

ORD. 433-09

Repealing Section 351.07 of the Toledo Municipal Code “351.07 Standing and/or parking; prohibited or limited” and enacting a new Section 351.07; and declaring an emergency.

SUMMARY & BACKGROUND:

Currently the Toledo Municipal Code prohibits “Stand[ing] or park[ing] a vehicle upon any unpaved portion of a front lot or side lot in any residence district, or upon any unpaved portion of a vacant lot in any residence district, except as otherwise permitted under the local Zoning Ordinance, Part Eleven of the Toledo Municipal Code.” As presently written a person could be cited for parking in an unpaved driveway within the City even if the unpaved driveway was a prior nonconforming condition that predated the enactment of the prohibition. This ordinance seeks to amend the Code to clarify that it is not prohibited to park on unpaved driveways that are either prior nonconforming uses or exist due to the issuance of a variance issued in accordance to law. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That Section 351.07 of the Toledo Municipal Code Standing and/or parking; prohibited or limited which presently reads:

351.07. Standing and/or parking; prohibited or limited.

Except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or traffic control device:

(a) No person, in any of the following places where signs are not required, shall:

(1) Park a vehicle upon any street or highway, including any handicapped person, for a period of time longer than eighteen hours, including Sundays and public holidays;

(2) Stand or park a vehicle upon any street or highway in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free passage of vehicular traffic; and

(3) Stand or park a vehicle upon any street or highway for the principal purpose of advertising, displaying such vehicle for sale or washing, greasing or repairing such vehicle except repairs necessitated by an emergency;

- (4) Park any vehicle designed to be drawn or towed by motor power upon any street, highway or alley unless such motor power is attached thereto;
- (5) Park a vehicle upon any street or highway, or portion thereof, for which parking is prohibited during any snow emergency declared by the Commissioner of Transportation;
- (6) Stand or park a vehicle on the roadway portion of a freeway, expressway or thruway;
- (7) Stand or park a vehicle upon any bridge or other elevated structure on any street or highway, or within a street or highway tunnel;
- (8) Park any vehicle or combination of vehicles exceeding seven feet in width or seven feet six inches in height or twenty-one feet in length, including any load or any attachment thereto except antennae and such safety devices as are required by law, upon any street, highway, or alley at any time on Sunday or a public holiday or between the hours of 9:00 p.m. and 6:00 a.m. on any other day except for the purpose of and while actually engaged in the loading or unloading of property;
- (9) Park any vehicle designed to transport flammable liquid in bulk upon any street or highway within 500 feet of any hospital, school, church, theater or public auditorium building except for the purpose of and while actually loading or unloading or while making emergency repairs thereto;
- (10) Stand or park any vehicle or combination of vehicles other than a bus, which exceeds twenty-four feet in length, upon any street or highway in the Central Business District for the purpose of loading or unloading property between the hours of 6:00 a.m. and 4:00 p.m., except on Sunday or a public holiday, unless a permit therefor has first been obtained from the Department of Police Operations; and
- (11) Stand or park a vehicle upon any street or highway in the Central Business District for the purpose of loading or unloading property between the hours of 4:00 p.m. and 6:00 p.m., except on Saturday, Sunday or a public holiday;
- (12) Stand or park a bus upon any street or highway in the Central Business District other than at a bus stop, in a bus priority lane or in a hotel loading zone;
- (13) Park a taxicab upon any street or highway in the Central Business District at other than a taxi stand;
- (14) Stand or park a vehicle upon any alley, except that the operator of a commercial vehicle may stand or park such vehicle upon an alley for a period not to exceed thirty minutes while actually engaged in loading or unloading property;

(15) Stand or park a vehicle in any park or on other real estate owned or leased by the City, except in designated parking areas and upon roadways therein unless otherwise posted;

(16) Stand or park a vehicle within an intersection;

(17) Stand or park a vehicle on a crosswalk;

(18) Stand or park a vehicle within twenty feet of a crosswalk;

(19) Stand or park a vehicle within thirty feet of, and on the approach to, any yield sign, stop sign, flashing beacon or traffic signal;

(20) Stand or park a vehicle upon or alongside any median of a divided street or highway unless otherwise posted;

(21) Stand or park a vehicle between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;

(22) Stand or park a vehicle alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;

(23) Stand or park a vehicle within fifty feet of the nearest rail or a railroad crossing;

(24) Stand or park a vehicle in front of a public or private driveway;

(25) Stand or park a vehicle within ten feet of a fire hydrant;

(26) Stand or park a vehicle within one foot of another parked vehicle;

(27) Stand or park a vehicle alongside any vehicle stopped or parked at the edge of the curb of a street;

(28) Stand or park a vehicle upon any sidewalk, other than as designated in Section [371.11](#) except bicycles, or upon any curb;

(29) Stand or park a vehicle in the area between the pavement edge and property line on any curbed street or highway inside a business or residence district;

(30) Stand or park a vehicle in the area between the pavement edge and property line on any uncurbed street or highway inside a business or resident district if such area is maintained as lawn to the pavement edge or lies adjacent to property in use for business or off-street parking;

(31) Stand or park a vehicle upon any roadway outside a business or resident district if it is practical to stand or park off such roadway and any such standing or parked vehicle shall be clearly visible from 200 feet in each direction upon such roadway, except that these requirements shall not apply to the driver of any vehicle disabled on a roadway in a manner and to the extent that it is impossible to avoid temporarily standing or parking in such position.

(32) Stand or park a commercial vehicle as defined in Section [301.08](#) of the Toledo Municipal Code upon any street or highway in a residential district, except the following:

A. Any motor vehicle which is licensed as a truck but is primarily designed as a passenger vehicle; and/or

B. Any vehicle which is engaged in loading and unloading or performing a service to a dwelling unit in a residential district.

C. Any commercial vehicle which is licensed for non-commercial use.

(33) Stand or park a vehicle upon any unpaved portion of a front lot or side lot in any residence district, or upon any unpaved portion of a vacant lot in any residence district, except as otherwise permitted under the local Zoning Ordinance, Part Eleven of the Toledo Municipal Code.

(b) No person, in any of the following places where signs giving notice thereof are posted, shall:

(1) Stand or park a vehicle at any time wherever such signs prohibit stopping any time;

(2) Stand or park a vehicle during those hours when and wherever such signs prohibit stopping between certain hours on certain days, Sundays and public holidays excepted;

(3) Park a vehicle at any time wherever such signs prohibit parking any time;

(4) Park a vehicle during those hours when and wherever such signs prohibit parking between certain hours on certain days, Sundays and public holidays excepted;

(5) Park a vehicle exceeding those time limits during those hours when and wherever such signs restrict parking to a specific time limit between certain hours on certain days. Sundays and public holidays excepted for on-street parking only, and each and every period of continued parking in excess of such time limit shall constitute a separate violation of this subsection and be punishable as a separate offense;

(6) Stand or park a vehicle in any shipping or no parking zone except that standing or parking of commercial vehicles thereat shall be permitted for a period of time not to exceed thirty minutes while actually engaged in loading or unloading property;

(7) Stand or park a vehicle in any truck and bus zone except that standing or parking of buses or commercial vehicles thereat shall be permitted for a period of time not to exceed thirty minutes while actually engaged in loading or unloading property or passengers.

(8) Stand or park a vehicle in any hotel loading zone except for the purpose of and while actually engaged in loading or unloading hotel patrons and their belongings;

(9) Stand or park a vehicle in any bus stop, other than a bus, or in any taxi stand, other than a taxicab, except that the operator of a vehicle may temporarily stop in such bus stop or taxi stand while actually engaged in loading or unloading passengers provided such stopping does not interfere with any bus or taxicab waiting or signaling to enter such stop or stand;

(10) Stand or park a vehicle in any bus priority lane, except buses;

(11) Stand or park a vehicle within twenty feet of a driveway entrance to a fire station and, on the side of the street or highway opposite the entrance to any fire station, within seventy-five feet of the entrance;

(12) Park a vehicle at any time where such signs restrict parking to specific vehicles, except for such a properly identified specific vehicle;

(13) Stand or park a vehicle at any time in any fire lane on private property;

(14) Stand or park a vehicle in a horse carriage stop, other than a horse-drawn carriage.

