

ORDINANCE NO.: 80 -2016
INTRODUCED BY: Lentine

AN ORDINANCE AMENDING SECTIONS 352.03, 351.04, 351.05, 351.06, 351.07, 351.09, 351.10, 351.11, 351.12, 351.13, 351.14, 351.15, 351.17, 351.18, AND ADDING SECTION 351.99 TO THE CODIFIED ORDINANCE OF THE CITY OF RICHMOND HEIGHTS TO PROVIDE FOR ENHANCED PARKING ENFORCEMENT; AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 351 of the Codified Ordinances of the City of Richmond Heights has not been updated in several years; and

WHEREAS, this Council finds it is in the best interest of the City of Richmond Heights to amend several Sections of Chapter 351 of the Codified Ordinances to update and provide for enhanced parking enforcement and greater fines for violations of the Code within the City of Richmond Heights; and

WHEREAS, this Ordinance simplifies the enforcement of violations of certain parking regulations in the Traffic Code by adopting a “Penalty” section in the Code that provides for the payment of a fine at the City’s Division of Police in lieu of a court appearance, constitutes a waiver of such an appearance and a plea of guilty, and acknowledges a conviction of the alleged offense.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, STATE OF OHIO, THAT:

Section 1. Existing Sections 352.03, 351.04, 351.05, 351.06, 351.07, 351.09, 351.10, 351.11, 351.12, 351.13, 351.14, 351.15, 351.17, and 351.18 within Part Three, Title Seven, “Parking Generally”, of the Codified Ordinances of the City of Richmond Heights are amended as follows, and new Section 351.99 added as follows:

“351.03 PROHIBITED STANDING OR PARKING PLACES.

~~—(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense,~~

~~the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.~~

351.04 PARKING NEAR CURB; HANDICAPPED LOCATIONS ON PUBLIC AND PRIVATE LOTS AND GARAGES.

~~(i) (1) Whoever violates subsection (a) or (c) of this section is guilty of a minor misdemeanor.~~

(21) A. Whoever violates subsection (f)(1)A. or B. of this section is guilty of a misdemeanor and shall be punished as provided in subsection (i)(21)A. and B. of this section. Except as otherwise provided in subsection (i)(21)A. of this section, an offender who violates subsection (f)(1)A. or B. of this section shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). An offender who violates subsection (f)(1)A. or B. of this section shall be fined not more than one hundred dollars (\$100.00) if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

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

2. At the time of the violation of subsection (f)(1)B. 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 subsection (f)(1)B. of this section.

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

An arrest or conviction for a violation of subsection (f)(1)A. or B. 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.

351.05 MANNER OF ANGLE PARKING.

~~—(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.~~

351.06 SELLING, WASHING OR REPAIRING VEHICLE UPON ROADWAY.

~~—(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.~~

351.07 UNATTENDED VEHICLE: DUTY TO STOP ENGINE, REMOVE KEY, SET BRAKE AND TURN WHEELS.

~~—(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.~~

351.09 TRUCK LOADING ZONES.

~~—(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.~~

351.10 BUS STOPS AND TAXICAB STANDS.

~~—(e) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.~~

351.11 PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.

~~—(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.~~

351.12 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

~~—(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.~~

351.13 TRUCK PARKING IN RESIDENTIAL DISTRICTS.

~~—(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.~~

351.14 PARKING ON PREMISES IN LOCAL RETAIL OR WHOLESALE DISTRICTS.

~~—(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.~~

351.15 PARKING ON STREETS AND HIGHWAYS GENERALLY.

~~(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.~~

351.17 SNOW AND OTHER EMERGENCIES.

~~(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.~~

351.18 PARKING ON POSTED PRIVATE PROPERTY.

~~—(b) Whoever violates this section is guilty of a minor misdemeanor.~~

351.99 PENALTY

(a) Except as is otherwise provided for in this chapter, any person charged with a violation of any provision of this chapter may pay such sum in the manner prescribed on the issued parking violation citation at the Division of Police. Such payment shall be deemed a plea of guilty, a waiver of a court appearance, and acknowledgment of conviction of the alleged offense and such payment will be accepted in full satisfaction of the prescribed penalty for such alleged violation. Payment of the prescribed fine need not be accepted when laws prescribe that a certain number of such offenses shall require a court appearance.

(b) Whoever receives a citation for violation of provisions of this chapter that provide for the payment of a waiver pursuant to subdivision (a) above, may pay that waiver in accordance with the provisions of subdivision (a) of this section in the following amounts:

(1) If paid within seventy-two hours of the date and time of the citation: \$20.00;

(2) If paid after seventy-two hours of the date and time of the citation: \$25.00.

(c) Whoever receives a citation for a violation of Section 351.04(f)(1) A or B of this chapter may pay that waiver in accordance with the provisions of subdivision (a) of this section in the following amounts:

(1) If paid within seventy-two hours of the date and time of the citation: \$250.00;

(2) If paid after seventy-two hours of the date and time of the citation: \$500.00.

Section 2. Existing Sections 352.03, 351.04, 351.05, 351.06, 351.07, 351.09, 351.10, 351.11, 351.12, 351.13, 351.14, 351.15, 351.17, and 351.18 of the Traffic Code are amended only as set forth in Section 1 of this Ordinance and new Section 351.99 is added to the Traffic Code as set forth in Section 1 above.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the preservation of the public health, safety and general welfare of the citizens, property owners, business tenants of, and visitors to, the City of Richmond Heights, and for the further reason that it is necessary to immediately amend the parking regulations of the Traffic Code to provide for an updated parking enforcement plan within the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____, 2016

David H. Roche, Mayor

APPROVED: _____, 2016

ATTEST: _____
Betsy Traben
Clerk of Council

Eloise Cotton-Henry
President of Council