City of Lakewood
City Council

Council At Large
Sarah Kepple, President
Thomas R. Bullock III
Angelina Hamilton Steiner

Ward Council
Kyle Baker, Ward 1, Vice President
Bryan Evans, Ward 2
Cindy Strebig, Ward 3
Matthew Bixenstine, Ward 4

Noticed 11/10/26

PUBLIC NOTICE – COMMITTEE OF THE WHOLE

Committee of the Whole will meet Monday November 16, 2026 at 6:00 p.m. in the Auditorium at Lakewood City Hall, 12650 Detroit Ave. The meeting is open to the public.

The meeting will be livestreamed on the City's website.

The agenda is as follows:

Approval of the minutes of the November 9, 2026 Committee of the Whole.

ORDINANCE 30-2026 – AN ORDINANCE adopting the City's Active Transportation Plan, Safety Action Plan, Americans with Disabilities Act Transition Plan, Vision Zero policy and the transportation portions of its Climate Action Plan as part of the official plan of the City; and enacting new Sections 901.24, 1161.04 and 161.06 of the Codified Ordinances of the City of Lakewood, to require that the safety improvements those plans call for are in place before a public body or private applicant moves children onto new or longer walking routes, or onto routes that cross streets the City has identified as high-risk; and to take effect upon certification of the election or, if passed by Council in the form submitted, at the earliest time permitted by Section 2.12 of the Charter. *(referred to COW 11/2/2026)*

Communication from President Kepple and Vice President Baker regarding Citizen's Petition, Ordinance 30-2026 Due Diligence. *(referred to COW 11/2/2026)*

Communication from Vice President Baker, President Kepple and Councilmember Bixenstine introducing ordinances to create the Safe Routes to School Fund and allowing for school-zone traffic law photo-monitoring speed enforcement. *(referred to COW 11/2/2026)*

ORDINANCE 31-2026 - AN ORDINANCE to enact a new section of Chapter 129 of the Codified Ordinances of the City of Lakewood entitled the Safe Routes to School Fund, for school public safety related issues, including crossing guards, installation of improvements, infrastructure, and other safety measures to aid in safe routes to school, and other issues related to school safety both within schools and on routes to schools within the City of Lakewood. *(1st read and referred to COW 11/2/2026)*

ORDINANCE 32-2026 - AN ORDINANCE to establish photo monitoring devices for vehicular speed enforcement strictly within school zones in the City of Lakewood. *(1st read and referred to COW 11/2/2026)*

Sarah Kepple, Chair
COMMITTEE OF THE WHOLE

PUBLIC COMMENT PROTOCOL

The public is invited to comment on agenda items by submitting a written comment in advance of the meeting using the eComment platform. New users must create an eComment account. Committee Chairs may also accommodate in person public comment.

ADA PROTOCOL

Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Michelle Nochta at (216) 529-5906 or michelle.nochta@lakewoodoh.gov.

FULL TEXT OF THE PROPOSED ORDINANCE

ORDINANCE NO. [____]

AN ORDINANCE adopting the City's Active Transportation Plan, Safety Action Plan, Americans with Disabilities Act Transition Plan, Vision Zero policy and the transportation portions of its Climate Action Plan as part of the official plan of the City; and enacting new Sections 901.24, 1161.04 and 161.06 of the Codified Ordinances of the City of Lakewood, to require that the safety improvements those plans call for are in place before a public body or private applicant moves children onto new or longer walking routes, or onto routes that cross streets the City has identified as high-risk; and to take effect upon certification of the election or, if passed by Council in the form submitted, at the earliest time permitted by Section 2.12 of the Charter.

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF LAKEWOOD:

Section 1. Plans adopted.

(a) Under Section 7.2(e) of the Charter, the following plans, as they exist on the date the petition for this ordinance is filed, are adopted as part of the official plan of the City for public streets, sidewalks, crossings, signals and other transportation facilities: the Safe Streets for Lakewood Active Transportation Plan and Safety Action Plan (Resolution 2023-73); the portions of the Climate Action Plan (Resolution 2023-15) that address transportation and mobility; the portions of the Americans with Disabilities Act Self-Evaluation and Transition Plan (Resolution 2023-51) that address the public right-of-way; and the Vision Zero policy (Resolution 19-9063).

(b) These plans govern only public transportation facilities and the review of covered changes under Section 901.24. They set no standard for private property and impose no requirement, except as Sections 901.24 and 1161.04 expressly provide. A later amendment to any of these plans becomes part of the official plan only when adopted by ordinance.

Section 2. That new Section 901.24 of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

901.24 SAFE ROUTES READINESS.

(a) **Definitions.** In this section:

(1) "Child" means a person under the age of sixteen or a student enrolled in preschool through grade 10. For a school, preschool or child care center, the thresholds in subsection (b)(1) hereof are measured by its students enrolled in preschool through grade 10, using enrollment and residence data by grade.

(2) "Destination" means a school, preschool, child care center licensed by the State of Ohio, Cove Community Center, park or public library.

(3) "High-risk street" means each corridor listed in Table 7 of the Safety Action Plan, within the limits listed there; Lake Avenue; and any street Council adds by ordinance.

(4) "Plans" means the plans adopted by Section 1 of the ordinance enacting this section, as amended by ordinance.

