

Ordinance No. 817-2023

Desk copy prepared for the September 18, 2023 meeting

AN EMERGENCY ORDINANCE

To amend Sections 131.78, 131.79, 401.33, 403.04, 453.01, 453.02, 453.03, 453.04, 455.01, 455.05, 455.07, 455.09 and 455.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to parking rates, parking meters, and municipal parking facilities.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 131.78, as amended by Ordinance No. 979-2019, passed September 30, 2019,

Section 131.79, as amended by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 401.33, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 403.04, as amended by Ordinance No. 2255-05, passed December 8, 2008,

Section 453.01, as amended by Ordinance No. 1394-14, passed April 13, 2015,

Sections 453.02 and 453.03, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Sections 453.04 and 455.01, as amended by Ordinance No. 1495-87, passed November 23, 1987, and

Sections 455.05, 455.07, 455.09, and 455.10, as amended by Ordinance No. 1525-81, passed June 29, 1981,

are amended to read as follows:

Section 131.78 Parking Fees

(a) The Commissioner of Parking Facilities shall cause to be collected fees and charges, which include tax, at the following parking facilities under the following schedule:

(1)	Willard Park Garage:	
	A. First hour or portion thereof	\$3.25 <u>Up to \$5.00</u>
	B. Each additional half hour or portion	\$1.50 <u>Up to \$2.00</u>

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	C. Daily maximum rate from 5:00 a.m. to 11:00 p.m.	up to \$15.00 <u>Up to \$20.00</u>
	D. Additional overnight charge from 11:00 p.m. to 5:00 a.m.	up to \$15.00 <u>Up to \$20.00</u>
	E. General monthly rate	up to \$125.00 <u>Up to \$175.00</u>
	F. 1. Special monthly rate for City employees	<u>\$55.00</u>
	2. Special monthly rate for federal, state and county employees	up to \$125.00 <u>Up to \$200.00</u>
	G. Special events (flat rate —pay enter)	up to \$30.00 <u>Up to \$60.00</u>
	H. Charge for lost or stolen key card	\$50.00
	I. Late payment charge	\$5.00
	J. Early Bird Rate (time to be determined by the Director of Public Works)	Up to \$10.00 <u>Up to \$15.00</u>
	K. Special Event flat rate in conjunction with City Hall Rotunda rental (for weekend <u>wedding events only</u>)	\$450.00 <u>Up to \$600.00</u>
(2)	Canal Basin Lot:	
	A. Daily rate from 6:00 a.m. to 6:00 p.m. (flat rate —pay enter)	up to \$3.00 <u>Up to \$10.00</u>
	B. General monthly rate (weekdays between 6:00 a.m. and 6:00 p.m.)	up to \$40.00
	C. B. Special events, weekdays between 6:00 p.m. and 6:00 a.m., weekends and holidays (flat rate —pay enter)	up to \$10.00 <u>Up to \$50.00</u>
	D. Late payment charge	\$5.00
	E. Charge for lost or stolen key card	\$50.00
(3)	North Coast Municipal Parking Lot:	
	A. Daily rate (flat rate —pay enter) (cars, SUVs, small trucks)	up to \$5.00 <u>Up to \$10.00</u>
	B. Daily rate (flat rate —pay enter) (RVs, buses, oversize trucks, trailers)	\$35.00 <u>Up to \$50.00</u>
	C. City of Cleveland employees	No charge
	D. General monthly rate – non-City of Cleveland employees	up to \$75.00 <u>Up to \$100.00</u>
	E. Special events (flat rate —pay enter)	up to \$30.00 <u>Up to \$50.00</u>
	F. Charge for lost or stolen key card	\$50.00
	G. Late payment fee	\$5.00
	H. Overnight Rate (RVs, buses, oversize trucks, trailers)	\$75.00 <u>\$80.00</u>
	I. Overnight Rate (cars, SUVs, small trucks)	\$25.00 <u>\$30.00</u>
(4)	West Side Market Parking Lot, includes the Hicks portion <u>Lot</u> :	

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A. First ninety (90) <u>sixty (60)</u> minutes or portion thereof between 6:00 a.m. to 6:00 p.m.	Free
B. Each additional hour or portion thereof	\$1.00 <u>Up to \$3.00</u>
C. Daily maximum rate. Day concludes at 3:00 a.m.	up to \$10.00 <u>Up to \$20.00</u>
D. General monthly rate	\$75.00 <u>Up to \$150.00</u>
E. Charge for lost or stolen key card	\$50.00
F. Late payment fee	\$5.00

(b) Wherever the schedule contained in division (a) of this section specifies a maximum fee, the fee to be charged shall be fixed by the Commissioner of Parking Facilities with the consent of the Director of Public Works up to the maximum specified.

