

IN THE CITY OF MAYFIELD HEIGHTS

ORDINANCE NO. 2016-38

INTRODUCED BY: MAYOR ANTHONY DICICCO

AN ORDINANCE ENACTING CHAPTER 151 OF THE CODIFIED ORDINANCES OF THE CITY TITLED "PARKING GENERALLY"

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MAYFIELD HEIGHTS, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. Chapter 151 of the Codified Ordinances of the City entitled "PARKING GENERALLY" is hereby enacted to read as follows:

CHAPTER 151
PARKING GENERALLY

151.01 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

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

(b) 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 highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

Penalty - see Section 151.99

151.02 POLICE MAY REMOVE ILLEGALLY PARKED VEHICLE.

(a) Whenever any police officer finds a vehicle standing upon a highway in violation of Ohio R.C. 4511.66 or a substantially equivalent municipal ordinance, such officer may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel, where such vehicles constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety.

Penalty - see Section 151.99

151.03 PROHIBITED STANDING OR PARKING PLACES.

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 places:

- (a) On a sidewalk, tree lawn, center strip or curb, except a bicycle;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within 10 feet of a fire hydrant where parking on the fire hydrant side of a street is permitted;
- (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;
- (g) Between a safety zone and the adjacent curb or within 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;
- (i) Within any bus loading zone;
- (j) Within 75 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) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (l) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (m) Upon any bridge or elevated structure upon a street, or within a street 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 permitted by signs;
- (o) Within one foot of another parked vehicle, except that commercial trucks may park alongside any such stopped or parked vehicle when in front of a business establishment for the purpose of loading or unloading merchandise, but only for so long as it takes to perform such act, and not when there is parking space available within a reasonable distance of such establishment, nor when there is an alley or other facility available in connection with a business or business establishment for such purpose, nor when the operator of such business or business establishment for such purpose, nor when the operator of such vehicle is performing some act in connection with his or her personal affairs;
- (p) Within 500 feet of any fire apparatus at the scene of a fire or emergency;
- (q) Upon any street or other area designated as a fire lane;
- (r) On the roadway portion of a freeway, expressway or thruway;
- (s) On any public or private property identified as a special parking location for handicapped persons, as defined in Section 151.04;
- (t) Prohibited parking or storage of commercial vehicles on any street, as defined in Section 1189.13(f), in any location in violation of Section 1189.13.
- (u) In a public or private parking lot in such a manner as to block the ingress or egress of any motor vehicle;
- (v) In a public or private parking lot in such a manner that the vehicle would not be entirely within the limits of the space designated by marked lines on the surface.

Penalty – see Section 151.99

151.04 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 12 inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such 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. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within the Municipality unless an unoccupied roadway width of not less than 25 feet is available for free-moving traffic.

(b) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within 12 inches of the left-hand curb of a one-way roadway.

(c) (1) A. Except as provided in division (c)(1)B. of this section, no vehicle shall be stopped or parked on a road or highway with the vehicle 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 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 such work, provided a flag person is on duty or warning signs or lights are displayed as may be prescribed by the Director of Transportation.

(e) 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 all political subdivisions and by the State 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 division and Ohio R.C. 3781.111(C) 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 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.

(f) (1) A. No person shall stop, stand, or park any motor vehicle at special parking locations provided under division (e) 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:

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; or

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.

B. Any motor vehicle that is parked in a special marked parking location in violation of division (f)(1)A.1. or (f)(1)A.2. of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the Municipality. 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 the Municipality 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 Municipality for towing and storing motor vehicles.

C. If a person is charged with a violation of division (f)(1)A.1. or (f)(1)A.2. of this section, it is an affirmative defense to the charge that the person suffered an injury not more than 72 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 Ohio R.C. 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 (e) 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.

(g) 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.

(h) No owner of an office, facility, or parking garage where special parking locations are required to be designated in accordance with division (e) 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.

(i) 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.

(j) 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 Ohio R.C. 4503.44.

(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 equivalent license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty.

(ORC 4511.69)

(k) 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.

Penalty - see Section 151.99

151.05 WILLFULLY LEAVING VEHICLES ON PRIVATE OR PUBLIC PROPERTY.

(a) The County Sheriff or Chief of Police, within the Sheriff's or Chief's respective territorial jurisdiction, or a State highway patrol trooper, upon notification to the Sheriff or Chief of Police of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that:

(1) Has come into the possession of the Sheriff, Chief of Police, or State highway patrol trooper as a result of the performance of the Sheriff's, Chief's, or trooper's duties; or

(2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer without notification to the Sheriff or Chief of Police of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:

A. The vehicle was involved in an accident and is subject to Ohio R.C. 4513.66, or any substantially equivalent municipal ordinance;

B. The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the Sheriff, Chief of Police, or State highway patrol trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the Sheriff, Chief of Police, or State highway patrol trooper. If the Sheriff, Chief of Police, or State highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the Sheriff, Chief of Police, or State highway patrol trooper shall order the removal of the vehicle.

(3) Subject to division (c) of this section, the Sheriff or Chief of Police shall designate the place of storage of any motor vehicle so ordered removed.

(b) If the Sheriff, Chief of Police, or a State highway patrol trooper issues an order under division (a) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the Sheriff or Chief of Police not more than two hours after the time it is removed.

(c) (1) The Sheriff or Chief of Police immediately shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the Sheriff or Chief of Police, or by a State highway patrol trooper. Upon obtaining such identity, the Sheriff or Chief of Police shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified mail with return receipt requested, notice that informs the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of mailing of the notice.

(2) The owner or lienholder of the motor vehicle may reclaim the motor vehicle upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, the owner may not retrieve any personal item that has been determined by the Sheriff, Chief of Police or a State highway patrol trooper, as applicable, to be necessary to a criminal investigation. For purposes of this division (c)(2), "personal items" do not include any items that are attached to the vehicle.

(3) If the owner or lienholder of the motor vehicle reclaims it after a search of the records of the Bureau of Motor Vehicles has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the owner of the place of storage or the owner's employee, and the notice was sent to the motor vehicle owner by the owner of the place of storage or the owner's employee, the owner or lienholder shall pay to the place of storage a processing fee of twenty-five dollars (\$25.00), in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(d) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing of the notice, and if the vehicle is to be disposed of at public auction as provided in Ohio R.C. 4513.62 or any substantially equivalent municipal ordinance, the Sheriff or Chief of Police, without charge to any party, shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the Clerk, without charge, shall issue a

salvage certificate of title, free and clear of all liens and encumbrances, to the Sheriff or Chief of Police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in Ohio R.C. 4513.62 or any substantially equivalent municipal ordinance, the Sheriff or Chief of Police shall execute in triplicate an affidavit, as prescribed by the Registrar of Motor Vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The Sheriff or Chief of Police shall retain the original of the affidavit for the Sheriff's or Chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within 30 days of the presentation, shall issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

(e) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.

