

**CITY COUNCIL AGENDA**

**June 21, 2022**

**7:30p.m.**

**The meeting convenes at City Hall, in Council Chambers, 1<sup>st</sup> Floor, 538 N. Market Street, Wooster, Ohio.**

- I. ROLL CALL & ORDERING OF AGENDA**
- II. APPROVAL OF MINUTES**
- III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**
- IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**
- V. COMMITTEE REPORTS; PUBLIC HEARINGS**
- VI. UNFINISHED BUSINESS**
- VII. NEW BUSINESS**
  1. **First Reading – RESOLUTION NO. 2022-23**  
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REHABILITATION OF SANITARY SEWER LINES AND ALLOWING FOR IMMEDIATE ENACTMENT (Silvestri)
  2. **First Reading – RESOLUTION NO. 2022-24**  
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF A CITY HALL PARKING EXPANSION AND ALLOWING FOR IMMEDIATE ENACTMENT (Knapic)
  3. **First Reading – RESOLUTION NO. 2022-25**  
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE SPONSORSHIP OF A FUNDING APPLICATION AND PROVIDING FOR IMMEDIATE ENACTMENT (Warden)
  4. **First Reading – RESOLUTION NO. 2022-26**  
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH CESO INC. FOR PROFESSIONAL DESIGN SERVICES RELATED TO THE OAK HILL/MILLTOWN ROUNDABOUT, APPROPRIATING THE NECESSARY FUNDS AND ALLOWING FOR IMMEDIATE ENACTMENT (Warden)

5. **First Reading – ORDINANCE NO. 2022-14**

**AN ORDINANCE AMENDING CHAPTER 351, PARKING GENERALLY, CHAPTER 355, OFF-STREET PARKING FACILITIES AND REPEALING CHAPTER 357, PARKING VIOLATIONS BUREAU OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY ESTABLISHING A CIVIL PARKING VIOLATIONS BUREAU UNDER THE AUTHORITY OF OHIO REVISED CODE SECTION 4521 DECRIMINALIZING MOST PARKING VIOLATIONS. (Reynolds)**

**VIII. MISCELLANEOUS**

**IX. ADJOURNMENT**



2022-23

### Request for Agenda Item

**Authorization for Bid**



**Purchase Capital Item**



**Non-Capital**



<b>Division:</b> Engineering	<b>Meeting Date Requested</b> June 21, 2021
<b>Project Name</b> 2022 Sanitary Sewer Rehabilitation Project	<b>Estimated Total Funds/Costs</b> \$150,000 (Sanitary Sewer Fund)
<b>Is Full Amount Budgeted?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If YES, three readings NOT REQUIRED</b>	
<b>If No, How is the Purchase to be Funded?</b>	
<b>Description of Request</b> This is a request to advertise for bids and to enter into a contract with the lowest and best bidder for sanitary sewer system rehabilitation work throughout the City. The purpose of this project is to limit the amount of infiltration of ground water into the system and to help reduce maintenance costs.	
<b>Justification / Benefits</b> This project is being requested in order to repair old sewers that require constant maintenance and cleaning to remove blockages due to broken pipes, bad joints and poor flow lines and to help limit the amount of infiltration into the system.	
<b>Will this Project affect the City's Operating Costs</b> This project should reduce the City's operating budget by reducing maintenance costs.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> The alternative is to do nothing and continue to perform maintenance and risk sewer back-ups.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>If Yes, Explain The Circumstances:</b>	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, Note Reasons</b> Suspension of the rules is not necessary but earlier passage would allow the opportunity to bid this project as early as possible.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Roger Kobilarcsik	<b>Date:</b> June 14, 2022
<b>Approved for Agenda</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	

RESOLUTION NO. 2022-24

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF A CITY HALL PARKING EXPANSION AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, the Wooster City Hall requires additional parking due to the Fire Station #1 renovation; and

WHEREAS, the parking lot construction will be on the north side of City Hall and will replace the parking spots lost and add one additional spot.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. The Director of Administration is authorized to advertise according to law and enter into a contract with the lowest and best bidder for the construction of the City Hall parking lot expansion, in accordance with specifications now on file in his office.

SECTION 2. The cost of such contract will not exceed the amount budgeted.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 4. This Resolution is declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Introduced: \_\_\_\_\_ Passed: \_\_\_\_\_ Vote: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council President of Council

Approved: \_\_\_\_\_, 2022  
Mayor

Introduced by: Barb Knapic

2022-24

### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division:</b> Engineering	<b>Meeting Date Requested</b> June 21, 2022
<b>Project Name</b> City Hall Parking Lot Expansion Project	<b>Estimated Total Funds/Costs</b> \$95,000 (Capital Funds)
<b>Is Full Amount Budgeted?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If YES, three readings NOT REQUIRED</b>	
<b>If No, How is the Purchase to be Funded?</b>	
<b>Description of Request</b> This is a request to authorize the advertisement for bids and to enter into a contract with the lowest and best bidder for the expansion of the parking lot on north side of City Hall. The expansion is necessary because there will be a loss of 16 parking spots due to the renovation of Fire Station #1. The parking lot expansion will add 17 spaces to make up for those lost. All of the engineering design, construction administration and inspection will be performed in-house by the engineering staff.	
<b>Justification / Benefits</b> The project will add needed parking spaces to the area around City Hall due to the renovation of Fire Station #1 into the south parking lot.	
<b>Will this Project affect the City's Operating Costs</b> This project will have no effect on the City's operation and maintenance costs.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> We could do nothing and not have enough parking around City Hall.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>If Yes, Explain The Circumstances:</b>	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, Note Reasons</b> Suspension of the rules is not necessary but earlier passage would allow the opportunity to bid this project as early as possible in order to obtain the best possible bids.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Roger Kobilarcsik	<b>Date:</b> June 14, 2022
<b>Approved for Agenda</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	

RESOLUTION NO. 2022-25

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE SPONSORSHIP OF A FUNDING APPLICATION AND PROVIDING FOR IMMEDIATE ENACTMENT

WHEREAS, Section 5501.03 (C) of the Ohio Revised Code provides that the Director of the Ohio Department of Transportation (ODOT) may coordinate the activities of the Department with other appropriate public authorities and enter into contracts with such authorities as necessary to carry out its duties, powers and functions; and

WHEREAS, The Ohio Department of Transportation has committed to submit an application to the State's Safety Board for funding of the construction costs for a roundabout at the intersection of SR 585 and Gevers Chapel Road.

WHEREAS, The City of Wooster has agreed to sponsor the application.

WHEREAS, The State of Ohio has an interest in being proactive in the preparation of future traffic at the intersection, and

WHEREAS, it is necessary to construct the roundabout to serve the current and future commercial development.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. The Director of Administration is authorized to enter into an agreement with ODOT to sponsor the application for funding of a roundabout at the intersection of SR 585 and Gevers Chapel Road.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 3. This Resolution is hereby declared to be necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law. This Resolution shall take effect and be in full force from and after the earliest date allowed by law.

1st reading \_\_\_\_\_ 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2022

Vote: \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

Introduced by: Jennifer Warden

2022-25

### Request for Agenda Item

**Authorization for Bid**

**Purchase Capital Item**

**Non-Capital**

<b>Division:</b> Engineering	<b>Meeting Date Requested</b> June 21, 2022
<b>Project Name</b> SR 585/Geyers Chapel Road Roundabout Application	<b>Estimated Total Funds/Costs</b> \$1,881,000 (ODOT \$1,336,000)(TID \$250,000)(Ohio Jobs and Commerce \$250,000)(Capital \$45,000)
<b>Is Full Amount Budgeted?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>If YES, three readings NOT REQUIRED</b>	
<b>If No, How is the Purchase to be Funded?</b> The City's share of funding for this project will be included in the 2026 Appropriation Budget.	
<b>Description of Request</b> This is a request to authorize the Director of Administration to enter into a cooperative agreement with the Ohio Department of Transportation (ODOT) to sponsor an application to the States Safety Board for funding construction of a roundabout at the intersection of SR585 and Geyers Chapel Road. The state is being proactive in preparing for future traffic at this intersection with the current commercial development taking place in the area.	
<b>Justification / Benefits</b> The Ohio Department of Transportation is committed to funding 70% of the construction costs for this project in their FY 2026.	
<b>Will this Project affect the City's Operating Costs</b> No	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> We could do nothing and turn down the possibility of obtaining safety funds for the roundabout.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, Explain The Circumstances:</b> This is a request to simply allow the submission of an application for funding.	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>If Yes, Note Reasons</b> Suspension of the rules is required to allow for the submission of the application for safety money in late August. We recently learned that ODOT was going to write the application for these funds and that they wanted the City to sponsor the application. Applications are due in late August when council is in recess which is the reason for this emergency request for approval.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Roger Kobilarcsik	<b>Date:</b> June 13, 2022
<b>Approved for Agenda</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	





### Request for Agenda Item

**Authorization for Bid**

**Purchase Capital Item**

**Non-Capital**

<b>Division:</b> Engineering	<b>Meeting Date Requested</b> June 21, 2022
<b>Project Name</b> Oak Hill/Milltown Roundabout and Road Improvement Engineering	<b>Estimated Total Funds/Costs</b> \$159,800 Capital Funds
<b>Is Full Amount Budgeted?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b> Reimbursement of the Capital Funds will come from funding through the TIF program	
<b>Description of Request</b> This is a request to appropriate funds and to enter into a professional contract with CESO, Inc. to design the Oak Hill/Milltown roundabout and the adjacent road improvements to both Oak Hill and Milltown Roads. The improvements along Oak Hill is approximately 2,000 feet south of the intersection and along Milltown to the east of the intersection for approximately 1,000 feet. All of the construction engineering and inspection will be performed in-house by the engineering staff.	
Council has already passed Ord. 2022-02 Adopting the Oak Hill Tax Incremental Financing Incentive District	
<b>Justification / Benefits</b> This project is part of the TIF expansion of utilities sand road improvements to the northern section of Oak Hill and along Milltown Roads.	
<b>Will this Project affect the City's Operating Costs</b> This project should have little or no effect on the City's operating budget.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> N/A	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances: This is an Engineering services request and CESO, Inc. is ranked in the top of the current engineering services registry, and was selected based on the current engineering services selection policy.	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Authorizing this contract will allow the project to remain on schedule for construction in 2024. This emergency request will allow an extra two months for the preparation of Engineering construction plans for the above mentioned projects, since council is in recess in July and August.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Roger Kobilarcsik	<b>Date:</b> June 16, 2022
<b>Approved for Agenda</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	

ORDINANCE NO. 2022-14

AN ORDINANCE AMENDING CHAPTER 351, PARKING GENERALLY, CHAPTER 355, OFF-STREET PARKING FACILITIES AND REPEALING CHAPTER 357, PARKING VIOLATIONS BUREAU OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY ESTABLISHING A CIVIL PARKING VIOLATIONS BUREAU UNDER THE AUTHORITY OF OHIO REVISED CODE SECTION 4521 DECRIMINALIZING MOST PARKING VIOLATIONS.

WHEREAS, The vast majority of Cities in Ohio have decriminalized parking violations and have classified parking infractions as a matter more appropriately dealt with in a civil law forum; and

WHEREAS, Ohio Revised Code Section 4521 provides a means for municipalities to remove criminal penalties from parking violations and create a civil law process in order to streamline the process for payment, collection and appeals of parking violations,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That Chapter 351, Parking Generally and Chapter 355, Off-Street Parking Facilities of the Codified Ordinances of the City of Wooster, Ohio is hereby amended and Chapter 357, Parking Violations Bureau of the Codified Ordinances of the City of Wooster, Ohio is hereby repealed by the adoption of new Section Chapter 351 and 355, to read as follows:

Chap. 351. Parking Generally.

Chap. 355. Off-Street Parking Facilities.

~~Chap. 357. Parking Violations Bureau.~~ **REPEALED**

CHAPTER 351

Parking Generally

351.01 Police may remove unattended vehicle which obstructs traffic.

351.02 Registered owner prima-facie liable for unlawful parking.

351.03 Prohibited standing or parking places.

~~351.04 Manner of parallel parking~~

**351.04 Parking near curb**

**351.041 Handicapped Locations on Public and Private Lots and Garages**

351.05 Manner of angle parking.

351.06 Selling, washing or repairing vehicle upon roadway.

351.07 Unattended vehicle: duty to stop engine, remove key, set brake and turn wheels.

351.08 Opening vehicle door on traffic side.

351.09 Loading passengers or material.

351.10 Bus stops and taxicab stands.

351.11 Parking in alleys and narrow streets; exceptions.

351.12 Prohibition against parking on streets or highways.

351.13 Moving vehicle without driver's consent.

351.14 Snow emergency.

351.15 Backing to curb to load.

351.16 All-night parking of semitractors, semitrailers, trucks exceeding five tons and school buses.

351.17 Parking on posted private property.

- 351.18 Downtown Parking District.
- 351.19 Establishment of Residential Parking Districts.
- 351.191 Definitions.
- 351.192 Applicability.
- 351.193 Application for permit; eligibility; fee.
- 351.194 Issuance and display of permits; permit not a guarantee.
- 351.195 Special exceptions.
- 351.196 Violations.
- 351.20 Human habitation in vehicles prohibited.
- 351.21 Parking of recreation or commercial vehicles
- 351.98 Parking Violations Bureau
- 351.99 Penalty

#### CROSS REFERENCES

- See sectional histories for similar State law
- Owner nonliability, lease defense - see Ohio R.C. 4511.071
- Police may remove ignition key from unattended vehicle - see TRAF. 303.03
- Parking near stopped fire apparatus - see TRAF. 331.27
- Lights on parked or stopped vehicles - see TRAF. 337.09

#### 351.01 POLICE MAY REMOVE UNATTENDED VEHICLE WHICH OBSTRUCTS TRAFFIC.

Whenever any police officer finds a vehicle unattended upon any street, bridge or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety.  
(ORC 4511.67)

#### 351.02 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.

#### 351.03 PROHIBITED STANDING OR PARKING PLACES.

Except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, no person shall stand or park a vehicle, or any part or portion thereof, in any of the following places:

- (a) On a sidewalk or street lawn area, (other than those established in accordance with Section 905.02(f) of these Codified Ordinances) except a bicycle;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within ten feet of a fire hydrant;
- (e) On a crosswalk;
- (f) Within twenty feet of a crosswalk at an intersection;
- (g) Within thirty feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
- (h) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;
- (i) Within fifty feet of the nearest rail of a railroad crossing;

- (j) Within twenty feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five 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 other 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 or street is painted yellow, or at any place in excess of the maximum time limited by signs;
- (o) Within one foot of another parked vehicle;
- (p) On the roadway portion of a freeway, expressway or thruway;  
(ORC 4511.68)
- (q) In any place dangerous to the public safety, or where such vehicle obstructs members of the Police or Fire Division in carrying out their duties;
- (r) At any place where temporary signs have been erected by the City Police Division or other City authority prohibiting stopping, standing or parking.  
(Ord. 2010-29. Passed 11-1-10.)

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

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the curb side wheels of the vehicle parallel with and not more than twelve inches from the curb, unless it is impossible to approach so close to the curb; in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

(b) (1) This subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a state route unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

(2) A. No angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least twenty-five feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space.

B. Replacement, repainting or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.

(c) (1) A. Except as provided in subsection (c)(1)B. hereof, 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 subsection (c)(2) of this section irrespective of whether or not the space is metered.

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

~~(e) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities where parking is provided, whether owned, rented, or leased, and at all public 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 reasonable close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C.378.111(e) 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 subsection (e) hereof, 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 subsection (e) hereof, 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 removal windshield placard or special license plates;~~

~~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 subsection (f)(1)A. of this section may be towed or otherwise removed from the parking location by the Police Department. 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 the 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 charge with a violation of subsection (f)(1)A. of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in 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 subsection (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 subsection.~~

~~(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 ordinance or police rules provide otherwise or where the vehicle is parked in such a manner as to clearly a traffic hazard.~~

~~(h) 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 similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty. (ORC 4511.69)~~

### 351.041 HANDICAPPED LOCATIONS ON PUBLIC AND PRIVATE LOTS AND GARAGES.

(a) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented, or leased, and at all public 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 reasonable close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C.378.111(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.

(b) (1) A. No person shall stop, stand or park any motor vehicle at special parking locations provided under subsection (a) hereof, 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 subsection (e) hereof, 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 removal windshield placard or special license plates;

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 subsection (b)(1)A. of this section may be towed or otherwise removed from the parking location by the Police Department. 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 the 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 subsection (b)(1)A. of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in 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 subsection (a) 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 subsection.

(c) 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 ordinance or police rules provide otherwise or where the vehicle is parked in such a manner as to clearly a traffic hazard.

(d) 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 similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty. (ORC 4511.69)

#### 351.05 MANNER OF ANGLE PARKING.

Upon streets where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or markings.

#### 351.06 SELLING, WASHING OR REPAIRING VEHICLE UPON ROADWAY.

No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying such vehicle for sale;
- (b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

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

(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.



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 do not apply to any of the following:

- (1) A motor vehicle that is parked on residential property;
- (2) A motor vehicle that is locked, regardless of where it is parked;
- (3) An emergency vehicle;
- (4) A public safety vehicle.