(c) Monthly rate customer parking privileges at Willard Park Garage, Canal Basin Lot, and North Coast Municipal Parking Lot do not include entry to these garages and lots for special events held on weekends, holidays or after ~~6:00~~ 5:00 p.m. on weekdays.

(d) Fees collected from the Willard Park Garage, Canal Basin Lot, West Side Market Parking Lot, and North Coast Municipal Parking Lot shall be credited to the Division of Parking Facilities Enterprise Fund for general operations.

(e) After expenses are paid for both the West Side Market Parking Lot and the Hicks Lot, net fees collected from the Hicks Lot shall be credited to the Division of Parking Facilities Enterprise Fund for capital expenses at the West Side Market Parking Lot, market house and arcade.

(f) The Commissioner of Parking Facilities shall fix and collect the fees and charges as the Commissioner shall determine at parking facilities not identified in division (a) of this section but under the Commissioner’s control until the Council and the Board of Control fix fee schedules for the parking facilities.

(g) Notwithstanding any provision in this section to the contrary, the Commissioner of Parking Facilities shall:

- (1) Designate ten (10) parking spaces in Willard Garage located as close as practical to the entrance to City Hall to be assigned by the Director of Public Works to City employees with the greatest number of years seniority as a City employee; and
- (2) Designate a sufficient number of parking spaces located either in the North Mall Lot or in Willard Garage for City employees who are employed to clean City Hall and who begin work at 3:00 p.m. or later and work later than the closing of Willard Garage.

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(h) In addition to the schedule contained in division (a) of this section, the Commissioner of Parking Facilities may enter into agreements with the sponsors of events that wish to reserve specific parking spaces in the Willard Park Garage, or the North Coast Municipal Parking Lot that provide for the payment by the sponsor of up to ~~thirty dollars (\$30.00)~~ sixty dollars (\$60.00) per parking space.

Section 131.79 Parking Fees for Community Development and Public Works Surface Lots

The Commissioner of Parking Facilities shall collect fees and charges at surface parking lots under the control of the Department of Community Development and Public Works under the following schedule:

Daily rate (flat rate-pay enter)	up to \$10.00 <u>\$20.00</u>
Special rate (flat rate-pay enter)	up to \$15.00 <u>\$60.00</u>
Monthly rate (flat rate-pay enter)	up to \$140.00 <u>\$200.00</u> per month

Section 401.33 Parking Meter

~~“Parking meter” means any mechanical device placed or erected upon a Municipal parking facility or in a metered parking zone which indicates thereon the legal parking time established by the City, and when operated by the deposit of coins, parking tokens or by the insertion of a parking key or parking card, indicates the allowable legal parking time and, at the expiration of such period of time, indicates illegal or overtime parking.~~ “Parking meter” means any mechanical or electronic device used, placed, installed, or erected upon a Municipal parking facility or in a metered parking zone where it is indicated thereon the legal parking time established by the City or otherwise on property that is owned, leased, or operated by the City. A parking meter includes, but is not limited to, single space meters, multi-space meters, and parking mobile payment applications authorized by the City.

Section 403.04 Downtown Parking Area

(a) Except as provided herein and in Chapter 451 no regulation adopted pursuant to Section 403.03 shall limit the time of parking nor prohibit parking between ~~6:30-10:00~~ p.m. and 7:00 a.m. upon streets or parts of streets within the ~~downtown parking area~~ Downtown Parking Area as defined in ~~subsection (c) hereof~~ division (c) of this section. Any regulations ~~which~~ that specifically state otherwise are hereby disapproved, and signs evidencing such regulations or otherwise contrary to this section shall be removed. ~~The Director of Public Works, in the Director’s discretion, may exempt provisions of this section on an as-needed basis.~~

(b) Notwithstanding any provision of the Codified Ordinances to the contrary, any parking meter space in the ~~downtown parking area~~ Downtown Parking Area shall be free of charge on the day after Thanksgiving (“Black Friday”) and ~~December 26th.~~ New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day,

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Thanksgiving Day, the day after Thanksgiving Day ("Black Friday"), Christmas Day, and the day after Christmas Day.