(f) No towing service or storage facility shall fail to comply with this section.
(ORC 4513.61)

(g) Abandonment of Junk Motor Vehicle Prohibited.

(1) A. No person shall willfully leave an abandoned junk motor vehicle, as defined in Ohio R.C. 4513.63, on private property for more than 72 hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 48 hours or longer without notification to the Police Chief of the reason for leaving the motor vehicle in that place.

B. For purposes of this division (g)(1), the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

C. Nothing contained in this section and Ohio R.C. 4513.60, 4513.61 and 4513.63 shall invalidate or prevent the enactment of further provisions of municipal ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the municipality.

(2) Whoever violates this division (g) shall be assessed any costs incurred by the municipality in disposing of the abandoned junk motor vehicle, less any money accruing to the municipality from the disposal.

Penalty - see Section 151.99

151.055 PARKING PROHIBITIONS ON PRIVATE PROPERTY; PRIVATE TOW- AWAY ZONES.

(a) (1) The County Sheriff or Chief of Police, within the Sheriff's or Chief's respective territorial jurisdiction, upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. The Sheriff or Chief of Police, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. When ordering a motor vehicle into storage pursuant to this division, a Sheriff or Chief of Police may arrange for the removal of the motor vehicle by a towing service and shall designate a storage facility.

(2) A towing service towing a motor vehicle under division (a)(1) of this section shall remove the motor vehicle in accordance with that division. The towing service shall deliver the motor vehicle to the location designated by the Sheriff or Chief of Police not more than two hours after the time it is removed from the private property.

(3) Subject to division (b) of this section, the owner of a motor vehicle that has been removed pursuant to this division may recover the vehicle only in accordance with division (d) of this section.

(4) As used in divisions (a) through (g) of this section, "private residential property" means private property on which is located one or more structures that are used as a home, residence, or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. The phrase does not include any private property on which is located one or more structures that are used as a home, residence, or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(b) If the owner or operator of a motor vehicle that has been ordered into storage pursuant to division (a)(1) of this section arrives after the motor vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the motor vehicle under division (d)(1) of this section, in order to obtain release of the motor vehicle. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the motor vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move it so that it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable.

(c) (1) The County Sheriff and Chief of Police shall maintain a record of motor vehicles that the Sheriff or Chief orders into storage pursuant to division (a)(1) of this section. The record shall include an entry for each such motor vehicle that identifies the motor vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. The Sheriff or Chief of Police shall provide any information in the record that pertains to a particular motor vehicle to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(2) Any person who registers a complaint that is the basis of the Sheriff's or Police Chief's order for the removal and storage of a motor vehicle under division (a)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(d) (1) The owner or lienholder of a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section may reclaim it upon both of the following:

A. Payment of the following fees:

1. Not more than ninety dollars (\$90.00) for the removal of the motor vehicle. However, if the motor vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer, not more than one hundred fifty dollars (\$150) for the removal.

2. Not more than twelve dollars (\$12.00) per 24-hour period for the storage of the motor vehicle. However, if the motor vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer, not more than twenty dollars (\$20.00) per 24-hour period for storage.

B. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.

(2) Upon presentation of proof of ownership as required under division (d)(1)B. of this section, the owner of a motor vehicle that is ordered into storage under division (a)(1) of this section may retrieve any personal items from the motor vehicle without retrieving the vehicle and without paying any fee. However, the owner may not retrieve any personal item that has been determined by the Sheriff or Chief of Police, as applicable, to be necessary to a criminal investigation. For purposes of this division (d)(2), "personal items" do not include any items that are attached to the motor vehicle.

(3) If a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section remains unclaimed by the owner for 30 days, the procedures established by Ohio R.C. 4513.61 and 4513.62, or any substantially equivalent municipal ordinance, apply.

(e) (1) No person shall remove, or cause the removal of, any motor vehicle from any private residential or private agricultural property other than in accordance with division (a)(1) of this section or Ohio R.C. 4513.61 to 4513.65, or any substantially equivalent municipal ordinance.

(2) No towing service or storage facility shall fail to comply with the requirements of this section.

(f) Divisions (a) through (f) of this section do not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with division (g) of this section.

(g) Private Tow-away Zones.

(1) The owner of private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:

A. The owner posts on the owner's property a sign, that is at least 18 inches by 24 inches in size, that is visible from all entrances to the property, and that includes all of the following information:

1. A statement that the property is a tow-away zone;
2. A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner shall include on the sign the address of the property on which the private tow-away zone is located or the name of the business that is located on the property designated as a private tow-away zone.
3. If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;
4. The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;
5. A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in Ohio R.C. 4505.101(B).

B. Any owner of property that has been established as a private tow-away zone under Ohio R.C. 4513.60, as that section existed prior to March 23, 2015, or any substantially equivalent municipal ordinance, who does not have a contract with a towing service for the removal of vehicles from the property may retain existing private tow-away zone signs that comply with that section for up to six months after March 23, 2015. At any time, in order to comply with the requirements of division (g)(1)A. of this section, such a property owner may modify the existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

C. A towing service ensures that a vehicle towed under division (g) of this section is taken to a location from which it may be recovered that complies with all of the following:

1. It is located within 20 linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within 20 linear miles.
2. It is well-lighted.
3. It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipality.

(2) A. If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (g)(1) of this section, without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with division (g) of this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established under division (g)(7) of this section, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in Ohio R.C. 4505.101. The owner or lienholder of a vehicle that has been removed under division (g) of this section, subject to division (g)(3) of this section, may recover the vehicle in accordance with division (g)(7) of this section.

B. If the municipality requires tow trucks and tow truck operators to be licensed, no owner of private property located within the municipality shall cause the removal and storage of any vehicle pursuant to division (g)(2) of this section by an unlicensed tow truck or unlicensed tow truck operator.

(3) If the owner or operator of a vehicle that is being removed under authority of division (g)(2) of this section arrives after the vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established under division (g)(7) of this section in order to obtain release of the vehicle. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner or in violation of any posted parking condition or regulation.

(4) A. 1. Prior to towing a vehicle under division (g)(2) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under division (g)(1) of this section.

2. The towing service shall record the time and date of the photographs taken under division (g) of this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least 30 days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.

B. A towing service shall deliver a vehicle towed under division (g)(2) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone.

