parking is only permitted on such deposit. The coin required in any metered parking zone, except as herein otherwise provided, shall be as follows:

- (1) One nickel for each 24 minutes.
- (2) One dime for each 48 minutes.
- (3) One quarter for each 120 minutes.
- (4) Two quarters for special ten hour meters.

(Ord. 9-85. Passed 7-22-85.)

(b) Notice to the public shall be given by appropriate signs setting forth the length of time parking is permitted and the conditions thereof. Such notice may be placed upon the parking meter stand or in the immediate vicinity thereof. Vehicles shall be parked entirely within a metered parking zone at each place where such zones are established as provided in Section ~~353.01~~ 147.23 and are so marked off.

(Ord. 9-63. Passed 3-11-63.)

(c) The provisions of this section shall not apply to vehicles parked upon streets of the City or upon Municipal off-street parking areas between the hours of 6:00 p.m. and 8:00 a.m. of the following day and on Sundays and the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day. ~~except that for the Cedar Warrensville off-street parking area, the same shall not apply between the hours of 12:00 midnight and 8:00 a.m. the following morning, and on Sundays and the holidays herein set forth.~~

(Ord. 10-96. Passed 3-25-96.)

147.25 COMPLIANCE WITH METER RULES.

(a) No person shall park or cause or permit to be parked, any vehicle owned or operated by such person in any parking space without depositing the coins designated in Section ~~353.02~~ 147.24 in the slot provided in such parking meter.

(b) No person shall cause or permit any vehicle registered in his name to be parked overtime or beyond a lawful period of time prescribed by or in accordance with the provisions of this chapter.

(c) No person shall cause or permit any vehicle owned or operated by such person to be parked across any line designating a metered parking zone. The fact that a vehicle is in a metered parking zone when the time signal on the parking meter for the same shows no parking permitted, unless a deposit of a coin is made as provided in this section, shall be deemed prima-facie evidence of the unlawful parking of such vehicle by its owner.

(Ord. 61-56. Passed 7-23-56.)

147.26 COLLECTION OF COINS.

The Finance Director shall have charge of the collecting of coins deposited in parking meters.

(Ord. 61-56. Passed 7-23-56.)

147.27 USE OF FUNDS.

The coins required to be deposited under the provisions of Section ~~353.02~~ **147.24** and the fines accruing from the parking violations in metered zones are levied and assessed as fees to provide for the proper regulation and control of traffic upon the public streets; to cover the cost of supervising and regulating the parking of vehicles in the parking meter zones and areas created hereby; to acquire, purchase, construct, maintain and operate off-street parking facilities; and to cover the cost of the rental, purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of parking meters, parking lots and parking facilities and the expense of the cost of the clearing, cleaning, operating and maintaining the off-street parking lots owned or leased by the City and for collection of fines resulting from any parking violations. Any surplus in the fund established from the collection of coins and fines, and hereby designated the Parking Lot and Parking Meter Fund, may from time to time be transferred to the General Fund by order of Council.

(Ord. 27-63. Passed 5-27-63.)

147.28 RESERVATION OF POWERS.

Nothing in this chapter shall be construed as prohibiting the City from providing bus stops, taxicab stands and other zones of similar nature, including zones for the loading or unloading of trucks, vans or other commercial vehicles.

(Ord. 61-56. Passed 7-23-56.)

147.29 PRIMA-FACIE EVIDENCE OF VIOLATION.

In any hearing ~~in the Municipal Court~~ **of the Parking Violations Bureau** on a charge of illegal parking of a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this chapter, and further testimony that the records of the Ohio Registrar or Deputy Registrar of Motor Vehicles show that such license plate was issued to the defendant, shall be prima-facie evidence that the vehicle which was unlawfully parked, was so parked by the defendant. A certified copy showing such fact from the Registrar or Deputy Registrar shall be proof of such ownership.

(Ord. 61-56. Passed 7-23-56.)

147.30 PARKING BY PERMIT.

(a) General Provisions. In any Municipal parking lot, where there is an established parking zone designated as a "Permit Only Parking", a person properly displaying a parking permit purchased for each such vehicle in accordance with the terms herein specified.

(1) Permits shall not be issued to any type of trailer, construction equipment or equipment used in the landscaping business.

(2) A permit may be issued to any commercial vehicle owned by a merchant having a place of business within the City and which vehicle is used by the owner or an employee in connection with such business. The vehicle shall not exceed the weight limits defined in Section 339.02 and must adhere to current parking restriction for the parking lot where the vehicle is parked.

(b) Permit Fee and Renewal Schedule. The Traffic Commissioner shall issue a parking permit, upon payment. Permits so issued shall expire on December 31 of the year issued, and may be

renewed up to January 10 of the year following the year of issuance. Permits purchased after the fifteenth day of the next month, except that all permits issued in January shall cost the following:

(1) Rushton Municipal Parking Lot and Mayfield/Green Parking Lot. A fee of eighty dollars (\$80.00) per calendar year. The Rushton Lot is located along Rushton Road and extends onto Dean Road. The Mayfield/Green Municipal Lot is located on the southwest corner of Mayfield and South Green.

~~(2) Stanhope Municipal Parking Lot. A fee of one hundred dollars (\$100.00) per calendar year will be collected per calendar year. Permit holders in the Stanhope Municipal Lot shall be allowed to park a vehicle overnight (2:00 a.m. to 6:00 a.m.) in the permit spaces only. Any vehicle owned by a merchant having a place of business within the Cedar Center Municipal Parking Lot and registered to the business will be charged five dollars (\$5.00).~~

(c) Issuance and Display. All permits issued under this section shall be placed on the rearview mirror and shall be visible so as to be readable through the front windshield. Any person to display a permit in a way different than the above shall be in violation of this section.

(d) Replacement of Permits.

(1) Lost or stolen permits: Lost or stolen permits may be replaced upon presentation for inspection of the permit vehicle to the Traffic Commissioner. A five dollar (\$5.00) fee shall be charged for reissue.

(2) New vehicles: A replacement permit shall be issued upon payment of a five dollar (\$5.00) fee if a vehicle that was properly issued a permit is disposed of, provided that the original permit, or sufficient portions thereof, is removed prior to disposing of the vehicle and presented to the Traffic Commissioner prior to issuance of a new permit. Failure to provide adequate proof of removal shall result in the charge of a prorated fee for the replacement permit.

(3) All other City ordinances, rules and regulations not specifically abrogated herein shall remain in full force and effect.

(Ord. 14-92. Passed 5-11-92; Ord. 14-04. Passed 3-8-04.)

147.99 PENALTY.

~~(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty if no specific penalty is provided.)~~ Refer to Section 147.01 (10) "Parking Infraction Fines."

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Ohio Revised Code.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for further reason that all rules and regulations related to the parking of motor vehicles should be contained within one chapter of the codified ordinances. Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law