



## Legislation Text

File #: O-278-19, Version: 1

Office of the Mayor

**Repealing Toledo Municipal Code Sections 743.01, 743.02, 743.03, 743.04, 743.07, 743.08, 743.09, 743.11, 743.13, 743.18, 1361.04; enacting New Toledo Municipal Code Sections 743.01, 743.02, 743.03, 743.04, 743.07, 743.08, 743.09, 743.11, 743.13, 743.18, 1361.04; and declaring an emergency.**

### SUMMARY & BACKGROUND:

The City of Toledo seeks to comprehensively address issues related to parking lots in the downtown. Currently, the abundance of intrusions by parked vehicles into city right of way, including sidewalks and alleys, along with unmarked entrances and exits, are a danger to the health, general welfare and safety of the public and considered a nuisance by City Council. This Ordinance creates uniform parking lot regulation and standards in the Downtown Overlay District to improve appearance and security in the heart of the City. This Ordinance also modernizes the General Parking Lot Code as set forth in Chapter 743; and amends the license fee schedule for surface parking lots in Toledo. License proceeds would be placed in a revenue accruing account and dedicated to enforcement of the parking code and improvements to downtown infrastructure.

In order to reduce hardship upon parking operators, the Code would be amended to allow the City to improve encroachments on the City rights of ways in situations which will be approved by the City and a newly formed downtown parking committee dedicated to surface lots. The companion Code provision for creation of the parking committee and design standard will be heard by the Plan Commission June 13th, 2019.

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

SECTION 1. That Toledo Municipal Code Sections 743.01, 743.02, 743.03, 743.04, 743.07, 743.08, 743.09, 743.11, 743.13, 743.18 which currently read as follows:

### **743.01. Definitions.**

For the purposes of this chapter the following words and phrases shall have the following meanings:

- (a) "Parking place" means any garage or other building or any plot, piece or parcel of land in or upon which motor vehicles, tractors or trailers are stored or parked.
- (b) "Public parking place" means any parking place in or upon which a business is conducted of storing motor vehicles where the owner or person storing such vehicle is charged a fee.
- (c) "Commercial parking place" means any parking place where motor vehicles, tractors or trailers are stored for purposes of sale or display.
- (d) "Private parking place" means any parking place where one or more motor vehicles are stored which is not defined as a public or commercial parking place.
- (e) "Person" means any individual, partnership, firm, association or corporation.
- (f) "Paint" or "Painted" means the application of waterproof paint.

### **743.02. License required.**

No person shall conduct a business of storing motor vehicles for hire in a public parking place within the

limits of the City without first having obtained a license therefor in the manner hereinafter set forth.

#### **743.03. Application for license.**

Applications for licenses for public parking places shall be made by the person or persons intending to conduct a business therein upon blanks to be furnished by the Director of Finance in substantially the following form:

- (a) The name and address of the applicant; and if a nonresident of the City, the name and address of a local representative inside the City limits upon whom service can be made under the provisions of this chapter or of summons or other process issued by any court.
- (b) The location and size of the parking place.
- (c) Such other information as may be necessary to carry into effect the provisions of this chapter.
- (d) The application shall be verified under oath by the applicant or his duly authorized agent.

#### **743.04. License fees.**

The following shall be the license fees for operating a public parking place, as defined herein:

- (a) For any location that was not licensed as a public parking place for the immediately preceding license year, five hundred dollars (\$500.00) for the initial license year.
- (b) For a public parking place having an area of 6,000 square feet or less that was licensed for the immediately preceding license year, one hundred fifty dollars (\$150.00) per year.
- (c) For a public parking place having an area of 6,001 or more square feet that was licensed for the immediately preceding license year, two hundred seventy-five dollars (\$275.00) per year.

#### **743.05. Issuance and transfer of licenses.**

(a) Applications for public parking place licenses shall be investigated by the Commissioner of Transportation and if after investigation he is reasonably satisfied that the applicant has a good reputation; that the statements set forth in the application are correct; that the issuance of such license will be conducive to the public welfare and safety; and if the proper fee is paid, then such license shall be issued to the applicant, which license shall continue in effect until the first of April following the issuance of such license, unless revoked prior thereto.

(b) Licenses may be transferred from location to location with the written consent of the Commissioner of Transportation.

#### **743.06. Revocation of license.**

The Commissioner of Transportation may revoke any public parking place license if upon a hearing and investigation after at least ten days' written notice of the time and place of such hearing, he finds:

- (a) The licensee has knowingly made any false or materially incorrect statement in the application.
- (b) The licensee knowingly violates or knowingly permits or countenances the violation of any provision of this article.
- (c) The licensee knowingly violates or knowingly permits or countenances the violation of any provision of any penal law or ordinance regarding theft, larceny or conversion of a motor vehicle or the operation of a motor vehicle without the owner's consent as prohibited by Section 743.14.

#### **743.07. Signs required.**

Each person operating a public parking place shall have erected at each entrance thereto a sign painted with the following information:

The rate by day or hour as specified in the permit, also if there is a different rate on certain days or nights. No lettering shall be less than five inches, nor shall it be erected less than eight feet nor more than ten feet above street level; six-inch lettering shall not be erected less than eight feet nor more than twelve feet above street level.

#### **743.08. Change of rate.**

No operator of any public parking place shall make any charge for storing any motor vehicle in excess of that set forth in his application for license unless and until he has:

- (a) Notified the Director of Finance in writing of the change; and

(b) Posted signs showing such change in the same manner as set forth in Section 743.07.

**743.09. Open parking places to be fenced in.**

(a) Persons operating open parking places shall keep the same enclosed with a proper or suitable fence, wall or other barrier, so that motor vehicles stored therein cannot be removed from such place except at the regularly established entrances and exits.

(b) Persons operating open parking places, public and private, shall enclose the same on all sides thereof with proper or suitable fences, walls or other barriers so as to prevent motor vehicles stored therein from trespassing on or damaging property of other persons.

**743.11. Entrances and exits.**

Unless otherwise permitted by the Commissioner of Transportation, each public parking place shall have one common entrance and one common exit, which may or may not be combined, and the operator of such place shall keep such entrance and exit properly attended at all times during the period such place is in operation.

**743.13. Claim checks to be furnished; limitation of liability.**

(a) No contract, agreement, lease, receipt, rule or regulation shall exempt any person operating a public parking place from damage or loss caused by the negligence of such person or any employee of such person.

(b) At the time of accepting a motor vehicle for storage or parking in a public parking place, the person conducting the same, his agent, servant or employee shall furnish to such person parking his or her motor vehicle a distinctive check which shall be numbered to correspond to a coupon placed upon such motor vehicle, which check shall contain the name and address of the person owning or operating such public parking place and upon which shall be written, stamped or punched the date. This provision shall not apply where cars are stored on a weekly or monthly basis.

(c) No person shall affix any parking coupon to any motor vehicle so as to obliterate in whole or in part any portion of the motor vehicle license plate on such vehicle.

**743.18. Open parking places to be enclosed.**

All open parking places shall be so enclosed as to prevent encroachment upon the public right of way and such enclosure shall conform to the established building lines. Open parking places in residential areas shall be screened and landscaped.

ARE HEREBY REPEALED.

SECTION 2. That new Toledo Municipal Code Sections 743.01, 743.02, 743.03, 743.04, 743.07, 743.08, 743.09, 743.11, 743.13, 743.18 are hereby enacted as follows:

**743.01. Definitions.**

For the purposes of this chapter the following words and phrases shall have the following meanings:

(a) "Parking place" means any garage or other building or any plot, piece or parcel of land in or upon which motor vehicles, tractors or trailers are stored or parked.

(b) "Public parking place" means any parking place in or upon which a business is conducted of storing motor vehicles where the owner or person storing such vehicle is charged a fee.

(c) "Commercial parking place" means any parking place where motor vehicles, tractors or trailers are stored for purposes of sale or display.

(d) "Private parking place" means any parking place where one or more motor vehicles are stored which is not defined as a public or commercial parking place.

(e) "Person" means any individual, partnership, firm, association or corporation.

(f) "Paint" or "Painted" means the application of waterproof paint.

(g) "Surface Parking Lot" shall have the same meaning as set out in Section 1103.0202 of this Code.

(h) "Special Event Parking" means any private space offered for a public event such as a ball game, concert,

parade or similar event that would require short term paid parking.

#### **743.02. License Required.**

No person, firm or corporation shall conduct a business of storing motor vehicle for hire in a public parking place, including special event parking, within the limits of the City without first having obtained a license therefore in the manner hereinafter set forth.

#### **743.03. Application for License.**

Applications for licenses for public parking places shall be made by the person or persons intending to conduct a business therein upon blanks to be furnished by the Director of Finance in substantially the following form:

- a) The name and address of the applicant; and if a nonresident of the City, the name and address of a local representative inside the City limits upon whom service can be made under the provisions of this chapter or of summons or other process issued by any court;
- b) A site plan of the lot that indicates the size and location of the lot including aisle width, stall dimensions, what type of barrier is in place, entrance and exit location, and location of signage;
- c) Verification that the parking place is compliant with all Federal ADA guidelines as defined in Section 1107.1700 of the Toledo Municipal Code;
- d) Proof of public liability insurance;
- e) Proof that the applicant is registered to do business in Toledo and the State of Ohio;
- f) Verification that the applicant is compliant within the appropriate time frame established for applicable design standards as provided for in this Section and Section 1103 of this Code.

#### **743.04. License fees.**

(A) The following shall be the license fees for operating all public parking place except for Surface Parking Lots in the Downtown Overlay District:

(a) For any location that was not licensed as a public parking place for the immediately preceding license year, five hundred dollars (\$500.00) for the initial license year.

(b) For a public parking place having an area of 6,000 square feet or less that was licensed for the immediately preceding license year, one hundred fifty dollars (\$150.00) per year.

(c) For a public parking place having an area of 6,001 or more square feet that was licensed for the immediately preceding license year, two hundred seventy-five dollars (\$275.00) per year. (B) The following shall be the license fees for operating a public parking place in a Surface Parking Lot in the Downtown Overlay District:

(a) For any location that is in compliance with applicable designed standards and was not licensed nor required to be licensed as a public parking place for the immediately preceding license year, five hundred dollars (\$500.00) for the initial license year.

(b) For a public parking place having an area of 6,000 square feet or less that was licensed for the immediately preceding license year, and is in compliance with any applicable design standards, one hundred fifty dollars (\$150.00) per year.

(c) For a public parking place having an area of 6,001 or more square feet that was licensed for the immediately preceding license year, and is in compliance with any applicable design standards, two hundred seventy-five dollars (\$275.00) per year.

(C) All license fees collected pursuant Section 743.04(B) shall be deposited into a segregated revenue accruing account and used for enforcement of the provisions of this Chapter and improvements to the public infrastructure in the Downtown Overlay District.

#### **743.07. Signs Required.**

Each person operating a public parking place shall have erected at each entrance thereto a sign or signs so that following information is clearly visible from each customer entrance:

- a) The rate by day or hour as specified in the permit, also if there is a different rate on certain days or nights.
- b) The hours during which the parking place will remain open for business if access to the facility is restricted during certain hours of the day.
- c) The name and telephone number of the operator of the parking place.

#### **743.08. Change of Rate.**

No operator of any public parking place shall make any charge for storing any motor vehicle in excess of that set forth on the sign erected on the premises as required by Section 743.07.

- a) However, nothing herein contained shall be deemed to prevent the operator of any parking lot from charging a rate in case of special events different from that ordinarily charged, if such operator has placed over that portion of the sign indicating the usual rate for a parking sign bearing the following legend: "SPECIAL EVENT PARKING" and rate indicated on such sign.

#### **743.09. Open parking places to be fenced in.**

(a) Persons operating open parking places shall keep same enclosed, so that motor vehicles stored within cannot be removed from such place except at regularly established entrances and exits.

(b) Persons operating open parking places, public or private, shall be enclosed in the same fashion on all sides pursuant to Chapter 1103.0207, except those sides adjacent to public alley ways.

(c) Surface Parking Lots in the Downtown Overlay District shall conform with the provisions set forth in Chapters 1103 and 1107 of this Code where applicable.