(15) Stand or park a vehicle in a pedicab stop, other than a pedicab

is hereby repealed.

SECTION 2. That a new Section of the Toledo Municipal Code, 351.07 Standing and/or parking; prohibited or limited be enacted to read as follows:

351.07. Standing and/or parking; prohibited or limited.

Except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or traffic control device:

(a) No person, in any of the following places where signs are not required, shall:

(1) Park a vehicle upon any street or highway, including any handicapped person, for a period of time longer than eighteen hours, including Sundays and public holidays;

(2) Stand or park a vehicle upon any street or highway in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free passage of vehicular traffic; and

(3) Stand or park a vehicle upon any street or highway for the principal purpose of advertising, displaying such vehicle for sale or washing, greasing or repairing such vehicle except repairs necessitated by an emergency;

(4) Park any vehicle designed to be drawn or towed by motor power upon any street, highway or alley unless such motor power is attached thereto;

(5) Park a vehicle upon any street or highway, or portion thereof, for which parking is prohibited during any snow emergency declared by the Commissioner of Transportation;

(6) Stand or park a vehicle on the roadway portion of a freeway, expressway or thruway;

(7) Stand or park a vehicle upon any bridge or other elevated structure on any street or highway, or within a street or highway tunnel;

(8) Park any vehicle or combination of vehicles exceeding seven feet in width or seven feet six inches in height or twenty-one feet in length, including any load or any attachment thereto except antennae and such safety devices as are required by law, upon any street, highway, or alley at any time on Sunday or a public holiday or between the hours of 9:00 p.m. and 6:00 a.m. on any other day except for the purpose of and while actually engaged in the loading or unloading of property;

(9) Park any vehicle designed to transport flammable liquid in bulk upon any street or highway within 500 feet of any hospital, school, church, theater or public auditorium building except for the purpose of and while actually loading or unloading or while making emergency repairs thereto;

(10) Stand or park any vehicle or combination of vehicles other than a bus, which exceeds twenty-four feet in length, upon any street or highway in the Central Business District for the purpose of loading or unloading property between the hours of 6:00 a.m. and 4:00 p.m., except on Sunday or a public holiday, unless a permit therefor has first been obtained from the Department of Police Operations; and

(11) Stand or park a vehicle upon any street or highway in the Central Business District for the purpose of loading or unloading property between the hours of 4:00 p.m. and 6:00 p.m., except on Saturday, Sunday or a public holiday;

(12) Stand or park a bus upon any street or highway in the Central Business District other than at a bus stop, in a bus priority lane or in a hotel loading zone;

(13) Park a taxicab upon any street or highway in the Central Business District at other than a taxi stand;

(14) Stand or park a vehicle upon any alley, except that the operator of a commercial vehicle may stand or park such vehicle upon an alley for a period not to exceed thirty minutes while actually engaged in loading or unloading property;

(15) Stand or park a vehicle in any park or on other real estate owned or leased by the City, except in designated parking areas and upon roadways therein unless otherwise posted;

(16) Stand or park a vehicle within an intersection;

(17) Stand or park a vehicle on a crosswalk;

(18) Stand or park a vehicle within twenty feet of a crosswalk;

(19) Stand or park a vehicle within thirty feet of, and on the approach to, any yield sign, stop sign, flashing beacon or traffic signal;

(20) Stand or park a vehicle upon or alongside any median of a divided street or highway unless otherwise posted;

(21) Stand or park a vehicle between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;

(22) Stand or park a vehicle alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;

(23) Stand or park a vehicle within fifty feet of the nearest rail or a railroad crossing;

(24) Stand or park a vehicle in front of a public or private driveway;

(25) Stand or park a vehicle within ten feet of a fire hydrant;

(26) Stand or park a vehicle within one foot of another parked vehicle;

(27) Stand or park a vehicle alongside any vehicle stopped or parked at the edge of the curb of a street;

(28) Stand or park a vehicle upon any sidewalk, other than as designated in Section [371.11](#) except bicycles, or upon any curb;

