

CHAPTER 353
Parking Meters

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CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.

Registered owner prima-facie liable for unlawful parking - see TRAF. 351.02

Making or using slugs - see GEN. OFF. 545.11

Tampering with meters - see GEN. OFF. 545.12

353.01 DEFINITIONS.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

- (a) "Parking meter" means a mechanical device installed for the regulation of parking by lawful authority. Each parking meter shall contain a slot for the deposit of lawful coin of the United States and a receptacle for receiving and storing such coin. Each parking meter shall display brief directions as to its operation and the value of lawful coin required to be deposited. Each parking meter shall contain a timing mechanism which shall indicate either a balance of legal parking time or overtime parking by an appropriate signal at the expiration of such lawful time.
- (b) "Parking meter space" means a space within a parking meter area, which is designated for the parking of a single vehicle by marked lines on the curb or paved surface area adjacent to a parking meter. Posted notice on the meter or on signs shall indicate the maximum consecutive parking time limit during which a vehicle may be legally parked in a particular parking meter space and the days and hours when the requirement to deposit lawful coin shall apply.

- (c) "Holiday" or "holidays" mean the following days:
The first day of January, known as New Year's Day;
The third Monday in February, known as President's Day;
The last Monday in May, known as Memorial Day;
The fourth day of July, known as Independence Day;
The first Monday in September, known as Labor Day;
The second Monday in October, known as Columbus Day;
The eleventh day of November, known as Veteran's Day;
The day appointed or designated by the Governor of Ohio, or the President of the United States as a day of fast or Thanksgiving, known as Thanksgiving Day;
The twenty-fifth day in December, known as Christmas Day.

Provided, however, that if any such holiday as stated above shall be the first day of the week, known as Sunday, the next succeeding secular or business day shall constitute the holiday.
(Ord. 81-479. Passed 11-10-81.)

353.02 DESIGNATION OF PARKING SPACES.

(a) The City Manager, is hereby authorized to mark off not to exceed 1,000 individual parking spaces in the streets and avenues within the territory bounded on the north by Buck Creek, on the east by Water Street, on the west by Yellow Springs Street and on the south by Pleasant Street.

(b) The City Manager is further authorized to mark off not to exceed 500 individual parking spaces within the following described territories:

- (1) The land contained within the boundaries established by Fountain Avenue on the west, Union Street on the south, Limestone Street on the east and the New York Central Railroad tracks on the north.
- (2) The land contained within the triangular shaped area at the south line of Washington Street between Spring Street and Limestone Street.
- (3) Beginning at a point in the south line of Washington Street at the intersection of the east line of Center Street; thence south along Center Street to the first alley south of Washington Street; thence east along such alley 159 feet; thence north parallel to Center Street to the south line of Washington Street; thence west along the south line of Washington Street to the place of beginning.

(c) Only vehicles as defined in Section 301.51 shall be parked or stored in an individual parking space established pursuant hereto, and no vehicle or other object attempting to use such space shall be parked, stored or placed outside of the boundaries of such individual parking space adjacent to a parking meter.

(d) Upon the installation of such meters and the marking of such individual parking spaces, and any parking restrictions or regulations to the contrary notwithstanding, no person shall park or leave standing a motor vehicle in such individual parking space for a period of time longer than specified in Section 353.04. A violation of the provisions of this chapter shall be deemed a misdemeanor punishable as set forth in Section 303.99.

(Ord. 67-14. Passed 1-9-67.)

353.03 INSTALLATION OF METERS.

The City Manager, is hereby authorized and directed to place and install or cause to be placed and installed parking meters upon the curb side or in the immediate vicinity of individual parking spaces so designated and marked as provided for in this chapter.

(Ord. 67-14. Passed 1-9-67.)

353.04 PARKING RATES; TIME LIMIT.

Whenever a vehicle shall be parked or stopped in an individual parking space where a parking meter is installed pursuant to the provisions of Section 353.02 and 353.03, the person parking or stopping such vehicle shall immediately deposit one or more coins in such meter according to the following provisions:

- (a) Within the territory described in Section 353.02(a), a five cent (5¢) coin, which deposit shall entitle such vehicle lawfully to occupy such space for not to exceed one-half hour for each five cent (5¢) coin so deposited, or a ten cent (10¢) coin, which deposit shall entitle such vehicle lawfully to occupy such space for not to exceed one hour for each ten cent (10¢) coin so deposited. Provided, however, that within so much of the territory described in Section 353.02(a) above as is on Wittenberg Avenue between Main Street and Washington Street, on Washington Street between Wittenberg Avenue and Center Street, on Center Street between Washington Street and Jefferson Street, on Jefferson Street between Center Street and Fountain Avenue and on Spring Street between Columbia Street and North Street a five cent (5¢) coin, which deposit shall entitle such vehicle lawfully to occupy such space for not to exceed two hours for each five cent (5¢) coin so deposited, or a ten cent (10¢) coin, which deposit shall entitle such vehicle lawfully to occupy such space for not to exceed four hours for each ten cent (10¢) coin so deposited, or a twenty-five cent (25¢) coin, which deposit shall entitle such vehicle lawfully to occupy such space for not to exceed ten hours for each twenty-five cent (25¢) coin so deposited; provided further, however, that within the territory described in Section 353.02(a) that portion which is on Fountain Avenue between North Street and Buck Creek, a five cent (5¢) coin, which deposit shall entitle such vehicle lawfully to occupy such space for not to exceed one hour for each five cent (5¢) coin so deposited, or a ten cent (10¢) coin, which deposit shall entitle such vehicle lawfully to occupy such space for not to exceed two hours for each ten cent (10¢) coin so deposited; provided further, however, that the City Manager may, by entry in the City Manager's Journal, designate not to exceed thirty-five parking meters within the territory described in Section 353.02(a) as short term meters taking pennies so that a one cent (1¢) coin shall entitle such vehicle lawfully to occupy such space for not to exceed twelve minutes for each one cent (1¢) coin so deposited.

(Ord. 67-14. Passed 1-9-67.)

- (b) Within the territory described in Section 353.02(b)(2), a five cent (5¢) coin, which deposit shall entitle such vehicle to lawfully occupy such space for not to exceed one-half hour for each such coin so deposited; a ten cent (10¢) coin, which deposit shall entitle such vehicle to lawfully occupy such space for not to exceed one hour for each such coin so deposited; or a twenty-five cent (25¢) coin, which deposit shall entitle such vehicle to occupy such space for not to exceed two and one-half hours for each such coin so deposited.
- (c) Within the territory described in Section 353.02(b)(1), a five cent (5¢) coin, which deposit shall entitle such vehicle to lawfully occupy such space for not to exceed one-half hour; a ten cent (10¢) coin, which deposit shall entitle such vehicle to lawfully occupy such space for not to exceed one hour for each such coin so deposited; or a twenty-five cent (25¢) coin, which deposit shall entitle such vehicle to occupy such space for not to exceed two and one-half hours for each such coin so deposited. However, at any space provided with a meter, the supporting post of which is painted red, the deposit of a twenty-five cent (25¢) coin shall entitle such vehicle to lawfully occupy such space for not to exceed ten hours. (Ord. 74-117. Passed 5-21-74.)
- (d) Within the territory described in Section 353.02(b)(3), a twenty-five cent (25¢) coin, ten cent (10¢) coins, five cent (5¢) coins or pennies, which deposit shall entitle such vehicle lawfully to occupy such space for not to exceed ten hours for each twenty-five cent (25¢) coin, two hours for each ten cent (10¢) coin, one hour for each five cent (5¢) coin or twelve minutes for each penny so deposited.

In that part of the metered territory provided for in Section 353.02(a), which is bounded on the north by Main Street, on the east by Limestone Street, on the south by High Street and on the west by Fountain Avenue, and that portion of Fountain Avenue which is between North Street and Buck Creek, no vehicle shall be stopped or parked in a metered space for a period longer than sixty consecutive minutes. In that part of the metered territory provided for in Section 353.02(a) which is on Wittenberg Avenue between Main Street and Washington Street, on Washington Street between Wittenberg Avenue and Center Street, on Center Street between Washington Street and Jefferson Street, on Jefferson Street between Center Street and Fountain Avenue, and on Spring Street between Columbia Street and North Street, no vehicle shall be stopped or parked in a metered space for a period longer than ten consecutive hours. At those meters in that part of the metered territory provided for in Section 353.02(a) which are designated by the City Manager as short term meters, no vehicle shall be stopped or parked in a metered space for a period longer than twenty-four consecutive minutes. In the remaining metered territory provided for in Section 353.02(a), no vehicle shall be stopped or parked in a metered space for a period longer than 120 consecutive minutes.

Coins deposited in parking meters as herein required shall consist only of United States money.
(Ord. 67-14. Passed 1-9-67.)

353.05 METERS ON HIGH AND MAIN STREETS; RATES.

(a) The City Manager, is authorized to install and maintain parking meters in accordance with the following schedule:

- (1) Two-hour parking meters on High Street from Spring Street to Linden Avenue;
- (2) Two-hour parking meters on East Main Street from Spring Street to North Foster Street;
- (3) Two-hour parking meters on West Main Street from Wittenberg Avenue to Yellow Springs Street;
- (4) Two-hour parking meters on West High Street from Wittenberg Avenue to Lowry Avenue.