(c) As used in this section, ~~"downtown parking area"~~ "Downtown Parking Area" means the area bounded by Lake Erie from the Cuyahoga River to the easterly line of East 30th Street extended; the easterly lines of East 30th Street connected from Lake Erie to Carnegie Avenue; the southerly line of Carnegie Avenue from East 30th Street to East 9th Street; the easterly line of East 9th Street to Carnegie Avenue; the southerly line of Carnegie Avenue from Broadway to the Cuyahoga River; and the Cuyahoga River from Carnegie Avenue to Lake Erie.

Section 453.01 Parking Regulations in Parking Meter Zones

(a) ~~No person shall park a vehicle in a space adjacent to a street parking meter a vehicle in an individual street parking space within a parking meter zone unless the curb side wheels of such a vehicle are parallel with and not more than twelve (12) inches from the curb. The front and rear extremities of the vehicle shall be between adjacent meter posts or not more than three (3) feet from the post of an end meter. Whenever a vehicle is parked in a street parking meter zone where a 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. remit the required parking fee.~~

~~(b) The coins required in parking meter zones shall be as follows:~~

~~(1) In the Downtown Parking Area, as defined in Section 403.04, but excluding Institutional Areas and long term parking zones, as defined herein, one dollar (\$1.00) per hour or twenty five cents (\$0.25) per fifteen (15) minute period;~~

~~(2) In Institutional Areas, seventy five cents (\$0.75) per hour or any portion thereof. For purposes of this section, an "Institutional Area" means the area adjacent to any hospital or educational institution in the City;~~

~~(3) In all other areas of the City, twenty five cents (\$0.25) per hour or any portion thereof;~~

~~(4) In long term parking zones, within the Downtown Parking Area, as defined in Section 403.04, fifty cents (\$0.50) per hour up to a maximum of three dollars (\$3.00) (all day rate). For purposes of this section, "long term parking zone" means an area where parking is permitted for up to ten (10) hours.~~

(b) The Director of Public Works is authorized to charge and cause to be collected the payment required in parking meter zones such charges and fees ranging from one dollar (\$1.00) per hour to eight dollars (\$8.00) per hour in the Downtown Parking Area and one dollar (\$1.00) per hour to five dollars (\$5.00) per hour outside of the Downtown Parking Area and is further authorized to establish regulations that set

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forth the days of the week, hours of the day, and intervals of time for which parking is permissible.

(c) 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 is hereby determined to be illegally parked. At each place where street metered parking zones are so established as provided in Section 403.06 ~~and are so marked off~~, each vehicle shall be parked entirely within a metered parking zone space. The provisions of this section shall not apply to vehicles parking upon the street of the City between the hours of ~~6:00 p.m. In the evening until 7:00 a.m.~~ 10:00 p.m. until 7:00 a.m. the following morning and upon ~~Saturdays, Sundays, Sundays~~ outside of the Downtown Parking Area, New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving Day ("Black Friday"), Christmas Day, and the day after Christmas Day, and ~~Martin Luther King Day~~, unless a different rule or regulation is otherwise set forth in this Traffic Code. ~~, and shall not apply to any parking meter space in the downtown parking area, as defined in Section 403.04, on the day after Thanksgiving ("Black Friday") and December 26th. The Director of Public Works, in the Director's discretion, may exempt provisions of this section on an as-needed basis.~~

Section 453.02 Parking Violations

(a) No person shall park, cause, allow or permit to be parked any vehicle owned or operated by such person in any parking meter space, ~~without depositing the coin designated in the preceding section in the slot provided in such parking meter, and if a hand-operated parking meter is installed, without turning the lever on the parking meter as far as it will go.~~ zone without remitting the required parking fee.

(b) No person shall cause, allow or permit any vehicle registered in his or her name to be parked overtime or beyond a lawful period of time prescribed by or in accordance with the provisions of this chapter.

(c) No person shall ~~deposit~~ remit or cause to be ~~deposited~~ remitted in a parking meter ~~any coin~~ any payment for the purpose of increasing or extending the parking time of any vehicle beyond legal parking time established ~~by this chapter.~~ for the parking meter zone.

