

ORDINANCE 2020-03 Village of New Richmond, Ohio

Council for the Village of New Richmond, Ohio met in regular session this 11 day of February, 2020 with the following members present:

Richard Feldkamp yes Gary Skeene yes Mary Allen yes
Melanie Slade yes Becky Ploucha yes Larry Prues yes

Councilperson Feldkamp moved for adoption of the following:

AN ORDINANCE RESTRICTING THE PARKING OF OVERSIZED VEHICLES ON PUBLIC STREETS WITHIN THE VILLAGE OF NEW RICHMOND

WHEREAS, Ohio Revised Code provides local governments the authority to regulate vehicular parking within their jurisdictions. In accordance with this authority, the Village Council of the Village of New Richmond; and

WHEREAS, the proliferation of Oversized Vehicles parked on public streets raises public safety concerns including, but not limited to, the obstruction of access to rights-of-way, reduced site distance, reduced visibility at intersections, potentially restricts access of emergency vehicles, all of which have a detrimental effect on the public health, safety, welfare and quality of life in the Village of New Richmond; and

WHEREAS, certain neighborhoods and areas of the Village do not have sufficient on or off street space to accommodate the parking of vehicles and the proliferation of Oversized Vehicles parked in the limited supply of spaces reduces parking spaces on public streets for other uses, which adversely affects residents; and

WHEREAS, Oversize Vehicles parked on public streets have a large storage capacity which provides for an increased opportunity for vehicle thefts and deterioration of safety, tranquility, aesthetics and other similar values in the Village; and

WHEREAS, restricting the parking of Oversized Vehicles on public streets will mitigate the public safety concerns associated with the parking of Oversize Vehicles; will increase the availability of public parking for village residents and visitors; and, will preserve the character of neighborhoods to the benefit the health, safety and welfare of Village residents; and

WHEREAS, the Village wishes to restrict Oversized Vehicles on the Village's public streets pursuant to the Village's police power, as granted broadly under the Home Rule Clause of the Ohio Constitution, and Village Council has the authority to enact and enforce ordinances and regulations for the public peace, safety and welfare of the Village of New Richmond and its residents; and

WHEREAS, Village Council determines that this ordinance is a matter of Village-wide importance and necessary for the preservation and protection of the public peace, health, safety and/or welfare of the community and is a valid exercise of the local police power and in accord with the public purposes and provisions of applicable State and local laws and requirements; and

NOW, THEREFORE, THE VILLAGE COUNCIL OF THE VILLAGE OF NEW RICHMOND WITH _____ OF ITS MEMBERS CONCURRING, DOES ORDAIN AS FOLLOWS:

The following shall be added to the Village of New Richmond Code of Ordinances.

PARKING OF OVERSIZED VEHICLES ON PUBLIC STREETS — RESTRICTED

Definitions. The following words and terms as used in this section shall have the following meanings:

“Oversized Vehicle” shall mean any of the following:

(a) Any motorized vehicle or combination of motorized vehicle(s) and/or non-motorized vehicle(s), including any attached trailers, vehicles or loads thereon, which exceeds 22 feet in length or 7 feet in width and 7 feet in height.

(b) any camp trailer, camper, fifth wheel travel trailer, house car, mobile home,

“Loading and Unloading” shall mean loading or unloading passengers or material to or from an Oversized Vehicle including the activities required to prepare the vehicle for travel or storage.

Overnight Parking Prohibition. Unless otherwise authorized by this section or other sections of this Code, no person shall stop, stand, park or leave standing any Oversized Vehicle on any public street.

Exemptions. This section shall not apply to:

Oversized Vehicles involved in an emergency or being repaired under emergency conditions. Emergency parking on public streets may be allowed for 24 consecutive hours where an Oversized Vehicle is left parked on a Village public street because of mechanical breakdown or because of physical incapacity of the driver or owner.

Oversized Vehicles belonging to federal, state or local authorities or public utilities that are parked on public streets while the operator of the vehicle is conducting official business.

Oversized Vehicles actively engaged in Loading and Unloading or deliveries of person, merchandise, wares, supplies, goods or other materials in the course of construction or other work from or to an adjacent residence or building. Oversized Vehicle actively engaging in Loading and Unloading shall park at the public street curb immediately adjacent to the residence or building, or within 400 feet of the residence if this area is not available for parking due to curb configuration or codified parking restrictions.

Oversized Vehicles engaged in Loading and Unloading and/or preparation for travel and pursuant to administrative guidelines or regulations that may be established by the Village Administrator as necessary to facilitate implementation and enforcement of this Chapter.

Oversized Vehicles parked or standing on a public street in connection with, and in aid of, the performance of a service to or on a property in the block in which such Oversized Vehicle is parked on a public street.

Any trailer or other device, regardless of size, not attached to a motor vehicle is prohibited from being parked on any public street in residential areas of the Village.

SEVERABILITY.

The Village Council of the Village of New Richmond hereby declares that should any section, paragraph, sentence or word of this ordinance hereby adopted be declared for any reason to be invalid, it is the Intent of the Village Council that it would have passed all other portions of this ordinance independent of the elimination here from of any such portion as may be declared invalid.

SAVINGS CLAUSE.

Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the Village relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

PENALTIES AND FINES.

Any person violating the provisions of this section shall be subject to a fine not to exceed one hundred dollars. If the violation is of a continuing nature, each and every day during which the violation continues to occur will constitute a separate and distinct offense.

EFFECTIVE DATE.

This Ordinance shall take effect and be in full force thirty (30) days from and after its final passage.

That Council finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting and that all deliberations of Council which resulted in the passage of this Ordinance were taken in meetings open to the public, in full compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.


Councilperson Prues seconded the motion to adopt the foregoing ordinance and upon roll call the vote was as follows:

Richard Feldkamp yes
Larry Prues yes
Melanie Slade yes
Becky Ploucha yes
Gary Skeene yes
Mary Allen yes

First Reading: 01-14-2020
Second Reading: 01-28-2020
Third Reading: 02-11-2020

Adopted: 02-11-2020

ATTEST:



Glenn Ewing, Mayor



Theresa Leigh, Clerk of Council

Approved as to Form:



Scott Sollmann, Village Solicitor