

ORDINANCE NO. 1-00

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James Singer ON THE 21st DAY OF FEBRUARY, 2000

AN ORDINANCE AMENDING ORDINANCE 24-99 AND SECTION 452.04 OF THE CENTERVILLE MUNICIPAL CODE TO COMPLY WITH THE AMENDMENTS TO SECTION 4511.69 OHIO REVISED CODE

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That Ordinance 24-99 and Section 452.04 of the Centerville Municipal Code be and the same are hereby amended as follows:

452.01 MANNER OF PARALLEL AND ANGLE PARKING; HANDICAPPED PERSONS.

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than twelve inches from the curb, unless it is impossible to approach so close to the curb; 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) 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 flagperson is on duty, or warning signs or lights are displayed as may be prescribed by the State.

(d) 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 (C) 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. If a new sign or replacement sign designating a special parking location is posted on or after the effective date of this amendment, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

(e) No person shall stop, stand or park any motor vehicle at special parking locations provided for in subsection (d) 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 (d) 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.

(f) Any motor vehicle that is parked in a special marked parking location in violation subsection (e) hereof may be towed or otherwise removed from the parking location by the law police department. A motor vehicle that is towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the City for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the City for towing and storing motor vehicles.

(g) If a person is charged with a violation of subsection (e) hereof, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in Division (A)(1) of Section 4503.44 of the Revised Code.

(h) 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 is 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.

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

(j) 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.

(k) 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 sixty 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 similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty.
(ORC 4511.69)

(l) Upon streets or other public ways or places where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or markings.

- (m) Whoever violates subsection ~~(g)~~ (i) hereof shall be subject to the following penalties:
- (1) Except as provided in paragraph ~~(k)~~ (m)(2) hereof, the offender shall be issued a warning;
 - (2) If the offender previously has been issued a warning or convicted of or pleaded guilty to a violation of subsection ~~(g)~~ (i) hereof, 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.

Whoever violates subsection e(1) or (2) hereof is guilty of a misdemeanor and shall be fined not less than two hundred fifty nor more than five hundred dollars, but in no case shall the offender be sentenced to any term of imprisonment.

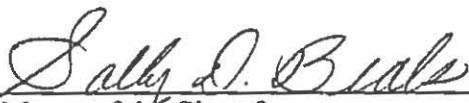
Arrest or conviction for a violation of subsection e(1) or (2) hereof does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

Every fine collected under this section shall be paid by the clerk of the court to the city in the manner prescribed for the purposes set forth in section 4511.99, Ohio Revised Code. (ORC 4511.99)

Whoever violates any other provision of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 408.01.
(ORC 4511.99(F), (L))

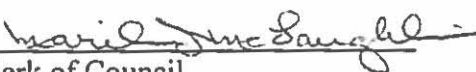
Section 2. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 21st day of February, 2000.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 1-00, passed by the Council of the City of Centerville, Ohio on the 21st day of February, 2000.

Wanda J. [Signature]
Clerk of the Council

Approved as to form, consistency with the Charter and
Constitutional Provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney