

ORDINANCE NO. 2023 - 063

AN ORDINANCE AMENDING CHAPTER 355 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TITLED "MUNICIPAL PARKING LOTS", AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to modify Chapter 355 titled "Municipal Parking Lots", specifically Section 355.02(e) of the Codified Ordinances to amend the specified off-street parking period from its current 3 a.m. to 6 a.m., to 2:30 a.m. to 5:30 a.m.; and

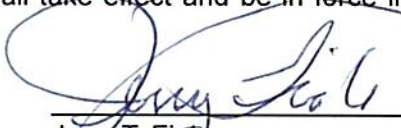
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio:

SECTION 1. That Council does hereby amend Chapter 355 titled "Municipal Parking Lots", specifically Sections 355.02(e) of the Codified Ordinances to amend the specified off-street parking period from its current 3 a.m. to 6 a.m., to 2:30 a.m. to 5:30 a.m. as listed on Exhibit "A", attached hereto and made a part thereof.

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 action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: September 20, 2023
Date



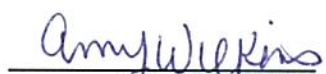
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: September 20, 2023
Date

ATTEST: Amy Wilkens
Amy Wilkens, CMC
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. 2023-063, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON September 20, 2023.

(SEAL)



AMY WILKENS, CMC
CLERK OF COUNCIL

CHAPTER 355
Municipal Parking Lots

355.01 Definitions.

355.02 Restrictions regulating off-street parking in Municipal Parking Lots.

355.03 Posting of parking restrictions.

355.04 Municipal facility parking lot regulations.

355.05 Removal of motor vehicles.

355.99 Penalty.

355.01 DEFINITIONS.

- (a) "Motor vehicle" means any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.
- (b) "Operator" means and includes every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner or is in actual physical control of a vehicle.
- (c) "Owner" means the record of ownership as shown in the clerk of courts office of the proper county and shall be prima-facie evidence that the owner placed the vehicle in the parking space at the time and place alleged in the complaint against him/her.
- (d) "Park" or "parking" means the standing of a vehicle, whether occupied or not, upon a public parking lot other than temporarily for the purpose of, and while actually engaged in receiving or discharging passenger(s), loading or unloading merchandise, obedience to traffic regulations, signs or signals or an involuntary stopping of the motor vehicle by reason of causes beyond the control of the operator of the vehicle.
- (e) "Person" means and includes any individual, firm, partnership, association, corporation or other recognized legal entity.
- (f) "Municipal parking lot" means any property owned by the City of Kent which has been designed and improved expressly for the purpose of parking of motor vehicles by the general public, and which has signs identifying it as a municipal parking lot for general use of the public.
- (g) Posting of parking restrictions means the visible posting of signs identifying the limitations on use of parking areas within a municipal parking lot.
- (h) "Parking within designated spaces" means parking a motor vehicle within the painted lines used to identify the width and length of a parking area designated for a single parked motor vehicle.
- (i) "Designated parking space" means a parking space the use of which is dedicated to a specific business, by virtue of contractual requirements at the time of municipal purchase of the property. Such designated spaces shall be identified by individual signs, and use of these spaces shall be by permitted issued to the property owner, or by specific authorization of the designated business.
- (j) "Municipal facility parking" means parking lots dedicated to the specific use of a municipal facility or office, and such parking lot use is limited to official business being conducted at the facility.

(Ord. 2001-121. Passed 12-5-01)

355.02 RESTRICTIONS REGULATING OFF-STREET PARKING IN MUNICIPAL PARKING LOTS.

No owner or operator of a motor vehicle shall permit parking of a vehicle in a municipal parking lot in a manner not in compliance with the following restrictions:

- (a) Park any vehicle across any line or marking of a parking space or in such a position that the vehicle is not entirely within the area designated by such line or marking; (parking within designated spaces)

- (b) Parking within designated spaces is allowed for up to ten hours between the hours of 8:00 a.m. and 6:00 p.m., unless such space is a designated parking space for specific business permit use;
- (c) Park in a designated space without a permit to qualify as a designated user of the space;
- (d) Park in a space designated for handicapped only parking, without displaying a qualifying handicapped permit from the state of registration of the vehicle;
- (e) Park a vehicle in a city lot between the hours of ~~3 AM to 6 AM~~; 2:30 AM to 5:30 AM;**
- (f) Park a truck having an unloaded curb weight in excess of 5,000 pounds, trailer, or semitrailer or commercial tractor. (Ord. 2001-121. Passed 12-5-01; Ord. 2018-110. Passed 9-19-18.)

355.03 POSTING OF PARKING RESTRICTIONS

The Director of Public Service shall prominently post notice of the above restrictions in all municipal parking lots dedicated for public use and shall maintain all such postings in clearly readable form. (Ord. 2001-121. Passed 12-5-01)

355.04 MUNICIPAL FACILITY PARKING LOT REGULATIONS

(a) The regulation of parking at municipal facilities shall be limited in the same manner as those restrictions identified in Section [355.02](#).

(b) In addition to the above, use of parking spaces at municipal facilities shall be specifically limited to the purpose of conducting business at the municipal facility and shall be posted as such on the required signs.

(c) The Director of Public Service shall prominently post notice of the above restrictions in all municipal parking lots dedicated for municipal facility use and shall maintain all such postings on clearly readable form. (Ord. 2001-121. Passed 12-5-01)

355.05 REMOVAL OF MOTOR VEHICLES.

(a) Officers of the Police Department are hereby authorized, subject to the conditions set forth in the codified ordinances, to remove or cause to be removed, a motor vehicle parked on any public parking lot between the hours of 3:00 a.m. and 6:00 a.m. whenever, in the opinion of the officer, the presence of such parked motor vehicle in a municipal parking lot will interfere with street cleaning or maintenance of such parking lot or shall otherwise create a condition detrimental to the health, safety and welfare of the residents of the City.

(b) Officers of the Police Department are further authorized, subject to the conditions set forth in the codified ordinances, to remove or cause to be removed, a motor vehicle parked in a municipal parking lot that has excessive unpaid parking violations on file.

(c) Whenever an officer has removed or caused to be removed a motor vehicle from a public parking lot such removal shall be executed in compliance with Chapter [356](#) of these codified ordinances.

(d) Notice shall be posted on all city-owned parking lots advising that vehicles may be towed for parking during the above hours or for failure to pay outstanding parking violations. (Ord. 2001-121. Passed 12-5-01)

355.99 PENALTY.

(a) Whoever violates any section of this Chapter, except Section [355.02\(a\)\(4\)](#), shall be subject to the penalties set out in Section [351.99\(a\)](#) of the City of Kent Ohio Codified Ordinances.

(b) Whoever violates Section [355.02\(a\)\(4\)](#) of this Chapter shall be subject to the penalty as set out in Section [351.99\(c\)](#) of the City of Kent Ohio Codified Ordinances.