

# Ordinance No. 656-17

## AN EMERGENCY ORDINANCE

Council Member Kelley

To repeal various sections of Chapter 451 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 451.03, 451.04, 451.041, 452.24 and 451.27 relating to parking generally.

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 451.03, as amended by Ordinance No. 672-12, passed June 4, 2012,

Section 451.04, as amended by Ordinance No. 70-87, passed March 16, 1987,

Section 451.041, as amended by Ordinance No. 91-96 passed March 18, 1996,

Section 451.24, as amended by Ordinance No. 2146-82, passed February 7, 1983 and

Section 451.27, as amended by Ordinance No. 1434-A-86, passed January 26, 1987,

are repealed.

**Section 2.** That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Sections 451.03, 451.04, 451.041, 451.24 and 451.27, to read as follows:

#### **Section 451.03 Statutory Prohibited Standing or Parking Places**

(a) No person shall stand or park a trackless trolley or vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic-control device, in any of the following places:

(1) On a sidewalk, except as provided in division (b) of this section;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within ten (10) feet of a fire hydrant;

(5) On a crosswalk;

(6) Within twenty (20) feet of a crosswalk at an intersection;

(7) Within thirty (30) feet of, and upon the approach to, any flashing beacon, stop sign, or traffic control device;

(8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic control device;

(9) Within fifty (50) feet of the nearest rail of a railroad crossing;

(10) Within twenty (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 seventy-five (75) feet of the entrance when it is properly posted with signs;

# Ordinance No. 656-17

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(11) Alongside or opposite any street excavation or obstruction when the standing or parking would obstruct traffic;

(12) Alongside any vehicle stopped or parked at the edge or curb of a street;

(13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;

(14) At any place where signs prohibit stopping;

(15) Within one (1) foot of another parked vehicle;

(16) On the roadway portion of a freeway, expressway or thruway.

(b) A person shall be permitted, without charge or restriction, to stand or park on a sidewalk a motor-driven cycle or motor scooter that has an engine not larger than one hundred fifty (150) cubic centimeters, or a bicycle, provided that the motor-driven cycle, motor scooter, or bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of RC 4511.711, or any substantially equivalent section of these Codified Ordinances.  
(RC 4511.68)

## **Section 451.04**      **Manner of Parallel Parking**

(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 (12) inches from the right-hand curb, unless it is impossible to approach so close to the curb; in this case the stop shall be made 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) This section does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a State Route unless an unoccupied roadway width of not less than twenty-five (25) feet is available for free-moving traffic.

(c) (1) A. Except as provided in division (c)(1)B. of this section, no vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

B. The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two (2) motorcycles at a time shall be parked in a parking space as described in this division (c)(2) of this section irrespective of whether or not the space is metered.

(d) Notwithstanding any statute or any rule, regulation, resolution, or ordinance, 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 or highway, may stop, stand, or park where necessary in order to perform the work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the Ohio Director of Transportation.

(e) Whoever violates division (a) or (c) of this section is guilty of a minor misdemeanor.  
(RC 4511.69(A) - (D), (J)(1))

# Ordinance No. 656-17

## Section 451.041      Physically Handicapped Parking

(a) 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" has the same meaning as in section 4503.44 of the Revised Code.

(3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under section 4503.41 or 4503.44 of the Revised Code, 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.

(RC 4511.69(K))

(b) 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 City 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 shall be mounted on a fixed or movable post, and the distance from the ground to the bottom edge of the sign shall measure not less than five (5) feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, 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.

(RC 4511.69 (E))

(c)(1) A. No person shall stop, stand, or park any motor vehicle at special parking locations provided under division (b) of this section 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 that division, unless one of the following applies:

(i) 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;

(ii) 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.

B. Any motor vehicle that is parked in a special marked parking location in violation of division (c)(1)A. i or (ii) of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the political subdivision in which the parking location is located. A motor vehicle that is so 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 that political subdivision 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 that political subdivision for towing and storing motor vehicles.

# Ordinance No. 656-17

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C. If a person is charged with a violation of division (c)(1)A. i or ii of this section, 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 RC 4503.44(A)(1).

(2) No person shall stop, stand, or park any motor vehicle in an area that is commonly known as an access aisle, which area is marked by diagonal stripes and is located immediately adjacent to a special parking location provided under division (b) of this section or at a special clearly marked parking location provided in or on a privately owned parking lot, parking garage, or other parking area and designated in accordance with that division.

(RC 4511.69(F))

(d) 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 local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(RC 4511.69(G))

(e) Special reserved on-street 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 upon full compliance with the following requirements:

(1) An investigation determining need for proposed reserved on-street parking for the handicapped must be performed through the Division of Traffic Engineering, including verification that the proposed on-street parking location meets the requirements of this section. The Commissioner of Traffic Engineering must approve the on-street parking for practicality and feasibility of traffic operations. Upon completion of the investigation and the approval of the Commissioner of Traffic Engineering, the Director of Public Safety may designate reserved on-street parking for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, in accordance with the requirements of Section 403.03.

(2) When applying for an on-street parking space for the exclusive use by persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, the following information shall be supplied by the applicant to the City and shall be used as criteria for determining the appropriate location for a handicapped parking space:

A. The nature and use of adjacent buildings;

B. The number of on-street parking spaces requested, with the maximum requested spaces not to exceed three (3) adjacent or contiguous spaces;

C. Any other information which the Director of Public Safety or Commissioner of Traffic Engineering may require.

(3) Reserved on-street parking spaces for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall not be provided at any location where off-street 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, are available in close proximity to the proposed on-street parking location;

(4) Reserved on-street parking spaces for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall

# Ordinance No. 656-17

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be located as close as practicable to educational institutions, government buildings, hospitals, medical centers, cultural institutions and recreational facilities;

(5) Reserved on-street parking spaces shall not be provided at any location where parking is prohibited by ordinance;

(6) Reserved on-street parking for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, in residential areas may be provided upon satisfying the requirements found in divisions (e)(1), (2), (3) and (5) of this section.

(f) Any handicapped person as defined in division (a) of this section or any property owner may request that a parking space be designated as reserved for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces. Approval of the property owner adjacent to the proposed parking space must be obtained prior to the handicap designation. All requests for designations shall be submitted to the Commissioner of Traffic Engineering. Following the designation of a parking space as reserved for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, by the Director of Public Safety, the Division of Traffic Engineering shall install a sign or signs indicating that an on-street parking space is reserved for the exclusive use of handicapped persons.

(g) The Chief of Police or his or her designee, in his or her discretion, may limit or temporarily suspend any of the parking privileges specified in this section to cover emergencies or special events and may impose any other restriction deemed necessary in the interest of traffic safety and control.

(h) No person shall stop, stand or park any motor vehicle at special parking locations provided for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, under this section or at special, clearly marked, parking locations provided for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, in or on privately owned parking lots, parking garages or other parking areas, unless 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 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 removable windshield placard or a temporary removable windshield placard or special license plates.

(i) No owner of an office, facility, or parking garage where special parking locations are required to be designated in accordance with division (b) of this section shall fail to properly mark the special parking locations in accordance with that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs. (RC 4511.69(H))

(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. (RC 4511.69(I))

(k) (1) A. Whoever violates division (c)(1)A. i or ii of this section is guilty of a misdemeanor and shall be punished as provided in division (k)(1)A. and B. of this section. Except as otherwise provided in division (k)(1)A. of this section, an offender who violates division (c)(1)A. i or ii of this section shall be fined not less than two hundred fifty nor more than five hundred dollars. An offender who violates division (c)(1)A. i or ii of this section shall be fined not more than one hundred dollars if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

i. At the time of the violation of division (c)(1)A. i of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable

# Ordinance No. 656-17

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windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in division (c)(1)A. i of this section.

ii. At the time of the violation of division (c)(1)A. ii of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in division (c)(1)A. ii of this section.

B. In no case shall an offender who violates division (c)(1)A. i or ii of this section be sentenced to any term of imprisonment.

An arrest or conviction for a violation of division (c)(1)A. i or ii of this section 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 divisions (k)(1) and (2) of this section shall be paid to the City in which the violation occurred. Except as provided in division (k)(1) of this section, the City shall use the fine moneys it receives under divisions (k)(1) and (2) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (b) of this section. The City may use up to fifty per cent (50%) of each fine received under divisions (k)(1) and (2) of this section to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the city that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

(2) Whoever violates division (c)(2) of this section shall be fined not less than two hundred fifty nor more than five hundred dollars.

In no case shall an offender who violates division (c)(2) of this section be sentenced to any term of imprisonment. An arrest or conviction for a violation of division (c)(2) of this section 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.

(3) Whoever violates division (i) of this section shall be punished as follows:

A. Except as otherwise provided in division (k)(3) of this section, the offender shall be issued a warning.

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (i) of this section or of a municipal ordinance that is substantially similar to that division, the offender shall not be issued a warning but shall be fined not more than twenty-five dollars (\$25.00) for each parking location that is not properly marked or whose markings are not properly maintained. (RC 4511.69(J)(2)-(4))

## **Section 451.24      Private Driveway or Private Property**

(a) If an owner of private property posts on the property in a conspicuous manner a prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

(1) Park a vehicle on the property without the owner's consent;

(2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.

# Ordinance No. 656-17

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(b) Whoever violates division (a) of this section is guilty of a minor misdemeanor. (RC 4511.681)

(c) Any motor vehicle parked in violation of this section may be impounded upon complaint of any person adversely affected in accordance with the provisions of Chapter 405 at the cost and expense of the motor vehicle's owner.

## **Section 451.27      Notice to Cover or Remove Junk Motor Vehicles**

(a) (1) For purposes of this section, "junk motor vehicle" means any motor vehicle meeting the requirements of RC 4513.63 (B), (C), (D), and (E) that is left uncovered in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under the authority of RC 4737.05 through 4737.12, or regulated under authority of the city; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.

(2) This section shall not prevent a person from storing or keeping, or restrict a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property; except that a person having such permission may be required to conceal, by means of buildings, fences, vegetation, terrain or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

(3) The Police Chief or his designee may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten (10) days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

(4) No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten (10) days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to comply with the notice, and each subsequent period of thirty (30) days that a junk motor vehicle continues to be so left constitutes a separate offense. (RC 4513.65)

(d) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense, such person is guilty of a misdemeanor of the third degree.

**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.

KJK:rns  
5-22-17

# Ord. No. 656-17

Council Member Kelley

## **AN EMERGENCY ORDINANCE**

To repeal various sections of Chapter 451 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 451.03, 451.04, 451.041, 452.24 and 451.27 relating to parking generally.

**READ FIRST TIME on MAY 22, 2017**  
and referred to **DIRECTORS of Public Safety, Finance, Law;**  
**COMMITTEES on Safety, Finance**

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **104** Page \_\_\_\_\_

Published in the City Record \_\_\_\_\_

## REPORT after Second Reading

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
SAFETY

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE

FILED WITH COMMITTEE

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