



CITY OF LORAIN

Department of Building, Housing & Planning

Leon Mason
Director

Richard Klinar
Chief Building Official

Chase Ritenauer
Mayor

I would like to make note of an incident which happened during my follow up with court cases on Wednesday, April 15, 2015.

Around 9:35 a.m. I was supposed to take a few pictures of the property at 3200 Jaeger Rd Lorain, Oh.

Took pictures from the street and went back to my car.
I left the site and made a turn.

On the way back passing the property, the owner of 3200 Jaeger Rd, Daniel Esterle came and stopped in the middle of the road and gave me signals to stop.

He pointed his figure at me, swearing and using inappropriate language which he ended by saying "I will sue you and the f.... City of Lorain."

I immediately closed my window and left.

The entire incident happened in about 10 seconds.

Thank you,

Eric Elmi
Department of Building, Housing and Planning City of Lorain
Hours: 8:30AM – 4:30PM
Phone: 440-204-2025
Cell: 440-242-9615

Please
file w/
Daniel Esterle's
housing court
file

200 West Erie Avenue, 5th Floor, Lorain, Oh
Building Division: (440) 204-2045 Fax: (440) 204-2046
Housing & Planning Division: (440) 204-2020 Fax: (440) 204-2080
Email: bhp@cityoflorain.org



Law Dept

FILED

IN THE LORAIN MUNICIPAL COURT 2015 JUN 26 A 11:37
LORAIN COUNTY, OHIO

STATE OF OHIO
(CITY OF LORAIN)

Plaintiff,

v.

DANIEL ESTERLE

Defendant.

:
:
:
:
:

CASE NO. 15 PK 06135N. OHIO
LORAIN MUNICIPAL COURT
LORAIN, OHIO
LORY A. MAIORANA
MAGISTRATE D. CHRIS COOK
MAGISTRATE'S DECISION

.....

Pursuant to Criminal R. 19, the Honorable Judges of the Lorain Municipal Court referred this matter to D. Chris Cook, MAGISTRATE, for hearing and decision.

NOTICE: EXCEPT FOR A CLAIM OF PLAIN ERROR, A PARTY SHALL NOT ASSIGN AS ERROR ON APPEAL THE COURT'S ADOPTION OF ANY FACTUAL FINDING OR LEGAL CONCLUSION, WHETHER OR NOT SPECIFICALLY DESIGNATED AS A FINDING OF FACT OR CONCLUSION OF LAW . . . UNLESS THAT PARTY HAS OBJECTED TO THAT FINDING OR CONCLUSION AS REQUIRED BY CIV. R. 53(D)(3)(b).

I. INTRODUCTION

This matter came on for contested hearing on June 17, 2015. Both parties were present; the City was represented by Prosecutor Mallory Holmes; Defendant proceeded *pro se*.

Based upon the pleadings, motions, affidavits, testimony, and other evidence submitted, the Magistrate makes the following findings of fact and conclusions of law.

and a disabled vehicle. These vehicles are stored on the front yard of The Premises on grass and in the driveway. They extend from almost the residence itself to about 6 feet from the sidewalk and cover just about the entire front yard and all of the driveway.

The ordinance at issue prohibits "... standing or parking a vehicle on a sidewalk, curb or street lawn area, except a bicycle."

PMC 301.20 defines Motor Vehicle as "... every vehicle propelled or drawn by power other than muscle power ...". While the push mowers may be exempt from the ordinance, the riding mowers, boat, and disabled van are not.

Accordingly, Defendant is found GUILTY and fined \$150.00 plus court costs.

IT IS SO ORDERED.

Date



MAGISTRATE D. CHRIS COOK

cc: Parties

FILED
2015 JUN 26 A 11:38
LORAIN MUNICIPAL COURT
LORAIN, OHIO
LORI A. MAIORANA

351.03 PROHIBITED STANDING OR PARKING PLACES.

(a) No person shall stand or park a vehicle, 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 a traffic control device, in any of the following places:

- (1) On a sidewalk, curb or street lawn area, except a bicycle;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within ten (10) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet of a crosswalk at an intersection;
- (7) Within thirty (30) feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
- (8) Between a safety zone and the adjacent curb or within thirty (30) 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;
- (9) Within fifty (50) feet of the nearest railroad crossing;
- (10) Within twenty (20) feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance of any fire station, within seventy-five (75) feet of the entrance when it is properly posted with signs;
- (11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (12) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
- (14) At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs;
- (15) Within one (1) foot of another parked vehicle;
- (16) On the roadway portion of a freeway, expressway or thruway;
- (ORC 4511.68)
- (17) Between the sidewalk and the curb;
- (18) On any street adjacent to a school building or playground when such area is posted;
- (19) Upon any drive within the grounds of a hospital or school when such parking would interfere with firefighting or other emergency equipment;
- (20) In a designated fire lane on public or private property, whether such vehicle is attended or unattended;
- (21) In an area designated for parking for the handicapped, either on private or public property, whether such vehicle is attended or unattended.
- (22) Between the front building set back line and the curb, except completely on a legal driveway.
- (23) Upon any unimproved lot located in any residentially zoned area, exempting only the area upon such unimproved lot which constitutes a driveway as defined in Section 1201.09(a); no parking shall be had upon an unimproved lot which constitutes a driveway as defined in Section 1201.09(a); no parking shall be had upon an unimproved lot located in a residentially zoned area within the City unless such parking is accomplished upon a driveway.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(Ord. 64-08. Passed 5-19-08.)

1201.08 SURFACING, DRAINAGE, MAINTENANCE AND LIGHTING.

(a) All parking areas, driveways, aisles, and other circulation areas shall be improved with such material to provide a durable and dust-free surface. All off-street parking areas and related driveways, aisles, and other circulation areas for more than five vehicles shall be surfaced with asphalt or Portland cement pavement. All grading, pavement and construction shall be in accordance with standards established by the City Engineer.

(b) All parking areas shall provide for proper drainage of surface water to prevent drainage onto adjacent properties.

(c) The owner of a parking area shall maintain the area in good condition without holes and free of dust, trash and debris.

(d) Any parking area to be used at night shall be illuminated. Any lights should be arranged to prevent disturbance of adjacent properties. Lumination shall be a minimum of two and a maximum of five foot candles per square foot measured at the surface of the parking area.

(Ord. 186-85. Passed 12-16-85.)

1201.12 DISABLED VEHICLES, RECREATIONAL VEHICLES.

(a) Definition. For the purposes of this section, a “disabled vehicle” means a motor vehicle of any type which meets two or more of the following conditions:

- (1) A vehicle which is extensively damaged or wrecked;
- (2) A vehicle which is apparently inoperable;
- (3) A vehicle which is not in good and safe operating condition, or is no longer safely usable for the purposes for which it was manufactured;
- (4) A vehicle which could not be legally operated upon the public streets because the registration as indicated by the license plate(s) has expired.

(b) Prohibition Against Disabled Vehicles.

(1) No person, firm, company or other entity owning, leasing, occupying or having control of any lot within the corporate limits of the City shall maintain, keep, allow or suffer a disabled vehicle to remain on such lot except within an enclosed building or under cover as provided for in Ohio R.C. 4513.65.

(2) The owner, tenant, lessee or other occupant shall jointly and severally abate such a disabled vehicle by the prompt removal of disabled vehicles into enclosed buildings.

(3) Nothing herein provided shall prohibit the storage of collector’s vehicle(s) or historical motor vehicle(s), as defined in Ohio R.C. 4501.01(f), (g).

(c) Exemptions. This section shall not apply with regard to disabled vehicles on the premises of an auto repair shop, auto towing and/or junk yard operating in a lawful place and in a lawful manner.

(d) Notice of Violation. Whenever the Chief Building Inspector or his authorized representative finds that this section has been violated, he shall cause written notice of such finding to be served personally or by certified mail, return receipt requested, upon the titled owner of the disabled vehicle, or upon the owner, lessee, agent or tenant having the right to possession of such lot if the titled owner of the disabled vehicle is unknown.

(e) Contents of Notice. The notice, as required by subsection (d) hereof, shall contain the following information:

(1) The nature of the violation, including the specific provisions of this section which have been violated;

(2) A description of and location of the disabled vehicle;

(3) A statement that the disabled vehicle must be removed from the lot or placed within an enclosed building located on the lot within seven days after service of such notice;

(4) A statement that failure to abide by the notice shall result in the Chief Building Inspector causing the disabled vehicle to be removed from the lot;

(5) A statement of the penalties provided for by this section;

(6) A statement that the property owner will be billed for the costs incurred by the City in removing and storing the disabled vehicle;

(7) A statement that the titled owner of the disabled vehicle, or the owner, lessee, agent or tenant having the right to possession of the lot if the titled owner of the disabled vehicle is unknown, may request in writing, within seven days after service of the notice of violation provided for herein, a hearing before the Zoning Board of Appeals to contest any provisions of the notice of violation.

(f) Appeal to the Zoning Board of Appeals.

(1) The titled owner of the disabled vehicle, or the owner, lessee, agent or tenant having the right to possession of the lot if the titled owner of the disabled vehicle is unknown, may request in writing, within seven days after service of the notice of violation provided for herein, a hearing before the Zoning Board of Appeals on the question of whether or not the motor vehicle identified in the notice of violation is a disabled vehicle, as defined in subsection (a) hereof.

(2) Upon receipt of a written request for a hearing, the Zoning Board of Appeals shall proceed to conduct the hearing provided for herein not later than ten days following the receipt of the request.

(3) After conducting such hearing, the Zoning Board of Appeals shall render a decision in writing.

A. Such written decision shall state, with particularity, whether or not the motor vehicle is a disabled vehicle as defined in subsection (a) hereof.

B. Such written decision shall be served by certified mail, return receipt requested, upon the titled owner of the motor vehicle, or the owner, lessee, agent or tenant having the right to possession of the lot if the titled owner of the motor vehicle is unknown.

C. If the decision of the Zoning Board of Appeals affirms the finding of the Chief Building Inspector with respect to the disabled vehicle, the decision shall state that the titled owner of the motor vehicle, or the owner, lessee, agent or tenant having the right to possession of the lot must remove the disabled vehicle from the lot or place it within an enclosed building located on the lot within ten days after service of such decision.

(g) Abatement by the City. Upon failure of the titled owner of the vehicle or the owner, lessee, agent, or tenant having the right to possession of the lot to comply with the notice of violation, either within the time period provided in the notice of violation or within the time period provided in the written decision of the Zoning Board of Appeals, where following such hearing it is determined that the motor vehicle is in fact a disabled vehicle as defined in subsection (a) hereof, the Chief Building Inspector shall cause the disabled vehicle to be removed from the lot, to a location of its selection. The expenses associated with such removal and disposition of the disabled vehicle(s) shall be billed to the owner, tenant, lessee, occupant or other person or entity in control of the lot, jointly or severally. The bill shall be recoverable in a suit at law.

(Ord. 129-98. Passed 7-6-98.)

(h) Recreational Vehicles. Provided that the vehicle is not otherwise deemed to be a disabled vehicle as defined by subsection (a) hereof, no trailer, recreational vehicle, camper or boat may be parked or regularly stored in a residential zoning district for a period exceeding forty- eight hours within a 168 hour period other than in a rear yard behind an occupied structure, or in an enclosed structure. In no case shall such a vehicle be any closer to a side lot line than the minimum side yard width for the zoning district.

(Ord. 122-05. Passed 7-5-05.)

(i) Penalty. Any owner, tenant, lessee or other occupant of the affected lot who allows a disabled vehicle to exist or fails to abate the disabled vehicle shall be liable upon conviction for violation of this chapter in an amount not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). A separate offense shall be deemed to have been committed on each day during or on which such nuisance exists.

(j) Penalty Option if Designated by Charging Police Officer. Any owner, tenant, lessee or other occupant of the affected lot who violates subsection (b)(1) hereof shall be liable upon conviction and/or waiver of any ticket issued which designates a violation of subsection (b)(1) hereof and further which is designated by the police officer to be issued under this optional penalty designation, shall be fined upon conviction and/or waiver of such violation the sum of twenty-five dollars (\$25.00) and any applicable court costs, as exist or as then may exist at the time of such conviction and/or waiver. A separate offense may be deemed to have been committed for each consecutive twenty-four hour period of time that such a violation of subsection (b)(1) hereof shall exist. (Ord. 129-98. Passed 7-6-98.)

