

**VILLAGE OF SOUTH LEBANON, OHIO**  
**ORDINANCE NO. 2014-~~4~~**

**RATIFYING AND/OR ESTABLISHING A NO PARKING REGULATION AND  
AUTHORIZING NO PARKING SIGNAGE ON CERTAIN HIGHWAYS AND  
STREETS IN THE VILLAGE OF SOUTH LEBANON**

**WHEREAS**, Ohio Rev. Code § 4511.07 provides that local traffic regulations promulgated in Sections 4511.01 to 4511.78, 4511.99, 4513.01 to 4513.01 to 4513.37, do not prevent local authorities from carrying out certain activities, including but not limited to regulating the parking of vehicles in accordance with Ohio Rev. Code § 4511.07 (A)(1); and,

**WHEREAS**, every ordinance, resolution or regulation enacted in accordance with Ohio Rev. Code § 4511.07 shall be enforced in compliance with Ohio Rev. Code § 723.071 in order for violations to be a criminal offense; and,

**WHEREAS**, in order to enforce no parking as a criminal offense in compliance with Ohio Rev. Code § 723.071, an Ordinance must provide an Owner may establish non-liability for local traffic offenses by proof of lease of a vehicle; and,

**WHEREAS**, pursuant to Ohio Rev. Code § 723.01, the Village Council has the special power to regulate the use of streets within the municipal corporation of the Village of South Lebanon, including but not limited to the care, supervision, and control of the public highways and streets; and,

**WHEREAS**, the Village previously established a no parking regulation, and the Village enforces no parking violations as a criminal offense pursuant to Ordinance No. 2014-02 [Ohio Basic Code § 76.04, et seq.]; and,

**WHEREAS**, the Village has compiled an Inventory of Highways and Streets within the municipal corporation that necessitate No Parking for public safety reasons, in concurrence with the Village Engineer; and,

**WHEREAS**, the Village Council deems it necessary to prohibit parking at the locations identified on the attached Inventory (which is incorporated herein and made a part hereof), to protect and preserve the public peace, health, safety and welfare of the Village, including but not limited to making highways and streets accessible by Fire & EMS equipment, and taking reasonable measures to mitigate the risk of traffic accidents.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Village of South Lebanon, Ohio, at least a majority of all current members elected thereto:

**Section 1.** That the Village Council does hereby ratify and/or establish a No Parking regulation by prohibiting vehicles from parking on certain highways and streets in the Village of South Lebanon by posting No Parking signage.

**Section 2.** That the Village Council authorizes and directs the Village's Public Works Department to install No Parking signage that complies with Ohio's Manual for Uniform Traffic Control Devices, at the locations identified on the attached Inventory for No Parking Signs, and that the said regulation shall be enforced and violators cited in accordance with Ordinance No. 2014-02 [Ohio Basic Code § 76.04, et seq.], except as provided in Section 3 hereinafter.

**Section 3.** That the owner of a vehicle shall be entitled to establish non-liability for prosecution for violation of this No Parking 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 legislative capacity in approving this Ordinance.

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

**Section 6.** That it is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were conducted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Approved this 7<sup>th</sup> of August, 2014.

Attest: Sharon Louallen

Lionel H. Lawhorn

Sharon Louallen, Fiscal Officer/Clerk Lionel Harold Lawhorn, Mayor

Rules Suspended: / /2014	Effective Date - / /2014
Vote - ___ Yeas ___ Nays	
First Reading - 7-3-14	Effective Date -
Second Reading - 7-17-14	
Third Reading - 8-7-14	
Vote - <u>60</u> Yeas ___ Nays	

Prepared by and approved as to form:

BRUCE A. McGARY  
VILLAGE SOLICITOR  
SOUTH LEBANON, OHIO

By: Bruce A. McGary  
Date: 8/17/14

**CERTIFICATE OF POSTING**

I, Sharon Louallen, Fiscal Officer of the Village of South Lebanon, Ohio do hereby certify I posted a true and accurate copy of this ordinance or resolution, summary of ordinance or resolution, or statement, order, proclamation, notice or report at five public places within the Village as authorized by Section 731.25 of the Ohio Revised Code and Ordinance 98-08 of Village of South Lebanon, Ohio.

8-8-14  
Date Sharon Louallen  
Sharon Louallen  
Fiscal Officer  
Village of South Lebanon,  
Ohio

**VILLAGE OF SOUTH LEBANON**  
**NO PARKING SIGN INVENTORY**

**AUGUST 7, 2014**

<u>Street Location</u>	<u>Type of Sign</u>	<u>Quantity</u>
Bayou	No Parking Snow Emergency	1
Bridge Water	No Parking Fire Lane	4
Riverview	No Parking Fire Lane	2
Browing	No Parking Snow Emergency	1
Hobart	No Parking Anytime	4
High Street	No Parking Anytime	1
High Street	No Parking Here to Corner	1
High Street	No Parking This Side of Street	1
King Ave.	Reserve Parking Church	1
McKinley & High	No Parking This Side of Street	1
McKinley	No Parking from Here to Corner	1
Mary Ellen	No Parking from Here to Corner	1
Broadway	No Parking from Here to Corner	1
Morris	No Parking Anytime	1
Morrow	No Parking from Here to Corner	1
Morrow	No Parking Commercial Vehicles	3
Valley View	No Parking Anytime	3
Claude	Parallel Parking Only	4
Sunset	No Parking Anytime	1
E. Pike Street	No Parking Anytime	4

W. Pike Street	No Parking from Here to Corner	1
Forrest	No Parking Anytime	6
N. Section	No Parking Snow Emergency	2
S. Section	No Parking from Here to Corner	2
Station Dr.	No Parking This Side of Street	4 (New)
Union Township Rd.	No Parking Anytime	1