#### **743.11. Entrances and Exits.**

a) Unless otherwise permitted by the Commissioner of Transportation, each public parking place shall have one common entrance and one common exit, which may or may not be combined.

b) Each public parking place must also comply with TMC Chapters 1103 and 1107 of this Code where applicable

#### **743.13. Claim Checks to be Furnished.**

a) At the time of accepting a motor vehicle for storage or parking in a public parking place, the person conducting the same, his agent, servant or employee shall furnish to such person parking his or her motor vehicle a distinctive check which shall be numbered to correspond to a coupon placed upon such motor vehicle, which check shall contain the name and address of the person owning or operating such public parking place. This provision shall not apply where cars are stored on a weekly or monthly basis.

b) No person shall affix any parking coupon to any motor vehicle so as to obliterate in whole or in part any portion of the motor vehicle license plate on such vehicle.

#### **743.18. Open parking places to be enclosed.**

All open parking places shall be so enclosed as to prevent unauthorized encroachment upon the public right of way and such enclosure shall conform to the established building lines. Except in the Downtown Overlay District, open parking places in residential areas shall be screened and landscaped. Surface Parking Lots in the Downtown Overlay District shall conform with the provisions set forth in Chapter 1103 of this Code.

#### **743.19 Employees.**

While on duty at the parking facility, whether public or private, each employee shall display identification provided by the parking operator, identifying the individual as an employee.

SECTION 3. That Toledo Municipal Code Section 1361.04 which currently reads as follows:

**1361.04. Permissible projections and encroachments.**

Under the conditions prescribed in this chapter and within the limitations regulated herein, the following projections and encroachments beyond a property line may be permitted:

(a) Main cornices of roof eaves may project not more than three feet, provided such main cornices or roof eaves are not less than fourteen feet above the adjacent established grade.

(b) Cornices of show windows and porches may project not more than fifteen inches when not less than seven feet six inches above the adjacent established grade.

(c) Belt courses, lintels, sills, architraves, pediments over windows and similar architectural projections may project not more than four inches when less than fourteen feet above the adjacent established grade, and not more than ten inches when fourteen feet or more above the adjacent established grade.

(d) Pediments, nonstructural columns or pilasters and similar architectural projections, including bases and capitals, located at principal entry doors of a building or structure may project not more than eight inches.

(e) Rustications (masonry projections) and quoins may project not more than four inches.

(f) Base courses may project not more than one inch, provided that such base courses do not extend more than thirty inches above adjacent established grade.

(g) Footings of walls and their supports at street lines may project not more than one foot when the tops of such footings are not less than eight feet below adjacent established grade.

(h) Doors when open may project not more than fifteen inches.

(i) Fire escapes and balconies to smoke-proof stair towers or horizontal exits may project not more than seven feet. All other balconies may project not more than four feet. No part of such fire escapes, including balanced stairs or balconies, shall be less than ten feet above the adjacent established street walk grade and fourteen feet above alley grade.

(j) Areaways may project not more than thirty inches, provided that every such areaway is protected at the adjacent established grade by an approved cover or grating as regulated in Chapter 913 of the Streets, Utilities and Public Services Code.

(k) Exterior hose connections for fire protection equipment may project not more than eight inches in an approved location, and shall be at least one foot, six inches (eighteen inches) and not more than three feet above the adjacent established grade.

(l) Street walk basements (sidewalk vaults) when constructed and located as regulated in Chapter 913 of the Streets, Utilities and Public Services Code.

(m) Movable awnings when constructed and erected as regulated in Section 1361.05.

(n) Fixed awnings when constructed and erected as regulated in Section 1361.06.

(o) Canopies when constructed and erected as regulated in Section 1361.07.

(p) Hoods when constructed and erected as regulated in Section 1361.08.

(q) Marquees when constructed and erected as regulated in Section 1361.09.

(r) Temporary encroachments and use of public right of way during erection, construction, enlargement, alteration, repair, renovation, moving, removing or demolition of buildings and structures when in compliance with the regulations of Section 1361.10.

(s) Signs or advertising devices when constructed and erected as regulated in Part Eleven-Planning and Zoning Code and Title Nine of this Part Thirteen - Building Code.

(t) Roof gutters and conductors may project not more than eight inches into an alley.

