

ORDINANCE 2021-06

**AN ORDINANCE AMENDING SECTION 2 OF THE CODIFIED ORDINANCES APPENDIX RELATED TO PARKING BANS DURING SNOW EMERGENCIES AND THE DECLARATION OF SNOW EMERGENCIES WITHIN THE VILLAGE OF COMMERCIAL POINT.**

**WHEREAS**, Section 2 of the Appendix of the Codified Ordinances of the Village of Commercial Point provide for a procedure for declaring snow emergencies when precipitation of snow and/or ice reaches a certain level; and

**WHEREAS**, the Village Council wishes to modify the current snow emergency procedure to result in the automatic declaration of a snow emergency within the Village in the event the Pickaway County Sheriff declares a Level 1 Snow Emergency, Level 2 Snow Emergency, or Level 3 Snow Emergency within Pickaway County; and

**WHEREAS**, the Village Council wishes to prohibit parking on all streets, highways, thoroughfares, alleys, and public roadways within the Village during a snow emergency.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, OHIO THAT:**

**Section 1.** Section 2 of the Appendix of the Codified Ordinances of the Village of Commercial Point, Ohio is hereby modified as described in the attached **Exhibit A**. Strikethroughs in the attached Exhibit A shall indicate language to be deleted, and underlines shall indicate language to be added to Section 2 of the Appendix of the Codified Ordinances of the Village of Commercial Point, Ohio.

**Section 2.** Nothing in this Ordinance shall be construed to restrict the Mayor's authority to declare a snow emergency in the absence of a Snow Emergency declaration by the Pickaway County Sheriff, in accordance with Section 2(a) of the Appendix of the Codified Ordinances of the Village of Commercial Point, Ohio.

**Section 3.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that result in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 4.** This Ordinance shall take effect and be in force from and after the earliest date allowed by law.

Vote on Passage of the Ordinance:

Motion by: Tracy Joiner

2<sup>nd</sup>: Jason Thompson

Roll Call:

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

Yes Tracy Joiner

Yes Laura Wolfe

Adopted this 19<sup>th</sup> day of April, 2021.

  
Allan D. Goldhardt, Mayor

  
Wendy Hastings, Fiscal Officer

Approved as to Form:

  
Josh Cartee, Village Solicitor

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**EXHIBIT A**

**2 EMERGENCY PARKING BAN DURING SNOW EMERGENCY.**

(a) *Snow emergency defined.* A **SNOW EMERGENCY** is defined as that time when there has been during any period of 24 hours or less any accumulation of sleet, hail or ice within the village or accumulation of snow within the village to a depth of two inches or more as determined by the United States Weather Bureau which accumulation, in the opinion of the Mayor, creates hazardous driving conditions and during such period of time prior to, during or after such sleet, hail, ice or snow, the parking of motor vehicles could hinder, delay and obstruct the safe flow of traffic and emergency vehicles as well as the proper cleaning and clearing of snow to make safe all public streets within the village, or when a Level 1, Level 2, or Level 3 Snow Emergency has been declared by the Pickaway County Sheriff.

(b) *Determination of snow emergency.*

(1) ~~The Mayor is hereby authorized to designate any and all streets within the village on which parking shall be prohibited during snow emergencies.~~ The Mayor is hereby authorized to declare a snow emergency when, in accordance with Section (a), he has determined that conditions justify the declaration of a snow emergency, even in the absence of the declaration of a Level 1, Level 2, or Level 3 Snow Emergency by the Pickaway County Sheriff.

(2) If the Mayor has declared a snow emergency and Pickaway County is not under a Level 1, Level 2, or Level 3 Snow Emergency, such snow emergency declared by the Mayor shall continue in effect until the Mayor determines that any emergency no longer exists and accordingly terminates such emergency.

(c) *No parking during snow emergency.*

(1) During any snow emergency, no person shall park, cause or permit to be parked or permit to remain parked, or abandoned or left unattended, any vehicle of any kind or description upon any street, highway, thoroughfare, alley, or public roadway in the village, designated by the Mayor for prohibited parking during the snow emergency.

(2) All vehicles parked prior to the time such weather conditions prohibit parking and a snow emergency is announced shall be removed by the owners, operators, or other persons responsible for such vehicles.

(3) Any motor vehicle parked in violation of this prohibition shall subject the owner or operator to the penalties provided herein. It shall be the responsibility of the owner, operator or other person responsible for such vehicle to ascertain whether weather conditions require the removal of this vehicle from the streets designated and remove all vehicles parked in violation of the provisions set forth in this section.

(d) *Notification of snow emergency.*

(1) The Mayor, or in his or her absence the Chief of Police, or in the absence of the Chief of Police, any other village official designated by the Mayor, is hereby authorized to announce to broadcast media within the area of the village that a snow emergency is in effect and therefore parking on all streets in the village designated by the Mayor for the snow emergency is forbidden to facilitate the clearing of streets.

(2) The village shall make every effort to inform the public of the existence of the weather conditions requiring the removal of parked vehicles from the streets designated, but the owners, operators, or other persons responsible for such vehicle parked in these areas shall have full responsibility to determine existing weather conditions and to remove parked vehicles if the weather conditions are such as to require the removal under the terms of this section.

(3) The local broadcast media shall announce the emergency and the time that the emergency parking regulations shall become effective, which time shall be no sooner than three hours after the first announcement to the above named broadcast media, or immediately upon the declaration of a Level 1, Level 2, or Level 3 Snow Emergency by the Pickaway County Sheriff, and such announcement to the broadcast media shall constitute notice to the general public of the existence of the emergency period.

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**EXHIBIT A (continued)**

*(e) Removal of vehicles parked during snow emergency.*

(1) The Mayor or any employee under his or her direction or any member of the Police Department shall be authorized and empowered to provide for the removal of any vehicles parked on any of the streets, highways, thoroughfares, alleys or public roadways in the village in areas designated for removal during snow emergencies to be taken to such garage or other place the Mayor or other person under his or her direction or member of the Police Department deems appropriate.

(2) Any costs incurred in such removal or storage shall be paid for by the owner, operator or other person responsible for such vehicle, in addition to any fines imposed for a violation of this section.

*(f) Posting of snow emergency signs.*

(1) The Mayor, or any other village official designated by the Mayor, is hereby directed to post signs on the major thoroughfares leading into the village notifying the public that parking is prohibited on all streets of the village while a snow emergency is in effect ~~and upon such other streets within the village designated by the Mayor~~ so as to inform the village residents of prohibited parking during snow emergencies.

(2) Snow emergency signs shall be of sufficient size and legibility and be placed upon the streets, highways, thoroughfares, alleys or other public roadways, or fixed to utility poles within the village, in sufficient numbers as will in the opinion of the Mayor be proper and adequate notice to the citizens that no vehicles may be parked in such areas during any snow emergency.

*(g) Penalty.* Any person or persons violating the provisions of this section with respect to failure to remove parked vehicles as required by this section ~~when the weather conditions described in this section require their removal~~, is hereby guilty of a minor misdemeanor with each day to be a separate violation.