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(Ord. 122-05. Passed 7-5-05.)

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351.03 PROHIBITED STANDING OR PARKING PLACES.

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- (1) On a sidewalk, curb or street lawn area, except a bicycle;
 - (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) Within ten (10) feet of a fire hydrant;
 - (5) On a crosswalk;
 - (6) Within twenty (20) feet of a crosswalk at an intersection;
 - (7) Within thirty (30) feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
 - (8) Between a safety zone and the adjacent curb or within thirty (30) 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;
 - (9) Within fifty (50) feet of the nearest railroad crossing;
 - (10) Within twenty (20) feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance of any fire station, within seventy-five (75) feet of the entrance when it is properly posted with signs;
 - (11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
 - (12) Alongside any **vehicle** stopped or parked at the edge or curb of a street;
 - (13) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
 - (14) At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs;
 - (15) Within one (1) foot of another parked **vehicle**;
 - (16) On the roadway portion of a freeway, expressway or thruway;
- (ORC 4511.68)
- (17) Between the sidewalk and the curb;
 - (18) On any street adjacent to a school building or playground when such area is posted;
 - (19) Upon any drive within the grounds of a hospital or school when such parking would interfere with firefighting or other emergency equipment;
 - (20) In a designated fire lane on public or private property, whether such **vehicle** is attended or unattended;
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 - (22) Between the front building set back line and the curb, except completely on a legal driveway.
 - (23) Upon any unimproved lot located in any residentially zoned area, exempting only the area upon such unimproved lot which constitutes a driveway as defined in Section 1201.09(a); no parking shall be had upon an unimproved lot which constitutes a driveway as defined in Section 1201.09(a); no parking shall be had upon an unimproved lot located in a residentially zoned area within the City unless such parking is accomplished upon a driveway.

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or pleaded guilty to one predicate **motor vehicle** or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate **motor vehicle** or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(Ord. 64-08. Passed 5-19-08.)

1201.08 SURFACING, DRAINAGE, MAINTENANCE AND LIGHTING.

(a) All parking areas, driveways, aisles, and other circulation areas shall be improved with such material to provide a durable and dust-free surface. All off-street parking areas and related driveways, aisles, and other circulation areas for more than five vehicles shall be surfaced with asphalt or Portland cement pavement. All grading, pavement and construction shall be in accordance with standards established by the City Engineer.

(b) All parking areas shall provide for proper drainage of surface water to prevent drainage onto adjacent properties.

(c) The owner of a parking area shall maintain the area in good condition without holes and free of dust, trash and debris.

(d) Any parking area to be used at night shall be illuminated. Any lights should be arranged to prevent disturbance of adjacent properties. Lumination shall be a minimum of two and a maximum of five foot candles per square foot measured at the surface of the parking area.

(Ord. 186-85. Passed 12-16-85.)

301.251 PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE.

“Predicate motor vehicle or traffic offense” means any of the following:

(a) A violation of Ohio R.C. 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78 or 4511.84;

(b) A violation of division (A)(2) of Ohio R.C. 4511.17, divisions (A) to (D) of Ohio R.C. 4511.51, or division (A) of Ohio R.C. 4511.74;

(c) A violation of any provision of Ohio R.C. 4511.01 to 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;

(d) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in subsection (a) to (c) of this section.

(ORC 4511.01(III))

12/30/11

Need ALLEG.

Daniel
Estelle. (Jaeger rd
address.)

301.21 PARK OR PARKING.

"Park or parking" means the standing of a **vehicle**, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

301.20 MOTOR VEHICLE.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.
(ORC 4511.01(B))

301.51 VEHICLE.

"Vehicle" means every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, electric personal assistive mobility device, or any device, other than a bicycle, that is moved by human power. (ORC 4511.01(A))

CHAPTER 736
Junk Yards and Shops

<u>736.01</u>	Definitions.
<u>736.02</u>	Approval by Fire Chief.
<u>736.03</u>	License required; application.
<u>736.04</u>	License fees.
<u>736.05</u>	Fence to be maintained.
<u>736.06</u>	Maintenance.
<u>736.07</u>	Prohibited operations.
<u>736.08</u>	Inspections; duty of Building Inspector.
<u>736.99</u>	Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61
 State licensing and required fencing - see Ohio R.C. 4737.05 et seq.
 Secondhand dealers - see BUS. REG. Ch. 735
 Abandoned refrigerators - see GEN. OFF. 521.01
 Littering, deposit of junk - see GEN. OFF. 521.08

736.01 DEFINITIONS.

As used in this chapter, the following words shall have the following respective meanings:

- (a) "Junk" means old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials, but does not include scrap tires as defined in Ohio R.C. 3734.01.
- (b) "Junk yard" means an establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk.
- (c) "Fence" means a barrier at least eight feet in height, constructed of non-transparent material, and maintained so as to obscure the junk from the ordinary view of persons passing upon municipal roads, streets, walks, alleys, or travel ways in the City of Lorain.
- (d) "Salvaged materials" means all types of used **building** material such as lumber, brick, concrete block, steel beams, girders and columns, trusses, plumbing fixtures, pipe and any other materials used in the construction of **buildings** or structures, used motor vehicles acquired for the purpose of dismantling parts, used steel drums and similar containers, used fats, oils and greases, and similar or related articles or property.
- (e) "Junk or salvaged material dealer" means every person who buys, exchanges, collects, receives, stores or sells any articles hereinabove defined as junk or salvaged material.
- (f) "Salvaged material yard" or "salvaged material shop" means any place at which a salvaged material dealer buys, exchanges, collects, receives, stores, accumulates, sells or otherwise handles salvaged material.

(Ord. 74-06. Passed 5-15-06.)

736.02 APPROVAL BY FIRE CHIEF.

The use of any **building** as a junk or salvaged material yard or junk or salvaged material shop shall first be approved by the Fire Chief.

(Ord. 8669. Passed 3-16-64.)

