

ORDINANCE AMENDING SECTIONS 901.03, 337.13 and 331.38, OF THE MARION  
CITY CODE AND DECLARING AN EMERGENCY

WHEREAS, the Council has been advised by Administrators responsible for the enforcement of the existing nuisance codes there are certain provisions which are in need of necessary updates, clarifications and enhancements, and

WHEREAS, the Council finds it to be in the best interests of the citizens of Marion to update the City Code, as follows, in order to eliminate unwanted nuisances and enhance the community,

BE IT ORDAINED by the Council of Marion, Marion County, Ohio:

Section 1. § 901.03 PERMIT REQUIRED; FEE. Now reading as:

(A) No person shall dig into or make any opening or excavation in any sidewalk, lawn or roadway of any street, alley, boulevard or public place or ground in the municipality for any purpose without first obtaining a written permit to do so from the City Engineer. A permit will also be required on private property for sewer excavations. The City Engineer may deny the issuance of a permit, for a period of six months, to any person who has violated any paragraph, portion or part of Chs. 901, 903 and 911.

(B) The fee schedule for the permit required in division (A) of this section can be obtained in the City Engineer's Office.

(C) Any person desiring to obtain a permit under this section shall be required to notify the Ohio Utilities Protection Service (OUPS). ('70 Code, § 901.03) (Ord. 67-1, passed 1-9-67; Am. Ord. 1982-10, passed 1-25-82) Penalty, see § 901.99

**Shall be amended to read:**

(A) No person shall dig into or make any opening or excavation in any sidewalk, lawn, roadway of any street, alley, boulevard or public place or ground in the municipality for any purpose without first obtaining a written permit to do so from the City Engineer. A permit will also be required on private property for sewer excavations **and driveways**. The City Engineer may deny the issuance of a permit, for a period of six months, to any person who has violated any paragraph, portion or part of Chs. 901, 903 and 911.

(B) The fee schedule for the permit required in division (A) of this section can be obtained in the City Engineer's Office.

(C) Any person desiring to obtain a permit under this section shall be required to notify the Ohio Utilities Protection Service (OUPS). ('70 Code, § 901.03) (Ord. 67-1, passed 1-9-67; Am. Ord. 1982-10, passed 1-25-82) Penalty, see § 901.99

The following provision is included herein for informational purposes only:

§ 903.07 CUTTING CURBS AND CONSTRUCTING DRIVEWAYS.

Any curbing cut out, taken up or otherwise disturbed, or any driveway or curb constructed, as herein provided, shall be done in accordance with plans and specifications approved by the City Engineer and on file in the City Engineer's office. However, any driveway constructed, whether the street has a curb and gutter or not, shall be constructed of at least an eight-inch stone base and a two-inch blacktop surface or shall be constructed of concrete with a minimum slab thickness of six inches. Unless specifically ordered otherwise by the City Engineer, any person causing a driveway entrance to be installed from a pavement having no curb and gutter shall install a culvert with a minimum diameter of ten inches under the drive in such a manner as to allow for the free flow of water along the edge of the street. ('70 Code, § 903.07) (Ord. 65-122, passed 12-13-65)

Section 2. § 337.13 TWO LIGHTS DISPLAYED, now reading as:

(A) At all times mentioned in § 337.02 at least two lighted lights shall be displayed, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(B) The Ohio Director of Highway Safety shall prescribe and promulgate regulations relating to the design and use of such lights and such regulations shall be in accordance with currently recognized standards.

(R.C. § 4513.14) ('70 Code, § 337.13) Penalty, see §§ 309.01 and 309.02

**SHALL BE AMENDED TO READ:**

§ 337.13 TWO HEADLIGHTS DISPLAYED.

(A) At all times mentioned in § 337.02 at least two lighted headlights shall be displayed, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(B) The Ohio Director of Highway Safety shall prescribe and promulgate regulations relating to the design and use of such lights and such regulations shall be in accordance with currently recognized standards.

(R.C. § 4513.14) ('70 Code, § 337.13) Penalty, see §§ 309.01 and 309.02

Section 3. § 331.38 DRIVING AND PARKING UPON SIDEWALKS, STREET LAWNS OR CURB LINES now reading as:

(A) On streets with curbs, no person shall drive, stand or park a vehicle on a sidewalk, street lawn area or curb of a street, except when entering or leaving a permanent or temporary driveway or when parked on an off-pavement parking area as herein described.

(B) An off-pavement parking area is a paved area between the sidewalk and the curb in which vehicles may be parked perpendicular to the payment. Such area shall be of such dimensions that no part of the vehicle shall extend over the sidewalk or over the curb. In no case shall vehicles be

permitted to park between the curb and sidewalk parallel to the pavement.

(C) On streets where there are no curbs, no person shall drive, stand or park a vehicle on a sidewalk, except when entering or leaving a temporary or permanent driveway.  
(‘70 Code, § 331.38) Penalty, see §§ 309.01 and 309.02

**Shall be amended to read:**

**§ 331.38 DRIVING AND PARKING UPON SIDEWALKS, STREET OR TREE LAWNS OR CURB LINES.**

(A) On streets with curbs, no person shall drive, stand or park a vehicle on a sidewalk, street lawn area, or curb of a street, except when entering or leaving a permanent or temporary driveway or when parked on an off-pavement parking area as herein described.

(B) An off-pavement parking area is a paved area between the sidewalk and the curb **or roadway edge on streets without curbs** in which vehicles may be parked parallel to the pavement, **where the adjoining property owner has obtained all necessary permits and constructed same in compliance with Engineer’s regulations.** Such area shall be of such dimensions that no part of the vehicle shall extend over the sidewalk, over the curb **or over the roadway edge.** In no case shall vehicles be permitted to park between the curb or edge of roadway and the sidewalk perpendicular to the pavement, other than Park Blvd..

(C) On streets where there are no curbs, no person shall drive, stand or park a vehicle on a sidewalk, **street lawn, tree lawn or within the city’s right-of-way,** except when entering or leaving a temporary or permanent driveway and **except where the adjoining property owner has obtained all necessary permits and constructed an off pavement parking area same in compliance with Engineer’s regulations. Unless the established parking area existed prior to July 1, 2020.**

**(D) Within the City right of way, no person shall park or stand a vehicle in violation of any City Code.**

(‘70 Code, § 331.38) Penalty, see §§ 309.01 and 309.02

Section 4 . That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its inhabitants thereof: given the immediate need to eliminate unwanted nuisances and enhance the community; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective on the earliest date allowed by law.

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Todd Schneider  
President of Council

APPROVED:

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Mayor Scott Schertzer

Attest;

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Clerk of Council