(5) A. If an owner of private property that is established as a private tow-away zone in accordance with division (g)(1) of this section causes the removal of a vehicle from that property by a towing service under division (g)(2) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the County Sheriff or the Police Department concerning all of the following:

1. The vehicle's license number, make, model, and color;
2. The location from which the vehicle was removed;
3. The date and time the vehicle was removed;
4. The telephone number of the person from whom the vehicle may be recovered;
5. The address of the place from which the vehicle may be recovered.

B. The County Sheriff and Chief of Police shall maintain a record of any vehicle removed from private property in the Sheriff's or Chief's jurisdiction that is established as a private tow-away zone of which the Sheriff or Chief has received notice under division (g) of this section. The record shall include all information submitted by the towing service. The Sheriff or Chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.

(6) A. When a vehicle is removed from private property in accordance with division (g) of this section, the owner of the towing service or storage facility from which the vehicle may be recovered shall immediately cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. Subject to division (g)(6)D. of this section, the owner of the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:

1. Within five business days of removal of the vehicle from the private tow-away zone, if the vehicle has not yet been recovered, to the owner's and lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;

2. If the vehicle remains unclaimed 30 days after the first notice is sent, in the manner authorized in division (g)(6)A.1. of this section;

3. If the vehicle remains unclaimed 45 days after the first notice is sent, in the manner authorized in division (g)(6)A.1. of this section.

B. Sixty days after any notice sent pursuant to division (g)(6)A. of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the owner of a towing service or storage facility, if authorized under Ohio R.C. 4505.101(B), may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.

C. A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under Ohio R.C. 4505.101(B).

D. With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under Ohio R.C. 4505.101, the towing service or storage facility need only comply with the initial notice required under division (g)(6)A.1. of this section.

(7) A. The owner or lienholder of a vehicle that is removed under division (g)(2) of this section may reclaim it upon all of the following:

1. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement;

2. Payment of the following fees:

- a. Not more than ninety dollars (\$90.00) for the removal of the vehicle. However, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer, not more than one hundred fifty dollars (\$150.00) for the removal.

- b. Not more than twelve dollars (\$12.00) per 24-hour period for the storage of the vehicle. However, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer, not more than twenty dollars (\$20.00) per 24-hour period for storage.

c. If notice has been sent to the owner and lienholder as described in division (g)(6) of this section, a processing fee of twenty-five dollars (\$25.00).

B. A towing service or storage facility in possession of a vehicle that is removed under authority of division (g)(2) of this section shall show the vehicle owner, operator, or lienholder who contests the removal of the vehicle all photographs taken under division (g)(4) of this section. Upon request, the towing service or storage facility shall provide copies of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

C. Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement, the owner of a vehicle that is removed under authority of division (g)(2) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. For purposes of this division (g)(7)C., "personal items" do not include any items that are attached to the vehicle.

(8) No towing service or storage facility shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under division (g) of this section, store such a vehicle other than in accordance with division (g) of this section, or otherwise fail to comply with any applicable requirement of division (g) of this section.

(9) Division (g) of this section does not affect or limit the operation of divisions (a) through (f) of this section, Ohio R.C. 4513.60, Ohio R.C. 4513.61 to 4613.65, or any substantially equivalent municipal ordinances, as they relate to property other than private property that is established as a private tow-away zone under division (g)(1) of this section.

(h) 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.

Penalty - see Section 151.99

151.06 OPENING DOORS ON SIDE AVAILABLE TO TRAFFIC.

No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Penalty - see Section 151.99

151.07 UNATTENDED VEHICLES; DUTY TO LOCK IGNITION, REMOVE KEY, SET BRAKE, ETC.; PARKING ON GRADE.

(a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

(b) The requirements of this section relating to the stopping of the engine, locking of the ignition, and removing the key from the ignition of a motor vehicle shall not apply to an emergency vehicle or a public safety vehicle.

Penalty - see Section 151.99

151.08 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; or
- (b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

Penalty - see Section 151.99

151.09 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 30 minutes.

Penalty - see Section 151.99

151.10 BUS STOPS AND TAXICAB STANDS.

(a) The Director of Public Safety is hereby authorized and required to establish bus stops and taxicab stands on such public streets in such places and in such number as he or she determines to be of the greatest benefit and convenience to the public. Every bus stop and taxicab stand shall be designated by appropriate signs.

(b) 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.

(c) No operator of a bus shall stop, stand or park such vehicle upon any street or other public way 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.

(d) No operator of a bus shall fail to enter a bus stop on a street or other public way in such a manner that the bus when stopped to load or unload passengers or baggage is in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(e) No operator of a taxicab shall stand or park such vehicle upon any street or other public way 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.

Penalty - see Section 151.99

151.11 PARKING ON MAYFIELD ROAD.

No person shall park a vehicle on either side of Mayfield Road at any time, except within certain church zones designated by signs between the hours of 6:00 a.m. and 1:00 p.m. on Sundays or at other times when permission has been granted by the Chief of Police upon his or her finding that such parking will not harm or endanger the public safety.

Penalty - see Section 151.99

151.12 PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.

(a) No person shall stop, stand or park any vehicle upon a street, other than an alley, 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.

(b) Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed 30 minutes.

Penalty - see Section 151.99

151.13 WHEEL STOPS FOR PRIVATE PARKING LOTS.

Any person providing premises for parking of automobiles or customers, visitors, tenants or employees shall provide adequate wheel stops, curbing or other means, not to exceed six inches in height, designed to prevent parked automobiles or parts thereof from protruding over a public sidewalk or street.

Penalty - see Section 151.99

151.14 PARKING AND STORAGE OF CAMPING AND RECREATIONAL EQUIPMENT.

(a) As used in this section, "camping and recreational equipment" means and includes recreational vehicles, which are defined as vehicle-type structures, primarily designated as temporary living quarters for recreation, camping or travel use, which either have their own motive power or are mounted on or drawn by another vehicle which is self-powered. With allowances for engineering variances, the basic entities are:

(1) A "travel trailer," which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a stock passenger automobile, and primarily designed and constructed to provide temporary living quarters for recreation, camping or travel use;

(2) A "camping trailer," which is a vehicular portable structure mounted on wheels, constructed with collapsible partial side walls of fabric, plastic or other pliable material for folding compactly while being drawn by another vehicle, and, when unfolded at the site or location, providing temporary living quarters, and whose primary design is for recreation, camping or travel use;

(3) A "truck camper," which is a portable structure designed to be loaded onto or affixed to the bed or chassis of a truck, constructed to provide temporary living quarters for recreation, camping or travel use;

(4) A "motor home," which is a structure built on and made an integral part of a self-propelled motor vehicle chassis, other than a passenger car chassis, primarily designed to provide temporary living quarters for recreation, camping and travel use;

(5) "Boats" and "boat trailers," which include boats, floats and rafts, plus the normal equipment to transport the same on a highway; and

(6) Snowmobiles, jet water skis, canoes and similar equipment, plus the normal equipment to transport the same on a highway.