(29) Stand or park a vehicle in the area between the pavement edge and property line on any curbed street or highway inside a business or residence district;

(30) Stand or park a vehicle in the area between the pavement edge and property line on any uncurbed street or highway inside a business or resident district if such area is maintained as lawn to the pavement edge or lies adjacent to property in use for business or off-street parking;

(31) Stand or park a vehicle upon any roadway outside a business or resident district if it is practical to stand or park off such roadway and any such standing or parked vehicle shall be clearly visible from 200 feet in each direction upon such roadway, except that these requirements shall not apply to the driver of any vehicle disabled on a roadway in a manner and to the extent that it is impossible to avoid temporarily standing or parking in such position.

(32) Stand or park a commercial vehicle as defined in Section [301.08](#) of the Toledo Municipal Code upon any street or highway in a residential district, except the following:

A. Any motor vehicle which is licensed as a truck but is primarily designed as a passenger vehicle; and/or

B. Any vehicle which is engaged in loading and unloading or performing a service to a dwelling unit in a residential district.

C. Any commercial vehicle which is licensed for non-commercial use.

(33) Stand or park a vehicle upon any unpaved portion of a front lot or side lot in any residence district, or upon any unpaved portion of a vacant lot in any residence district, except as otherwise permitted under the local Zoning Ordinance, Part Eleven of the Toledo Municipal Code. It shall not be a violation of this section to park in an unpaved driveway that is a prior nonconforming use of the property or if a variance permitting the use has been approved in accordance with law. Nonconforming uses are subject to Toledo Municipal Chapter 1114, Nonconformities.

(b) No person, in any of the following places where signs giving notice thereof are posted, shall:

(1) Stand or park a vehicle at any time wherever such signs prohibit stopping any time;

(2) Stand or park a vehicle during those hours when and wherever such signs prohibit stopping between certain hours on certain days, Sundays and public holidays excepted;

(3) Park a vehicle at any time wherever such signs prohibit parking any time;

(4) Park a vehicle during those hours when and wherever such signs prohibit parking between certain hours on certain days, Sundays and public holidays excepted;

(5) Park a vehicle exceeding those time limits during those hours when and wherever such signs restrict parking to a specific time limit between certain hours on certain days. Sundays and public holidays excepted for on-street parking only, and each and every period of continued parking in excess of such time limit shall constitute a separate violation of this subsection and be punishable as a separate offense;

(6) Stand or park a vehicle in any shipping or no parking zone except that standing or parking of commercial vehicles thereat shall be permitted for a period of time not to exceed thirty minutes while actually engaged in loading or unloading property;

(7) Stand or park a vehicle in any truck and bus zone except that standing or parking of buses or commercial vehicles thereat shall be permitted for a period of time not to exceed thirty minutes while actually engaged in loading or unloading property or passengers.

(8) Stand or park a vehicle in any hotel loading zone except for the purpose of and while actually engaged in loading or unloading hotel patrons and their belongings;

(9) Stand or park a vehicle in any bus stop, other than a bus, or in any taxi stand, other than a taxicab, except that the operator of a vehicle may temporarily stop in such bus stop or taxi stand while actually engaged in loading or unloading passengers provided such stopping does not interfere with any bus or taxicab waiting or signaling to enter such stop or stand;

(10) Stand or park a vehicle in any bus priority lane, except buses;

(11) Stand or park a vehicle within twenty feet of a driveway entrance to a fire station and, on the side of the street or highway opposite the entrance to any fire station, within seventy-five feet of the entrance;

(12) Park a vehicle at any time where such signs restrict parking to specific vehicles, except for such a properly identified specific vehicle;

(13) Stand or park a vehicle at any time in any fire lane on private property;

(14) Stand or park a vehicle in a horse carriage stop, other than a horse-drawn carriage.

(15) Stand or park a vehicle in a pedicab stop, other than a pedicab.

SECTION 3. That this ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the ordinance must be immediately effective to enable the City to most effectively enforce its traffic ordinances in a fair and effective manner.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council _____.

Attest: _____
Clerk of Council