

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2014-75

By Nick Haschka Sponsored By Councilman Nick Haschka

AN ORDINANCE

AMENDING SECTION 751.08 OF CHAPTER 751, PARKING, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREА, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Section 751.08 of the Codified Ordinances of the City of Berea regulating parking was last updated in Ordinance No. 1988-122, adopted October 3, 1988; and

WHEREAS, this Council finds that there may be, within the City, certain circumstances where the restriction, as presently constituted, may unreasonably restrict persons who provide emergency services necessary for the public benefit and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berea, State of Ohio:

SECTION 1. That Codified Ordinance Section 751.08, PARKING OF COMMERCIAL VEHICLES PROHIBITED, which heretofore has read as follows:

751.08 PARKING OF COMMERCIAL VEHICLES PROHIBITED.

No person shall stand or park any commercial vehicle with a gross empty weight of 5,000 pounds or more on any residential property within the City for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials.

Shall be and is hereby amended to read in its entirety as follows:

751.08 PARKING OF COMMERCIAL VEHICLES PROHIBITED; EXCEPTIONS/EXEMPTIONS FOR CERTAIN VEHICLES.

No person shall stand or park any commercial vehicle with a gross empty weight of 5,000 pounds or more on any residential property within the City for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials.

Exception/exemption permitted under certain circumstances:

An owner or driver of a commercial vehicle which is used in the servicing of medical facilities or emergency services facilities or the equipment providing emergency power to such facilities and who is subject to being "on call" 24 hours a day and seven days a week to perform such services, may apply to the Mayor or his designee for a specific exemption to this parking prohibition for the property owned or occupied by such person. In determining whether to grant the exception/exemption requested, the Mayor or his designee shall consider the following:

1. That there is a driveway made of concrete, asphalt or some other suitable smooth hard surface in good condition and good repair on which the vehicle is to be parked.
2. That when parked, no portion of such motor vehicle will materially impair the visibility of drivers, pedestrians, bicyclists or others using the road, sidewalk or other portions of the public right of way.
3. That the request is accompanied by supporting documentation of necessity.
4. That no vehicle which is a part of a semi tractor-trailer combination may be issued an exception/exemption.
5. That no more than one exception/exemption for one vehicle may be issued for any property.

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Where it is determined that an exception/exemption is to be granted, the grant of such exception/exemption shall be in writing, specifically identifying the vehicle and address for which it is granted. No exception/exemption from this section shall be given for a period of time exceeding two years. Renewal applications are permitted but require the same treatment as a new application. A copy of the grant of an exception/exemption shall be given to the applicant and shall also be kept on file in the Police Department.

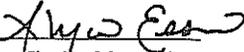
SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary to authorize exceptions to the parking regulations of the City of Berea in order to avoid an unfair application of the parking regulations to the residents of Berea. Therefore, provided this Ordinance receives the affirmative votes of two thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

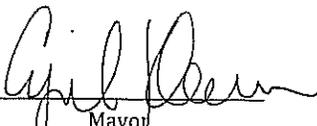
PASSED: October 6, 2014



President of Council

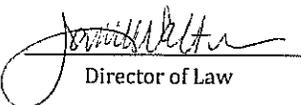
ATTEST: 
Clerk of Council

APPROVED: October 7, 2014



Mayor

APPROVED AS TO FORM:



Director of Law