(b) Any owner of camping and recreational equipment may park or store such equipment subject to the following conditions:

(1) At no time shall such parked or stored camping and recreational equipment be occupied or used for living, sleeping or housekeeping purposes, nor shall it have fixed connections to electricity, water, gas or sanitary sewer facilities.

(2) If the camping and recreational equipment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot, and not closer than ten feet from side or rear lot lines.

(3) Notwithstanding the provisions of paragraph (b)(2) hereof, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes.

(4) All camping and recreational equipment must be kept in good repair and carry a current year license and/or registration.

(5) Not more than one such piece of equipment per premises may be so parked.

(6) Notwithstanding the provisions of paragraph (b)(5) hereof, boats, snowmobiles, jet water skis, canoes and similar pieces of equipment may be placed on a trailer. A trailer, with equipment, shall be considered one piece of equipment.

(7) Camping and recreational equipment shall not be parked or stored on a corner lot within the front setback line of the adjacent dwelling or within ten feet of the rear line where the rear line of the corner lot is identical with the side line of an interior lot. Camping and recreational equipment on corner lots that do not abut interior lots shall be no closer to the side property line than the side of the house.

(8) Camping and recreational equipment shall not be parked in any commercial parking lot or adjacent parking lot during periods outside of normal business hours for that particular commercial property.

Penalty - see Section 151.99

151.15 NIGHT PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS.

No person shall park a school bus, commercial trailer, agricultural tractor, truck of more than one-half ton capacity, bus, trailer, semitrailer, pole trailer moving van or any other object on any street within the residential districts of the Municipality between one hour after sunset and one hour before sunrise.

Penalty - see Section 151.99

151.16 OVERNIGHT PARKING.

No person shall park a vehicle on any City street, in any Municipal lot or on any piece of City property, between the hours of 2:00 a.m. and 6:00 a.m.

In addition to any current fine, cost or penalty, a total of three or more violations of this section within any 12 month period will result in the towing and impounding of the vehicle.

Penalty - see Section 151.99

151.17 RESERVED FOR FUTURE LEGISLATION.

151.18 PARKING ON FIRE HYDRANT SIDE OF STREETS.

No person shall park any vehicle on the fire hydrant side of any residential street in the City, unless fire hydrants are located on both sides of a street.

Penalty - see Section 151.99

151.19 PARKING DURING PERIODS OF SNOWFALL.

(a) Parking on the streets of the City shall be prohibited at any time when the Chief of Police determines and makes a written finding that there exists more than one inch of snow on the streets of the City requiring that the streets be plowed with equipment in order to make them usable for vehicular traffic.

(b) In the case of the absence of the Chief of Police, any police officer performing his or her duties may make such a determination and finding.

Penalty - see Section 151.99

151.20 RESERVED FOR FUTURE LEGISLATION.

151.21 PARKING ON FRONT YARDS OR TREE LAWNS.

No person shall park or store, at any time, any motor vehicle, truck, tractor-trailer, motorcycle, trailer, bus, boat or other vehicle between the residence set-back line and the public right-of-way, except on the driveway and/or turn-around area previously approved.

Penalty - see Section 151.99

151.22 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 Traffic Code, 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.

151.23 WAIVER; SPECIFIC PARKING FINES.

(a) Any person charged with a violation of any provision of this chapter for which payment of a prescribed fine may be made, may pay such sum in the manner prescribed on the issued traffic ticket. Such payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgment of conviction of the alleged offense and may 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 court appearance.

(b) Whoever receives a citation for violation of any of the provisions of this chapter except Section 151.03(s) may pay a waiver in accordance with the provisions of subdivision (a) of this section in the following amounts:

- (1) Paid within seven consecutive calendar days: \$25.00;
- (2) Paid after seven consecutive calendar days: \$50.00; and
- (3) Third offense (or more) within any 12 month period: \$100.00.

(c) Whoever receives a citation for violation of Section 151.03(s) of this chapter may pay a waiver in accordance with the provisions of subdivision (a) of this section in the following amounts:

- (1) Paid within seven consecutive calendar days: \$250.00;
- (2) Paid after seven consecutive calendar days: \$300.00; and
- (3) Third offense (or more) within any 12 month period: \$350.00.

151.24 TOWING AND IMPOUNDING VEHICLES.

(a) Any vehicle that has one or more unpaid parking tickets for disability parking (also known as handicapped parking), or two or more unpaid parking tickets for regular parking violations in accordance with this chapter, or the State equivalent of this chapter, may be towed and held in impound until the vehicle owner presents a valid certificate of title or vehicle registration to any police employee that is authorized by the Chief of Police or his/her designee to release an impounded vehicle. All fines, fees, penalties, and costs due on the parking infractions issued or outstanding, or due on the judgments which led to the impoundment or immobilization, must be paid in full prior to the vehicle's release from impoundment or immobilization. In the alternative, a bond equal to the amount of the fines, fees, penalties, costs and judgments may be posted using a surety authorized to do business in the State of Ohio. In no case shall the owner of a vehicle impounded or immobilized be required to post a bond in excess of one thousand dollars (\$1,000) to obtain release of the vehicle.

(b) The owner of any vehicle impounded or immobilized is liable for all impoundment fees and storage charges, in addition to any fees, fines or charges paid to the City of Mayfield Heights.

(c) If the operator of the illegally parked vehicle is present at the time of a parking violation, the officer shall identify the operator and record on the parking ticket the name of the operator, and then shall personally serve the parking ticket upon the operator. If the operator of the vehicle is not present, the officer shall insert the word "owner" in the space provided on the ticket for identification of the offender, and constructively serve the parking ticket upon the owner of the vehicle by affixing the ticket to the vehicle in a conspicuous place. Constructive service of a parking ticket upon an owner of a vehicle by affixation as provided in this section has the same force and effect, and subjects both the owner and the operator of the vehicle whose act or omission resulted in the parking infraction, if different, to the same fine and the same penalties, fees and costs, jointly and severally, for failure to timely answer or to appear in court, as if the parking ticket were personally served on both the owner and operator of the vehicle at the time of the violation. An operator of a vehicle who is not the owner of the vehicle, but who operates it with the express or implied permission of the owner, is the agent of the owner for purposes of the receipt of parking tickets served in accordance with this section and personal service of a parking ticket upon the operator in accordance with this section constitutes constructive service upon the owner.