(d) No person shall cause, allow or permit any vehicle owned or operated by such person to be parked across any line designating a metered parking zone space.

~~Any vehicle parked in contravention of these provisions shall be deemed to be illegally parked under the provisions of this chapter. The fact that a vehicle is in a metered parking zone space when the time signal on the parking meter for the same shows no parking permitted, unless a deposit of a coin is made, as provided in this chapter, shall be deemed prima facie evidence of the unlawful parking of such vehicle by its owner.~~

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Any such vehicle that remains parked in a space in excess of the posted time restriction shall be deemed prima facie evidence of the unlawful parking of such vehicle by its owners, pursuant to the provisions of this chapter.

Section 453.03 Collection of Coins Parking Fees

The City Treasurer shall have charge of the collection of the coins deposited in street parking meters. parking fees for on-street parking.

Section 453.04 Application of Funds Collected

The coins parking fees required to be deposited remitted under the provisions of Section 453.01 are hereby levied as a regulation and inspection fee to cover the cost of inspection, installation, operation, control and use of street metered parking zones and parking meters.

Section 455.01 Designation of Parking Spaces; Use of Meters or Gates

- (a) The Commissioner of Parking Facilities is hereby authorized and directed to establish and mark off individual parking spaces in such portions of a Municipal off-street parking facility which are, in his or her opinion, necessary for the proper parking of motor vehicles within such Municipal parking facility. The Commissioner of Traffic Engineering has like authority with regard to street parking facilities.
- (b) The Commissioner of Parking Facilities may install and maintain individual parking meters adjacent to each parking space, or he or she may install and maintain automatically operated gates at the exits or entrances of off-street parking facilities and parking booths for the issuance of tickets, as are in the best interests of the City. The Commissioner of Parking Facilities also has authority to install and maintain parking meters on City streets.

Section 455.05 Parking Regulations

- (a) Except as otherwise provided in this chapter, when any vehicle is parked in any parking space adjacent to which a parking meter zone is located, the person so parking such vehicle shall, upon entering such parking space, immediately deposit in the parking meter such proper coin or coins of the United States or such proper parking token or tokens or shall immediately insert in such parking meter such proper parking key or parking card as is required for such parking meter and as is designated by proper directions on the meter. When required by the directions on the meter, the person so parking the vehicle, after the deposit of the proper coin or coins, or parking token or tokens, or insertion of the proper parking key or parking card, shall also set in operation the timing mechanism on such meter in accordance with directions appearing thereon. Failure, to deposit such proper coin or coins, or parking token or tokens, or failure to insert the proper parking key or parking card, and to set the timing mechanism in operation when so required, shall constitute a violation of this section.

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~~Upon the deposit of such coins, parking tokens, or upon the insertion of the proper parking key or parking card, and the setting of the timing mechanism in operation when so required, the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed on the parking meter for the denomination of the coin or coins, or parking token or tokens deposited, or during the period of time which has been prescribed on the parking meter for the parking key or parking card inserted, provided that any person parking a vehicle in a parking space adjacent to which there is a parking meter which indicates that unused time has been left in the meter by the previous occupant of the parking space, shall not be required to deposit a coin or coins, or parking token or tokens so long as his or her occupancy of the parking space does not exceed the indicated unused parking time. If any vehicle remains parked in any parking space beyond the parking time limit set for such parking space, and if the parking meter indicates such illegal parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this section. immediately remit or cause to be remitted the required parking fees in parking meters. Upon remittance of such parking fees, and the placing of such parking meter or mobile pay option in operation, the parking space may be lawfully occupied by such vehicle during the period indicated on the meter or mobile pay option. Any person so parking a vehicle who fails to remit the required parking fees and the vehicle remains in an individual on-street or off-street parking space after the prescribed time for parking shall be deemed illegally parked and in violation of the provisions of this section. No vehicle shall remain parked in a parking space in excess of the posted time restriction pursuant to the provisions of this section. The fact that the vehicle is located in an on-street or off-street parking space when the time on the parking meter or mobile payment option for the same shows no parking permitted shall be deemed prima facie evidence of the unlawful parking of such vehicle by its owner, and such parking shall be deemed a violation of this section.~~