(b) Upon the installation of such meters, no person shall park or let stand any vehicle within any area described in subsection (a) hereof, without first depositing a five cent (5¢) coin for one hour, or a ten cent (10¢) coin for two hours in the appropriate meter, and no person shall park or let stand any vehicle in any one space within such area for a period of time longer than two consecutive hours.

(Ord. 75-82. Passed 3-18-75.)

353.06 VIOLATIONS.

Any vehicle which is parked or stopped in an individual parking space without a deposit of the coin or coins hereinbefore specified, or which remains parked or stopped in any individual parking space after the time following the above required deposit of the appropriate coin or coins, during which the same may lawfully occupy such space as hereinbefore set forth, shall be held to be illegally parked, and the person so parking or stopping the same is hereby determined to have violated this chapter.

Provided, however, that this section shall not apply to any vehicle occupying such an individual parking space between the hours of 10:00 p.m. and 9:00 a.m. following, or on Sundays or holidays in that part of the metered territory described in Section 353.02(b)(1) and (b)(3); and between the hours of 6:00 p.m. and 9:00 a.m. following, or on Sundays or holidays in that part of the metered territory described in Section 353.02(b)(2); and between the hours of 6:00 p.m. and 9:00 a.m. following, or Sundays or holidays in the remaining portion of the metered territory provided for in Section 353.02, unless a different provision of the Traffic Code or a rule, regulation or direction promulgated in accordance with such code provides otherwise.

(Ord. 67-14. Passed 1-9-67.)

353.07 PRIMA-FACIE EVIDENCE OF VIOLATIONS.

All parking is prohibited in any individual parking space where a parking meter is installed unless a deposit is made as herein provided. Any vehicle parked in contravention of this provision shall be deemed to be unlawfully parked under the provisions of this chapter. The fact that a vehicle is in an individual parking space when the time signal on the parking meter for the same shows no parking permitted unless a deposit as aforesaid is immediately made, as herein provided, shall be deemed prima-facie evidence of the unlawful parking of such vehicle by its owner.

(Ord. 67-14. Passed 1-9-67.)

353.08 TICKETS; PROPER SUMMONS AND SERVICE.

The City Manager is hereby authorized and directed to provide police officers with tickets which shall be used for the purpose of giving due notice to owners, chauffeurs and drivers of vehicles in violation of this chapter. Any owner, chauffeur, or driver when a ticket as herein provided is attached to the vehicle which he has left parked in the streets of the City contrary to the provisions of this chapter, shall appear at the place designated upon such ticket, and according to the directions thereon, shall comply with the instructions and directions appearing upon such ticket, pursuant to such violation. It shall be unlawful to fail or refuse to do so. Such ticket citation as herein provided, when attached to a vehicle in a conspicuous place, shall be a legal and sufficient summons, and legal and sufficient service thereof upon the owner, for the purposes specified thereon, provided, however, that this section shall not abridge the power of the police officers to arrest for crimes and misdemeanors.

(Ord. 67-14. Passed 1-9-67.)

353.09 TICKETING BY POLICE.

Whenever any vehicle is found parked in violation of any of the parking restrictions of this chapter, the police officer finding it shall take its registration number and any other information displayed on the vehicle which may identify its owner, and affix conspicuously to such vehicle a notice in writing, on a form provided for such use, or hand the same to the operator of such vehicle, for the owner or operator to answer the charge against him within two days during hours and at a place specified in the notice. The Police Officer shall send one copy of such notice to the Chief of Police.

(Ord. 67-14. Passed 1-9-67.)

353.10 FAILURE TO ANSWER CHARGES A MISDEMEANOR.

Any owner or operator of a vehicle who willfully neglects to answer to the charges set forth on a notice fixed by the police officer to such vehicle in accordance with this chapter shall be guilty of a misdemeanor regardless of the disposition of the charge for which the notice was originally issued.

(Ord. 67-14. Passed 1-9-67.)

353.11 CITY MANAGER TO MAKE RULES.

The City Manager, is hereby authorized and directed to make, modify, change from time to time and promulgate such administrative rules as in his discretion shall be deemed to effectuate the provisions of this chapter. The powers conveyed by this section shall be in addition to any and all other powers which are now, or may hereafter be conferred upon the City Manager, and the powers hereby conferred shall be deemed in no sense a limitation or a restriction of any powers of the City Manager.

(Ord. 67-14. Passed 1-9-67.)

353.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)