

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 10-10

INTRODUCED BY: Mayor Stefanik, Kasaris

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART FOUR TRAFFIC CODE, CHAPTER 438 SAFETY AND EQUIPMENT, SECTION 438.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS, AND DECLARING AN EMERGENCY

WHEREAS: The State of Ohio recently adopted legislation amending Section 4513.03 of the Ohio Revised Code, in particular requiring the display of lighted lights and illumination devices at any time when the windshield wipers of a vehicle are in use because of precipitation on the windshield; and

WHEREAS: The City would like to include this provision in the Codified Ordinances of the City of North Royalton; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part Four Traffic Code, Chapter 438 Safety and Equipment, Section 438.02 Lighted Lights; Measurement of Distances and Heights to provide for this provision.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Part Four Traffic Code, Chapter 438 Safety and Equipment, Section 438.02 Lighted Lights; Measurement of Distances and Heights of the Codified Ordinances of the City of North Royalton which currently reads as follows:

## 438.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.

(a) (1) Every vehicle upon a street or highway within this Municipality during the time from sunset to sunrise, and at any other time when there are unfavorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles, and substantial objects on the highway at a distance of 1,000 feet ahead, shall display lighted lights and illuminating devices as required by the provisions of this chapter, for different classes of vehicles; except that every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Director of Public Safety. No motor vehicle, during such times, shall be operated upon a street or highway within this Municipality using only parking lights as illumination.

(2) Whenever in this chapter a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, this distance shall be measured upon a straight level unlighted highway under normal atmospheric conditions unless a different condition is expressly stated.

(3) Whenever in this chapter a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

is hereby amended to hereinafter read as follows:

## 438.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.

(a) Every vehicle, other than a motorized bicycle, operated upon a street or highway within this municipality shall display lighted lights and illuminating devices as required by the provisions of this chapter during all of the following times:

(1) The time from sunset to sunrise,

(2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the highway are not discernible at a distance of one thousand feet ahead;

(3) At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield.

Every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Director of Public Safety. No motor vehicle, during any time specified in this section, shall be operated upon a street or highway within this municipality using only parking lights as illumination.

Whenever in such sections a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, such distance shall be measured upon a straight level unlighted highway under normal atmospheric conditions unless a different condition is expressly stated.

Whenever in such sections a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(a) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a street or highway within this municipality to stop the vehicle solely because the officer observes that a violation of division (a)(3) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that division, or causing the arrest of or commencing a prosecution of a person for a violation of that division.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

Section 2. Chapter 438 Safety and Equipment, Section 438.02 Lighted Lights; Measurement of Distances and Heights of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Chapter 438 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to amend Section 438.02 of the Codified Ordinances of the City of North Royalton in order to require the display of lighted lights and illumination devices at any time when the windshield wipers of a vehicle are in use because of precipitation on the windshield.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all 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.

/s/ Vincent A. Gentile  
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik  
MAYOR

DATE PASSED: January 19, 2010

DATE APPROVED: January 20, 2010

ATTEST: /s/ Laura J. Haller  
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended  
Second reading suspended  
Third reading January 19, 2010

YEAS: Gentile, Nickell, Petrusky, Willey,  
Marnecheck, Antoskiewicz, Kasaris

NAYS: none