

CITY OF BROOK PARK, OHIO

P/C 5/21/24 Legislative
CA 6-11-24
1st R 6-18-24
2nd R _____
3rd R _____
B/C _____

ORDINANCE NO: 1418-2024

INTRODUCED BY: COUNCILMAN DUFOR

AN ORDINANCE
ENACTING NEW SECTION 351.20
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED "PARKING IN ELECTRIC MOTOR VEHICLE CHARGING STATIONS,"
AND DECLARING AN EMERGENCY

WHEREAS, clear regulations and signage regarding the use of Electric Vehicle (EV) charging stations minimize potential conflicts with other motorists and support convenience for EV drivers; and

WHEREAS, establishing an ordinance for misuse of electric vehicle charging stations deters non-EV vehicles from occupying those spaces and ensures charging accessibility for EV drivers; and

WHEREAS, encouraging the appropriate use of electric vehicle charging stations can expand the network of charging options for residents and visitors; and

WHEREAS, the availability of public EV charging stations can attract businesses and visitors who support and utilize electric vehicles, benefiting the local economy.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: New Section 351.20 of the Codified Ordinances of the City of Brook Park is hereby enacted to read as follows:

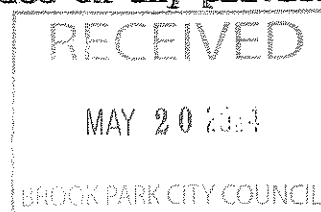
351.20 Parking in Electric Motor Vehicle Charging Stations.

a. Definitions.

1. "Electric vehicle" means a battery-powered electric vehicle operated solely by electric or a plug-in hybrid electric vehicle that operates on electricity and gasoline and has a battery that can be recharged from an external source.

2. "Electric vehicle charging station" means a public or private space that is served by equipment that is used to charge a battery or other energy storage device of an electric vehicle. This included any such space on any private or public off-street parking facility.

b. Signage.



1. For the purposes of this section "official sign" means a sign identifying a parking space for electric motor vehicle charging that cites this section and that clearly displays the penalties for violating this section.

2. The owner of public or private property may install official signs that identify a parking space as a dedicated charging station. The installation operates as a waiver of any objection the owner may assert concerning the enforcement of this section by a peace officer. A peace officer may enforce this section on private property.

c. Restrictions.

1. A person shall not park a motor vehicle with a parking space designated for charging a plug-in electric motor vehicle unless the motor vehicle is a plug-in electric motor vehicle.

2. Except as provided in subsection (3) of this section, a person shall not park a plug-in electric motor vehicle in a parking space with a dedicated charging connector for the parking space unless the person is parked in the charging station for the purpose of charging the plug-in electric motor vehicle

3. A plug-in electric motor vehicle is rebuttably presumed to not be charging if the motor vehicle is:

A. Parked in a charging station parking space with a dedicated charging connector for the space; and

B. Not continuously and electrically connected to the charger for longer than thirty minutes.

4. It shall not be a defense to a charge under this section that the sign or notice posted at the electric vehicle charging station or the designated parking space does not comply with all applicable rules, regulations, or ordinances, if a reasonable person would be made aware by the sign or notice on or near the parking space that the space is reserved for the charging of electric vehicles.

d. Exceptions.

1. A person may park a plug-in electric motor vehicle at a charging station after the motor vehicle is fully charged in a parking lot:

A. That serves a lodging business if the person is a client of the lodging business and has parked the plug-in electric motor vehicle in the lot to charge overnight;

B. That serves an airport if the person is a client of the airport and has parked the plug-in electric motor vehicle in the lot to charge when traveling; or

C. Between the hours of 11:00 p.m. and 5:00 a.m.

2. The exception in subsection (d)(1) of this section is an affirmative defense to a violation of subsection (c) of this section.

e. Penalty.

1. Whoever violates this section is guilty of a misdemeanor of the third degree.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted 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: 3 This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason of enacting Section 351.20 of the Brook Park Codified Ordinances; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: June 18, 2024

[Signature]
PRESIDENT OF COUNCIL

ATTEST: Carol Johnson
Clerk of Council

APPROVED: [Signature]
MAYOR

6-18-24
DATE

CERTIFICATE
Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance / Resolution No. 11418-2024 passed on the 18 day of June 20 24 by said council.
Carol Johnson
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McCorkle	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dufour	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS.
[Signature]
DIRECTOR OF LAW