

**ORDINANCE NO.: 2017- 10  
INTRODUCED BY: MR. BERKOBAIN**

**3998**

**AN ORDINANCE  
ESTABLISHING RULES AND REGULATIONS FOR OFF-STREET PARKING LOTS IN THE VILLAGE OF CHAGRIN FALLS, CREATING A NEW CHAPTER 355 – MUNICIPAL PARKING LOTS IN THE TRAFFIC CODE, PROHIBITING PARKING WITHOUT A PERMIT WHEN REQUIRED BY ORDINANCE OR BY RULES AND REGULATIONS ADOPTED BY THE CHIEF ADMINISTRATIVE OFFICER, AND DECLARING AN EMERGENCY.**

WHEREAS, R.C. 717.05 authorizes the Village of Chagrin Falls to establish, maintain, and operate within its corporate limits, off-street parking lots for motor vehicles, and in connection therewith to acquire by purchase, gift, devise, exchange, lease, or sublease any existing off-street parking lot or any real estate or interest therein required for such parking lots; and

WHEREAS, the Village Council deems it appropriate to, acquire off-street parking lots and to establish rule and regulations for the operation and maintenance thereof; and

WHEREAS, the Village Council has determined that a new Chapter 355 shall be adopted in the Traffic Code to add the following provisions; and

WHEREAS, the Village Council has, and will in the future, by ordinance, authorize the Village Police Department to issue permits for parking on certain streets in the Village, and it is necessary to provide for enforcement of permit parking and to establish penalties and fines for violation of parking permit restrictions.

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

Section 1. Codified Ordinance Chapter 355 is hereby created, which chapter shall read as follows:

**CHAPTER 355  
MUNICIPAL PARKING LOTS AND PERMIT PARKING**

**355.01 CHIEF ADMINISTRATIVE OFFICER TO ESTABLISH, CONSTRUCT, MAINTAIN AND OPERATE.**

When Council by resolution determines that an off-street parking lot for motor vehicles should be established in a designated location, the Chief Administrative Officer shall be authorized to lay out, establish, construct, continue existing facilities and maintain and operate

such facilities upon receipt of indentures of conveyances, in form approved by the Director of Law, of the titles to the several parcels of land comprising such location and/or of easements therein, and/or of leasehold interests therein. The estates so conveyed to the Village may be conditional upon establishment and/or maintenance of such off-street parking lots. The Village may discontinue the operation of any such lot at any time, whereupon the Village shall return all its estates in such land to the grantors, or lessors except that if the Village has paid full compensation for and acquired a fee simple title in any of such lands, title thereto shall remain in the Village.

#### 355.02 REQUEST TO ESTABLISH AND OPERATE OFF-STREET PARKING.

When any person or entity requests that the Village establish and operate an off-street parking lot for motor vehicles in a designated location, or assume control and operation of an existing parking lot, or part thereof, they shall furnish the Chief Administrative Officer with the following:

- (a) Assurance satisfactory to the Chief Administrative Officer that such person or entity can procure delivery to the Village of indentures of conveyances as described in Section 355.01;
- (b) Drawings describing such property and the proposed improvements thereof, if any; and
- (c) Estimates of the cost of laying out, establishment and construction of such facility.

The Chief Administrative Officer shall report such request to Council with such data and with such additional information as he considers appropriate and shall make recommendations for such action as he shall consider proper.

#### 355.03 APPROPRIATIONS AND SITE IMPROVEMENTS.

If Council by resolution determines that an off-street parking lot for motor vehicles should be established and maintained on any proposed site, or to assume control and operation of an existing parking lot, or part thereof, and makes designation or appropriation of the money necessary to lay out, establish, construct, or maintain such facility, and if and when the Chief Administrative Officer shall have received the indentures of conveyances as described in Section 355.01, the Chief Administrative Officer shall proceed to designate, and if necessary, grade, drain, surface and otherwise improve or maintain such site in such manner and with such structures as have been or may be approved by Council, either by contract or by force account according to law as may be determined.

#### 355.04 RULES AND REGULATIONS.

- (a) It shall be the duty of the Chief Administrative Officer to prepare rules and regulations for the operation of any off-street parking lot owned, operated or controlled by the Village. If rental charges are deemed necessary or desirable, a schedule of such charges is to be made for the use of parking thereon and a recommendation of the number of parking meters to be installed, if any, or of permits charging a fee to be issued, if any, shall be reported to Council. Council thereupon shall by ordinance approve such rules and regulations, such schedule of rental charges, as recommended by the Chief Administrative Officer or as modified by Council, and

shall determine the number of parking meters to be installed, or permits charging a fee issued, whereupon such rules and regulations and the rental charges, if any, shall become the legal rules and regulations governing the operation of such parking lot and enforceable by law as hereinafter provided.

(b) The Chief Administrative Officer is hereby authorized to establish and promulgate such rules and regulations as are not inconsistent with the provisions of this chapter, governing the operation and control of Municipal parking lots of the Village. All users of the Municipal parking lots, including permit holders shall be subject to all the terms, conditions and penalties provided by this chapter and to the rules and regulations established by the Chief Administrative Officer.

(c) The Chief Administrative Officer may cause stop signs to be installed in Village-owned or operated parking lots at the intersection of two or more lanes of travel. The operator of a vehicle shall stop in obedience to a stop sign so installed and shall yield the right of way to all other vehicles not so obliged to stop.

(d) The Chief Administrative Officer or Police Chief may cause to be moved to any other location upon the parking lot, any vehicle which is so parked as to prevent or impede the removal of snow or any work of maintenance with respect to the lot, which removal shall be at the risk and expense of the owner of the vehicle.

(e) No person shall operate any vehicle on any of the parking lots at a speed in excess of ten (10) miles per hour, or without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles upon the parking lots.

