

ORDINANCE NO. 53-1988

Offered by Mr. Kozelka

AN ORDINANCE TO AMEND SECTION 333.03 OF THE CODIFIED ORDINANCES REGULATING SPEED LIMITS ON ALL ROADS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF RICHFIELD AND DECLARING AN EMERGENCY.

Be It Ordained by the Council of the Village of Richfield, Ohio:

Section 1: Section 333.03 of the Codified Ordinances is amended as follows:

333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit him to bring it to a stop within the assured clear distance ahead.

It is prima-facie lawful, in the absence of a lower limit declared pursuant to R. C. 4511.21 by the Ohio Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

- (a) Fifteen miles per hour on all alleys within the Municipality.
- (b) Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when appropriate signs giving notice of the existence of the school are erected;

As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway, or passing a school which has its principal school pupil ingress-egress via the street or highway, and bounded by whichever of the following distances the Ohio Director of Transportation approves as most appropriate:

- (1) The distance encompassed by projecting the school building lines normal to the fronting street or highway and extending a distance of 300 feet on each approach direction;
- (2) The distance encompassed by projecting the school property lines intersecting the fronting street or highway and extending a distance of 300 feet on each approach direction;
- (3) The distance encompassed by special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of the street or highway;
- (4) A distance of 600 feet using any combination or part thereof at the reference points described in subsections (b)(1), (2) and (3) hereof;

As used in this subsection, the word crosswalk has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by

children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;

- (c) Twenty-five miles per hour on the following streets: High, Mill, Grant, Hart, Maple, Hawthorne, Brushwood, Berkley, Sunset, Roberts, Overdale, Motor, Ratner, Ridgeview, Richlawn, Amelia, Donna, Whitepine, Treelawn, Farnham, Harold, St. Nicholas, Virginia, Muriel, Christine, Fox Run, Paula, Sorenson, Monica, Buell, Five Oaks, Timberwood, Logwood, Rusticwood, Columbia, Congress Parkway and Congress Parkway-West, Burrwood, Sawbridge and Scanwood, Creche and Gelding;
- (d) Thirty miles per hour on the following streets: Brush Road and Humphrey Road; Broadview Road for a distance of 4,043.14 feet beginning at a point 1,693.14 feet south of the center of the intersection of Broadview Road and Route 303 and ending at a point 2,350 feet north of such center; that portion of State Route 303 beginning at a point 1,700 feet west of the center of the intersection of Broadview Road and Route 303 extending easterly there from a distance of 500 feet east of the centerline of Brecksville Road.
- (e) Thirty-five miles per hour on the following streets: Southern and Hawkins Roads: Wheatley Road on the south side thereof from the easterly edge of the Interstate 77 bridge to the center of the intersection of Revere Rd; and that portion of Brecksville Road beginning at a point 600 feet south of the center of Boston Mills Road and extending northerly to the Summit County Line.
- (f) Forty miles per hour on the following streets: Everett Road from the Village line at Revere Road west to the Village Corporation line; Broadview Road, from the corporate limits to a point 2,350 feet north of the center of the intersection of Broadview Road and Route 303 and from a point 1,693.14 feet south of such center to the terminus of Broadview Road; Revere Road, Wheatley Road and State Route 303, except as provided in subsection (d) hereof; Brecksville Road, except as provided in subsection (e).

- (g) Fifty miles per hour on controlled-access highways and expressways within the Municipality, and on State routes outside urban districts unless a lower prima-facie speed is established as provided by Ohio R. C. 4511.21;
- (h) Fifty-five miles per hour at all times on freeways with paved shoulders inside the Municipality.
- (i) It is prima-facie unlawful for any person to exceed any of the speed limitations in any subsections hereof, or any declared pursuant to R. C. 4511.21 by the Ohio Director of Transportation or Council and it is unlawful for any person to exceed the speed limitation in subsection (j) hereof. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.
- (j) No Person shall operate a motor vehicle upon the streets or highways at a speed exceeding fifty-five miles per hour.
- (k) In every charge of violation of this section in the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (i) hereof also the speed which subsection (a) to (g) hereof or a limit declared pursuant to Ohio R.C. 4511.21 declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit him to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.
- (l) When a speed in excess of both a prima-facie limitation and the limitation in

subsection (j) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsection (a), (b), (c), (d), (e), (f) or (g) or of a limit declared pursuant to Ohio R.C. 4511.21 by the Ohio Director of Transportation or Council, and subsection (h) hereof. If the court finds a violation of subsections (a) to (g) hereof or a limit declared pursuant to Ohio R.C. 4511.21 has occurred, it shall enter a judgment of conviction under the applicable subsection and dismiss the charge under subsection (j) hereof. If it finds no violation of subsections (a) to (g) hereof, or a limit declared pursuant to Ohio R.C. 4511.21, it shall then consider whether the evidence supports a conviction under subsection (j) hereof.

- (m) Points shall be assessed for violation of subsection (j) hereof only when the court finds the violation involved a speed in excess of sixty miles per hour on freeways as provided in subsection (h) hereof. Convictions for violation of subsection (j) hereof, or any ordinance enacted to reduce speeds in compliance with subsection (j) hereof, shall not be forwarded to the Ohio Bureau of Motor Vehicles as provided under Ohio R.C. 4507.40 unless points are assessed as provided in this subsection.

Whenever, in accordance with Ohio R.C. 4511.21, the speed limitations as established herein have been altered, either higher or lower, the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. It is prima-facie unlawful for any person to exceed the speed limits posted upon such signs.

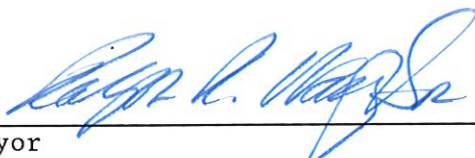
Section 2: Existing Section 333.03 of the Codified Ordinances is repealed.

Section 3: This Ordinance is determined to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety for the reason to provide a speed limit for all roads within the corporate limits of the Village of Richfield and provided this Ordinance receives the affirmative vote of two-thirds of the members elected or appointed, it shall take effect and be in force from and after its approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date provided by law.

Passed:


11/15/88

  
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President of Council

  
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Mayor

Dated: 11/15/88

Attest:

  
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Clerk of Council