

✓
ORDINANCE NO. 2021-12
INTRODUCED BY: Mayor Bodnar

**AN ORDINANCE AMENDING
MAYFIELD VILLAGE CODIFIED ORDINANCE
SECTION 351.12 HANDICAPPED PARKING**

WHEREAS, Mayfield Village adopted Chapter 351 of the Codified Ordinances pertaining to parking generally; and

WHEREAS, Section 351.12 sets forth the regulations pertaining to handicapped parking;

WHEREAS, the Mayfield Village Council deems it in the best interest and for the health, safety and welfare of Mayfield Village and its residents to amend Section 351.12 of the Codified Ordinances to increase the fines for unlawfully parking in a handicapped parking area.

NOW, THEREFORE, BE IT ORDAINED by the Council of Mayfield Village, Cuyahoga County, State of Ohio that:


SECTION 1. Section 351.12 of the Village's Codified Ordinances is amended to read as fully set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. That any sections of the Codified Ordinances in conflict herewith are hereby and herein repealed and amended accordingly. All other provisions of the Village Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of Mayfield Village.

SECTION 4. 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 meeting open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect after adoption and at the earliest time allowed by law.


STEPHEN SCHUTT
Council President

First Reading: September 20, 2021


Second Reading: October 18, 2021

Third Reading: November 15, 2021

PASSED: November 15, 2021


BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:


ANTHONY J. COYNE, ESQ.,
Director of Law

ATTEST: 
MARY E. BETSA, MMC
Clerk of Council

EXHIBIT A

351.12 HANDICAPPED PARKING.

(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 facilities, where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C. 3781.111(C) shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure 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 fixed upon the surface of the 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) No person shall stop, stand or park any motor vehicle at special parking locations provided under subsection (a), or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages or other parking areas and designated in accordance with that section, unless one of the following applies:

A. The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates;

B. 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.

(2) Any motor vehicle that is parked in a special marked parking location in violation of subsection (b)(1)A. or (b)(1)B. 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 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.

(3) If a person is charged with a violation of subsection (b)(1)A. or (b)(1)B. 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).

(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 permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(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 placard issued by a state, district, country or sovereignty.

(e) Whoever violates division (b)(1)A. or (b)(1)B. of this section is guilty of a misdemeanor and shall be fined not more than ~~forty one hundred~~ one hundred dollars (\$100.00~~40.00~~) if such fine is paid within 48 hours of the violation and ~~fifty one hundred and fifty~~ one hundred and fifty dollars (\$150.00~~50.00~~) thereafter.

(1) Arrest or conviction for a violation of division (b)(1)A. or (b)(1)B. of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(2) Every fine collected under this division shall be paid by the Clerk of the Court to the Municipality. Except as provided in this division, the Municipality shall use the fine money it receives under this division to pay the expenses it incurs in complying with the signage and notice requirements contained in division (a) of this section. The Municipality may use up to 50% of each fine it receives under this division to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the Municipality that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.