151.25 COLLECTION OF FINES.

(a) The City may enter into a collection agreement with any governmental or non-governmental entity to provide services in processing and collecting delinquent fines and fees from parking tickets issued by law enforcement officers, and civil judgments and default civil judgments entered pursuant to this chapter. No collection agreement shall affect the responsibilities of hearing examiners, or the ultimate responsibility of the violations clerk, to collect, retain, and disburse fines, fees, penalties, and costs for parking infractions and money paid in satisfaction of judgments and default judgments entered pursuant to this chapter.

(b) In accordance with any collection agreement with a government or non-government entity, a collection service fee shall be assessed to the balance of any unpaid parking tickets. This collection service fee will be established by the collection agreement and will not exceed thirty-three percent of the balance of any unpaid parking ticket fees or fines. This collection service fee will be in addition to any fees or fines owed to the Mayfield Heights Police Department, and those additional fees will be paid to the government or non-government entity upon the collection of all outstanding fines and fees owed to the Mayfield Heights Police Department.

(c) The collection service fee shall be automatically assessed once any account is turned over to a collection agency.

151.26 DESIGNATING PARKING INFRACTIONS; ESTABLISHING VIOLATIONS BUREAU.

(a) Definitions.

(1) "Parking Infraction" means a violation of Chapter 151.

(2) "Vehicle" has the same meaning as in Section 301.53 of Codified Ordinances of the City of Mayfield Heights.

(3) "Court" or "Municipal Court" means the Lyndhurst Municipal Court.

(4) "Bureau" means the City of Mayfield Heights Parking Violations Bureau.

(5) "Local Authority" means every county, municipal corporation, township, or other local board or body having authority to adopt police regulations pursuant to the constitution and laws of this state.

(6) "Disability parking space" means a motor vehicle parking location that is reserved for the exclusive standing or parking of a vehicle that is operated by or on behalf of a person with a disability that limits or impairs the ability to walk and displays a placard or license plates issued under Ohio R.C. 4503.44.

(7) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in Ohio R.C. 4503.44.

(b) Impoundment and Immobilization.

(1) A parking infraction shall not be considered a criminal offense for any purpose.

(2) A vehicle involved in two or more parking infractions in which judgments or default judgments have been filed with the Clerk of the Municipal Court pursuant to division (g)(3) of this section is subject to impoundment or immobilization by law enforcement officers of the City, if the vehicle is found to be parked in violation of this section.

(3) The owner of any vehicle impounded is liable for impoundment fees and storage charges as provided by division (f) of this section.

(4) A vehicle impounded or immobilized under division (b)(2) or (b)(5) of this section shall be released to the owner upon the owner presenting a valid certificate of title to the vehicle to the Violations Clerk of the Parking Violations Bureau and either paying the fines, penalties, fees and costs due on the parking infractions issued or outstanding or payment of the judgments or default judgments which led to the impoundment or immobilization, or posting a bond equal to the amount of the fines, penalties, fees and costs. In no case shall the owner of a vehicle impounded or immobilized be required to post a bond in excess of one thousand dollars (\$1,000.00) to obtain release of the vehicle. If a bond is posted, the Violations Clerk of the Parking Violations Bureau shall assign a hearing date to the owner of the vehicle.

(5) Notwithstanding divisions (b)(2) and (b)(4) of this section, a vehicle parked, stopped, or standing on a public street or highway in commission of a parking infraction is subject to impoundment if the law enforcement officer issuing the parking infraction determines that the vehicle is substantially impeding, or hindering the movement of other traffic.

(c) Parking Ticket, Service and Liability.

(1) The parking ticket adopted in division (i) of this section shall be used by law enforcement officers in all cases in which a person is charged with committing a parking infraction within the City. The parking ticket shall be the summons and complaint.

(2) A law enforcement officer who issues a parking ticket for a parking infraction shall complete the ticket by identifying the infraction charged, recording the license plate number, type, and make or model of the vehicle, and indicating the date, time, and place of the infraction. The officer shall sign the ticket or place their badge number in place of their signature and affirm the facts it contains and file a copy with the Violations Clerk. If the operator of the vehicle is present, the officer shall record on the ticket the name of the operator on the ticket, and then shall personally serve the parking ticket upon the operator. If the operator of the vehicle is not present, the officer shall insert the word "owner" in the space provided on the ticket for identification of the offender, and constructively serve the parking ticket upon the owner of the vehicle by affixing the ticket to the vehicle in a conspicuous place.

Constructive service of a parking ticket upon an owner of a vehicle by affixation as provided in this division, or by the procedure described in division (c)(4) of this section has the same force and effect, and potentially subjects both the owner and the operator of the vehicle whose act or omission resulted in the parking infraction, if different, to the same fine and the same penalties, fees, and costs for failure to timely answer or to appear, if a hearing is requested, as if the parking ticket were personally served on both the owner and operator of the vehicle at the time of the violation.

(3) The original of a parking ticket issued pursuant to this section or any true copy of it shall be considered a record kept in the ordinary course of business of the City and of the law enforcement agency whose officer issued it, and shall be prima facie evidence of the facts it contains.

(4) An operator of a vehicle who is not the owner of the vehicle, but who operates it with the express or implied permission of the owner, is the agent of the owner for purposes of the receipt of parking tickets served in accordance with this section and personal service of a parking ticket upon the operator in accordance with this section constitutes constructive service upon the owner. The operator of a rented or leased vehicle whose act or omission resulted in an alleged parking infraction is not considered an agent of the owner if the owner is engaged in the business of renting and leasing vehicles pursuant to a written rental or lease agreement and if the owner follows the procedures set forth in division (g) of this section.

(5) Except as provided in division (g) of this section, when a parking ticket is issued for a parking infraction and is served pursuant to this section, the operator of the vehicle whose act or omission resulted in the parking infraction for which the ticket was issued and the owner of the vehicle involved in the parking infraction, if different, are jointly liable for the parking infraction and any fine, penalty, fees, and costs arising out of the parking infraction. Any owner of a vehicle who pays any fine, penalty, fee, and cost imposed for a parking infraction may recover the amount paid from the operator of the vehicle whose act or omission resulted in the infraction.

(6) No person upon whom a parking ticket charging a parking infraction is personally or constructively served shall be arrested as a result of the commission of the parking infraction.

(d) Parking Violations Bureau.

(1) The City of Mayfield Heights Parking Violations Bureau is hereby established pursuant to Ohio R.C. 4521.04. The Parking Violations Bureau shall be a Division within the office of the Chief of Police. The Parking Violations Bureau has jurisdiction over each parking infraction that occurs within the territory of the City.

(2) The operating costs of the Parking Violations Bureau shall be paid by the City. The Mayor or his/her designee shall appoint hearing examiner(s). The Police Chief shall appoint a Violations Clerk and necessary clerical employees. No person shall be employed as a hearing examiner unless the person is an attorney admitted to the practice of law in this state or formerly was employed as a law enforcement officer.

