

VILLAGE OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2016-22

AN ORDINANCE ESTABLISHING A NO PARKING REGULATION AND
AUTHORIZING NO PARKING SIGNAGE ON HIGH STREET BETWEEN PIKE
STREET AND FORREST AVENUE, AND DECLARING AN EMERGENCY

WHEREAS, Ohio Rev. Code § 4511.07(A)(1) permits local municipalities to create laws governing the “[r]egulating the stopping, standing, or parking of vehicles, trackless trolleys, and streetcars;”

WHEREAS, every ordinance, resolution, or regulation enacted pursuant to Ohio Rev. Code § 4511.07 (A)(1) shall be enforced in compliance with Ohio Rev. Code § 4511.071 in order for violations to be considered criminal offenses;

WHEREAS, the Village previously established parking violations upon the adoption of the Ohio Basic Code in Ordinance No. 2016-01, specifically Ohio Basic Code § 76.04. Said Ordinance enforces parking violations as criminal offenses.

WHEREAS, the Village Council deems it necessary to prohibit the public on-street parking on High Street between the streets of Pike Street and Forrest Avenue to preserve the public safety, health, and welfare of the citizens of South Lebanon,

WHEREAS, immediate action is required to prevent such parking, and such action is necessary in order to preserve the public peace, health, safety or welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of South Lebanon, at least two-thirds of all members elected thereto concurring:

Section 1. The Village Council does hereby establish a no parking regulation on both sides of High Street between the streets of Pike Street and Forrest Avenue.

Section 2. That the Village Council authorizes Village employees to install no parking signage on both sides of High Street between the streets of Pike Street and Forrest Avenue, and that said regulation shall be enforced pursuant to Ordinance 2016-01 and Ohio Basic Code § 76.04.

Section 3. The owner of a vehicle shall be entitled to establish nonliability for prosecution for violation of this Ordinance by proving the vehicle was in the care, custody, or control of a person other than the owner at the time of the violation pursuant to a written rental or lease agreement or affidavit providing that except for such agreement, no other business relationship with respect to the vehicle in question exists between the operator and owner. Proof that the vehicle was in the care, custody, or control of a person other than the owner shall be established by sending a copy of such written rental or lease agreement or affidavit to the prosecuting authority within thirty days from the date of receipt by the owner of the notice of violation. The furnishing of a copy of a written rental or lease agreement or affidavit shall be prima-facie evidence that a vehicle was in the care, custody, or control of a person other than the owner.

Section 4. That the Council is acting in its administrative capacity in passing this Ordinance.

Section 5. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 6. That this Ordinance is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and, this Ordinance shall be in full force and effective immediately upon its passage.

Section 7. That it is found and determined that all formal actions of the Council concerning and relating to passing this Ordinance were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 15th day of December, 2016.

Attest: Sharon Louallen

Sharon Louallen, Fiscal Officer/Clerk

James D. Smith

James D. Smith, Mayor

CERTIFIED COPY

I, Sharon Louallen, Fiscal Officer, of the Village of South Leavenworth, Ohio do hereby certify that to be a true and correct copy of a document on file with my office.


12-16-16
Date

Sharon Louallen
Sharon Louallen
Fiscal Officer
12-16-16

Rules Suspended: <u>12/15/2016</u> (if applicable)	Effective Date - <u>12/15/2016</u>
Vote - <u>6</u> Yeas ___ Nays	
First Reading - / /2016	Effective Date - / /2016
Second Reading - / /2016	
Third Reading - / /2016	
Vote - ___ Yeas ___ Nays	

Prepared by and approved as to form:

PAUL R. REVELSON
VILLAGE SOLICITOR
SOUTH LEBANON, OHIO

By: 
Date: 12/15/2016