

ORDINANCE NO. 2017-74
INTRODUCED BY: MR. NEWELL

4062

**AN ORDINANCE
AMENDING CHAPTERS 351 AND 353 OF THE CODIFIED
ORDINANCES AND AMENDING SECTIONS 351.03(f) AND (m),
351.14, 353.03, 353.05, 353.06 AND 353.07 REGULATING PARKING
IN METERED AND NON-METERED ZONES AND AMENDING
CODIFIED ORDINANCE SECTION 353.03 REGULATING
PARKING IN METERED ZONES AND DECLARING AN
EMERGENCY.**

WHEREAS, Codified Ordinance Chapter 351 regulates parking in non-metered zones and Chapter 353 regulates parking in metered zones; and

WHEREAS, the Village Council has determined that Chapters 351 and 353 should be updated, to improve consistency between the chapters and increase fines.

WHEREAS, Codified Ordinance Section 353.03 is no longer current and needs to be revised to eliminate the requirement for different colors for times permitted for parking, and to acknowledge that parking may be paid for using a mobile phone application; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, STATE OF OHIO:

SECTION 1. Sections 351.03(f) and (m), of the Codified Ordinances, are hereby amended to add the following at the end of each subsection:

(f) Within twenty feet of a crosswalk at an intersection, except when expressly permitted by signage and/or street markings and when designated on the Traffic Control Map;

(m) Upon any bridge or other elevated structure upon a street, except when expressly permitted by signage and/or street markings and when designated on the Traffic Control Map;

SECTION 2. The second paragraph of Codified Ordinance Section 351.14, the full text of which follows, is hereby repealed:

This section does not apply to employees of the Village, who, by permit granted by the Mayor or his appointee, may park overnight in a municipal parking lot in areas to be designated by the Mayor.

SECTION 3. The first paragraph of Section 353.03 of the Codified Ordinances is hereby amended in its entirety to read as follows:

Whenever a vehicle is parked in a metered parking zone where a parking meter has been installed, the person parking such vehicle shall either (i) register the vehicle in a Village of Chagrin Falls approved mobile parking application system and pay for the parking permitted by such meter by payment through a mobile parking application system approved and used by the Village of Chagrin Falls, where the parking meter payment may be made by a mobile payment application system when so designated, or (ii) deposit in such parking meter a coin of United States money of the denomination designated on the plates attached to such parking meter, if such meter displays the signal showing that legal parking is only permitted on such deposit. If such parking meter requires the movement of a lever or other device, as well as the deposit of a coin, to cause the meter to operate, the person so depositing the coin shall immediately so move the lever as to set the meter in operation. The coins required to deposit in parking meters shall be set forth on the parking meter. Notice to the public shall be given by appropriate signs setting forth the length of time for which parking is permitted, the hours when payment for metered parking is required within the Village and the conditions for parking either using a mobile parking payment application system or paying by depositing coins in the parking meter. The notice may be upon the parking meter stand or in the immediate vicinity. Any vehicle which remains in a metered parking zone after the prescribed time for parking has elapsed is hereby determined to be illegally parked. At each place where metered parking zones are so established as provided in Section 353.01, and are so marked off, each vehicle shall be parked entirely within a metered parking zone.

SECTION 4. The existing first paragraph of Codified Ordinance Section 353.03, the full text of which follows, is hereby repealed:

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 such parking meter a coin of United States money of the denomination designated on the plates attached to such parking meter, if such meter displays the signal showing that legal parking is only permitted on such deposit. If such parking meter requires the movement of a lever or other device, as well as the deposit of a coin, to cause the meter to operate, the person so depositing the coin shall immediately so move the lever as to set the meter in operation. The coins required in parking meters shall be either one penny, one nickel, one dime, one quarter or any combination thereof, depending upon the designation of the time period set forth on the parking meter. The following colors designate the different time of the parking meter zones: thirty minutes is yellow; one hour is gold; two hours is green; and four hours is gray. Notice to the public shall be given by appropriate signs setting forth the length of time for which parking is permitted and the conditions thereof. These may be upon the parking meter stand or in the immediate vicinity. Any vehicle which remains in a metered parking zone after the prescribed time for parking has elapsed is hereby determined to be illegally parked. At each place where metered parking zones are so established as provided in Section 353.01, and are so marked off, each vehicle shall be parked entirely within a metered parking zone.

SECTION 5. As amended, the first paragraph of Section 353.03, with strikeouts for deletions and underlining for additions, reads in its entirety as amended by this Ordinance as follows:

Whenever a vehicle is parked in a metered parking zone where a parking meter has been installed, the person parking such vehicle shall either (i) register the vehicle in a Village of Chagrin Falls approved mobile parking application system and pay for the parking permitted by such meter by payment through a mobile application system approved and used by the Village of Chagrin Falls, where the parking meter payment may be made by a mobile payment application system when so designated, or (ii) deposit in such parking meter a coin of United States money of the denomination designated on the plates attached to such parking meter, if such meter displays the signal showing that legal parking is only permitted on such deposit. If such parking meter requires the movement of a lever or other device, as well as the deposit of a coin, to cause the meter to operate, the person so depositing the coin shall immediately so move the lever as to set the meter in operation. The coins required to deposit in parking meters shall be either one penny, one nickel, one dime, one quarter or any combination thereof, depending upon the designation of the time period set forth on the parking meter. The following colors designate the different time of the parking meter zones: thirty minutes is yellow; one hour is gold; two hours is green; and four hours is gray. Notice to the public shall be given by appropriate signs setting forth the length of time for which parking is permitted and the conditions thereof. These, the hours when payment for metered parking is required within the Village and the conditions for parking either using a mobile payment application system or paying by depositing coins in the parking meter. The notice may be upon the parking meter stand or in the immediate vicinity. Any vehicle which remains in a metered parking zone after the prescribed time for parking has elapsed is hereby determined to be illegally parked. At each place where metered parking zones are so established as provided in Section 353.01, and are so marked off, each vehicle shall be parked entirely within a metered parking zone.

