

TEMPORARY ORDINANCE NO. 28-13*

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO AMEND LANCASTER CODIFIED ORDINANCE PART THREE – TRAFFIC CODE, TITLE SEVEN – PARKING, CHAPTER 351 – PARKING GENERAL, SECTION 351.03 OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, TO REPEAL EXISTING PART THREE – TRAFFIC CODE, TITLE SEVEN – PARKING, CHAPTER 351 PARKING GENERAL, SECTION 351.03 , AND TO DECLARE AN EMERGENCY

WHEREAS, Section 351.03 provides specific definition in terms of distance in feet for all other areas of appropriateness, subsections 4, 6, 7, 8, 9, 10, 15, 18 but it fails to do so in subsection (2) in front of a public or private driveway; and

WHEREAS, Section 351.03 fails to regulate parking in the front yard of residential property; and

WHEREAS, it is in the public interest for safety to provide a distance for clear, unobstructed visibility to enter the flow of traffic, safe maneuverability in inclement weather, and to allow for free, clear and safe access to public or private driveways or right of ways;

BE IT ORDAINED by the Council of the City of Lancaster, State of Ohio

SECTION 1. That Part Three – Traffic Code, Title Seven – Parking, Chapter 351 – Parking General, Section 351.03 be amended pursuant to Exhibit A, attached hereto.

SECTION 2. That existing Chapter 351 – Parking General, Section 351.03 is repealed in its entirety.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to properly regulate the streets, wherefore this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Date Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Planning, Zoning & Economic Development Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2013 and _____, 2013 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

EXHIBIT A

351.03 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 Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

- (1) On a sidewalk, curb or street lawn area, except a bicycle;
- (2) In front of a public or private driveway, **or within five (5) feet of the edge (apron) of any single wide (13' or less) public or private driveway, or three (3) feet of the edge (apron) of any double wide (more than 13') public or private driveway;**
- (3) Within an intersection;
- (4) Within ten feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty feet of a crosswalk at an intersection;
- (7) Within thirty 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 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;
- (9) Within fifty feet of the nearest rail of a railroad crossing;
- (10) 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;
- (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 other elevated structure upon a street, or within a street tunnel;
- (14) 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;
- (15) Within one foot of another parked vehicle;
- (16) On the roadway portion of a freeway, expressway or thruway.
- (17) In any private driveway, alleyway or areaway between buildings when, in the opinion of the Fire Chief, such parking constitutes a fire hazard or an obstruction to or interference with operation of fire-fighting equipment;
- (18) In front of any theater or in front of or within ten feet of any theater exit when such theater is open for business when signs are erected giving notice thereof.
- (19) **Entirely or partially within a front yard of any residential property unless such vehicle is entirely within a driveway or parking area that has been approved as such by the Building Department, Zoning Inspector, or the Board of Zoning Appeals. The front yard shall extend from the residence to the edge of a sidewalk. In the event there is no sidewalk, the front yard shall extend eight feet from the edge of the paved street to the residence. In case of any parcel of land which borders on more than one street, front yard means those yards which extend along all streets which border such parcel.**

(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 or 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 4511.68)