

P/C 9-17-19 legislative  
CA Prior 10-1-19  
1st R 10-15-19  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
D/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 1120-2019

INTRODUCED BY: COUNCIL PRESIDENT VECCHIO; CLW & MAJOR GAMBELLA

AN ORDINANCE  
AMENDING SECTION 331.38  
OF THE BROOK PARK CODIFIED ORDINANCES  
ENTITLED 'STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN,'  
AND DECLARING AN EMERGENCY

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Section 331.38 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

**331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.**

(a) The driver of a vehicle, upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed. It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (b) of this section.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771 or a substantially equivalent municipal ordinance, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.

(c) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with division (a) above.

(d) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(e) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

(f) (1) Whoever violates division (a) of this section may be fined an amount not to exceed ~~five hundred dollars~~ ~~(\$500.00)~~ **one thousand dollars (\$1,000)**. A person who is issued a citation for a violation of division (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

(2) In addition to and independent of any other penalty provided by law, the court or Mayor ~~may~~ **shall** impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7). When a license is suspended under this section, the court or Mayor shall cause the offender to deliver the license to the court, and the court or Clerk of the Court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action.

(g) As used in this section:

(1) "Head start agency" has the same meaning as in Ohio R.C. 3301.32.

(2) "School bus" as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the

State Board of Education, is painted the color and displays the markings described in Ohio R.C. 4511.77, and is equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.77, irrespective of whether or not the bus has 15 or more children aboard at any time. The term does not include a van owned and operated by a head start agency, irrespective of its color, lights or markings.

**SECTION 2:** Former Section 331.38 of the Brook Park Codified Ordinances according to ORC 4511.75, enacted June 30, 2005, is hereby expressly repealed.

**SECTION 3:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such 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 is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason of amending Section 331.38 of the Brook Park Codified Ordinances; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED:

October 15, 2019

*M. P. Vecchio*  
PRESIDENT OF COUNCIL

ATTEST:

*Michelle Blazak*  
Clerk of Council

APPROVED:

*J. S. [Signature]*  
MAYOR

10/16/19  
DATE

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

*[Signature]*  
DIRECTOR OF LAW

**CERTIFICATE**  
Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of ~~Ordinance~~ Resolution No. 1120-2019 passed on the 15<sup>th</sup> day of October 2019 by said council.  
*Michelle Blazak*  
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.  
commencing October 17, 2019  
*Michelle Blazak*  
MICHELLE BLAZAK  
Clerk of Council

Yea	<input checked="" type="checkbox"/>					
Nay	<input type="checkbox"/>					
Stemm						
Mencini						
Orcutt						
Scott						
Burgio						
Polindexter						
Salvatore						