736.03 LICENSE REQUIRED; APPLICATION.

No person shall maintain or operate a junk or salvaged material yard or a junk salvaged material shop without having obtained a license therefore from the **Building** Inspector of the Division of **Buildings**. Application for a license to operate and maintain a junk yard or salvaged material yard shall be made to the **Building** Inspector upon such blanks as shall be prescribed by him, accompanied by the proper fee. In making the aforesaid application, the applicant shall state his name and address, if the application is a firm, partnership, association or corporation, the names and addresses of each member, if the applicant is a corporation, the date and place of incorporation and the names and addresses of its officers and directors, the location at which such business is to be conducted or maintained, the size and number of **buildings** to be used, the exact size and location of the area to be used for the aforementioned operations, and any other information that may be requested by the **Building** Inspector. The application shall be signed and sworn to by the applicant. (Ord. 74-06. Passed 5-15-06.)

736.04 LICENSE FEES.

With the aforesaid application, the applicant shall pay the following as the annual license fee for the fiscal year ending May 21 of each year. The annual license fee shall be a minimum fee of one hundred fifty dollars (\$150.00) for the first acre or fraction thereof, plus six dollars (\$6.00) for each additional acre or fraction thereof in excess of one acre, and shall be required for each place at which the applicant maintains a junk or salvaged material yard or junk or salvaged material shop. The aforesaid license fee shall not be prorated. This license fee shall be applicable to all new licenses and to all existing licenses on the date of renewal. (Ord. 74-06. Passed 5-15-06.)

736.05 FENCE TO BE MAINTAINED.

No person shall maintain any commercial business, including a junk or salvaged material yard or a junk or salvaged material shop, in the corporate limits of the City, unless such business is carried on entirely inside a **building** or an open area enclosed by a fence not less than eight feet in height, built of sound nontransparent material uniform in height and so constructed that it is structurally safe and capable of resisting all live loads imposed on it, and obscures the content of the enclosure from the ordinary view of persons passing upon the streets, walks, alleys or travelways in this City, kept in good order and repair, and no advertisement shall be permitted thereon other than the name of the person under whose name the license has been issued and the nature of the business conducted therein. (Ord. 74-06. Passed 5-15-06.)

736.06 MAINTENANCE.

(a) No junk or salvaged material shall be piled up in such fashion that it shall be dangerous to the public welfare. No combustible junk or salvaged material that can be ignited by an ordinary match shall be placed or stored closer than ten feet to a required fence. No junk or salvaged material shall be placed or stored outside of any required fence. Adequate passageways shall be maintained between piles of stored junk or salvaged material.

(b) All junk or salvaged material yards or shops shall be maintained in a clean, sanitary and neat condition, and shall be kept free of rats, vermin and fire hazards. All **buildings** or land licensed for junk or salvaged material operation shall be maintained in a good state of repair. Required enclosing fences shall be maintained in a good state of repair at all times and shall not encroach on any public

property. Fence and gate material subject to deterioration or corrosion shall be painted periodically as needed.

(Ord. 8669. Passed 3-16-64.)

736.07 PROHIBITED OPERATIONS.

No person maintaining a junk or salvaged material yard or shop shall burn rubbish, discarded junk or discarded salvaged material, junk or salvaged material, motor vehicles or any other type of related materials.

(Ord. 8669. Passed 3-16-64.)

736.08 INSPECTIONS; DUTY OF BUILDING INSPECTOR.

It shall be the duty of the **Building** Inspector to inspect or cause to be inspected at least once every three months all junk and salvaged material yards and all junk and salvaged material shops in the City. Such inspection shall be for the purpose of seeing that such premises are operated in conformity with this chapter and are kept in a safe, sanitary condition.

It shall be the duty of the **Building** Inspector to enforce the terms and conditions of this chapter.

(Ord. 8669. Passed 3-16-64.)

736.99 PENALTY.

Any person violating the provisions of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000) and the costs of prosecution.

(Ord. 74-06. Passed 5-15-06.)

COPY



CITY OF LORAIN

Department of Building, Housing & Planning

Leon Mason
Director

Richard Klinar
Chief Building Official

Chase Ritenauer
Mayor

OFFICIAL NOTICE OF VIOLATION

Date Mailed: 11/05/14

Date Witnessed: 10/31/2014

Violation Property Address and/or PPN: 02-01-003-149-020

Owner: Time Warner Cable Midwest LLC, 7820 Crescent Executive Dr. Charlotte, NC 28212

Compliance Due Date: 11/14/2014

This **Official Notice** is to advise you that the above-referenced property is in violation of the City of Lorain, State of Ohio, International Property Maintenance Code 302.8 and Codified Ordinance Chapter 1201.12 "**DISABLED VEHICLES, RECREATIONAL VEHICLES**" Section (b) (1).

Your cooperation in correcting these violations will be appreciated; however, if the vehicles in violation are not removed from the lot or placed within an enclosed building located on the lot within seven (7) days after the date of this notice, the Chief Building Official shall cause the disabled vehicle(s) to be removed from the lot.

Penalty:

Any owner, tenant, lessee or other occupant of the affected lot who allows a disabled vehicle to exist or fails to abate the disabled vehicle shall be liable upon conviction for violation of this chapter in an amount not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). A separate offense shall be deemed to have been committed on each day during or on which such nuisance exists.

Penalty Option if Designated by Charging Police Officer:

Any owner, tenant, lessee or other occupant of the affected lot who violates subsection (b)(1) hereof shall be liable upon conviction and/or waiver of any ticket issued which designates a violation of subsection (b)(1) hereof and further which is designated by the police officer to be issued under this optional penalty designation, shall be fined upon conviction and/or waiver of such violation the sum of twenty-five dollars (\$25.00) and any applicable court costs, as exist or as then may exist at the time of such conviction and/or waiver. A separate offense may be deemed to have been committed for each consecutive twenty-four hour period of time that such a violation of subsection (b)(1) hereof shall exist.

The property owner shall be billed for the costs incurred by the City in removing and storing of the disabled vehicle(s)

The titled owner of the disabled vehicle, or the owner, lessee, agent or tenant having the right to possession of the lot if the titled owner of the disabled vehicle is unknown, may request in writing, within seven (7) days after service of the notice of violation provided for herein, a hearing before the Zoning Board of Appeals to contest any provisions of the notice of violation.

