

Councilwoman Holly Swenk, Ward 1 and Chair
Councilman Bruce Abens, Ward 3
Councilman Martin DeVries, At Large



SAFETY COMMITTEE MEETING
POLICE DEPARTMENT TRAINING ROOM
AGENDA OF TUESDAY, February 21, 2023
6:00 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Safety Committee Meeting Minutes dated July 11, 2022
(Committee action required)

NEW BUSINESS

- T 4-2023 AN ORDINANCE CREATING N.R.C.O. CHAPTER 478, REGULATING THE OPERATION OF
LOW-SPEED AND UNDER-SPEED VEHICLES.
(Introduced by Councilwoman Swenk and Resident Kim Nakoff)

ADJOURNMENT

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**NORTH RIDGEVILLE CITY COUNCIL
SAFETY COMMITTEE
MINUTES OF MEETINGS
July 11, 2022**

To Order:

Chairwoman Holly Swenk called the meeting to order at 6:00 p.m.

Pledge of Allegiance:

Led by Chairwoman Swenk.

Attendance:

In attendance were Committee members Bruce Abens, and Chairwoman Holly Swenk.

Councilman Martin DeVries was excused.

Also in attendance were Mayor Corcoran, Council President Jason Jacobs, Councilman Dennis Boose, Councilwoman Georgia Awig, Safety Service Director Jeff Armbruster, Police Chief Mike Freeman, Assistant Law Director Toni Morgan, and Assistant Clerk of Council Fijabi Gallam.

Minutes:

Chairwoman Swenk asked if there were any corrections to the minutes from May 31, 2022. No discussion was offered. The meeting minutes stand approved as submitted.

Under Review:

Chairwoman Swenk asked if anyone from the public would like to speak. There was no discussion and the lobby session was closed.

T 84-2022 AN ORDINANCE AMENDING THE PENALTY SECTION OF N.R.C.O. SECTION 432.30, STOPPING FOR SCHOOL BUS.

Chairwoman Swenk remarked that she introduced T 84-2022 and there was a meeting in May 2022 regarding T84-2022. The legislation was revised to add a minimum fine and then a second offense minimum fine with the verbiage of the misdemeanor minus the \$1,000 fine.

Councilman Abens expressed that his concern was the \$1,000 and cases being transferred to Elyria courts. He also wanted to make sure the officers could enforce with diligence. He believed the proposal of a mandatory \$350 violation and add a clause to fine havier for the folks that repeat the same violation in a 24-month period. He added that he did a personal poll to ask folks if they knew what the penalty is for passing a bus and no one knew the penalty. The results were

that no one does. He expressed that he wants the legislation enforced. Mr. Abens wanted to see if the City could advertise the penalty and ask the School District if they could put a warning sign on their buses.

Chairwoman Swenk agreed that a minimum needs to be enforced for the first offense and subsequent offenses at \$750 for passing a school bus. She wanted to get the administration's thoughts.

Mayor Corcoran reminded everyone of the reason for Class 1 Misdemeanor (M1). He explained that doing a mandatory fine for the first offense takes the decision away from the prosecutor and the magistrate. Raising the fine to \$350 is \$100 more than what the City's average fine has been. He agreed with the increase for a second offense within two years. The legislation would make a statement. Mayor Corcoran added that he did talk to the School District about purchasing stickers for their buses to advertise the fine, and they told him they would look into it.

The explanation continued regarding leaving M1 on the legislation that also relates to jail time.

Law Director Brian Moriarty explained that setting a minimum is a great idea. He wanted to see if the committee wanted to do up to \$1,000 instead of setting the minimum at \$1,000. This would give the prosecutor more discretion.

Councilman Abens expressed his concerns regarding people passing the school buses.

Mr. Moriarty recommended leaving that license suspension in the legislation.

Mayor Cocoran explained how people should be charged more than most when the case is extreme.

Discussions regarding negotiations in decreasing the fee with the attorneys and courts continued.

{Clerk notes: Certain parts of the meeting discussions ensued on the floor that was not in the mic.}

Chief Police Mike Freeman explained the process of when the bus offense cases go over to Elyria and the City loses the money from that case.

Councilwoman Swenk asked if anyone have any comments from the audience.

Mr. Moriarty wanted to know if the committee is requesting the following.:

- A minimum \$350 fine with up to a \$1,000 fine for the first offense.
- A second offense in the State of Ohio would be a mandatory minimum of \$750 for a second offense within a 24-month period.
- The ability to suspend the violator's license.

The committee agreed with what Mr. Moriarty listed.

Councilman Boose expressed that the City needs to make the community understand the City is serious.

Mayor Corcoran explained that the Clerk of Courts estimated that 56% of the people who received a bus ticket over the last year were none residents.

Councilman Jacobs wanted clarification on the maximum.

Mr. Moriarty explained that the City does not want to exceed \$1,000 for the second offense. The fine would be \$750 up to and not exceeding \$1,000. The possibility of suspending a license would be for both offenses. Mr. Moriarty noted that they planned to advertise the legislation on the website and the police officers would do a video.

Moved by Swenk and seconded by Abens to strike section 1 in T84-2022 and add the requested changes to the new legislation.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

Moved by Swenk and seconded by Abens to have the law department draft legislation similar to T 84-2022 with the requested changes and put a new temporary number to be introduced at the next City Council meeting.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

T 95-2022 AN ORDINANCE AMENDING CERTAIN SECTIONS OF N.R.C.O. CHAPTER 476, SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES, AND ALL-PURPOSE VEHICLES.

