

ORDINANCE NO. 17-93
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton ON THE
16th DAY OF August, 1993.

AN EMERGENCY ORDINANCE ENACTING AMENDMENTS TO
CHAPTER 76 OF THE CENTERVILLE MUNICIPAL CODE IN
ORDER TO RESTORE SECTIONS OF THE CITY'S PARKING
REGULATIONS WHICH WERE INADVERTENTLY OMITTED
DURING THE LAST CODIFICATION.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the Centerville Municipal Code is hereby amended
by the following additions to Chapter 76: PARKING REGULATIONS. The
language to be omitted shall be designated by strikeout type and new matter shall
be indicated by italics:

§76.04 PARKING PROHIBITIONS.

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 title, or while
obeying the directions of a police officer or a traffic control device, in any of the
following spaces:

- (A) on a sidewalk *or street lawn area* except a bicycle;
- (B) in front of a public or private driveway;
- (C) within an intersection;
- (D) within 10 feet of a fire hydrant;
- (E) on a crosswalk;
- (F) within 20 feet of a crosswalk at an intersection;
- (G) within 30 feet of, and upon the approach to, any flashing beacon,
stop sign, or traffic control device;
- (H) between a safety zone and the adjacent curb or within 30 feet of
points on the curve immediately opposite the ends of a safety zone,
unless a different length is indicated by a traffic control device;
- (I) within 50 feet of the nearest rail of a railroad crossing;
- (J) within 20 feet of a driveway entrance to any fire station and, on the
side of the street opposite the entrance to any fire station, within 75
feet of the entrance when it is properly posted with signs;
- (K) along side or opposite any street excavation or obstruction when
such standing or parking would obstruct traffic;

- (L) along side any vehicle stopped or parked at the edge or curb of a street;
- (M) upon any bridge or elevated structure upon a highway, or within a highway tunnel;
- (N) at any place where signs prohibit stopping; *standing or parking, or where the curbing is painted yellow, or at any place in excess of the maximum time limited by signs;*
- (O) within one foot of another parked vehicle;
- (P) on the roadway portion of a freeway, expressway, or throughway;
- (Q) on bicycle path;
- (R) on bridal path.

(R.C. §4511.68) Penalty, See §70.99

§76.05 PARKING NEAR CURB; PRIVILEGES FOR HANDICAPPED.

The following addition and renumbering is made to the above-captioned section:

(H) *this section does not apply upon streets or parts thereof where angle parking is lawfully permitted.*

(I)(H) as used in this section HANDICAPPED PERSON has the same meaning as in R.C. §4503.44. (R.C. §4511.69)

(J)(I) whoever violates division (A), (C), or (F) of this section is guilty of a minor misdemeanor. (R.C. §4511.99(F)) Penalty, See §70.99

§76.06 MANNER OF ANGLE PARKING.

Upon streets 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.

§76.06 ESTABLISHMENT OF FIRE LANES AND PARKING PROHIBITION shall be renumbered §76.07.

§76.08 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.*

§76.09 *UNATTENDED VEHICLE; DUTY TO STOP ENGINE, SET BRAKE ON GRADE, REMOVE KEY.*

No person shall park or permit a motor vehicle to stand unattended upon any street, highway or other public place without first stopping the engine. If the vehicle is standing upon any grade, such person shall set the parking brake, set the proper gear or effectively turn the wheels so as to prevent any movement of the unattended vehicle down the grade.

No operator of a motor vehicle shall permit it to stand unattended without removing the key from such vehicle.

§76.10 *BOARDING OR LEAVING STOPPED VEHICLES.*

No person shall enter or leave or open the door of a parked or stopped motor vehicle on the side of such vehicle next to moving traffic unless such person has exercised due care that such action can be made with reasonable safety, nor shall any person leave a door open on the side of a vehicle next to moving traffic for a period of time longer than is reasonably necessary to load or unload.

§76.11 *TRUCK LOADING ZONES.*

No person shall stop, stand or park a 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 loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.

§76.12 *BUS STOPS AND TAXICAB STANDS.*

(a) *No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately posted, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone, and then only for a period not to exceed three minutes, if such stopping is not prohibited therein by posted signs.*

(b) The operator of a bus shall not stop, stand or park such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated and posted as such, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated and posted as such. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

**§76.13 PARKING IN ALLEYS AND NARROW STREETS;
EXCEPTIONS.**

No person shall stop, stand or park any vehicle upon a street 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, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic control signal.

Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley.

