

**ORDINANCE NO. 2017-75**  
**INTRODUCED BY: MR. NEWELL**

**4063**

**AN ORDINANCE  
AMENDING CHAPTER 351 OF THE CODIFIED  
ORDINANCES AND AMENDING SECTION 351.17 (a) – (b),  
REGULATING PARKING IN NON-METERED ZONES AND  
ESTABLISHING FINES 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 should be updated, to increase fines and to create consistent fines.

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

SECTION 1. Sections 351.17(a) and (b), of the Codified Ordinances, are hereby amended in their entirety to read as follows:

- (a) Whoever violates any provisions of this chapter, except Section 351.03 (q) or 351.04 (f), may execute and file with the Clerk or Deputy Clerk of the Bedford Municipal Court who is on duty at the Village Police Department an instrument waiving the formal issuance of an affidavit and warrant, together with the reading of such affidavit and the right to be present personally at the trial of such action, and further waiving the right of appeal in error, and authorizing a plea of guilty to be entered and the defendant submitted to the mercy of the Court, and upon depositing with the Clerk or Deputy Clerk the sum of Twenty Dollars (\$20.00) within thirty (30) days of the date of the citation, or if not deposited within thirty (30) days of the citation, by depositing with the Clerk or Deputy Clerk the sum of Forty Dollars (\$40.00) within thirty-one (31) to sixty (60) days from the date of the citation, and if not deposited within sixty (60) days of the date of the citation, deposit with the Clerk or Deputy Clerk of the Bedford Municipal Court the sum of Sixty Dollars (\$60.00) and the Police Department shall notify the Bureau of Motor Vehicles to place a registration block upon the vehicle cited until the fine is deposited if not deposited within sixty (60) days of the citation date, and in which event the violator shall pay the cost, if any, to remove the registration block when the fine is deposited, may be fined such amounts by the Court.

Existing Sections 351.17 (a) and (b), the full text of which follows, is hereby repealed:

(a) Whoever violates any of the provisions of this chapter except Section 351.03(q) or 351.04(f) may execute and file with the Clerk or Deputy Clerk of the Bedford Municipal Court who is on duty at the Chagrin Falls Village Hall an instrument waiving the formal issuance of an affidavit and warrant, together with the reading of such affidavit and the right to be present personally at the trial of such action, and further waiving the right of appeal in error, and authorizing a plea of guilty to be entered and the defendant submitted to the mercy of the Court, and upon depositing with such Clerk or Deputy Clerk the sum of money listed in section (b) hereof within seventy-two (72) hours of the date of citation (Sundays and legal holidays excluded), or upon depositing with the Clerk or Deputy Clerk twice the sum of money listed in section (b) hereof if paid after seventy-two (72) hours from the date of the citation (Sundays and legal holidays excluded), may be fined such amount by the Court.

(b) The schedule of fines for violations identified and paid in accordance with paragraph (a) hereof shall be as follows:

(1) If it is the first violation within any six (6) month period, the fine shall be ten dollars (\$10.00);

(2) If it is the second violation within any six (6) month period the fine shall be twenty dollars (\$20.00);

(3) If it is the third or more violation within any six (6) month period, the fine shall be forty dollars (\$40.00).

Section 351.17 (c) shall be re-lettered as Section 351.17(b) upon codification of this Ordinance.

SECTION 2. As amended, Sections 351. 17(a) and (b) of the Codified Ordinances, with strikeouts for deletions and underlining for additions, reads in its entirety as amended by this Ordinance as follows:

(a) Whoever violates any of the provisions of this chapter, except Section 351.03(q) or 351.04(f), may execute and file with the Clerk or Deputy Clerk of the Bedford Municipal Court who is on duty at the Chagrin Falls Village Hall Police Department an instrument waiving the formal issuance of an affidavit and warrant, together with the reading of such affidavit and the right to be present personally at the trial of such action, and further waiving the right of appeal in error, and authorizing a plea of guilty to be entered and the defendant submitted to the mercy of the Court, and upon depositing with such the Clerk or Deputy Clerk the sum of Twenty Dollars (\$20.00) within thirty (30) days of the date of the citation, or if not deposited within thirty (30) days of the citation, by depositing with the Clerk or Deputy Clerk the sum of Forty Dollars (\$40.00) within thirty-one (31) to sixty (60) days from the date of the citation, and if not deposited within sixty (60) days of the date of the citation, deposit with the Clerk or Deputy Clerk of the Bedford Municipal Court the sum of Sixty Dollars (\$60.00) and the Police Department shall notify the Bureau of Motor Vehicles to place a registration block upon the vehicle cited until the fine is deposited if not deposited within sixty (60) days of the citation date, and in which event the violator shall

~~pay the cost, if any, to remove the registration block when the fine is deposited, money listed in section (b) hereof within seventy two (72) hours of the date of citation (Sundays and legal holidays excluded), or upon depositing with the Clerk or Deputy Clerk twice the sum of money listed in section (b) hereof if paid after seventy two (72) hours from the date of the citation (Sundays and legal holidays excluded), may be fined such amounts by the Court.~~

~~—(b) The schedule of fines for violations identified and paid in accordance with paragraph (a) hereof shall be as follows:~~

~~—(1) If it is the first violation within any six (6) month period, the fine shall be ten dollars (\$10.00);~~

~~—(2) If it is the second violation within any six (6) month period the fine shall be twenty dollars (\$20.00);~~

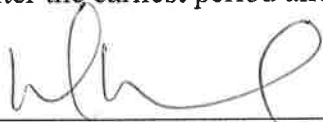
~~—(3) If it is the third or more violation within any six (6) month period, the fine shall be forty dollars (\$40.00).~~

SECTION 3. 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 4. 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 5. 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 to parking fines and to conform to recent changes in metered parking payment provisions need to go into effect immediately in order to provide for a comprehensive parking program in the Village, 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

  
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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- 75 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.

  
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Clerk of Council