Thank you,
Saul Plaza
PROPERTY MAINTENANCE DIVISION
Phone: 440-204-2037

cc: Lorain Police Department

200 West Erie Avenue, 5th Floor, Lorain, Ohio 44052
Building Division: (440) 204-2045 Fax: (440) 204-2540
Housing & Planning Division: (440) 204-2020 Fax: (440) 204-2080
Email: bhp@cityoflorain.org

**CHAPTER 1201
Off-Street Parking and Loading**

- 1201.01 General requirements.**
- 1201.02 Parking space dimensions.**
- 1201.03 Location of parking areas.**
- 1201.04 Parking space requirements.**
- 1201.05 Collective or joint use of parking facilities.**
- 1201.06 Distance from street line.**
- 1201.07 Wheel blocks.**
- 1201.08 Surfacing, drainage, maintenance and lighting.**
- 1201.09 Driveways.**
- 1201.10 Business and Industrial District parking regulations.**
- 1201.11 Temporary use of truck trailers for retail or storage purposes.**
- 1201.12 Disabled vehicles, recreational vehicles.**
- 1201.13 Loading and unloading requirements.**

1201.01 GENERAL REQUIREMENTS.

Compliance with off-street parking and loading requirements shall be a condition preceding the issuance of any building permit or certificate of occupancy. The requirements of this chapter shall be met:

- (a) Whenever a building is constructed.
- (b) Whenever a structure is substantially improved or substantially reconstructed.
- (c) Whenever a new use is established.
- (d) Whenever the use of an existing structure is changed to a use requiring more off-street parking facilities.

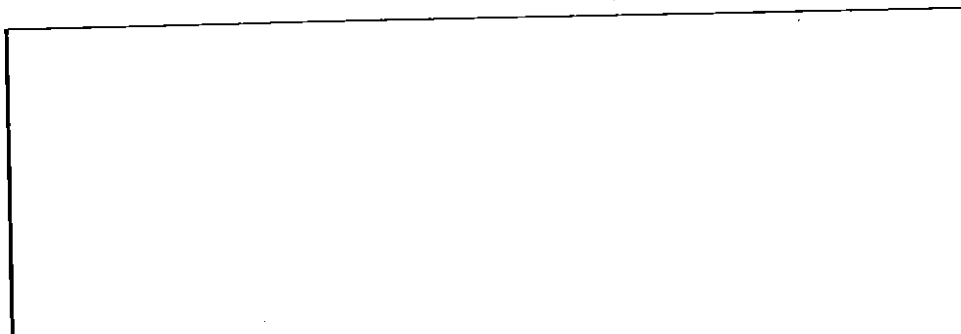
(Ord. 186-85. Passed 12-16-85.)

1201.02 PARKING SPACE DIMENSIONS.

Off-street parking spaces shall be of the minimum dimensions shown on "Parking Tables, Figure 1".

(Ord. 186-85. Passed 12-16-85.)

**Parking Tables
Figure 1**



	A	B	C	D	E	F	G		A	B	C	D	E	F	G	
0°	8'0"	8.0	12.0	22.0	28.0	—	—	60°	8'0"	20.4	19.0	9.1	88.8	65.8	—	—
	8'6"	8.5	12.0	23.0	29.0	—	—		8'6"	20.7	18.6	9.8	89.9	66.6	—	—
	9'0"	9.0	12.0	23.0	30.0	—	—		9'0"	21.0	18.0	10.4	90.0	66.6	—	—
	9'6"	9.5	12.0	24.0	32.0	—	—		9'6"	21.2	18.0	11.0	91.4	66.6	—	—
	10'0"	10.0	12.0	23.0	33.0	—	—		10'0"	21.5	18.0	11.6	91.0	66.0	—	—
20°	8'0"	14.0	11.0	23.4	36.0	31.5	—	70°	8'0"	20.6	20.0	8.5	81.2	61.4	—	—
	8'6"	14.5	11.0	24.8	40.4	32.0	—		8'6"	20.8	19.6	9.0	81.1	61.2	—	—
	9'0"	15.0	11.0	26.3	41.0	32.5	—		9'0"	21.0	19.0	9.5	81.0	61.0	—	—
	9'6"	15.5	11.0	27.8	42.0	33.1	—		9'6"	21.2	18.5	10.1	81.9	61.7	—	—
	10'0"	15.9	11.0	29.2	42.8	33.4	—		10'0"	21.2	18.0	10.6	82.4	61.0	—	—
30°	8'0"	18.5	11.0	16.0	44.0	37.1	—	80°	8'0"	20.1	25.0	8.0	85.2	63.8	—	—
	8'6"	18.9	11.0	17.0	44.8	37.4	—		8'6"	20.2	24.0	8.5	84.3	62.9	—	—
	9'0"	19.3	11.0	18.0	45.6	37.8	—		9'0"	20.3	24.0	9.0	84.3	62.7	—	—
	9'6"	19.7	11.0	19.0	46.6	38.4	—		9'6"	20.4	24.0	9.5	84.4	62.7	—	—
	10'0"	20.2	11.0	20.0	47.4	38.7	—		10'0"	20.5	24.0	10.0	84.0	62.3	—	—
45°	8'0"	19.1	14.0	11.3	52.2	46.6	—	90°	8'0"	18.0	35.0	8.0	84.0	—	—	—
	8'6"	19.4	13.5	12.0	53.3	46.5	—		8'6"	18.6	28.0	8.5	83.0	—	—	—
	9'0"	19.8	13.0	12.7	52.6	46.5	—		9'0"	19.0	24.0	9.0	82.0	—	—	—
	9'6"	20.1	13.0	13.4	53.3	46.5	—		9'6"	19.8	24.0	9.5	82.0	—	—	—
	10'0"	20.5	13.0	14.1	54.0	46.5	—		10'0"	19.0	24.0	10.0	82.0	—	—	—

- A. PARKING ANGLE
- B. STALL WIDTH
- C. 12' STALL TO CURB
- D. AISLE WIDTH
- E. CURB LENGTH PER CAR
- F. CENTER TO CENTER WIDTH
- G. OF DOUBLE ROW WITH AISLE BETWEEN
- F. CURB TO CURB
- G. STALL CENTER

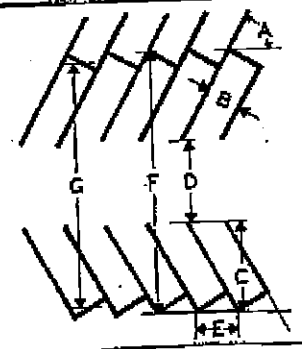
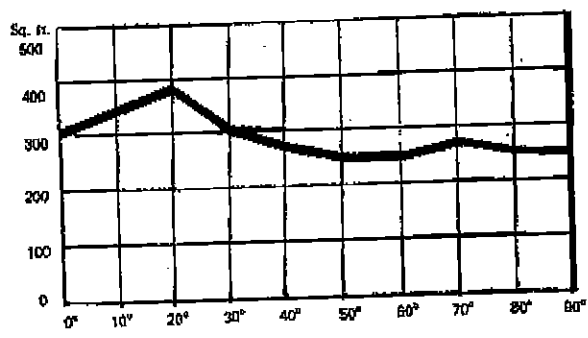


FIGURE 2
AREA REQUIRED FOR
PARKING ONE CAR

The average gross area
per car at different
parking angles

0° 310'	50° 270'
10° 350'	60° 270'
20° 400'	70° 280'
30° 310'	80° 275'
40° 280'	90° 275'



1201.03 LOCATION OF PARKING AREAS.

The following regulations shall govern the location of off-street parking spaces:

- (a) Parking spaces for single family and two family dwellings shall be on the same lot as the principal use.
 - (b) Parking spaces for multiple-family dwellings and other similar residential uses shall be located not over 300 feet from the principal use.
 - (c) Parking spaces for institutional, commercial, or industrial uses shall be located not over 300 feet from the principal use, except that an industry which employs 500 or more employees may provide parking space at a distance of up to 700 feet from the principal use served.
- (Ord. 186-85. Passed 12-16-85.)

1201.04 PARKING SPACE REQUIREMENTS.

The number of off-street **parking** spaces required for uses, structures, or structural additions shall be determined according to the following requirements. The spaces required shall be identified in any application for a building permit or certificate of occupancy and shall be reserved for **parking** use.

<u>Use</u>	<u>Required Parking Space</u>
(a) <u>Residential.</u>	
(1) Single-family dwelling	2 spaces per dwelling
(2) Two-family dwelling	2 spaces per dwelling unit.
(3) Mobile Home	2 spaces per unit.
(4) Multiple family dwelling	2-1/2 spaces per unit.
(5) Residential hotels and similar uses.	2 space per unit.
(b) <u>Institutional.</u>	
(1) Churches and other places for religious worship.	1 space for each 4 seats in principal auditorium.
(2) Hospitals	1 space per bed.
(3) Medical and dental clinics	1 space per 100 square feet of functional usable space.
(4) Nursing homes, extended care facilities and similar uses.	1 space per 2 beds.
(5) Residential social service facility.	1 space per 2 residents.
(6) Museums, libraries	1 space per 200 square feet of functional usable space.
(c) <u>Educational.</u>	
(1) Elementary and junior high schools	1 space for each 8 seats in a principal auditorium or 2 spaces per classroom whichever is greater.
(2) High schools and public vocational schools	1 space for every 10 students and 1 for each teacher and employee.
(3) Business or technical schools	1 space for every 2 students.
(d) <u>Commercial.</u>	
(1) Retail stores	1 space per 200 square feet of retail floor area.
(2) Banks and financial institutions	1 space per 200 square feet of functional usable space.

- | | |
|--|--|
| (3) Offices, professional buildings | 1 space per 200 square feet of functional usable space. |
| (4) Beauty parlor, barber shop | 2 spaces per barber and/or beautician. |
| (5) Other personal service uses | 1 space per 200 square feet of functional usable space. |
| (6) Hotels, motels | 1 space per guest room, plus 1 space for each 2 employees. |
| (7) Restaurants, taverns | 1 space for each 100 square feet of dining area, plus 1 space for each 4 employees. |
| (8) Service stations providing repair service | 1 space for each 2 gasoline pumps, plus 2 for each service bay. |
| (9) Funeral Homes | 1 for each 50 square feet of floor area in the slumber rooms or parlors. |
| (10) Bowling alleys | 5 spaces for each alley. |
| (11) Theatres, auditoriums, sports arenas | 1 space for each 4 seats, plus 1 space for each 2 employees |
| (12) Dance halls, assembly halls without fixed seats, billiard rooms, health clubs | 1 space for each 100 square feet of floor space |
| (13) Indoor tennis or racquetball center | 2 spaces for each court. |
| (14) Other business uses | 1 space for 200 square feet of floor area, plus 1 space for every 2 employees and 1 space per vehicle stored on premises |
- (e) Industrial.
- | | |
|--|---|
| (1) All permitted manufacturing, wholesale, and storage uses, freight terminals. | 1 space for every 2 employees on the largest shift for which the building is designed, plus 1 space for each motor vehicle used in the business or maintained on the premises |
|--|---|

(f) Where a single operation includes areas for different uses, the number of **parking** spaces required shall be computed separately for each use, and the total number of spaces required shall be the sum of the individual uses. For example, the total spaces required for a motel might be the spaces required based upon the number of rooms, plus spaces for restaurant and/or meeting rooms.

(g) Uses Not Specifically Mentioned. In the case of a use not specifically mentioned, the requirements for off-street **parking** shall be determined by that use most closely related as determined by the Building Department.

(h) Fractional Measurements. When determinations of required **parking** spaces result in a requirement of a fractional space, any fraction less than one-half shall be disregarded, and any fraction of one-half or more shall require one **parking** space.

(i) Functional Usable Space. Those designated areas generally used by clients, patients, general public, etc. Excluded therefrom shall be the following: lobbies, closets, restrooms, mechanical rooms, storage rooms, stairwells and landings.

(Ord. 137-01. Passed 9-4-01.)

1201.05 COLLECTIVE OR JOINT USE OF PARKING FACILITIES.

(a) Collective off-street **parking** facilities may be provided to serve two or more uses. However, the total number of spaces provided shall be not less than the sum of the facilities that would be individually required.

(b) When the normal hours of operation of two of more nonresidential uses do not normally overlap, the uses may jointly provide and use **parking** spaces, provided that a written agreement approved for form by the Law Director and approved by the Building Inspector shall be filed with the application for a building permit or certificate of occupancy.

