

RECORD OF ORDINANCES

Ordinance No. 2022-73

Passed NOVEMBER 16, 2022

SPONSOR: SAFETY COMMITTEE

AN ORDINANCE ESTABLISHING SECTION 72.059 OF THE VILLAGE OF MOGADORE CODIFIED ORDINANCES AUTHORIZING SCHOOL CROSSING GUARDS TO DIRECT TRAFFIC IN SCHOOL ZONES; AND DECLARING AN EMERGENCY.

WHEREAS, this Council finds it appropriate and necessary to establish Section 72.059 of the Codified Ordinances regarding authorizing school crossing guards to direct traffic in school zones; and,

WHEREAS, it is important to ensure all children remain safe while in a school zone; and,

WHEREAS, it is in the best interests of and furthers the public peace, health, safety, and general welfare of the Village residents to establish Section 72.059 of the Codified Ordinances.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio as follows:

SECTION 1: That Village of Mogadore Codified Ordinances Section 72.059 is hereby established and shall state as follows:

A. Definitions – as used in this section:

1. “Crosswalk” has the same meaning as in Division (LL)(1) and (2) of Section 4511.101 of the Revised Code.
2. “School crossing” means a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours that is in the vicinity of a school.
3. “School crossing guard” means an adult appointed as a school crossing guard by the Village of Mogadore or any school district or school official authorized to do so.
4. “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, and also includes that portion of the state highway if any. The distances described in this definition shall not exceed three hundred (300) feet per approach per direction and are bounded by whichever of the following distances or combinations thereof that the director of public service approves as most appropriate:
  - a. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of three hundred (300) feet on each approach direction;
  - b. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of three hundred (300) feet on each approach direction;
  - c. The distance encompassed by the special marking of the pavement for a principal school crosswalk plus a distance of three (300) hundred feet on each approach direction of the highway

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- B. No person shall fail to comply with any lawful order or direction given by a school crossing guard related to directing traffic at or around a school crossing, including stopping a vehicle, streetcar, or trackless trolley immediately upon the direction of the school crossing guard and remaining stopped until the school crossing guard directs the driver to proceed.
- C. When a school crossing guard believes that a driver has violated subsection (B) of Section 72.059 of the Codified Ordinances of the Village of Mogadore, the school crossing guard may report the license plate number, a general description of the vehicle, and a general description of the driver of the vehicle to the Mogadore Police department.
  - 1. A school crossing guard making the report described in this section may rely upon information regarding the license plate number, the general description of the vehicle, and the general description of the driver of the vehicle at the time of the alleged violation that is supplied by a person with first-hand knowledge of the information.
- D. If the identity of the driver at the time of the alleged violation is established, the reporting of the license plate number of the vehicle shall establish probable cause for the Village of Mogadore Police Department to issue a citation for the violation of subsection (B) of this section.
- E. Except as otherwise provided in this section, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

SECTION 2: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

SECTION 3: The Village of Mogadore finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this 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 4: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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Michael Raddish 11-16-22  
President of Council Date

Paula K. 11-16-22  
Mayor Date

Attest:

[Signature]  
Clerk-Treasurer