(f) The Chief Administrative Officer, in any off-street parking lot operated by the Municipality, may designate spaces for the parking of motor vehicles of operators and employees of business establishments or offices, or residences in the same building as such offices or business establishments located in the vicinity of the lot. When such designation of spaces has been made and is posted by clearly visible signs, no person who is not an employee or operator of a business establishment or office located in the vicinity of the lot shall park any vehicle, or cause or knowingly permit any vehicle under his control to be or remain parked on any part of the parking lot so designated.

#### 355.05 USE OF METERS OR PARKING BY PERMIT.

(a) No person shall park or stand a motor vehicle upon or in any off-street parking lot in violation of the rules and regulations then in force governing the use and operation of such lot or without paying the rental charge therefor if any.

(b) If, with respect to any off-street parking lot, or Municipal street, the rules and regulations adopted provide that parking upon such lot, or a portion of such lot, or street shall be by virtue of permit only, no person shall park or stand any passenger vehicle, truck, trailer or other equipment in such lot or portion of such lot, or street unless they are the holder of a permit which is in full force and effect and issued by the Village Police Department pursuant to the provisions of this chapter, and parked in compliance with the permit for that vehicle.

355.06 PERMIT APPLICATION AND ISSUANCE; PERMIT TRANSFER; DELEGATION OF AUTHORITY TO ISSUE PERMITS.

(a) Anyone desiring to park in a permit only off-street lot, or a permit only portion of an off-street lot of the Village or someone eligible to park by permit on a street may make application to the Village Police Department on forms prescribed by the Village Police Department for the privilege of using the off-street parking lot or Municipal street for parking. When the application is approved by the Village Police Department, the Village Police Department shall issue a permit to the applicant, which shall entitle the applicant to park a passenger vehicle described in such application in a space within the parking lot or on a street specified in the permit during the time period covered by such permit.

(b) Any permit issued under the provisions of this chapter shall not be transferable to another owner.

(c) The Village Police Department may make allowances to delegate the task of issuing permits only, but not the enforcement of any provision of this chapter, to another entity provided that said entity can give adequate assurance satisfactory to the Chief Administrative Officer that such entity can adequately administer the task of issuing parking permits in conformity with the provisions of this Chapter. Any such entity shall be permitted to issue permits subject to, and with the oversight of, the Village Police Department.

355.07 AFFIXING PERMIT.

The permittee shall affix, and maintain at all times, the permit issued under the provisions of this chapter within the passenger vehicle described in his application in a position plainly visible from the outside as designated upon the permit itself, or as modified, in writing on the permit, by the Village Police Department, based on the type of vehicle the permit will be placed in, or the set location where the vehicle will be parked.

355.08 PERMIT REVOCATION FOR VIOLATION.

In addition to the penalties provided in Section 303.99, the Village Police Department shall also have authority to revoke any permit for failure on the part of the permittee to comply with the provisions of this Chapter or with the rules and regulations as established by the Chief Administrative Officer.

355.09 PARKING INOPERATIVE OR UNLICENSED MOTOR VEHICLES.

No person shall park any motor vehicle in a Municipal parking lot or on a Municipal street which is inoperative or does not display the current lawfully required license plates and registration tags.

355.10 RESTRICTIONS ON HOURS OF PARKING ON MUNICIPAL PARKING LOTS; PERMITS AND FEES.

(a) The Chief Administrative Officer, or his designee, may prohibit the overnight parking of vehicles on Municipal parking lots between the hours of 12:01 a.m. and 6:00 a.m. or at such

other hours between these times as the Chief Administrative Officer, or his designee, shall determine, provided signs are posted with the hours thereon in which parking is prohibited. In establishing the times in which vehicles shall not be permitted to be parked on any particular Municipal parking lot, the Chief Administrative Officer, or his designee, shall consider the type of business or businesses in the immediate area and the hours in which these businesses operate.

(b) When signs have been properly installed restricting any parking on any Municipal parking lot, no person shall park or cause or knowingly permit any vehicle within that person's control to be parked or remain parked upon the parking lot between such hours.

(c) The Chief Administrative Officer, or his designee, may cause special overnight parking permits for off-street parking lots to be sold or issued to any resident or guest thereof at a price, if any, to be determined by the Chief Administrative Officer for each one month period. When such special parking permit is displayed on the resident's or guest's vehicle, such resident or guest may park their vehicle overnight in designated areas of designated parking lots, as determined by the Chief Administrative Officer, or his designee, and shall not be deemed to be in violation of the overnight parking restrictions. Vehicles parked overnight in accordance with this section shall be removed from such parking lot by 8:00 a.m. each day except Sunday.

(d) The Chief Administrative Officer, or his designee, may restrict the time limit of any space in any off-street parking lot operated by the Municipality not inconsistent with the needs of the operators of business establishments. When such restrictions of time are posted by clearly visible signs, no person shall park any vehicle or cause or knowingly permit any vehicle under such person's control to remain parked longer than the time permitted by such signs.

SECTION 2. 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 3. 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 4. 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 the Village has just authorized permit parking on W. Cottage Street and will be enforcing permit parking in the Chagrin Plaza, and in order to assure permit parking enforcement and collection of parking violations within the Village of Chagrin Falls; 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: \_\_\_\_\_

**\*\*TABLED 3-13-17\*\***

\_\_\_\_\_  
Council President

Submitted to the Mayor for  
approval on this \_\_\_\_ day of \_\_\_\_\_, 2017

Approved by the Mayor this  
\_\_\_\_ day of \_\_\_\_\_, 2017

ATTEST:

\_\_\_\_\_  
Clerk of Council

*TABLED - 3-13-17*  
\_\_\_\_\_  
Mayor