

VILLAGE OF OBETZ  
RECORD OF ORDINANCES



ORDINANCE: 43 - 20

PASSED: September 14, 2020

**AN ORDINANCE MODIFYING OBETZ CODIFIED ORDINANCES SECTION 331.41 RELATED TO NO THROUGH TRAFFIC ON CERTAIN STREETS WITHIN THE VILLAGE OF OBETZ AND DECLARING AN EMERGENCY**

**WHEREAS**, Section 4511.07 of the Ohio Revised Code provides that the state traffic statutes contained in Chapter 4511 "do not prevent local authorities from carrying out...activities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power," including "regulating the use of certain streets by vehicles, streetcars, or trackless trolleys;" and

**WHEREAS**, Village Council desires to designate certain residential streets in the municipality as "No Through Traffic" streets to avoid shortcutting by pass-through motorists and thereby protect the health, safety and welfare of the general public; and

**WHEREAS**, the Village of Obetz is a charter municipality with home rule authority to adopt health, safety and welfare legislation under its police power authority pursuant to Article XVIII, Section 3 of the Ohio Constitution:

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OBETZ, STATE OF OHIO, THAT:**

Section 1. Section 331.41 of the Obetz Codified Ordinances be amended to read as follows:

331.41 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES.

(a) No person shall operate a vehicle across public or private property marked with signs "No Through Traffic" or words of similar import for the purpose of passing from one roadway to another.

(b) No person shall operate a vehicle across public or private property for the purpose of avoiding compliance with a traffic control device.

(c) No person shall operate a vehicle across a public street that has been designated a "No Through Traffic" public street for the purpose of passing from one roadway to another.

(de) It shall be prima-facie evidence of a violation of ~~this~~ subsections (a) and (b) for the operator of a vehicle to cross public or private property as provided herein without using the service of such property, stopping the engine or both. It shall be prima-facie evidence of a violation of subsection (c) for the operator of a vehicle to travel across a public street



without parking for the purpose of providing services or goods to a property along such public street, stopping the engine or both.

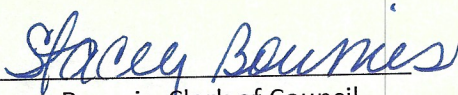
(ed) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is 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 or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

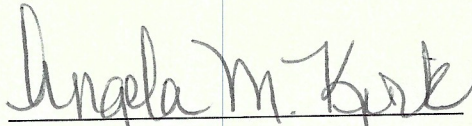
Section 2. Village Council hereby designates Chandler Avenue; Roggie Avenue; Canton Avenue; Mathews Avenue; Obetz Avenue; Hillcrest Avenue; Meriline Avenue; W Arcadia Avenue; and Marlboro Avenue as "No Through Traffic" public streets. In accordance with RC 4511.07(B), signs giving notice of the designation of such public streets as "No Through Traffic" streets shall be posted upon or at the entrances to such streets or parts of streets affected, as may be most appropriate.

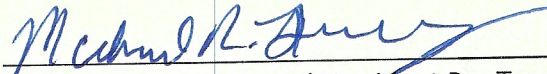
Section 3. Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that the amount of through traffic has increased dramatically; WHEREFORE, this Ordinance shall take effect and be in force immediately upon passage by Council.

Passed this 14 day of September, 2020


ATTESTS:

  
Stacey Boumis, Clerk of Council

  
Angela M. Kirk, Mayor

  
Michael Flaherty, Council President Pro Tem

APPROVED AS TO FORM

  
Stephen J. Smith, Esq., Law Director



CERTIFICATION OF PUBLICATION

Pursuant to the Village Charter, I, Stacey E. Boumis, Clerk of Council of the Village of Obetz, Ohio, do hereby certify that Ordinance 43-20 was duly posted at 4:00 PM (time) on the 15 day of September, 2020, at the ~~Obetz Government Center, Obetz Athletic Club, and Obetz Community Center,~~ as well as on the Obetz website.  
*closed due to pandemic*

Stacey Boumis  
Stacey Boumis, Clerk

9/15/20  
Date