~~(b) Except as otherwise provide in this subsection, whoever violates this section is guilty of a minor misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.661)~~

#### 351.08 OPENING VEHICLE DOOR ON TRAFFIC SIDE.

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. (ORC 4511.70(C))

No operator or passenger of any motor vehicle shall leave or enter such vehicle on the side next to a moving lane of traffic, unless such movement can be made in such manner as to yield the right of way to all vehicular traffic in the lawful use of the street.

#### 351.09 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 thirty minutes.

#### 351.10 BUS STOPS AND TAXICAB STANDS.

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

(b) 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 signed, 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. (1950 Code, p. 171.)

#### 351.11 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) No person, except during actual loading or unloading or when operating an emergency service vehicle, shall park a vehicle within an alley in the fire limits of the City or within one block north and one block south of such fire limits.

An "emergency service vehicle" is hereby defined as:

(1) Any repair truck or other vehicle owned by a telephone, electric or gas company, used exclusively for installation or repair of public utility facilities and distinctly marked as to such ownership, or

(2) Any service car with a private license used by an employee of a public utility upon which a permit is displayed. Such permit shall be issued to the owner of such service car upon application to the Director of Administration and the payment of a fee not to exceed three dollars (\$3.00) per annum.

(c) No person shall park a vehicle within any alley outside the fire limits of the City in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, except during actual loading or unloading.

#### 351.12 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

Upon any street or highway outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the street or highway if it is practicable to stop, park or so leave such vehicle off the paved or main traveled part of such street or highway. In every event, a clear and unobstructed portion of the street or highway not less than ten feet in width opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such street or highway.

This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position. (Ord. 2001-67. Passed 11-19-01.)

#### 351.13 MOVING VEHICLE WITHOUT DRIVER'S CONSENT.

(a) No person shall move a vehicle without the driver's consent into any place or position which would make the driver or owner liable to punishment for a violation of this Traffic Code.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of a pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.661) ~~(Ord. 1957-16. Passed 6-3-57.)~~

#### 351.14 SNOW EMERGENCY.

(a) Whenever during any period of twelve hours or less, snow falls in the City or in a section thereof, to a depth of three inches or more, an emergency is declared to exist in that such a heavy snow storm constitutes a serious public hazard impairing transportation, the moving of food and fuel supplies, medical care, fire, health and police protection and other vital facilities of the City. The emergency shall continue until an announcement by the Director of Administration that snow plowing operations have been completed. The announcement should be made in the same manner as outlined in subsection (b) hereof.

(b) Whenever such an emergency exists, the Director of Administration shall request the cooperation of the local press and radio and television stations to announce the emergency and the

time that emergency parking regulations shall become effective, which time shall be no sooner than one hour after the first announcement to the above named news media and such announcement to the news media shall constitute notice to the general public of the existence of the emergency. However, the owners and operators of motor vehicles shall have full responsibility to determine existing weather conditions and to comply with emergency parking regulations.

During the period of the emergency the Director of Administration may prohibit the parking of any vehicles upon any or all of the following City streets:

Akron Road	Beall Avenue	Bever Street
Bowman Street	Buckeye Street	Burbank Road
Cleveland Road	Columbus Avenue	E. University Street (east of Beall Avenue)
Emerick Street	Gasche Street	Grant Street
Graustark Path, between Highland Ave. Winkler Drive	Henrietta (Grant to Quinby)	Henry Street
High Street	Highland Avenue	Highland Park Road
Larwill Street	Liberty Street	Madison Avenue
Market Street	Mechanicsburg Road	North Street
Northwestern (Westridge to Western)	Oak Hill Road	Old Mansfield Road
Palmer Street	Pittsburg Avenue	Portage Road
Quinby Avenue	South Street	Spink Street
Spruce Street	Vanover Street	Walnut Street
Wayne Avenue	W. Lincoln-Way (Mansfield Rd.)	Westridge (Oak to Northwestern)
Winter Street (Cleveland to Gasche)		

During the snow emergency no person shall park or cause to be parked, or permit to be parked, or abandon or leave unattended any vehicle of any kind or description upon such streets. However, vehicles may be parked for a period of not longer than three minutes for actual loading or unloading of passengers or thirty minutes for actual loading or unloading of property, provided that no other ordinance restricting parking as to place or time is violated thereby. (Ord. 1979-7. Passed 2-5-79.)

(c) All sections of this Traffic Code concerning parking fines and impounding of illegally parked vehicles apply to this section. (Ord. 1974-33. Passed 5-6-74; Ord. 1977-16. Passed 4-4-77)

**351.15 BACKING TO CURB TO LOAD.**

In places where, and at hours when, stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads. (1950 Code, p. 172.)

**351.16 ALL-NIGHT PARKING OF SEMITRACTORS, SEMITRAILERS, TRUCKS EXCEEDING FIVE TONS AND SCHOOL BUSES.**

No person shall park any semitractor, semitrailer, truck exceeding five tons or any school bus on any street of the City from 10:00 p.m. to 8:00 a.m. (Ord. 1981-47. Passed 10-19-81.)

**351.17 PARKING ON POSTED PRIVATE PROPERTY.**

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:

- (a) Park a vehicle on the property without the owner's consent;
- (b) Park a vehicle on the property in violation of any condition or regulation posted by the owner. (ORC 4511.681)

**351.18 DOWNTOWN PARKING DISTRICT.**

(a) For the purpose of regulating on-street parking in the downtown area, there is hereby declared to be a district known as the Downtown Parking District. This district is defined by the following boundaries:

Liberty Street, on both sides, from Grant Street to Beall Avenue;  
North Street, on both sides, from Grant Street to Buckeye Street;  
South Street, on both sides, from Walnut Street to Buckeye Street;  
Walnut Street, on both sides, from Larwill Street to South Street;  
Market Street, on both sides, from Larwill Street to Henry Street;  
Buckeye Street, on both sides, from North Street to South Street;  
Bever Street, on both sides, from North Street to Liberty Street.