(u) Approved appliances and devices used in connection with equipment, not otherwise regulated herein, may project not more than one foot in approved locations when the lowest portion thereof is not less than ten

feet above adjacent established grade.

(v) The cutting of street curbs and the installation of driveways and any construction therewith may be permitted by the Commissioner of Engineering Services when in conformity with rules and regulations of the Department of Public Service.

IS HEREBY REPEALED.

SECTION 4. That a new Toledo Municipal Code Section 1361.04 is hereby enacted to read as follows:

**1361.04. Permissible projections and encroachments.**

Under the conditions prescribed in this chapter and within the limitations regulated herein, the following projections and encroachments beyond a property line may be permitted:

(a) Main cornices of roof eaves may project not more than three feet, provided such main cornices or roof eaves are not less than fourteen feet above the adjacent established grade.

(b) Cornices of show windows and porches may project not more than fifteen inches when not less than seven feet six inches above the adjacent established grade.

(c) Belt courses, lintels, sills, architraves, pediments over windows and similar architectural projections may project not more than four inches when less than fourteen feet above the adjacent established grade, and not more than ten inches when fourteen feet or more above the adjacent established grade.

(d) Pediments, nonstructural columns or pilasters and similar architectural projections, including bases and capitals, located at principal entry doors of a building or structure may project not more than eight inches.

(e) Rustications (masonry projections) and quoins may project not more than four inches.

(f) Base courses may project not more than one inch, provided that such base courses do not extend more than thirty inches above adjacent established grade.

(g) Footings of walls and their supports at street lines may project not more than one foot when the tops of such footings are not less than eight feet below adjacent established grade.

(h) Doors when open may project not more than fifteen inches.

(i) Fire escapes and balconies to smoke-proof stair towers or horizontal exits may project not more than seven feet. All other balconies may project not more than four feet. No part of such fire escapes, including balanced stairs or balconies, shall be less than ten feet above the adjacent established street walk grade and fourteen feet above alley grade.

(j) Areaways may project not more than thirty inches, provided that every such areaway is protected at the adjacent established grade by an approved cover or grating as regulated in [Chapter 913](#) of the Streets, Utilities and Public Services Code.

(k) Exterior hose connections for fire protection equipment may project not more than eight inches in an approved location, and shall be at least one foot, six inches (eighteen inches) and not more than three feet above the adjacent established grade.

(l) Street walk basements (sidewalk vaults) when constructed and located as regulated in [Chapter 913](#) of the Streets, Utilities and Public Services Code.

(m) Movable awnings when constructed and erected as regulated in Section [1361.05](#).

(n) Fixed awnings when constructed and erected as regulated in Section [1361.06](#).

(o) Canopies when constructed and erected as regulated in Section [1361.07](#).

(p) Hoods when constructed and erected as regulated in Section [1361.08](#).

(q) Marquees when constructed and erected as regulated in Section [1361.09](#).

(r) Temporary encroachments and use of public right of way during erection, construction, enlargement, alteration, repair, renovation, moving, removing or demolition of buildings and structures when in compliance with the regulations of Section [1361.10](#).

- (s) Signs or advertising devices when constructed and erected as regulated in Part Eleven- Planning and Zoning Code and Title Nine of this Part Thirteen - Building Code.
- (t) Roof gutters and conductors may project not more than eight inches into an alley.
- (u) Approved appliances and devices used in connection with equipment, not otherwise regulated herein, may project not more than one foot in approved locations when the lowest portion thereof is not less than ten feet above adjacent established grade.
- (v) The cutting of street curbs and the installation of driveways and any construction therewith may be permitted by the Commissioner of Engineering Services when in conformity with rules and regulations of the Department of Public Service.
- (w) on a public sidewalk in the Downtown Overlay District to accommodate compliance with TMC Section 1103.0207 where refusal to allow and encroachment would result in undue hardship to the property owner, and where the remaining width of the sidewalk is at least eight (8) feet wide where such encroachment is approved by approval of the Department of public Service, the Department of Public Utilities and the Toledo Downtown Parking Lot Review and Improvement Advisory Committee.

SECTION 5. 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 this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property and to enable the City effectively implement uniform and modernized parking standards.

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