(Ord. 186-85. Passed 12-16-85.)

1201.06 DISTANCE FROM STREET LINE.

(a) Residential Districts. Except within driveways, **parking** shall be prohibited within a required front yard, or for a corner lot, within a required side yard adjacent to the street.

(b) Business Districts. **Parking** shall be prohibited within any required yard. The area between the street line and the **parking** area shall be landscaped.

(c) I-1, I-2 Districts. **Parking** shall be prohibited within ten feet of a street line.

(c) I-3 District. **Parking** shall be prohibited within fifty feet of a street line. The area between the street line and the **parking** area shall be landscaped.

(e) OS-1 District. **Parking** shall be prohibited within fifty feet of a street line. The area between the street line and the **parking** area shall be landscaped.

(Ord. 186-85. Passed 12-16-85.)

1201.07 WHEEL BLOCKS.

Whenever a **parking** lot extends to a property line, wheel blocks or other suitable devices shall be permanently installed at least five feet inside of the property line to prevent any part of a parked vehicle from extending beyond the property line.

(Ord. 186-85. Passed 12-16-85.)

1201.08 SURFACING, DRAINAGE, MAINTENANCE AND LIGHTING.

(a) All **parking** areas, driveways, aisles, and other circulation areas shall be improved with such material to provide a durable and dust-free surface. All off-street **parking** areas and related driveways, aisles, and other circulation areas for more than five vehicles shall be surfaced with asphalt or Portland cement pavement. All grading, pavement and construction shall be in accordance with standards established by the City Engineer.

(b) All **parking** areas shall provide for proper drainage of surface water to prevent drainage onto adjacent properties.

(c) The owner of a **parking** area shall maintain the area in good condition without holes and free of dust, trash and debris.

(d) Any **parking** area to be used at night shall be illuminated. Any lights should be arranged to prevent disturbance of adjacent properties. Lumination shall be a minimum of two and a maximum of five foot candles per square foot measured at the surface of the **parking** area.
(Ord. 186-85. Passed 12-16-85.)

1201.09 DRIVEWAYS.

(a) **Parking** areas adjacent to public streets shall have driveways or openings not to exceed twenty-nine feet in width at the sidewalk line, or thirty-five feet in width at the curb.

(b) Except for single-family or two-family dwellings and mobile homes, all **parking** areas shall be designed so that vehicles entering or leaving the **parking** area from a public street shall be traveling in a forward motion and shall be clearly visible to any motorist or pedestrian approaching on a public street.

(c) In Business and Industrial Districts, a ten foot sanctuary area shall be provided between drives.
(Ord. 186-85. Passed 12-16-85.)

1201.10 BUSINESS AND INDUSTRIAL DISTRICT PARKING REGULATIONS.

The following shall apply in Business and Industrial districts:

(a) Off-street **parking** spaces shall be used strictly for **parking**. Any other use of such space, including repair work or servicing other than in an emergency, or the requirement of payment for the use of such space, shall be deemed a separate commercial use in violation of this chapter.

(b) The design of all off-street **parking** facilities and means of access thereto in Business or Industrial Districts shall be subject to the approval of the Planning Commission when such **parking** facilities include fifty (50) or more **parking** spaces or new curb cuts are proposed. (Ord. 173-00. Passed 11-6-00.)

(c) Except as otherwise permitted by Section 1201.11, and as permitted by this subsection (c), the storage of tractor-trailer, agricultural tractors, trucks of more than one ton capacity, semi-trailers, pole trailers or moving vans is hereby prohibited on private property in any Business District. The storage of such vehicles at commercial truck terminals, at construction and demolition sites, or for emergency repairs shall be permitted. Penalty for violation of this subsection (c) shall be the same as is set out in Section 303.99.

(Ord. 80-03. Passed 5-19-03.)

1201.11 TEMPORARY USE OF TRUCK TRAILERS FOR RETAIL OR STORAGE PURPOSES.

(a) In a Business or Industrial District, a truck trailer may be utilized for temporary storage or retail purposes in a **parking** lot. Such use shall be permitted twice within a calendar year, for periods not exceeding thirty days from the date that the truck trailer is located on the premises.

(b) Temporary use of a truck trailer for storage or retail purposes shall require a permit from the Building Inspector. (Ord. 186-85. Passed 12-16-85.)

(c) Neither a tractor nor a trailer may be parked or stored on private property in a Residential Zoning District.

(1) As used in this subsection (c), a tractor is defined as a truck designed to be used in combination with a trailer for the highway hauling of freight and a trailer is defined as a highway vehicle designed to be hauled by a tractor as previously defined.

(Ord. 50-94. Passed 5-16-94.)

1201.12 DISABLED VEHICLES, RECREATIONAL VEHICLES.

(a) Definition. For the purposes of this section, a "disabled vehicle" means a motor vehicle of any type which meets two or more of the following conditions:

- (1) A vehicle which is extensively damaged or wrecked;
- (2) A vehicle which is apparently inoperable;
- (3) A vehicle which is not in good and safe operating condition, or is no longer safely usable for the purposes for which it was manufactured;
- (4) A vehicle which could not be legally operated upon the public streets because the registration as indicated by the license plate(s) has expired.

(b) Prohibition Against Disabled Vehicles.

(1) No person, firm, company or other entity owning, leasing, occupying or having control of any lot within the corporate limits of the City shall maintain, keep, allow or suffer a disabled vehicle to remain on such lot except within an enclosed building or under cover as provided for in Ohio R.C. 4513.65.

(2) The owner, tenant, lessee or other occupant shall jointly and severally abate such a disabled vehicle by the prompt removal of disabled vehicles into enclosed buildings.

(3) Nothing herein provided shall prohibit the storage of collector's vehicle(s) or historical motor vehicle(s), as defined in Ohio R.C. 4501.01(f), (g).

(c) Exemptions. This section shall not apply with regard to disabled vehicles on the premises of an auto repair shop, auto towing and/or junk yard operating in a lawful place and in a lawful manner.

(d) Notice of Violation. Whenever the Chief Building Inspector or his authorized representative finds that this section has been violated, he shall cause written notice of such finding to be served personally or by certified mail, return receipt requested, upon the titled owner of the disabled vehicle, or upon the owner, lessee, agent or tenant having the right to possession of such lot if the titled owner of the disabled vehicle is unknown.