With respect to meeting future parking needs within this District, the City Engineer is authorized to alter such boundaries in accordance with parking needs in the District, provided that he shall first obtain the approval of the Traffic Commission.

(b) The City Engineer is authorized to designate by appropriate pavement markings, or such other method as he deems appropriate individual parking spaces within the Downtown Parking District. No person shall park a vehicle in such a way that the vehicle is not entirely within the limits of the space so designated.

(c) Within the Downtown Parking District, no person shall park a vehicle for a period of time in excess of three hours at the same or any other location within that block. For purposes of this section, "block" means either side of the street on which the vehicle is parked, in between the nearest intersecting streets.

(d) No person shall park a vehicle at an on-street parking location within the Downtown Parking District between the hours of 2:00 a.m. and 6:00 a.m.

Whenever a police officer finds a vehicle parked within the Downtown Parking District in violation of this subsection, he may, in addition to any other penalties provided herein, require the owner or any other person in charge of the vehicle to move the vehicle, or, if the vehicle is unattended, to provide for the vehicle to be towed to an appropriate location.

This prohibition shall not apply to a vehicle which is disabled or otherwise temporarily and unavoidably incapable of movement.

(e) Whoever violates subsections (b), (c) or (d) hereof shall be fined in accordance with the schedule of fines in Section 351.98(e)7.03 hereof.  
(~~ORD. 2001-42. Passed 9-4-01~~)

### 351.19 ESTABLISHMENT OF RESIDENTIAL PARKING DISTRICTS.

Whenever it determines that parking congestion in the streets of a particular residential area is such that the restriction thereof for non-residential users is necessary to reduce hazardous traffic conditions and promote the health, safety and general welfare of the residents of the area by providing on-street parking where adequate off-street parking is limited, City Council may establish a Residential Parking District and define the boundaries thereof, as well as reasonable parking restrictions therein. (Ord. 2002-38. Passed 7-1-02.)

#### 351.191 DEFINITIONS.

With respect to Sections 351.192 to 351.196, the following definitions shall apply:

- (a) "Household" means a "dwelling, single family" as that term is defined in the Zoning Code.
- (b) "Multiple household" means a "dwelling, two family" or "dwelling, multi-family" as those terms are defined in the Zoning Code.
- (c) "Residential Parking District" is the list of streets and sections of streets designated in this chapter for restricted parking by residential neighborhood permit only at those designated times.
- (d) "Visitor permit" is a permit to park in the Residential Parking District on a temporary basis.

(Ord. 2002-38. Passed 7-1-02.)

#### 351.192 APPLICABILITY.

The following zones are designated as Residential Parking Districts:

- (a) The College of Wooster Residential Parking District, described as follows:

##### Henrietta Street

- north side, from Quinby Avenue to Bever Street
- north side, from 974 N. Grant Street to Quinby Avenue

##### University Street

- north side, from Quinby Avenue to Bever Street
- south side, from Spink Street to Gasche Street
- both sides, from Gasche Street to Palmer Street
- both sides, from Grant Street to Quinby Avenue

##### Forest Drive

- west and north side, from Henrietta Street to Quinby Avenue
- east side, from Pine Street to Henrietta Street

##### Gasche Street

- west side, from north alley south of University Street to the south alley north of Stibbs Street
- ##### Pine Street
- north side, from Quinby Avenue to Bever Street
  - north side, from Quinby Avenue to western terminus

##### Scovel Avenue

- east side, from University Street to Pine Street
- east side, from Pine Street to Pearl Street

##### Pearl Street

- north side, from Bever Street to Beall Avenue

-north side, from Bever Street to Buckeye Street

**Stibbs Street**

-both sides, from Spink Street to Gasche Street

-south side, from Beall Avenue to Spink Street

**Lincoln Street**

-both sides, from Stibbs Street to northern terminus

**Belmont Avenue**

-both sides, from Stibbs Street to Spring Street

**College Avenue**

-west side, from Pine Street to Spring Street

**Spink Street**

-east side, from University Street to Bowman Street

**Quinby Avenue**

-both sides, from Wayne Avenue to Park Avenue

**Bever Street**

-west side, from Henrietta Street to Pearl Street

(b) Once designated, the Mayor or his/her designee will cause appropriate signage to be erected within the designated district to effectuate the purposes of this section.

(Ord. 2004-19. Passed 6-21-04.)

**351.193 APPLICATION FOR PERMIT; ELIGIBILITY; FEE.**

(a) Permits may be obtained at locations designated by the Mayor. Applicants shall submit proof of residency and proof of ownership or principal use of the motor vehicle upon making an application for a parking or visitor permit. Each application for a parking permit shall also contain the following information: applicant name and address; make, model and license number of motor vehicle(s) for which an application is made; and any other information deemed relevant by the Department of Public Works.

(b) Each household and multiple household within a designated Residential Parking District is entitled to obtain one residential parking permit per motor vehicle. Each household and multiple household is entitled to purchase one visitor permit for each household. Appeals for additional parking and/or visitor permits shall be made in writing to the Mayor or his/her designee, together with any relevant documentation.

(c) There will be no fee for annual permits issued by the City. However, if the make, model or license tag number of a permitted vehicle changes during the year, such new information must be promptly reported to the office that issued the permit. If a permit holder loses his/her permit, s/he may request the issuance of a replacement permit. The fee for a replacement permit will be five dollars (\$5.00).

(Ord. 2007-50. Passed 9-4-07.)

**351.194 ISSUANCE AND DISPLAY OF PERMITS; PERMIT NOT A GUARANTEE.**

(a) Parking permits will be issued as of August 15th of the current year, and will remain in effect until June 1st of the following year, at which time they will expire.

(b) Residential parking permits shall be visibly displayed by hanging the permit from the rearview mirror in the front windshield, or at such other location as determined by the Mayor or his/her designee.