(3) The fine, penalties, fees, and costs established for a parking infraction shall be collected, retained, and disbursed by the Violations Clerk if the parking infraction out of which the fine, penalties, fees, and costs arose occurred within the jurisdiction of the Bureau. The Violations Clerk shall issue blank tickets for parking infractions to law enforcement officers for the City, and prescribe conditions for issuance and accountability. The fine, penalties, fees, and costs collected by a Violations Clerk for a parking infraction shall be disbursed by the clerk to the City.

(4) The City has authority to contract with any governmental or non-governmental entity to provide services in processing, collecting, and enforcing parking tickets issued by law enforcement officers and civil judgments and default civil judgments entered pursuant to this section. No contract shall affect the responsibilities of hearing examiners, or the ultimate responsibility of the Violations Clerk to collect, retain, and disburse fines, penalties, fees, and costs for parking infractions and money paid in satisfaction of judgments and default judgments entered pursuant to this section. All contracts entered into by the Violations Clerk shall be subject to approval of the Mayor or his/her designee.

(e) Answers, Procedure.

(1) A person who is personally or constructively served with a parking ticket charging a parking infraction may answer the charge by appearing personally before the Parking Violations Bureau or by mail, within ten days from the date of the infraction. The answer shall be in one of the following forms:

A. An admission that the person committed the infraction, by payment of any fine arising out of the parking infraction;

B. An admission that the person committed the infraction, with an explanation of the circumstances surrounding the infraction;

C. A denial that the person committed the infraction and a request for a hearing. If the person desires the presence, at the hearing, of the law enforcement officer who issued the parking ticket, the person must request his presence in his answer.

(2) A. A person who admits that he committed a parking infraction shall, and a person who admits that he committed a parking infraction with explanation may, when he makes his answer, pay the fine arising out of the infraction admitted to the Violations Clerk of the Bureau.

B. A person who admits that he committed a parking infraction with explanation shall submit evidence to the Bureau that explains the circumstances surrounding the parking infraction. The evidence may be submitted in person or, to avoid the necessity of personal appearance, may be sent as affidavits and other documentary evidence by mail. The Bureau, when it receives an answer admitting that a person committed a parking infraction with explanation, shall promptly determine whether the explanation mitigates the fact that the person committed the parking infraction and notify the person, in writing, of its determination.

If the Bureau determines that the explanation mitigates the fact that the person committed the parking infraction, the Bureau shall eliminate or reduce the amount of the fine arising out of the parking infraction. If the fine is eliminated or reduced and the person has previously paid the fine, the amount paid in excess of the revised fine shall be returned to the person; if the fine is eliminated or reduced and the person has not previously paid the fine, the person shall pay only the amount of the revised fine. If the Bureau determines that the explanation does not mitigate the fact that the person committed the infraction, the person owes the entire amount of the fine arising out of the parking infraction, and if the person has not previously paid the fine, the person shall pay the entire amount of the fine. If a person admits that he committed a parking infraction with explanation and the person fails to pay the amount of the fine due within ten days after receiving notice of the Bureau's determination, unless the amount due has previously been paid, the Bureau's determination and the amount of the fine due shall be considered a judgment and shall be treated as if it were a judgment rendered subsequent to a hearing held pursuant to division (g)(2) of this section.

C. A person who denies that he committed a parking infraction shall be granted a hearing concerning the infraction. The Bureau shall set a date for the hearing and notify the person, in writing, of the date, time, and place of the hearing. The hearing shall be conducted by a hearing examiner of the Parking Violations Bureau in accordance with division (g) of this section.

(3) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction fails to timely answer the charge, as provided in division (e)(1) of this section, the Parking Violations Bureau shall issue the proper notifications of infraction pursuant to division (f) of this section, and proceed according to that division.

(4) The issuance of a parking ticket, the filing of or failure to file an answer by a person personally or constructively served with the ticket, the substance of an answer, the payment of any fine, penalty, fee, and cost, and any other relevant information shall be entered in the records of the Bureau.

(f) Failure to Answer.

(1) When a person is personally or constructively served with a parking ticket, charging the commission of a parking infraction, and fails to answer the charge within the time specified in division (e) of this section, the Parking Violations Bureau shall send notification of infraction as follows:

A. If the person who fails to answer was the operator of the vehicle involved in the parking infraction at the time of the commission of the parking infraction and was personally served with the parking ticket, a notification of infraction shall be sent to that person, and additionally, if such person is not the owner of the vehicle, as determined from the records of the Bureau of Motor Vehicles, a notification of infraction also shall be sent to the owner at his most recent address appearing in such records;

B. If the person who fails to answer was the owner of the vehicle and was constructively served with the parking ticket, a notification of infraction shall be sent to the owner at his most recent address appearing in the records of the Bureau of Motor Vehicles.

(2) A notification of infraction shall be sent within 12 months after the expiration of the time specified in division (e) of this section for the making of an answer, shall be sent by first class mail, and shall contain all of the following:

A. An identification of the parking infraction with which the person was charged and the time and date of the infraction, which identification may be a copy of the parking ticket;

B. The amount of the fine, penalties, fees, and costs due;

C. A warning that the person must answer the parking infraction charged in the ticket within 30 days or a default civil judgment in the amount of the fine, penalties, fees, and costs due may be entered against the person;

D. A description of the allowable answers that may be made and notification that the person will be afforded a hearing before the Bureau if he denies in his answer that he committed the parking infraction;

E. An identification of the manner in which and the entity to which an answer may be made;

F. A warning that if the person fails to appear at a requested hearing, a default civil judgment in the amount of the fine, penalties, fees, and costs due may be entered against the person.

(3) A person who receives a notification of infraction pursuant to this division (f) of this section may answer in any of the ways provided in division (e)(1) of this section for answers to parking infractions charged in a parking ticket. An answer under this section shall be made within 30 days after the date on which the notification of infraction was mailed, and shall be in one of the forms specified in divisions (e)(1)A., B., and C. of this section for answers to parking infractions charged in a parking ticket, except that if the answer includes payment of the fine arising out of the parking infraction any penalty, fee, or cost arising out of such infraction also shall be paid. The answer shall be governed by division (e)(2) of this section for answers relative to parking infractions charged in a parking ticket, except that any determination of the amount to be paid under an answer admitting the commission of the parking infraction with explanation also shall consider any penalty, fee, or cost arising out of such infraction.

(4) If a person who is issued a notification of infraction fails to timely answer, as provided in division (f)(3) of this section, the failure to answer shall be considered an admission that the person committed the parking infraction, and a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person.

(5) The sending of a notification of infraction, the filing of or failure to file an answer by the person to whom it is sent, the substance of an answer, the payment of any fine, penalty, fee, and cost and any other relevant information shall be entered in the records of the Bureau.

(g) Hearing Procedure. Information in proper form is prima facie evidence that the registered owner of the vehicle was the person who committed the infraction.

(1) A. If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction or who receives a notification of infraction, in his answer to the charge denies that he committed the infraction, the Parking Violations Bureau shall conduct a hearing to determine if the person committed the infraction. Each hearing shall

be conducted by a hearing examiner of the Parking Violations Bureau, in such manner as the hearing examiner considers appropriate. Rules regarding the admissibility of evidence shall not be strictly applied in the hearing, but all testimony shall be under oath.

B. At the hearing, the City has the burden of proving, by a preponderance of the evidence, that the person committed the parking infraction. If the person, in his answer, denied that he committed the infraction and requested the presence at the hearing of the law enforcement officer who issued the parking ticket, the officer shall be required to attend the hearing unless the hearing examiner determines that the officer's presence is not required. If the officer's presence at the hearing has been requested and the officer is unable to attend the hearing on the day and at the time scheduled, the hearing examiner may grant a reasonable continuance. The person for whom the hearing is being conducted may present any relevant evidence and testimony at the hearing. The person does not have to attend the hearing if he submits documentary evidence to the hearing examiner prior to the day of the hearing.

C. The City shall submit the original parking ticket that was personally or constructively served on the person or a true copy of that ticket, and information from the Bureau of Motor Vehicles that identifies the owner of the vehicle. The ticket and the parking infraction. The City may present additional evidence and testimony at the hearing. The City does not have to be represented at the hearing by an attorney.

(2) A. If a person for whom a hearing is to be conducted appears at the scheduled hearing, the hearing examiner shall consider all evidence and testimony presented and shall determine whether the City has established, by a preponderance of the evidence, that the person committed the parking infraction. If the hearing examiner determines that the person committed the infraction, an order indicating the determination as a judgment against the person and requiring the person to pay the appropriate fine and any additional penalties, fees and costs shall be entered in the records of the Parking Violations Bureau.

B. If a person for whom a hearing is to be conducted fails to appear at the scheduled hearing and fails to submit evidence in accordance with that division, the hearing examiner shall, if he determines from any evidence and testimony presented, by a preponderance of the evidence, that the person committed the parking infraction, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties, fees, and costs. A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.

C. If a person who is sent a notification of infraction does not timely answer, the hearing examiner of the Parking Violations Bureau shall, if he determines from any evidence and testimony presented to him, by a preponderance of the evidence, that the person committed the parking infraction, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties, fees, and costs. A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.

D. If the hearing examiner does not determine, by a preponderance of the evidence, that a person in any of the classes described in division (g)(2)A., B., or C. of this section committed the parking infraction, the hearing examiner shall enter judgment against the City, shall dismiss the charge against the person, and enter the judgment and dismissal in the records of the Parking Violations Bureau.

E. A default judgment entered under this division may be vacated by the hearing examiner who entered it if all of the following apply:

1. The person against whom the default judgment was entered files a motion with the Parking Violations Bureau within one year of the date of entry of the judgment;
2. The motion sets forth a sufficient defense to the parking infraction out of which the judgment arose; and
3. The motion sets forth excusable neglect as to the person's failure to attend the hearing or answer the notification of infraction.

(3) Payment of any judgment or default judgment entered against a person pursuant to this division shall be made to the Violations Clerk of the Parking Violations Bureau in which the judgment was entered within ten days of the date of entry. All money paid in satisfaction of a judgment or default judgment shall be disbursed by the Clerk to the City, and the Clerk shall enter the fact of payment and its disbursement in the records of the Bureau. If payment is not made within this period, the judgment or default judgment shall be filed with the Clerk of the Lyndhurst Municipal Court, and when so filed, shall have the same force and effect as a money judgment in a civil action rendered in that court.

As required by Ohio R.C. 4521.08(C), judgments and default judgments filed with the Lyndhurst Municipal Court pursuant to this division shall be maintained in a separate index and judgment roll from other judgments rendered in that court. Computer printouts, microfilm, microdot, microfiche, or other similar data recording techniques may be utilized to record such judgments. When a judgment or default judgment is filed with the court, execution may be

levied, and such other measures may be taken for its collection as are authorized for the collection of an unpaid money judgment in a civil action rendered in that Court. The court may assess costs against the judgment debtor, in an amount not exceeding seventy-nine dollars (\$79.00) for each parking infraction, to be paid upon satisfaction of the judgment.

(4) Any person against whom a judgment or default judgment is entered pursuant to this division, and the City, if a judgment is entered against the City pursuant to this division, may appeal the judgment to the Lyndhurst Municipal Court by filing notices of appeal with the Parking Violations Bureau and the Municipal Court within 15 days of the date of entry of the judgment and by the payment of such reasonable costs as the Court requires. Upon the filing of an appeal, the Court shall schedule a hearing date and notify the parties of the date, time, and place of the hearing. The hearing shall be held by the Court in accordance with the rules of the Court. Service of notice of appeal under this division by a person does not stay enforcement and collection of the judgment or default judgment from which appeal is taken by the person unless the person who files the appeal posts bond with the Parking Violations Bureau in the amount of the judgment, plus court costs, at or before service of the notice of appeal.

The judgment on appeal to the Municipal Court is final, and no other appeal of the judgment of the Parking Violations Bureau and no appeal of the judgment of the Municipal Court may be taken.

(5) A default judgment entered pursuant to this section may be filed with the Municipal Court under division (g)(3) of this section at any time within three years after the date of issuance of the parking ticket charging the parking infraction out of which the judgment arose. This division applies to any ticket issued for an offense that would be a parking infraction on or after the effective date of this section if the ticket was issued within three years prior to the effective date of this section.

(g) Non-liability of Owner.

(1) An owner of a vehicle is not jointly liable with an operator of the vehicle whose act or omission resulted in a parking infraction for the parking infraction or any fine, penalty, fee, or cost arising out of the parking infraction if any of the following apply:

A. The owner answers the charge of the parking infraction under divisions (e) or (f) of this section, the answer denies that he committed the infraction and requests a hearing concerning the infraction, the owner additionally asserts and provides reasonable evidence at that time to prove that the vehicle, at the time of the commission of the parking infraction, was being used by the operator without the owner's express or implied consent, and the Parking Violations Bureau determines that the vehicle was being used without the owner's express or implied consent at that time. If the Bureau does not so determine, it shall conduct the hearing concerning the infraction according to division (g) of this section.

B. The owner answers the charge of the parking infraction under divisions (e) or (f) of this section, the answer denies that he committed the parking infraction, the owner additionally submits evidence at that time that proves that, at the time of the alleged commission of the infraction, the owner was either engaged in the licensed taxicab business or otherwise engaged in the business of renting or leasing vehicles underwritten rental or lease agreements, and the owner additionally submits evidence that proves that, at the time of the alleged commission of the parking infraction, the vehicle in question was in the care, custody, or control of a person other than the owner either pursuant to an employment relationship, if the owner was engaged in the licensed taxicab business, or otherwise pursuant to a written rental or lease agreement. If the owner does not so prove, the Parking Violations Bureau shall conduct a hearing relative to the infraction according to division (g) of this section.

C. The owner, at a hearing concerning the parking infraction conducted in accordance with division (g) of this section, proves that the vehicle, at the time of the parking infraction, was being used by the operator without the owner's express or implied consent or proves the facts described in division (g)(1)B. of this section.

(2) An owner of a vehicle who is either engaged in the licensed taxicab business or otherwise engaged in the business of renting or leasing vehicles underwritten rental or lease agreements, but who does not satisfy the additional requirement of division (g)(1)B. of this section is not liable for any penalties arising out of a parking infraction involving the vehicle if at the time of the commission of the parking infraction, the vehicle was in the care, custody, or control of a person other than the owner either pursuant to an employment relationship, if the owner was engaged in the licensed taxicab business, or otherwise pursuant to a written rental or lease agreement, and if the owner answers the charge of the parking infraction by denying that he committed the parking infraction or by paying the fine arising out of the parking infraction within thirty days after actual receipt of the parking ticket charging the infraction or, if the owner did not receive the parking ticket, within 30 days after receipt of the notification of infraction.

Proof that the vehicle was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement at the time of the alleged parking infraction shall be established by sending a true copy of the rental or lease agreement or an affidavit to that effect to the Parking Violations Bureau within 30 days after the date of receipt by the owner of the parking ticket charging the infraction or, if the owner did not receive the parking ticket, within 30 days after receipt of the notification of infraction. The submission of a true copy of a written rental or lease agreement or affidavit shall be prima facie evidence that a vehicle was in the care, custody, or control of a person other than the owner. In addition, any information required by division (g)(1)B. of this section may be provided on magnetic tape or another computer-readable media in a format acceptable to the City of Mayfield Heights.

(i) Parking Ticket Adopted. The following parking ticket is adopted to be used by law enforcement officers in all cases in which a person is charged with a parking infraction within the City of Mayfield Heights:

(Front)

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS THAT:

License Plate No. _____ State: ____ Type: ____ Location: _____

Vehicle Make: _____ Model: _____ Style: _____ Year: _____
Color: _____

Date/Time of Infraction -- Month: ____ Day: ____ Year: ____ Time: _____ HRS.

Vehicle Parking Infraction No. _____ Violation Description: _____

Name: _____ (If no one is present the word "Owner" should be place in this section)

Address: _____

Remarks: _____

Officer's Signature OR Badge Number: _____

FAILURE TO PAY THE WAIVER FINE IN THE AMOUNT SET ON THE REVERSE SIDE OF THIS PARKING TICKET WITHIN 7 DAYS OF ISSUANCE WILL RESULT IN ADDITIONAL PENALTIES AND VEHICLE SANCTIONS INCLUDING BUT NOT LIMITED TO, INCREASED FINES, A BMV REGISTRATION BLOCK, AND BEING TURNED OVER TO THE OHIO ATTORNEY GENERALS OFFICE'S COLLECTION ENFORCEMENT SECTION. IF YOU WISH TO CONTEST THE ABOVE DESCRIBED VIOLATION SEE ADDITIONAL DETAILS ON THE REVERSE SIDE OF THIS TICKET.

(Back)

The owner-operator of the vehicle designated has been charged with a parking infraction. You must, within 7 days, answer this infraction by admitting the parking infraction, admitting the parking infraction with an explanation of the circumstances, or denying the parking infraction and requesting a hearing. If requesting a hearing to contest the ticket, the request must be made within 7 days of the original violation.

Answers may be made in person, by mail or phone to the violations clerk, Parking Violations Bureau, located at the Mayfield Heights Police Department

[address] 6154 Mayfield Road, Mayfield Heights, Ohio 44124 Phone: (440) 442-2323

Failure to answer within 7 days or to appear at a requested hearing will be considered an admission of this parking infraction, and may result in a default judgment against you and impoundment or immobilization of the designated vehicle, and penalties prescribed by ordinance. Any money collected pursuant to a parking ticket that does not contain all of the above legal requirements shall be refunded to the person owning the vehicle.

(j) Parking Infraction Fines.

The following fines for parking infractions are hereby established:

Whoever receives a citation for violation of any of the provisions of this chapter except Section 151.03(s) may pay a waiver in accordance with the provisions of subdivision (a) of this section in the following amounts:

- (1) Paid within seven consecutive calendar days: \$25.00;
- (2) Paid after seven consecutive calendar days: \$50.00; and
- (3) Third offense (or more) within any 12 month period: \$100.00.

(c) Whoever receives a citation for violation of Section 151.03(s) of this chapter may pay a waiver in accordance with the provisions of subdivision (a) of this section in the following amounts:

- (1) Paid within seven consecutive calendar days: \$250.00;
- (2) Paid after seven consecutive calendar days: \$300.00; and
- (3) Third offense (or more) within any 12 month period: \$350.00.

151.99 PENALTY.

Refer to Section 151.26(j) "Parking Infraction Fines" and/or Section 151.23 "Waiver; Specific Parking Fines".

SECTION 2. All provisions in Chapter 351 of the Codified Ordinances of the City inconsistent herewith are hereby repealed and all other provisions of Chapter 351 shall remain in full force and effect.

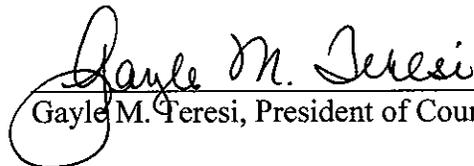
SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect on January 1, 2017.

First Reading: November 14, 2016
 Second Reading: Suspended
 Third Reading: Suspended
 Passed: November 28, 2016

Attest:


 Robert G. Tribby, Clerk

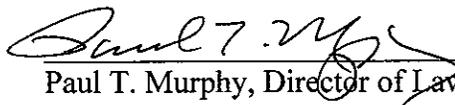

 Gayle M. Teresi, President of Council

Presented
 To Mayor: November 28, 2016

Approved: November 28, 2016


 Anthony DiCicco, Mayor

Approved as to form:


 Paul T. Murphy, Director of Law