

ORDINANCE NO. 2018-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEVELAND AMENDING TITLE 15 CHAPTER 6, SECTION 15-614 RELATIVE TO PARKING RESTRICTIONS FOR CERTAIN LARGE VEHICLES AND TRAILERS ON CITY STREETS IN RESIDENTIAL AREAS

WHEREAS, Title 15, Chapter 6 of the Cleveland Municipal Code sets forth the requirements, restrictions and penalties for parking of vehicles in the City of Cleveland; and

WHEREAS, the requirements, restrictions and penalties for parking vehicles are set forth in the Cleveland Municipal Code to ensure the health, safety and welfare of the public; and

WHEREAS, the long-term parking of large vehicles and trailers on city streets presents an on-going safety hazard to pedestrians, motorists and cyclists due to limiting sight-distance at driveways and intersections, presenting potential conflicts between vehicles on the roadway and pedestrians, motorists, and cyclists entering or crossing that roadway; and

WHEREAS, the parking of large vehicles and trailers on city streets may impede the access of emergency response vehicles; and

WHEREAS, members of the City Council have received complaints from residents involving the long-term parking of large vehicles and trailers on city streets; and

WHEREAS, large vehicles and trailers, including recreational vehicles, may hold large quantities of gasoline and propane, thus posing a potentially highly volatile fire hazard; and

WHEREAS, detached trailers parked on the street constitute a potential safety hazard as they are not required to have an independent braking system; and

WHEREAS, the City Council finds that there are negative aesthetic impacts of large parked vehicles and trailers in residential areas; and

WHEREAS, the City Council finds that there is increased noise and noxious gases emitted from parked vehicle generators and engines, and odors emanating from engines and sewage holding tanks in some parked large vehicles and trailers, which can detract from the quality of life of City residents; and

WHEREAS, owners of large vehicles and trailers should have the opportunity to have limited use of city streets for short periods of time to accomplish specific purposes; and

WHEREAS, the City's current municipal code regulations in Section 15-614 are inadequate to address the impacts created by parking large vehicles and trailers on City streets in residential areas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, IN REGULAR SESSION ASSEMBLED:

SECTION 1. Recitals

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2.

Current Section 15-614 of the Cleveland Municipal Code is hereby deleted in its entirety and amended to read as follows:

15-614 Large Vehicle and Trailer Parking Restrictions in Residential Areas

15-614 (a) Definitions. For the purposes of this section the following words or phrases shall be defined as follows:

Large Vehicle. “Large Vehicle” shall mean any motor vehicle, or a combination of connected vehicles and/or trailers, that exceeds twenty-five (25) feet in length or eighty (80) inches in width or eighty-two (82) inches in height.

Large Vehicle shall also include any truck with three or more axels, or a bus or a van with a capacity of more than fifteen (15) passengers.

Large Vehicle shall not mean or include pickup trucks or sport utility vehicles, which are less than twenty-five (25) feet in length and eighty-two (82) inches in height.

Out-of-Town Visitor. “Out-of-Town Visitor” shall mean any natural person who does not reside in the City of Cleveland and who is temporarily visiting a resident of the City.

Residential Areas. “Residential Areas” shall mean those areas of the City identified as residential zoning districts to include zones R-1, R-2 or R-3.

Street. “Street” shall mean any public street, road, or highway within the corporate limits of the City of Cleveland.

Trailer. “Trailer” shall mean any trailer, semitrailer, camp trailer (including tent trailers), unmounted camper, trailer coach, or fifth-wheel travel trailer.

15-614 (b) Large Vehicle and Trailer Parking Restrictions.

Except as provided in sections 15-614(c) and 15-614 (d) of this code, no person may park or leave standing any large vehicle or trailer upon any street within a residential area of the City of Cleveland between the hours of 9:00 p.m. and 6:00 a.m.