(b) Except as otherwise provided in this chapter, when any vehicle is parked in a parking space in a Municipal parking facility in which automatically operated gates have been erected at the exits or entrances of such parking facility, the person so parking such vehicle shall, upon removing such vehicle from the Municipal parking facility, upon entering such parking facility, ~~deposit or cause to be deposited a coin or coins of the United States or such~~ remit or cause to be remitted the required parking fees or the use of the proper parking key or parking card as is required for such automatically operated gate and as is designated by proper directions ~~on the gate or posted adjacent thereto~~. Failure to ~~deposit such coins~~ remit the required parking fees or insert use the proper parking key or parking card shall constitute a violation of this section. ~~Upon the deposit of such coin or coins, or parking token or tokens or upon the insertion of the~~ remittance of the required parking fees or the use of the proper parking key or parking card, the vehicle being removed from the parking facility shall be deemed to have been lawfully parked for that continuous period of parking time immediately preceding the removal of the vehicle from the Municipal parking facility.

Section 455.07 Violations

It shall be unlawful and a violation of the provisions of this chapter for any person:

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(a) To cause, allow or permit any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time as may be provided in Section 455.06;

(b) To permit any vehicle to remain or be placed in any parking space adjacent to any parking meter zone while ~~such meter is displaying a signal indicating that~~ the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space;

(c) To park any vehicle across any line or marking of a parking space or in such position that the vehicle shall not be entirely within the area designated by such lines or marking;

(d) To perform any act other than the ~~deposit of lawful coins, parking tokens, parking keys or parking cards~~ remittance of parking fees in parking meters or mobile pay options, the deposit of parking tokens, or the use of parking keys and parking cards for the purposes of securing or increasing the parking meter indication of legal parking time or for the purpose of putting into operation the automatically operated gate; and

(e) To fail to comply with any other provisions of this chapter or with any rules or regulations duly adopted by the Commissioner of Traffic Engineering and Parking and the Commissioner of Parking Facilities, pursuant to the authority of Section 455.02.

Section 455.09 Collection of Coins or Tokens Parking Fees

The Commissioner of Parking Facilities shall have charge of the collection of the ~~coins or tokens deposited in parking meters or in~~ parking fees remitted in parking meters, mobile payment options or in automatically operated gates on Municipal parking facilities.

Section 455.10 Application of Funds Collected

The ~~coins deposited~~ parking fees remitted in parking meters or by way of a mobile pay option or automatically operated gates and the fees and charges collected for the issuance of parking tokens, parking keys or parking cards in Municipal off-street parking facilities are required and shall be used to defray the expense of proper regulation of parking and traffic upon Municipal off-street parking facilities in the City; to provide the cost of supervision, regulation and control of the parking of vehicles in Municipal off- street parking facilities; the payment of the interest on and the retirement at maturity of bonds issued for the purchase of land, the improvement thereof and the equipping of such premises for off-street parking operation; and to cover the cost of purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of parking meters, automatically operated gates on Municipal off- street parking facilities; all of which serve to regulate traffic and reduce the congestion caused by vehicles upon the streets of the City.

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Separate accounts shall be maintained for each Municipal off-street parking facility so as to show the financial results of City ownership and operation, including all assets, liabilities, revenues and expenses, the cost of all improvements, expense of maintenance and the amount set aside for interest and debt retirement.

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 131.78, as amended by Ordinance No. 979-2019, passed September 30, 2019,

Section 131.79, as amended by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 401.33, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 404.04, as amended by Ordinance No. 2255-05, passed December 8, 2008,

Section 453.01, as amended by Ordinance No. 1394-14, passed April 13, 2015,

Sections 453.02 and 453.03, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Sections 453.04 and 455.01, as amended by Ordinance No. 1495-87, passed November 23, 1987, and

Sections 455.05, 455.07, 455.09, and 455.10, as amended by Ordinance No. 1525-81, passed June 29, 1981,

are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

KR:nl
07-12-23

FOR: Director Williams

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REPORT

after second Reading

Mr.

AN EMERGENCY ORDINANCE

To amend Sections 131.78, 131.79, 401.33, 403.04, 453.01, 453.02, 453.03, 453.04, 455.01, 455.05, 455.07, 455.09 and 455.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to parking rates, parking meters, and municipal parking facilities.

READ FIRST TIME

REPORTS

and referred to

by the council

CITY CLERK

READ SECOND TIME

by the council

CITY CLERK

READ THIRD TIME

by the council

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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