(c) Possession and display of a valid residential parking permit does not guarantee that the holder will be able to locate an on-street parking space within the district, nor does it exempt the holder from all other parking restrictions or prohibitions established in accordance with Chapter 351 of these Codified Ordinances, including temporary restrictions necessitated for street maintenance purposes.

(d) Parking permits valid for one district shall not be valid for another district.  
(Ord. 2002-38. Passed 7-1-02.)

#### 351.195 SPECIAL EXCEPTIONS.

Any holder of a valid residential parking permit may request the issuance of one or more temporary permits as a special exception from the residential parking permit regulations. A temporary permit will be valid for no more than forty-eight hours, and the holder will be limited to no more than one such request in any thirty (30) day period. Such a request shall be made to the Parking Enforcement Manager, and shall include a brief description of the nature of the request. There will be no fee for this permit.

(Ord. 2002-38. Passed 7-1-02.)

#### 351.196 VIOLATIONS.

(a) The following acts are hereby declared to be unlawful and in violation of these residential parking district regulations:

- (1) Stopping, standing or parking a motor vehicle on any street within a Residential Parking District between the hours of 1:00 a.m. and 6:00 a.m. without properly displaying a valid permit issued by the City;
- (2) Providing false information to the City for the purpose of obtaining a parking permit;
- (3) Allowing the use or display of a parking permit on a motor vehicle other than that for which the permit was issued;
- (4) Copying, producing, or otherwise bringing into existence a facsimile or counterfeit parking permit;
- (5) Using or displaying a facsimile or counterfeit parking permit without written authorization of the City;
- (6) Displaying or failing to surrender a parking permit revoked by the City.
- (7) Failing to display or improperly displaying a parking permit.

(b) Any motor vehicle parked upon a public street in violation of these regulations is hereby declared to be a public nuisance.

(c) A violation of any provision of this section is a minor misdemeanor on a first offense. For each subsequent offense, a violation is a misdemeanor of the fourth degree. In addition to any other penalties provided by law, the Mayor is authorized to revoke the residential parking permit of any person found to be in violation of this section. Additionally, a motor vehicle found to be parked in violation of this section is immediately subject to towing at the direction of the Police Division, and the owner thereof will be responsible for any towing and/or storage charges related thereto.

(Ord. 2007-50. Passed 9-4-07.)

**351.20 HUMAN HABITATION IN VEHICLES PROHIBITED.**

(a) No person shall park a vehicle, as that term is defined in this Traffic Code, within the traveled portion of the public right of way, and utilize said vehicle for purposes of human habitation. For purposes of this section, "human habitation" shall mean the use of a vehicle for dwelling. Evidence of human habitation shall include activities such as sleeping, setting up housekeeping or cooking, and/or any other activity where it reasonably appears, in light of all the circumstances, that a person or persons is using the vehicle as a living accommodation. The use of a vehicle for six or more consecutive hours for eating, resting, recreating and/or sleeping shall per se constitute "human habitation" for purposes of this chapter.

(b) A violation of this section is a minor misdemeanor on a first offense; provided that a subsequent offense occurring within one year of the prior offense is a misdemeanor of the fourth degree. (Ord. 2013-31. Passed 8-19-13.)

**351.21 PARKING OF RECREATIONAL OR COMMERCIAL VEHICLES.**

(a) A person who is the owner, agent, operator, or other person in charge of any recreational or commercial vehicle as defined herein may permit such vehicle to remain parked upon the street in front of their residence **for the purpose of loading or unloading** for a period of time not to exceed twenty-four (24) hours. ~~This section only applies to commercial vehicles parking between the hours of 10:00 p.m. and 8:00 a.m. pursuant to Section 351.16 of this code.~~ Any other parking, standing or abandoning of a recreational or commercial vehicle on any other City street or highway is prohibited under this section.

(b) For the purposes of this section, certain terms shall be defined as follows:

(1) "Recreational vehicle" includes, but is not limited to:

A. Camper Trailer - A folding or collapsible vehicular structure, mounted on wheels but without its own power, designed as a temporary living quarters for travel, camping, recreation and vacation uses, which is not encompassed in the definition of travel trailer.

B. Motor Bus - Any motor vehicle having motor power designed and used for carrying more than fifteen (15) passengers.

C. Motor Home - A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

D. Travel Trailer - A non-self-propelled recreational vehicle as defined in Ohio R.C. 4501.01(Q), including a tent type fold out camping trailer as defined in Ohio R.C. 4517.01.

E. Truck Camper - A non-self-propelled recreational vehicle, without wheels for road use but with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation use, and designed to be placed upon and attached to a motor vehicle. Truck campers do not include truck covers, which consist of walls and roof, and do not have floors and facilities for using same as a dwelling.

F. Recreational Trailers - Any form of device, equipment, or machinery on wheels, or a single wheel, that is intended to be pulled by a motor vehicle, whether or not attached to a motor vehicle. This shall include every vehicle designed and utilized for the sole purpose of transporting any boat, auto, snowmobile, recreational habitation, and the like, which does not have motive power, but is designed to be drawn by another vehicle.

G. Watercraft - This term shall include, but is not limited to, any of the following when used or capable of being used for transportation on the water:

1. A boat operated by machinery either permanently or temporarily affixed.

2. A sailboat other than a sailboard.

3. An inflatable, manually propelled boat having a hull identification number meeting the requirements of the United States Coast Guard.



4. A canoe or row boat.

~~(2) “Commercial Vehicles” has the same meaning as defined in Wooster Codified Ordinance 341.01(c). (Ord. 2020-31. Passed 9-21-20)~~

#### 351.98 PARKING VIOLATIONS BUREAU.

There is hereby created in the City, in accordance with Ohio R.C. Chapter 4521.02, A Parking Violations Bureau to handle all parking violations occurring within the Municipal Corporation, including parking violations that are in violation of ordinances, resolutions or other local authorities that occur within the territory of the City.