**§76.14 PROHIBITION AGAINST PARKING ON STREETS OR
HIGHWAYS.**

Upon any street or highway outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the street or highway if it is practicable to stop, park or so leave such vehicle off the paved or main traveled part of such street or highway. In every event, a clear and unobstructed portion of the street or 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 street or highway.

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 street or 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; Ord. 16-59. Passed 11-30-59).

§76.15 DISPLAYING ADVERTISING.

No person shall park upon a street any vehicle displayed for sale, or operate or park on any street any vehicle for the primary purpose of displaying advertising. (Ord. 16-59. Passed 11-30-59).

§76.16 RESTRICTIONS ON STREET SALES OF FROZEN DESSERTS.

- (a) No person who is the owner or operator of a vehicle from which ice cream, soft drinks, milk shakes, lemonade or other similar product is sold shall operate or permit the operation of said vehicle upon the streets of the City without first having obtained a permit for the same from the City Manager or his designate.*
- (b) Any person desiring to secure a permit for the operation of a vehicle on the streets of the City as described in (a) above may secure same by doing the following:
 - (1) Completing an application for a sales permit in a form as prescribed by the City Manager.*
 - (2) Payment of an annual permit fee of Thirty five Dollars (\$35.00).*
 - (3) Submit said vehicle for inspection by a police officer of the City to assure compliance with the safety laws of the State of Ohio; the Safety provision contained in the Centerville Municipal Code and to assure compliance with the provisions of this section and successfully pass said inspection.**
- (c) Upon compliance with the provisions of paragraph (b) hereof, the City Manager or his designate shall issue the permit and a sticker evidencing the issuance of said permit. Said sticker shall be prominently displayed on said vehicle at all times during its operation upon the streets of the City.*

- (d) *It shall be unlawful for any person to cause traffic noise from the operation of any such vehicle described herein at a sound level in excess of 70dBA (decibels A-weighted scale) measured at a distance of not less than fifteen feet from such vehicle and the sound measuring meter.*
- (e) *The vehicles described herein may only be operated for sales purposes within the corporate limits of the City between the hours of 11:00 o'clock A.M. and 8:30 o'clock P.M.*
- (f) *No person shall sell, offer for sale or dispense from a vehicle which is owned or operated by him, to any other person standing upon the paved portion of a street any ice cream, soft drinks, milk shakes, lemonade or other similar product. Such items shall be sold, offered for sale or dispensed only from the right hand (curb side) of such vehicle.*

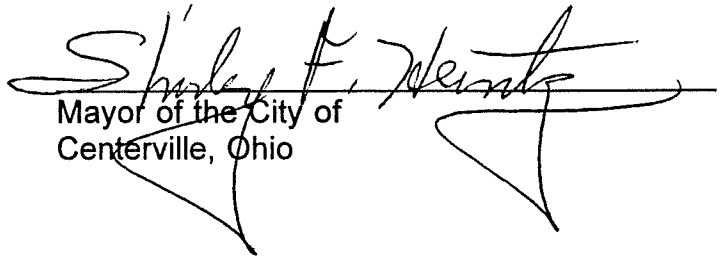
Vehicles used for the above described purposes shall be operated or parked so as not to obstruct or impede the normal movement of traffic. When any vehicle is parked or stopped and the above items are being sold or dispensed, the vehicle shall be parked or stopped with the curb side wheels parallel with and not more than twelve inches from the curb. Flashing lights shall be operated continuously at all times when such vehicle is parked or stopped so as to be clearly visible to drivers of other vehicles approaching such vehicle from the front or rear.

§76.18 REGISTERED OWNER PRIMA-FACIE LIABLE FOR UNLAWFUL PARKING.

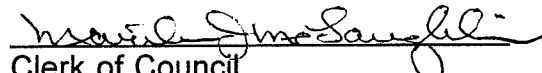
In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this title, and further testimony that the record of the Ohio Registrar of Motor Vehicles shows that the license plate 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.

Section 2. This Ordinance is hereby declared to be an emergency and shall become effective immediately upon passage. An emergency affecting public health, safety and welfare is hereby declared to exist by virtue of the fact that through an omission in a previous codification important parking regulations affecting safety were accidentally omitted.

PASSED THIS 16th day of August, 1993.

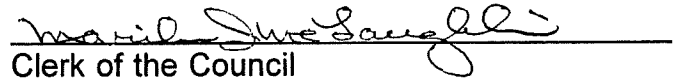

Mayor of the City of
Centerville, Ohio

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. 17-93, passed by the Council of the City of Centerville, Ohio on the 16th day of August, 1993.


Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney,