

**ORDINANCE NO: 2017-76**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING SECTION 452.03 OF  
THE CODIFIED ORDINANCES TITLED  
“PROHIBITED STANDING OR PARKING PLACES”  
AND DECLARING AN EMERGENCY**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE  
CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

**SECTION 1.** Section 452.03 of the Codified Ordinances titled “Prohibited Standing or Parking Places” is hereby amended to read as follows (new material appears like THIS and deleted material appears like ~~this~~):

**452.03 PROHIBITED STANDING OR PARKING PLACES.**

(a) 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:

- (1) On a sidewalk, except a bicycle;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within ten feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within 20 feet of a crosswalk at an intersection;
- (7) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign, or traffic-control device;
- (8) 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;
- (9) Within 50 feet of the nearest rail of a railroad crossing;
- (10) Within 20 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;
- (11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (12) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;
- (14) At any place where signs prohibit stopping;
- (15) Within one foot of another parked vehicle;
- (16) On the roadway portion of a freeway, expressway, or thruway;
- (17) On a bicycle path;
- (18) On a bridle path;
- (Adopting Ordinance)
- (19) In any driveway on premises in which is located a building housing more than two families or any business building, or within 20 feet of such a building in any courtyard, side yard or rear yard of such premises, except for the purpose and during the time reasonably necessary for loading or discharging merchandise or passengers. However, the Fire Chief, on application by the owner of any property affected by this subsection, if he or she finds that parking without the limitations of this subsection will not increase the fire hazards on the premises or building affected, may permit parking nearer to buildings than is provided in this division, but such permit shall state what parking is permitted and shall be revocable at any time in the discretion of the Fire Chief.
- (20) In such streets that may be designated by rule of the Director of Safety or by ordinance pursuant to Chapter 406;

(21) On a treelawn. FOR PURPOSES OF THIS SECTION, TREELAWN IS DEFINED AS THAT AREA BETWEEN THE SIDEWALK AND THE CURB, AND INCLUDING THE DRIVEWAY APRON.

(22) ON ANY PORTION OF RESIDENTIAL PREMISES THAT IS NOT PAVED WITH CONCRETE OR ASPHALT OR OTHER HARDSTAND SURFACE, OR IS NOT COVERED WITH GRAVEL OR OTHER SIMILAR COVERING.

(b) Except as otherwise provided in this division, 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 or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the third 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 second degree.

**SECTION 2.** All provisions of Section 452.03 of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other provisions of Section 452.03961.01 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 is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Lyndhurst for the reason that it is necessary to implement the provisions of this Ordinance without delay in order to continue the normal operation of the City's Department of Police. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council and signature by the Mayor or otherwise the earliest time allowed by law.

PASSED: November 6, 2017

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**VICE MAYOR**

ATTEST: \_\_\_\_\_  
**Clerk of Council**

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on November 16, 2017 and November 23, 2017 .

\_\_\_\_\_  
**Clerk of Council**

First Reading: November 6, 2017

Second Reading: Suspended

Third Reading: Suspended