(a) The City shall, when the same becomes necessary, appoint a violations clerk, hearing examiners and necessary clerical employees as is necessary to provide for the proper functions of the Parking Violations Bureau. 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.

(b) Parking tickets shall be as authorized in accordance with Ohio R.C. Chapter 4521.

(c) Violations of this chapter, unless specified as a misdemeanor offense, shall not be considered a criminal offense for any purpose and no person who commits a violation thereof shall be arrested as a result of the commission of the violation. Violations thereof shall be handled in accordance with this chapter and Ohio R.C. Chapter 4521.

(d) The time within which a person who is issued a parking ticket must answer to the charge or pay the fine on the ticket is fifteen (15) days. The answer or payment shall be made by personal appearance at the Wooster Safety Center, Wooster City Hall, by regular mail or by electronic mail/payment. If by regular mail, the time for answering or payment shall be extended in accordance with the Rules of Civil Procedure. No answer may be received by telephone. The answer shall consist of one of the following:

(1) An admission that the person committed the parking violation, by payment of any fine arising out of the parking violation;

(2) An admission that the person committed the parking infraction, with an explanation of the circumstances surrounding the infraction;

(3) A denial that the person committed the parking violation and a request for a hearing relative to the violation. If the person desires the presence at the hearing of the law enforcement officer who issued the parking ticket, the person must request their presence in the answer.

(e) Violations of this chapter unless otherwise specified herein, shall be punishable as follows:

**(1) The fines outlined in the City’s Fee Schedule will apply to all parking violations, except those contained in Section 351.041, if paid within fifteen (15) days of the issuance of the initial citation; after fifteen (15) days from initial issuance, a twenty-five dollar (\$25.00) late fee will be added.**

**(2) The fines outlined in the City’s Fee Schedule for Section 351.041, handicap parking violations, will apply if paid within fifteen (15) days of the issuance of the initial citation; after fifteen (15) days from initial issuance, a fifty dollar (\$50.00) late fee will be added.**

(3) No late fee will be imposed on any fine if an answer is filed in compliance with section (d) above while the appeal process is pending.

(4) The City may utilize third-party collection efforts to recover unpaid fines and fees, regarding any default account. The person cited shall be responsible for any fees due to the outside or third party collection agency for their services rendered to collect on behalf of the City.

(f) The Chief of Police of the City may provide for the impoundment or the immobilization of any vehicle involved with violations of this chapter after the expiration of ten days from the date of any entry establishing judgment or default judgment. Such impoundment or immobilization shall occur through the auspices of the authorized city towing company. The Chief of Police shall establish the bond or cash deposit to secure the release of such impounded vehicle, provided, however, that the deposit shall not exceed one thousand dollars (\$1,000).

(g) The Bureau, in the event it receives an answer which contains an explanation of the circumstances surrounding the parking violation, may eliminate or reduce such part of the fine arising out of the parking violation as it, in its discretion, deems appropriate.

(h) A person who denies that he committed a parking violation shall be granted a hearing concerning the violation. The Bureau shall set a date for the hearing and notify the person, in writing (letter or e-mail), of the date, time and place of the hearing. The hearing shall be conducted by a hearing examiner of the Parking Violations Bureau.

(i) Failure to appear at the hearing shall result in a default judgment and be punishable as an additional parking violation and shall be subject to a fine in an amount not to exceed twenty-five dollars (\$25.00).

(j) All appeals from the Parking Violations Bureau, its orders or judgments, or any other orders entered pursuant to this chapter, shall be made to the Wayne County Municipal Court, Wooster, Ohio, by filing notice of the appeal to both the Parking Violations Bureau and the Wayne County Municipal Court, Wooster, Ohio within fifteen (15) days of the date of the entry of the judgment and by the paying of such reasonable costs as the court requires. All appeals shall be processed in accordance with procedural and substantive provisions of Ohio R.C. 4521.08(D).

(k) Failure to timely file an answer or pay fine may result in a default judgment.

#### 351.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

### CHAPTER 355

#### Off-Street Parking Facilities

355.01 Parking regulations.

355.02 Leased parking spaces.

355.03 Prohibited vehicles.

355.99 Penalty.

#### CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.

Removing and impounding improperly parked vehicle - see TRAF. 303.08

Payment of fines - see TRAF. 351.98(e)7.01 et seq.

#### 355.01 PARKING REGULATIONS.

(a) The City Engineer is authorized to designate by appropriate pavement markings or such other method as he deems appropriate the entrances, exits, driveways and parking spaces upon municipal off-street parking facilities; and to prescribe traffic patterns in any or all of such entrances, exits or driveways as may be necessary to facilitate the flow of traffic into and through the parking facility; and appropriate signage for the enforcement thereof.

(b) (1) No person shall park a vehicle in any portion of a municipal off-street parking facility except entirely within a designated parking space.

(2) No person shall park a vehicle in any portion of a municipal off-street parking facility in such a manner as to obstruct the movement of the vehicles to or from any of the designated parking spaces.

(c) The Director of Administration may restrict the time limit for parking in any municipal off-street parking facility. When any such restriction of time is posted at the parking facility by clearly visible signs, no person shall park a vehicle at the same location or in any other location within the same facility for a period of time in excess of the posted time limit.

(d) Whoever violates subsections (b) or (c) hereof shall be guilty of a time-limited parking violation, and fined in accordance with the schedule of fines in Section 351.98(e)7.03. (~~Ord. 2001-42. Passed 9-4-01.~~)

#### 355.02 LEASED PARKING SPACES.

(a) In connection with the designation of time limits described in Section 355.01(c), the Director of Administration may, with respect to a municipal off-street parking facility, designate and number spaces for the parking of vehicles by means of a City-issued parking permit. When such designation of spaces has been made and is posted at the facility by clearly visible signs, no person who is not the holder of a current City-issued parking permit shall park any vehicle, or cause or knowingly permit any vehicle under his/her control to be or remain parked on any part of the parking facility so designated.  
(Ord. 2002-8. Passed 1-22-02.)

