

AN ORDINANCE TO AMEND SECTION 333.03 OF THE CODIFIED ORDINANCES BY ADDING EMERALD BOULEVARD AND EVERGREEN LANE AS ROADWAYS WITH A MAXIMUM VEHICLE SPEED OF 25 MILES PER HOUR AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That Section 333.03 of the Codified Ordinances is amended to read as follows:

333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

(a) 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.

(b) It is prima-facie lawful, in the absence of a lower limit declared pursuant to Ohio 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:

- (1) A. 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 twenty miles per hour school speed limit signs are erected; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(4) hereof and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(7) hereof. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.
- B. As used in this section, "school" means any school chartered under Ohio R.C. 3301.16 and any nonchartered school that during the preceding year filed with the Department of Education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone.
- C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances

in subsections (b)(1)C.1. to 3. of shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:

1. The distance encompassed by projecting the school building lines normal to the fronting 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 highway and extending a distance of 300 feet on each approach direction;
3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;

Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in subsections (b)(1)A. and C. hereof.

- D. As used in this subsection, "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;

- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys, and 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, Forestridge, Swan Lake and Pine Lake Circle, Emerald Boulevard and Evergreen Lane;

- (2.5) 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 therefrom a distance of 500 feet east of the centerline of Brecksville Road;

- (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof, and 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 Road; 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.
- (3.5) 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 (2.5) hereof; Brecksville Road, except as provided in subsection (3) hereof.
- (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality;
- (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
- (6) Fifteen miles per hour on all alleys within the Municipality;
- (7) Fifty-five miles per hour at all times on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(8) hereof.
- (8) Sixty-five miles per hour at all times on all portions of freeways that are part of the interstate system and are eligible for such speed in accordance with criteria issued by the Federal Highway Administration, and on all portions of freeways greater than five miles in length that are eligible for such speed in accordance with criteria issued by the Federal Highway Administration or established by the "Intermodal Surface Transportation Efficiency Act of 1991," 105 Stat. 1968, 23 U.S.C.A. 154(a), for any motor vehicle weighing 8,000 pounds or less empty weight and any commercial bus, except fifty-five miles per hour for operators of any motor vehicle weighing in excess of 8,000 pounds empty weight and any noncommercial bus.

(c) It is prima-facie unlawful for any person to exceed any of the speed limitations in subsection (b)(1)A. to (b)(6) hereof, or any declared pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed either of the speed limitations in subsection (d) 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.

(d) No person shall operate a motor vehicle upon a street or highway as follows:

- (1) At a speed exceeding fifty-five miles per hour, except upon a freeway as provided in subsection (b)(8) hereof;
- (2) At a speed exceeding sixty-five miles per hour upon a freeway as provided in subsection (b)(8) hereof except as otherwise provided in subsection (d)(3) hereof;
- (3) If a motor vehicle weighing in excess of 8,000 pounds empty weight or a noncommercial bus as prescribed in subsection (b)(8) hereof, at a speed exceeding fifty-five miles per hour upon a freeway as provided in that subsection.

(e) In every charge of violation of this section 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 (c) hereof also the speed which subsections (b)(1)A. to (b)(6) hereof, or a limit declared pursuant to this section 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.

(f) When a speed in excess of both a prima-facie limitation and a limitation in subsection (d)(1) or (2) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared pursuant to this section by the Director or local authorities, and of the limitation in subsection (d)(1) or (2) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d)(1) or (2) hereof. If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (d)(1) or (2) hereof.

(g) Points shall be assessed for violation of a limitation under subsection (d) hereof only when the court finds the violation involved a speed of five miles per hour or more in excess of the posted speed limit.

(h) Whenever the Ohio Director of Transportation determines upon the basis of an engineering and traffic investigation that any speed limit set forth in subsections (b)(1)A. to (d) hereof is greater than is reasonable or safe under the conditions found to exist at any intersection or other place upon any part of a State route, the Director shall determine and declare a reasonable and safe prima-facie speed limit, which shall be effective when appropriate signs giving notice are erected at the intersection or other part of the State route.

(i) Whenever Council determines upon the basis of an engineering and traffic investigation that the speed permitted by subsections (b)(1)A. to (d) hereof, on any part of a highway under their jurisdiction, is greater than is reasonable and safe under the conditions found to exist at such location, Council may by resolution request the Director to determine and declare a reasonable and safe prima-facie speed limit. Upon receipt of such request the Director may determine and declare a reasonable and safe prima-facie speed limit at such location, and if the Director does so, then such declared speed limit shall become effective only when appropriate signs giving notice thereof are erected at such location by the Municipality. The Director may withdraw his declaration of any prima-facie speed limit whenever in his opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the declared prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the Municipality.

(j) Council may authorize by ordinance higher prima-facie speeds than those stated in this section upon through highways, or upon highways or portions thereof where there are no intersections, or between widely spaced intersections, provided signs are erected giving notice of the authorized speed, but Council shall not modify or alter the basic rule set forth in subsection (a) hereof or in any event authorize by ordinance a speed in excess of fifty miles per hour.

Alteration of prima-facie limits on State routes by Council shall not be effective until the alteration has been approved by the Director. The Director may withdraw his approval of any altered prima-facie speed limits whenever in his opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the altered prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the Municipality. (ORC 4511.21)

(k) Whenever, in accordance with Ohio R.C. 4511.21 or this section, the speed limitations as established herein have been altered, either higher or lower, and 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.

(l) As used in this section:

- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.
 - (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
 - (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.
- (ORC 4511.21)

SECTION 2. That Section 333.03 as it existed prior to the effective date of this Ordinance be, and the same hereby is, repealed.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is necessary to become effective with the opening of the roads in Forest Ridge Subdivision Phases II and III; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: December 20, 1994

Daniel S. Stoerkel
President of Council

[Signature]
Mayor

Dated: 12/20/94

ATTEST:

[Signature]
Clerk of Council