



Legislation Details (With Text)

File #: O-073-19 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 1/24/2019 **In control:** Law Department
On agenda: 2/5/2019 **Final action:** 2/5/2019
Title: Amending the Toledo Municipal Code by repealing Sections 351.15, 351.18, and 351.19 and enacting new Sections 351.15, 351.18, and 351.19 to allow the City of Toledo to contract with governmental or non-governmental entities to enforce the parking regulations and restrictions in non-public Municipal parking lots; and declaring an emergency.
Sponsors: Eileen Granata
Indexes:
Code sections:
Attachments: 1. Exhibit A - Redline, 2. Audio: Agenda Review 1/29/2019

Date	Ver.	Action By	Action	Result
2/5/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
2/5/2019	1	City Council	declare emergency	Pass
2/5/2019	1	City Council	passage	Pass

Municipal Parking Lot Enforcement
Law
E. Granata (x1034)

Amending the Toledo Municipal Code by repealing Sections 351.15, 351.18, and 351.19 and enacting new Sections 351.15, 351.18, and 351.19 to allow the City of Toledo to contract with governmental or non-governmental entities to enforce the parking regulations and restrictions in non-public Municipal parking lots; and declaring an emergency.

SUMMARY & BACKGROUND:

The City of Toledo owns or leases non-public municipal parking lots, areas, or places. Pursuant to TMC 351.15, 351.18, and 351.19, Toledo Police officers have the authority to issue tickets and tow vehicles that are in violation of regulations and restrictions in non-public municipal parking lots, areas, or places. The Administration seeks to authority to contract with governmental or non-governmental entities to enforce regulations or restrictions at non-public municipal parking lots, areas, or places. This ordinance would repeal and replace the referenced sections of the TMC to allow for additional outside enforcement.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code Section 351.15 which states as follows:

351.15. Non-public municipal off-street parking.

(a) When official signs are erected prohibiting or restricting parking at any municipally maintained parking

lot, area or place, no person shall park a vehicle in any such designated lot, area or place without first having obtained authorization therefor from the Director of Public Service. The foregoing shall not apply to any municipally maintained parking lot, area or place which is serviced by parking meters.

(b) Law Enforcement Officers, as defined in Section 309.01, are hereby authorized to issue a parking ticket and/or remove by towing or otherwise any vehicle from a municipally maintained parking lot, when such vehicle is parked therein without proper authorization.

(c) Within municipally maintained parking lots for the exclusive use of Municipal employees, the Director of Public Service shall have the authority to designate places or areas therein for the exclusive use by employees within the various divisions and departments of the City and Municipal Court. Members of the Department of Police Operations are hereby authorized to issue a parking ticket and/or remove by towing or otherwise any vehicle of a City employee from such municipally maintained parking lot when such employee has parked his or her automobile in a place therein other than his or her designated parking place or area.

is repealed.

SECTION 2. That a new Toledo Municipal Code Section 351.15 is enacted to state as follows:

351.15. Non-public municipal off-street parking.

(a) When official signs are erected prohibiting or restricting parking at any municipally maintained parking lot, area or place, no person shall park a vehicle in any such designated lot, area or place without first having obtained authorization therefor from the Director of Public Service. The foregoing shall not apply to any municipally maintained parking lot, area or place which is serviced by parking meters.

(b) Law Enforcement Officers, as defined in Section 309.01 of this Code, are hereby authorized to issue a parking ticket and/or remove by towing or otherwise any vehicle from a municipally maintained parking lot, when such vehicle is parked therein without proper authorization.

(c) Within municipally maintained parking lots for the exclusive use of Municipal employees, the Director of Public Service shall have the authority to designate places or areas therein for the exclusive use by employees within the various divisions and departments of the City and Municipal Court. Law Enforcement Officers, as defined in section 309.01 of this Code are hereby authorized to issue a parking ticket and/or remove by towing or otherwise any vehicle of a City employee from such municipally maintained parking lot when such employee has parked his or her automobile in a place therein other than his or her designated parking place or area.

(d) The Director of Finance shall have authority to contract with any governmental or non-governmental entity including the Toledo-Lucas County Port Authority to provide services in enforcing the City's rules, regulations and ordinances relating to non-public municipal off-street parking at any municipally maintained parking lot, area, or place, including, but not limited to, issuing, processing and collecting fines for civil Parking Infractions and in processing, collecting and enforcing parking tickets issued by Law Enforcement Officers, including those issued by traffic aides of the Toledo-Lucas County Port Authority or its designated assigns, and civil judgments and default civil judgments entered pursuant to this Chapter. All contracts entered into by the Director of Finance shall be subject to approval of City Council and the Mayor.

SECTION 3. That Toledo Municipal Code Section 351.18 which states as follows:

351.18. Parking tickets.

Whenever any vehicle without an operator is found parked or standing in violation of the provisions of this

Traffic Code or State law, the police officer finding such vehicle shall take its registration number and may take any other information which may identify its user and shall conspicuously affix to such vehicle a parking ticket. Such ticket shall give notice of the charge against the operator of such vehicle and the place and hours that the charge shall be answered. The officer shall send a copy of such parking ticket to the place where the charge is to be answered.

is repealed.

SECTION 4. That a new Toledo Municipal Code Section 351.18 is enacted to state as follows:

351.18. Parking tickets.

Whenever any vehicle without an operator is found parked or standing in violation of the provisions of this Traffic Code or State law, the police officer, or Law Enforcement Officer as defined in Section 309.01 of this Code, finding such vehicle shall take its registration number and may take any other information which may identify its user and shall conspicuously affix to such vehicle a parking ticket. Such ticket shall give notice of the charge against the operator of such vehicle and the place and hours that the charge shall be answered. The police officer or Law Enforcement Officer shall send a copy of such parking ticket to the place where the charge is to be answered.

SECTION 5. That Toledo Municipal Code Section 351.19 which states as follows:

351.19. Issuance of complaint.

If, pursuant to the issuance of a parking ticket, any person fails to make an appearance or fails or refuses to pay a fine therefor, a complaint shall be filed in Municipal Court by the Police Division.

is repealed.

SECTION 6. That a new Toledo Municipal Code Section 351.19 is enacted to state as follows:

351.19. Issuance of complaint.

Parking tickets issued pursuant to this Ch. 351 shall be within the jurisdiction of the Parking Violations Bureau and shall be handled pursuant to and governed by the provisions of Ch. 309 of this Code. If, subsequent to the issuance of a parking ticket, any person fails to make an appearance or fails or refuses to pay a fine therefor, a complaint shall be filed in Municipal Court by the Police Division or by the contracted entity under sections 309.02 (d) or 351.15 (d) of this Code.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure and shall take effect and be in full force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this ordinance must be immediately effective in order to allow the City of Toledo to enforce restrictions in City-owned or leased non-public municipal parking lots.

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