15-614 (c) Exceptions. The prohibitions in section 15-614(b) shall not apply to:

A. Any person who has been issued and is in possession of a current valid Oversized Vehicle Parking Permit pursuant to section 15-614(d);

B. Any person while actually engaged in the loading or unloading of a large vehicle or trailer but only for a period of time not to exceed 24 hours;

C. Any person while actually engaged in using a large vehicle or trailer between the hours of 9:00 p.m. and 6:00 a.m. in providing services to a residential building, including, but not limited to, cleaning services, residential repair services, and residential construction services; or

- D. Any properly authorized and licensed towing vehicle in the course of providing towing services;
- E. Any person while actually engaged in making emergency repairs to a large vehicle or trailer which preclude removal to a permitted parking area, but only for a period of time not to exceed 24 hours;
- F. Any public or private agency emergency response vehicle.

15-614 (d) Oversized Vehicle Parking Permit.

An Oversized Vehicle Parking Permit shall be considered valid subject to the requirements and limitations set forth in this subsection.

i. Purpose. The purpose of authorizing the issuance of Oversized Vehicle Parking Permits is to allow owners of oversize vehicles and trailers additional time to park their oversize vehicles and trailers on a public street near their residences for the purpose of loading or unloading such large vehicles and trailers, and to allow an out-of-town visitor to park on a street near the residence that the out of-town visitor is visiting for a limited time period.

ii. Application. The Applicant shall file with the City Clerk's office a completed City application form providing all of the information requested. The application must include the following information:

1. The license plate number of the large vehicle or trailer;
2. The City of Cleveland residence address where the large vehicle or trailer will be parked or left;
3. Contact information, including a permanent address and phone number, of the City resident where the large vehicle or trailer will be parked or left;
4. The Applicant's contact information, including permanent address and phone number;
5. The dates for which the permit is sought to be valid.

The Applicant and owner of the residence that the large vehicle or trailer will be parked shall attest to the accuracy of the information contained in the permit under penalty of perjury.

iii. Issuance. Oversized Vehicle Parking Permits shall be issued on a form approved by the City. The permit shall be issued and valid only for the specified parking use indicated on the permit. The permit must include the following:

1. The license plate number of the large vehicle or trailer;
2. The applicant's name;
3. The address or location adjacent to which the large vehicle or trailer is approved to park; and
4. The date the permit was issued;
5. The date the permit expires; and
6. The dates that the permit is valid.

iv. Display. All permits shall be placed in the lower driver's side of the windshield of the large vehicle or trailer in a manner that is clearly visible from the exterior. If the large vehicle or trailer does not have a windshield, the Permit must be properly affixed to the outside of the large vehicle or trailer on the left side of the front of the vehicle. Failure to properly display the permit shall constitute a violation of this section.

v. Permitted Parking Location. A vehicle with a current and valid Oversized Vehicle Parking Permit shall only park on the public street immediately adjacent to the address noted on the issued permit and may not park adjacent to any address not indicated on the issued permit.

vi. Duration; Expiration.

City residents: A City resident may apply for an Oversized Vehicle Parking Permit, which shall be valid for two (2) specified periods not to exceed five (5) consecutive calendar days each, and shall expire at 11:59 p.m. on the expiration date indicated on the permit. After expiration, the Oversized Vehicle Parking Permit shall be invalid.

A resident may apply for three (3) permits annually.

Out of Town Visitors: Out of Town Visitors may park an oversized vehicle with a City issued parking permit for a period of seven days, with an option for a second seven day period, not to exceed fourteen (14) consecutive days.

An out of town visitor may apply for three seven day permits annually.

15-614 (e) Enforcement.

Enforcement actions may be taken as follows:

A. Parking Violations. Any person who violates any provision of this section shall be subject to all of the enforcement provisions of Title 15, Chapter 7, Sections 15-701 through 15-707 of the Cleveland Municipal Code.

In addition, if an oversized vehicle or trailer is left illegally parked or standing on a City street for five (5) consecutive days in violation of this section, the oversized vehicle or trailer is subject to removal under Section 15-705 of the Cleveland Municipal Code.

B. Forged, Altered, or Counterfeit Permits. Any person who forges, alters, or counterfeits an Oversized Vehicle Parking Permit, or displays a forged, altered, or counterfeit Oversized Vehicle Parking Permit shall be guilty of a civil offense, and is subject to civil penalty of \$50.00 plus court costs.

SECTION 3. Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portion thereof may be declared invalid or unconstitutional.

SECTION 4. Effective Date

This ordinance shall take effect on August 1, the public welfare requiring it.

APPROVED AS TO FORM:

John F. Kimball, Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk