

# VILLAGE OF SEVILLE

## ORDINANCE NO. 2015-50

### AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO ESTABLISHING A SNOW EMERGENCY PARKING BAN.

**WHEREAS**, Council has determined that it is necessary to establish a snow emergency parking ban to ensure safety of the public rights of way, and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO THAT:**

1. **The following definitions apply in this Ordinance:**

#### **CHIEF OF POLICE**

The Seville Police Department Police Chief or his designated representative.

#### **STREET**

The entire width between the boundary lines of every right of way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

2. **Parking prohibited during Snow Emergencies.**

It shall be unlawful for a person to park or leave any vehicle on any street in the Village of Seville when a Snow Emergency has been declared. A Snow Emergency exists when the following advisories and/or warnings are issued by the National Weather Service:

- Snow Advisory
- Blowing Snow Advisory
- Freezing Rain/Drizzle Advisory
- Winter Weather Advisory
- Sleet Advisory
- Ice Storm Warning
- Heavy Sleet Warning
- Heavy Snow Warning

- Winter Storm Warning
- Blizzard Warning

3. **Police declaration of snow emergency.**

The Chief of Police may also declare a Snow Emergency by causing temporary signs declaring the Snow Emergency to be placed upon streets in designated areas of the Village as determined by the Chief of Police.

4. **Termination of prohibition.**

Once in effect, the prohibition under this Ordinance shall remain in effect until the National Weather Service advisory and/or warning has expired; or until the temporary signs declaring a Snow Emergency placed by the Chief of Police have been removed.

5. **Stalled or disabled vehicles.**

Whenever a vehicle becomes stalled or disabled for any reason, whether or not in violation of this Ordinance, on any portion of a Village street to which the parking prohibition applies, the person operating the vehicle shall take immediate actions to have the vehicle towed or pushed off the street. No person shall abandon or leave his or her vehicle in a Village street (regardless of whether the person indicates, by raising the hood or otherwise, that the vehicle is stalled), except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, automobile service station or other place of assistance and return without delay.

6. **Violations and penalties.**

Any person who violates this chapter is responsible for a civil infraction, punishable as is set forth in Ordinance 2010-30.

7. **Evidentiary presumption relating to parking or leaving vehicle.**

In any proceeding for a violation of this chapter relating to the parking or leaving of a vehicle, proof that the particular vehicle described in the complaint was parked or left in violation of this chapter, together with proof that the respondent named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who parked or left such vehicle at the location such violation occurred.

8. **Impoundment of vehicle.**

Any vehicle parked or left on any Village street in violation of this chapter constitutes a public hazard and an obstruction of traffic and may be towed and impounded immediately. No person may recover any impounded vehicle without first paying the cost of removal and storage, notwithstanding, and apart from, any fine which may also be imposed for violation of this chapter,

9. **Police Policy**

Seville Police Department Policy#: PP 2015 - 01 attached hereto and made a part hereof and attached as Exhibit A is hereby approved.

10. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meeting requirements.

11. This Ordinance shall take effect at the earliest time permitted by law.

First Reading: September 14, 2015

Second Reading: October 12, 2015

Third Reading: November 9, 2015

Passed: November 9, 2015



# Seville Police Department

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Donald J. Burson  
Chief of Police

Effective Date: November 1, 2015

Policy#: PP 2015 - 01

Subject: Snow Parking Ban

Reference: Ordinance 2015-50, Ordinance 2010-30

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## 1 PURPOSE

The purpose of this order is to establish procedures for:

- A. Identifying when a snow parking ban is in effect.
- B. Establishing guidelines for police officers when encountering vehicles that are found in violation of a declared parking ban.

## 2 SNOW BAN PURPOSE AND POLICY STATEMENT

The purpose of prohibiting parking on Village streets or right of ways available for vehicular traffic or parking during times of increased snowfall is to ensure that road crews have the ability to clear snow efficiently and without interference from vehicles parked within that right of way.

It shall be the policy of police department to enforce the snow ban parking ordinance as required for the safety of the public while being mindful of the needs of our residents and of the intent of the parking ban.

## 3. SNOW BAN EFFECTIVE TIMES

Village Ordinance 2015-50 declares a "Snow Emergency" to exist when the National Weather Service issues one of the following advisories or warnings<sup>1</sup>:

- **Snow Advisory**

A "snow advisory" is issued by the National Weather Service when accumulating snow of 2 to 4 inches is expected. An advisory may still be warranted if lesser accumulations will produce travel difficulties, especially early in the winter season

- **Blowing Snow Advisory**

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<sup>1</sup> From the National Weather Service

A "blowing snow advisory" is issued by the National Weather Service when blowing snow is expected to occasionally reduce visibilities to 1/4 mile or less with winds generally 25 to 34 mph. The event should last at least 3 hours.