(e) Contents of Notice. The notice, as required by subsection (d) hereof, shall contain the following information:

- (1) The nature of the violation, including the specific provisions of this section which have been violated;
- (2) A description of and location of the disabled vehicle;
- (3) A statement that the disabled vehicle must be removed from the lot or placed within an enclosed building located on the lot within seven days after service of such notice;

(4) A statement that failure to abide by the notice shall result in the Chief Building Inspector causing the disabled vehicle to be removed from the lot;

(5) A statement of the penalties provided for by this section;

(6) A statement that the property owner will be billed for the costs incurred by the City in removing and storing the disabled vehicle;

(7) A statement that the titled owner of the disabled vehicle, or the owner, lessee, agent or tenant having the right to possession of the lot if the titled owner of the disabled vehicle is unknown, may request in writing, within seven days after service of the notice of violation provided for herein, a hearing before the Zoning Board of Appeals to contest any provisions of the notice of violation.

(f) Appeal to the Zoning Board of Appeals.

(1) The titled owner of the disabled vehicle, or the owner, lessee, agent or tenant having the right to possession of the lot if the titled owner of the disabled vehicle is unknown, may request in writing, within seven days after service of the notice of violation provided for herein, a hearing before the Zoning Board of Appeals on the question of whether or not the motor vehicle identified in the notice of violation is a disabled vehicle, as defined in subsection (a) hereof.

(2) Upon receipt of a written request for a hearing, the Zoning Board of Appeals shall proceed to conduct the hearing provided for herein not later than ten days following the receipt of the request.

(3) After conducting such hearing, the Zoning Board of Appeals shall render a decision in writing.

A. Such written decision shall state, with particularity, whether or not the motor vehicle is a disabled vehicle as defined in subsection (a) hereof.

B. Such written decision shall be served by certified mail, return receipt requested, upon the titled owner of the motor vehicle, or the owner, lessee, agent or tenant having the right to possession of the lot if the titled owner of the motor vehicle is unknown.

C. If the decision of the Zoning Board of Appeals affirms the finding of the Chief Building Inspector with respect to the disabled vehicle, the decision shall state that the titled owner of the motor vehicle, or the owner, lessee, agent or tenant having the right to possession of the lot must remove the disabled vehicle from the lot or place it within an enclosed building located on the lot within ten days after service of such decision.

(g) Abatement by the City. Upon failure of the titled owner of the vehicle or the owner, lessee, agent, or tenant having the right to possession of the lot to comply with the notice of violation, either within the time period provided in the notice of violation or within the time period provided in the written decision of the Zoning Board of Appeals, where following such hearing it is determined that the motor vehicle is in fact a disabled vehicle as defined in subsection (a) hereof, the Chief Building Inspector shall cause the disabled vehicle to be removed from the lot, to a location of its selection. The expenses associated with such removal and disposition of the disabled vehicle(s) shall be billed to the owner, tenant, lessee, occupant or other person or entity in control of the lot, jointly or severally. The bill shall be recoverable in a suit at law.

(Ord. 129-98. Passed 7-6-98.)

(h) Recreational Vehicles. Provided that the vehicle is not otherwise deemed to be a disabled vehicle as defined by subsection (a) hereof, no trailer, recreational vehicle, camper or boat may be parked or regularly stored in a residential zoning district for a period exceeding forty- eight hours within a 168 hour period other than in a rear yard behind an occupied structure, or in an enclosed

structure. In no case shall such a vehicle be any closer to a side lot line than the minimum side yard width for the zoning district.

(Ord. 122-05. Passed 7-5-05.)

(i) Penalty. Any owner, tenant, lessee or other occupant of the affected lot who allows a disabled vehicle to exist or fails to abate the disabled vehicle shall be liable upon conviction for violation of this chapter in an amount not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). A separate offense shall be deemed to have been committed on each day during or on which such nuisance exists.

(j) Penalty Option if Designated by Charging Police Officer. Any owner, tenant, lessee or other occupant of the affected lot who violates subsection (b)(1) hereof shall be liable upon conviction and/or waiver of any ticket issued which designates a violation of subsection (b)(1) hereof and further which is designated by the police officer to be issued under this optional penalty designation, shall be fined upon conviction and/or waiver of such violation the sum of twenty-five dollars (\$25.00) and any applicable court costs, as exist or as then may exist at the time of such conviction and/or waiver. A separate offense may be deemed to have been committed for each consecutive twenty-four hour period of time that such a violation of subsection (b)(1) hereof shall exist. (Ord. 129-98. Passed 7-6-98.)

1201.13 LOADING AND UNLOADING REQUIREMENTS.

Every building which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purposes on the basis of the following requirements:

(a) Loading space required under this section shall be in addition to off-street parking spaces.

(b) Access to loading and unloading areas shall be provided directly from a public street or alley in a manner that will not interfere with public convenience and will permit the orderly movement of vehicles.

(c) Buildings of less than 5,000 square feet in size shall be provided with receiving platforms or other commensurate facilities. Buildings of over 5,000 square feet in size shall be provided with the appropriate number of loading spaces as specified herein.

(d) Loading spaces for buildings of 5,000 square feet to 20,000 square feet shall be a minimum of ten feet wide and twenty-five feet long. Loading spaces for buildings of over 20,000 square feet shall be a minimum of fourteen feet wide and fifty feet long. All loading spaces shall have a vertical clearance of fourteen feet.

(e) Uses shall be required to provide the number of loading spaces specified herein.

	<u>Building or Use</u>	<u>Gross Floor Area of Building</u>	<u>Required Number of Loading Spaces</u>
(1)	Commercial (Retail , wholesale, service, office, hotel, other commercial uses)	5,000 to 20,000	1
		20,000 to 40,000	2
		Over 40,000	3
(2)	Industrial (Manufacturing, warehouse, other industrial uses)	5,000 to 40,000	1
		40,000 to 100,000	2
		Each addnl. 100,000	1 addnl.
(3)	Institutional	5,000 to 100,000	1

Over 100,000

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- (f) All loading areas shall be designed and maintained as specified in Section 1201.09.
- (g) The design of all loading areas shall be subject to the approval of the Planning Commission.
(Ord. 186-85. Passed 12-16-85.)