

AN ORDINANCE TO DESIGNATE A PORTION OF LAKE ROAD AS A BUSINESS DISTRICT PURSUANT TO CODIFIED ORDINANCE SECTION 402.07 AND TO MODIFY THE SPEED LIMIT ON LAKE ROAD PURSUANT TO CODIFIED ORDINANCE SECTION 434.03 TO BE TWENTY-FIVE MILES PER HOUR (25 MPH) ONLY WITHIN THE BUSINESS DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, Section 434.03(a) of the Codified Ordinances of the City of Avon Lake (“C.O.”) provides that it is unlawful to operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard for the traffic, surface, and width of the street or highway and any other conditions; and

WHEREAS, C.O. Section 434.03(b)(1)(G)(2) provides that it is prima facie lawful for the operator of a motor vehicle to operate said vehicle at a speed not exceeding twenty-five miles per hour (25 mph) in all portions of the Municipality other than within a school zone, an alley, or on state routes or through highways outside of business districts; and

WHEREAS, C.O. Section 402.07 defines a “business district” as “territory fronting upon a street or highway, including the street or highway, between successive intersections within the Municipality, where 50% or more of the frontage between successive intersections is occupied by buildings in use for business, or within or outside the Municipality where 50% or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of the territory is indicated by official traffic-control devices.”

WHEREAS, a 1,512-foot section of Lake Road between 33368 Lake Road and 33525 Lake Road entirely within the municipal boundaries of the City and has at least 50% of the frontage between successive intersections occupied by buildings in use for business; and

WHEREAS, in accordance with its powers of self-governance as set forth in Chapter I, Section 2 of the Charter of the City of Avon Lake, and Article XVIII, Sections 3 and 7 of the Ohio Constitution, the City has the authority to designate the section of Lake Road starting at a point 417 feet east of Moore Road and ending at a point 1,095 feet west of Moore Road, for a total of 1,512 feet (0.29 miles), and as depicted on the map attached as Exhibit A, as a business district and adopt and enforce local Police and similar regulations affecting the health, safety, and welfare of its residents, including regulating the speed limit within the business districts of the City; and

WHEREAS, the City has determined that the maximum speed limit on portions of Lake Road outside of the business district should be raised to thirty-five miles per hour (35 mph).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Council hereby designates the section of Lake Road starting at a point of 417 feet east of Moore Road and ending at a point 1,095 feet west of Moore Road, for a total of 1,512 feet (0.29 miles), as depicted on the map attached as Exhibit A, as a business district.

Section No. 2: That Council hereby directs that the maximum speed limit on Lake Road within the business district be and is hereby twenty-five miles per hour (25 mph).

Section No. 3: That Council hereby directs that the maximum speed limit on Lake Road, other than within the business district lying, be, and is hereby thirty-five miles per hour (35 mph).

Section No. 4: That Council hereby directs that the twenty-five miles per hour (25 mph) speed limit within the business district of Lake Road be indicated by official traffic-control devices.

Section No. 5: That Council hereby directs that the thirty-five miles per hour (35 mph) speed limit on Lake Road outside of the business district be indicated by official traffic-control devices.

Section No. 6: That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 7: That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate preservation of the public health, safety, morals, convenience, and the general welfare of the community. Therefore, this Ordinance shall be in full force and effect from and immediately after passage and approval by the Mayor.

1<sup>st</sup> reading: 4/22/2024

2<sup>nd</sup> reading: 5/13/2024

3<sup>rd</sup> reading:

PASSED: 5/28/2024

/s/ Martin E. O'Donnell  
President of Council

POSTED: 5/31/2024

APPROVED: 5/30/2024

ATTEST: /s/ Valerie E. Rosmarin  
Clerk of Council

/s/ Mark A. Spaetzel  
Mayor