- **Freezing Rain/Drizzle Advisory**

A "freezing rain or drizzle advisory" is issued for freezing rain when ice accumulations are expected to cause travel problems, but not exceed 1/4".

- **Winter Weather Advisory**

A "winter weather advisory" is issued by the National Weather Service for a winter weather event in which there is more than one hazard present, but all precipitation is expected to remain below warning criteria. For example, it would be issued if 2 inches of snow were expected with a small amount of sleet mixing in at times.

- **Sleet Advisory**

A "sleet advisory" is issued by the National Weather Service for accumulating sleet of 1/4" to 1". Because sleet usually occurs with other precipitation types, a "winter weather advisory" will almost always be used in such cases.

- **Ice Storm Warning**

An "ice storm warning" is issued by the National Weather Service when a period of freezing rain is expected to produce ice accumulations of 1/4" or greater, or cause significant disruptions to travel or utilities.

- **Heavy Sleet Warning**

A "heavy sleet warning" is issued by the National Weather Service when a period of sleet is expected to produce ice accumulations of 1" or greater, or cause significant disruptions to travel or utilities.

- **Heavy Snow Warning**

A "heavy snow warning" is issued by the National Weather Service when snow is expected to accumulate 4 inches or more in 12 hours, or 6 inches or more in 24 hours.

- **Winter Storm Warning**

A "winter storm warning" is issued by the National Weather Service for a winter weather event in which there is more than one hazard present, and one of the warning criteria listed above is expected to be met. For example, it would be issued if 5 inches of snow were expected in 12 hours, with some sleet mixing in at times. It is commonly issued for heavy snow with strong winds of 25-34 mph that will cause blowing and drifting of the snow. *A Winter Storm Watch is issued when these conditions may be met 12 to 48 hours in the future.*

- **Blizzard Warning**

A "blizzard warning" is issued by the National Weather Service for sustained wind or frequent gusts greater than or equal to 35 mph accompanied by falling and/or blowing snow, frequently reducing visibility to less than 1/4 mile for three hours or more. *A Blizzard Watch is issued when these conditions may be met 12 to 48 hours in the future.*

When an applicable advisory or warning is issued, it is unlawful to park or leave a vehicle in the right of way of a Village street or Village property used for vehicular travel or parking during the effective times of that advisory or warning.

For example, if the NWS issues a Winter Storm Warning at noon that is effective at 6:00 p.m., the parking ban would become effective at 6:00 p.m. The parking ban would then be in effect until the NWS cancels the applicable advisory or warning.

The Village has provided for temporary signs that may be erected to extend a parking ban or to establish a snow parking ban for a designated area to allow for additional snow removal or maintenance, even if the applicable advisory or warning has been canceled or expired. These temporary signs are intended to prevent parking in a designated area, such as in the downtown business district where road crews occasionally need to move large amounts of snow with heavy equipment well after a major snow event has ended.

When signs have been posted in a manner that gives reasonable notice to the public that a parking ban is in effect, it is unlawful to park or leave a vehicle upon the right of way within that area.

#### **4. PROCEDURES**

- a) In accordance with the intent of the Snow Emergency Parking Ban, vehicles that are parked or left on any Village street in violation of this chapter shall constitute a public hazard and an obstruction of traffic and a police officer may cause that vehicle to be towed and impounded immediately.
  - b) Police officers causing the removal and impoundment of a vehicle under this section will utilize the closest available towing company with the ability to remove and secure the vehicle in a reasonable time.
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- c) No person may recover any impounded vehicle without first paying the cost of removal and storage, notwithstanding, and apart from, any fine which may also be imposed for violation of this chapter.
- d) If a police officer causes the removal of a vehicle under this section, he will complete the vehicle inventory and tow report as required by applicable policies of the Seville Police Department.
- e) The issuance of a parking citation for a violation of this section will take the individual circumstances into consideration and shall remain discretionary.
- f) As established by Ordinance 2010-30, parking infractions are civil in nature and do not constitute criminal conduct. The manner of constructively serving a parking citation, the amount of applicable fees and their collection is established by Ordinance and is not affected or modified by the requirements of this policy.
- g) The Chief of Police or his designee is authorized to extend a parking ban in a designated area, or to establish a parking ban in a designated area, by causing reasonable notice to be given by temporary signs with wording that indicates a parking ban is in effect.
- h) If the Chief of Police or his designee extends a parking ban in a designated area as authorized above, the rules concerning the removal of vehicles found in violation of this section shall continue until the extended parking ban is clearly ended by the removal of signs or other indicators of the parking ban.
- i) If the Chief of Police or his designee establishes a parking ban in a designated area during a time other than during a declared snow emergency, a reasonable time shall be allowed for a vehicle owner to remove a vehicle before that vehicle is ordered into storage.