(b) The Director of Administration may cause special parking permits to be sold to any person at a price of twenty dollars (\$20.00) for each one-month period. Commencing January, 2002 such fee shall be in accordance with the Schedule of Fees and Charges. When such special parking permit is displayed on the person's vehicle, such person may park his/her vehicle in the specific space to which s/he has been assigned in a particular off-street municipal parking facility which is designated for leased parking, as determined by the Director of Administration, and shall not be deemed to be in violation of the restricted time limits; provided, however, that restrictions against overnight parking on such parking lots shall apply to all vehicles.  
(Ord. 2004-7. Passed 4-5-04.)

(c) Whenever a police officer finds a vehicle parked within a permit parking space in violation of this subsection, s/he may, in addition to any other penalties provided herein, require the owner or any other person in charge of the vehicle to move the vehicle, or, if the vehicle is unattended, to provide for the vehicle to be towed to an appropriate location.

(d) Whoever violates subsection (a) hereof shall be guilty of a time-limited parking violation, and fined in accordance with the schedule of fines in Section 351.98(e)7.03. (~~Ord. 2002-8. Passed 1-22-02.~~)

#### 355.03 PROHIBITED VEHICLES.

No person shall park any semi-tractor, semi-trailer, truck exceeding five tons or any school bus in a municipal off-street parking facility. Whoever violates this subsection is guilty of a minor misdemeanor offense.  
(Ord. 1993-26. Passed 6-7-93.)

#### 355.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

CHAPTER 357  
Parking Violations Bureau  
**REPEALED**

~~357.01 Created.~~  
~~357.02 Duties~~  
~~357.03 Fines.~~  
~~357.04 Failure to appear.~~  
~~357.99 Penalty~~

#### CROSS REFERENCES

~~Registered owner liable—see TRAF. 351.02~~  
~~Use of off-street facilities—see TRAF. Ch. 355~~

#### ~~357.01 CREATED~~

~~(a) The Mayor of the City shall establish a Parking Violations Bureau, within the Records Bureau of the Police Department, to handle clerical work of parking offenses. The Bureau shall be in charge of such persons designated by the Mayor and shall be open at such hours as may be designated.~~

~~(b) Council shall, by ordinance, designate the fines to be paid for such parking offenses which may be satisfied by payment of the same at the Bureau or fine boxes located within the City. (Ord. 1975-26. Passed 5-5-75.)~~

#### ~~357.02 DUTIES~~

~~The following duties are hereby imposed upon the Parking Violations Bureau:~~

- ~~(a) Maintain a stock of parking ticket books and keep a record of to whom such books are issued.~~
- ~~(b) Maintain a file on all parking tickets used by the Department.~~
- ~~(c) Accept designated fines and issue receipts therefor.~~
- ~~(d) If a person accused of a violation of the restrictions on stopping or parking under this Traffic Code does not appear in response to the notice affixed to that person's vehicle within a period of fourteen days, the Parking Violations Bureau shall send to the owner of the vehicle by certified mail, return receipts requested, a letter informing the person of the violation, with a warning that the person can be held responsible for such failure to appear at the Parking Violations Bureau, and requesting that such person immediately appear at the Parking Violations Bureau. In the event such person does not so appear within a period of ten days, the Parking Violations Bureau shall cause a complaint to be filed in a court of competent jurisdiction alleging such failure to appear.~~
- ~~(e) If any person appears in the Parking Violations Bureau pursuant to the notice or letter provided in subsection (d) hereof, but there fails to pay the designated fine, the Parking Violations Bureau shall cause a uniform traffic citation to issue from the Department alleging the violation of the appropriated parking provisions of this Traffic Code. (Ord. 1984-44. Passed 11-5-84)~~

#### ~~357.03 FINES.~~

~~Parking violation fines, not including those imposed by court, are as follows:~~

- ~~(a) Overtime or time-limited parking violations in a leased parking facility governed by Chapter 355 of the Codified Ordinances: twenty dollars (\$20.00) for a first offense; thirty dollars (\$30.00) for second offense within ninety days of the first offense; and forty dollars (\$40.00) for a third offense within ninety days of the first offense.~~
- ~~(b) Overtime or time-limited parking violations within the Downtown Parking District other than in a lease parking facility governed by Chapter 355 of the Codified Ordinances: ten dollars (\$10.00) for a first offense; thirty dollars (\$30.00) for second offense within ninety days of the first offense; and forty dollars (\$40.00) for a third offense within ninety days of the first offense.~~



### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division Administration</b>	<b>Meeting Date Requested</b> 6/21/22
<b>Project Name</b> Parking Ticket De-Criminalization	<b>Estimated Total Funds/Costs</b> N/A
<b>Is Full Amount Budgeted?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b> N/A	
<b>Description of Request</b> Currently parking tickets are criminal violations and drivers who wish to contest their tickets are required to appear in Municipal Court. This legislation will decriminalize parking tickets under Ohio Law by establishment of a Parking Violations Bureau (Section 351.98) for the purposes of collecting fines and holding hearings for drivers who wish to contest their parking tickets.  The current plan is to have the Law Department and existing staff provide the necessary services for the Parking Violations Bureau.  Fines and penalties will be listed in the City's Fee Schedule which is updated regularly.	
<b>Justification / Benefits</b> Civil parking tickets are used in nearly every Ohio city. They are administratively simpler and more convenient for drivers and they don't involve criminal penalties.	
<b>Will this Project affect the City's Operating Costs</b> No	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> Continuing the current system will cause additional work for the Police Department as they have to create a file for the Municipal Court when a driver wishes to contest their ticket.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> John Scavelli, Law Director	<b>Date:</b> 6/16/22

<b>Approved for Agenda</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
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