SECTION 6. The first sentence of Section 353.05 of the Codified Ordinances is hereby amended in its entirety to read as follows:

In any hearing before the Mayor, or other magistrate or the Bedford Municipal Court, having jurisdiction over 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 chapter, and further testimony that the records of the Registrar or the Deputy Registrar of Motor Vehicles for the State 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.

SECTION 7. The first sentence of Section 353.05 of the Codified Ordinances, the full text of which follows, is hereby repealed:

In any hearing before the Mayor or other magistrate having jurisdiction over 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 chapter, and further testimony that the records of the Registrar or the Deputy Registrar of Motor Vehicles for the State 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.

SECTION 8. As amended, the first sentence of Section 353.05 of the Codified Ordinances, with strikeouts for deletions and underlining for additions, reads in its entirety as amended by this Ordinance as follows:

In any hearing before the Mayor, or other magistrate or the Bedford Municipal Court, having jurisdiction over 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 chapter, and further testimony that the records of the Registrar or the Deputy Registrar of Motor Vehicles for the State 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.

SECTION 9. Section 353.06 of the Codified Ordinances is hereby amended in its entirety to read as follows:

A member of the Police Department, as designated by the Chief of Police, shall have charge of the collection of the coins deposited in parking meters and shall deposit the same on the day collected with the local bank depository for the Village of Chagrin Falls, as determined by Ordinance of the Village Council. A complete and accurate record shall be maintained at all times of the time and amount of each collection, and a receipt for each deposit, indicating the number of coin bags received at the local bank depository for the Village shall be provided by such officer to the Clerk of Council.

SECTION 10. Section 353.06 of the Codified Ordinances, the full text of which follows, is hereby repealed:

A member of the Police Department, as designated by the Chief of Police, shall have charge of the collection of the coins deposited in parking meters and shall deposit the same on the day collected with the Clerk of Council. A complete and accurate record shall be maintained at all times of the time and amount of each collection.

SECTION 11. As amended, Section 353.06 of the Codified Ordinances, with strikeouts for deletions and underlining for additions, reads in its entirety as amended by this Ordinance as follows:

A member of the Police Department, as designated by the Chief of Police, shall have charge of the collection of the coins deposited in parking meters and shall deposit the same on the day collected with the local bank depository for the Village of Chagrin Falls, as determined by Ordinance of the Village Council, Clerk of Council. A complete and accurate record shall be maintained at all times of the time and amount of each collection, and a receipt for each deposit, indicating the number of coin bags received at the local bank depository for the Village shall be provided by such officer to the Clerk of Council.

SECTION 12. Codified Ordinance Section 353.07 is hereby amended in its entirety to read as follows:

The coins required to be deposited under the provisions of Section 353.06, or payment made by other means, including payment made by a mobile application payment system authorized by the Village is hereby levied as a regulation and inspection fee to cover the cost of inspection and regulation involved in the inspection, installation, operation, control and use of metered parking zones and parking meters mentioned herein and in checking and regulating the parking spaces where parking meters have been installed. The payments shall be made to the general fund and shall be applied as determined by Village Council.

SECTION 13. Section 353.07 of the Codified Ordinances, the full text of which follows, is hereby repealed:

The coins required to be deposited under the provisions of Section 353.06 are hereby levied as a regulation and inspection fee to cover the cost of inspection and regulation involved in the inspection, installation, operation, control and use of metered parking zones and parking meters mentioned herein and in checking and regulating the parking spaces where parking meters have been installed and for the general purpose of maintenance of the Police Department, insofar as it affects the regulation of traffic.

SECTION 14. As amended, Section 353.07 of the Codified Ordinances, with strikeouts for deletions and underlining for additions, reads in its entirety as amended by this Ordinance as follows:

The coins required to be deposited under the provisions of Section 353.06 are or payment made by other means, including payment made by a mobile application payment system authorized by the Village is hereby levied as a regulation and inspection fee to cover the cost of inspection and regulation involved in the inspection, installation, operation, control and use of metered parking zones and parking meters mentioned herein and in checking and regulating the parking spaces where parking meters have been installed, and for The payments shall be made to the general purpose of maintenance of the Police Department, insofar fund and shall be applied as it affects the regulation of traffic determined by Village Council.

SECTION 15. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 16. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 17. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the inhabitants of the Village and for the further reason that changes to be made for parking violations are necessary to conform to recent changes made in the parking regulations in order to provide for a comprehensive parking program, to provide consistency and to provide for more available parking spaces within the Village; wherefore provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: November 13, 2017



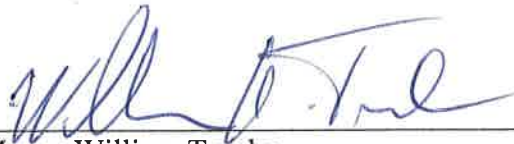
Karl Maersch, Council President

Submitted to the Mayor for
his approval on this

14 day of November, 2017

Approved by the Mayor this

14 day of November, 2017



Mayor William Tomko

I hereby certify that Ordinance No. 2017- 74 was duly enacted on the 13 day of November, 2017, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council