T 96-2022 AN ORDINANCE AMENDING N.R.C.O. CHAPTER 634 NOISE CONTROL TO SOUND CONTROL.

Chairwoman Swenk explained that the discussion would need to be tabled because Councilman Martin DeVries is not present. She wanted to know when the proposed legislation expires.

Assistant Clerk of Council Fijabi Gallam noted that the legislation would die in committee on August 20, 2022.

Moved by DeVries and seconded by Abens to table the discussion for T 95-2022 and T 96-2022.

A voice vote was taken and the motion carried.

Yes – 2 No – 0

The meeting was adjourned at 6:29 p.m.

These minutes were approved on _____ day of _____, 2022.

Fijabi Gallam
Assistant Clerk of Council

DRAFT

- (B) License plates in the front and rear of the low-speed or under-speed vehicle bracketed to the vehicle;
- (C) A light to illuminate the rear license plate and make the plate legible from a distance of 50 feet;
- (D) At least one working brake light;
- (E) Two headlights, white or clear in color;
- (F) A horn;
- (G) A rearview mirror;
- (H) A windshield;
- (I) A windshield wiper;
- (J) Turn signals;
- (K) Brakes sufficient to stop within 40 feet;
- (L) An emergency brake sufficient to hold the vehicle on any grade;
- (M) Working exhaust system if the unit has an internal combustion system;
- (N) One seat belt per occupant of the vehicle;
- (O) A child safety seat installed to manufacturer specifications for any occupant under the age of four or under 40-pounds in weight;
- (P) A child booster safety seat installed to manufacturer specifications for any occupant between the ages of four and eight or under 4'9" in height.

(b) Licensing Requirements of Operator.

- (1) The operator of a low-speed or under-speed vehicle on public roadways or public property within the corporate limits of the City of North Ridgeville, Ohio, shall have a valid driver's license.
- (2) The operator of a low-speed or under-speed vehicle on public roadways or public property in the City of North Ridgeville shall be no less than 16 years of age.

(c) Insurance Requirement of Owner and Operator.

- (1) The owner of a low-speed or under-speed vehicle that is driven on public roadways or public property within the corporate limits of the City of North Ridgeville, Ohio, shall maintain proof of financial responsibility thereon as required by the Ohio Revised Code.
- (2) The operator of a low-speed or under-speed vehicle that is driven on public roadways or public property within the corporate limits of the City of North Ridgeville, Ohio, shall have in his/her possession proof of insurance while operating the low-speed or under-speed vehicle.

(d) Inspection and title Requirements.

- (1) No person shall operate a low-speed or under-speed vehicle on public roadways or public property within the corporate limits of the City of North Ridgeville, Ohio, without first obtaining an inspection by the Chief of Police of the City of North Ridgeville, Ohio, the Lorain County Sheriff, or the law enforcement official of another jurisdiction within the State of Ohio.
- (2) No person shall operate a low-speed or under-speed vehicle on the public roadways or public property within the corporate limits of the City of North Ridgeville, Ohio, without permanently displaying a sticker/decals issued by the inspecting authority on the low-speed or under-speed vehicle.
- (3) No person shall operate a low-speed or under-speed vehicle on public roadways or public property within the corporate limits of the City of North Ridgeville, Ohio, without first obtaining a Certificate of Title from the Clerk of Courts.
- (4) If the Chief of Police of the City of North Ridgeville, Ohio, or his/her designee, or another agent designated and approved by the State of Ohio, determines that the low-speed or under-speed vehicle complies with the State of Ohio's statutory requirements that are applicable to motor vehicles, the Chief of Police of the City of North Ridgeville, Ohio, shall issue the owner or operator a certificate of compliance entitling the owner or operator to operate the low-speed or under-speed vehicle on the streets within the corporate limits of the City of North Ridgeville. The owner or operator shall also show the Chief of Police of the City of North Ridgeville, Ohio, or his/her designee, proof of liability insurance for the low-speed or under-speed vehicle before a certificate of compliance is issued. The owner or operator of any low-speed or under-speed vehicle shall be required to pay a fee in the amount of \$20.00 to the City of North Ridgeville through the Police Department of the City of North Ridgeville, Ohio, before the low-speed or under-speed vehicle may be operated on the streets of the corporate limits of the City of North Ridgeville, Ohio. Any certificate issued pursuant to this section by the Chief of Police of the City of North Ridgeville, Ohio, shall expire upon the transfer or sale of the low-speed or the under-speed vehicle. The Chief of Police of the City of North Ridgeville, Ohio, shall keep a copy of each certificate issued pursuant to this section. The owner or operator of any low-speed or under-speed vehicle shall keep a copy of any certificate issued pursuant to this section inside the low-speed or under-speed vehicle to which it pertains. The Chief of Police of the City of North Ridgeville, Ohio, shall issue a sticker or other similar device to the owner of each low-speed or under-speed vehicle once it is inspected. The sticker shall signify compliance with this section. The owner of each low-speed or under-speed vehicle shall display the sticker in a conspicuous place on the rear of the low-speed or under-speed vehicle.

- a. Operation. No person shall operate a low-speed or under-speed vehicle upon any street within the corporate limits of the City of North Ridgeville, Ohio, where the posted speed limit exceeds twenty-five miles per hour. An operator of a low-speed or under-speed vehicle may cross intersections only at such intersections in which the posted speed limit is twenty-five miles per hour or less. The operator of a low-speed or under-speed vehicle shall comply with all other applicable laws.
- b. Penalty. Except as otherwise provided, whoever violates any provision of 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 or traffic offenses, whoever violates his 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 conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

APPROVED: _____

MAYOR