(5) "Public body" means the State, any political subdivision, board of education, library board or other public agency, including the City. "Private applicant" means any other person that applies for a City permit, certificate, approval, agreement or funding.

(6) "The Engineer" means the City Engineer, and "the Commission" means the Planning Commission.

(b) **Covered changes.**

(1) A decision of a public body or private applicant is a covered change if it opens, closes, consolidates, relocates or repurposes a destination, or changes the area whose residents are assigned to or given priority for a destination, and as a result:

A. 50 or more children would newly walk along or cross a high-risk street;

B. 50 or more children would have a walking route 0.25 mile or more longer; or

C. 100 or more children would be reassigned to, or newly use, a different destination.

(2) A change in enrollment is not a covered change unless it results from a decision described in paragraph (1) hereof.

(3) A private applicant's decision concerning the operation, enrollment, programs, buildings or access of a destination on parcels it used for that destination on the effective date of this section is not a covered change. A private applicant's decision is otherwise a covered change only if it requires a City permit, certificate, approval, agreement or funding.

(4) Within 10 days after a public body announces a decision that may be a covered change, the Director of Public Works shall request from it boundary maps, enrollment by grade, the planned first day of operation and the status of any School Travel Plan for each affected school, shall offer City assistance in updating that plan, and shall send a copy of the request to the Ohio Department of Transportation. A private applicant shall supply the same information with its application.

(5) Within 30 days after the decision is announced or the application is filed, the Engineer shall determine in writing whether it is a covered change and identify the walking routes children will use as a result ("affected routes"), relying on published boundaries, enrollment, City data and reasonable estimates, and not on records identifying individual students. A lack of information shall not delay the determination. For a decision made before the effective date of this section, the periods in this subsection and in subsection (e) hereof run from that effective date.

(c) **Compliance.** A covered change is in compliance when the Engineer certifies in writing, before the first day children are scheduled to attend or use the destination under the change ("first day of operation"), that paragraph (1) or (2) hereof, and paragraph (3) hereof, are satisfied.

(1) **Plan improvements.** Every crossing, signal, traffic-calming device, sidewalk, curb ramp, accessible signal, lighting or other improvement that the Active Transportation Plan or Safety Action Plan lists for the affected routes, and every High or Medium priority item the Americans with Disabilities Act Transition Plan lists for them, is built and operating. An improvement a plan lists only for consideration is required where the Engineer, with the Commission's concurrence, so finds. At each crossing of a high-risk street on an affected route rated Pedestrian Crossing Level of Traffic Stress 3 or 4 under the Active Transportation Plan, an improvement of a type the plans prescribe is also built and operating that brings the rating to 2 or lower. If the Engineer finds in writing that no such improvement can bring a crossing to 2 or lower, stating the reasons and the alternatives considered, the improvement of that type that achieves the lowest rating the Engineer finds feasible is built and operating instead.

(2) **Mitigation plan.** Instead of paragraph (1) hereof, the public body or private applicant has carried out a mitigation plan that the Engineer, with the Commission's concurrence, finds leaves conditions on the affected routes no worse than on the date the change was first announced or applied for, and better on at least two, measured by: crossings of high-risk streets by children at locations without a signal or pedestrian hybrid beacon; children using high-risk streets; average walking distance; crossings rated Pedestrian Crossing Level of Traffic Stress 3 or 4, and length of affected routes on segments rated Bicycle Level of Traffic Stress 3 or 4, applying the Active Transportation Plan's methodology with the mitigation measures in place; and missing curb ramps, accessible signals or sidewalks identified in the Americans with Disabilities Act Transition Plan. Only physical, signal and route improvements, boundary changes and transportation services count; a transportation service does not count toward walking distance, and crossing guards and police count only as interim measures. A mitigation plan also requires Council approval, by ordinance after a public hearing, if the change meets two or more thresholds in subsection (b)(1) hereof, relies on a transportation service, or increases average walking distance, and an increase in walking distance may be approved only if every improvement required by paragraph (1) hereof is built on each route that gets longer. The Commission shall act within 60 days after submission.

(3) **Crossing guards and police.** Funding and staffing are in place so that, from the first day of operation, a staffed crossing guard post serves each crossing of a high-risk street on an affected route and each other crossing the Engineer finds needs one, and police traffic support sized to the affected routes by the Engineer and the Chief of Police serves those routes.

(d) **Existing protection.** Nothing in this section withholds or reduces any crossing guard, signal operation, sign, marking, temporary traffic-control device or police traffic assignment on a route children use. Until certification, the Engineer shall place interim measures wherever a required improvement is not yet in place.

(e) **Cost, schedule and funding.**

(1) Within 45 days after determining a covered change, the Engineer shall publish a list of every improvement and operating measure required by subsection (c) hereof, and every measure in any mitigation plan, with its cost, schedule, each funding source for which it is eligible and the earliest date each source could pay, stating where only City funds could be available before the first day of operation. The Engineer shall update the list within 30 days after any later mitigation plan is submitted.

(2) With the list, the Engineer shall publish an estimate of the change in daily vehicle trips, vehicle miles traveled and transportation emissions, compared with conditions when the change was first announced and with the Climate Action Plan, and of the change in children's exposure to the risk of traffic death or serious injury, compared with the Vision Zero policy. The estimate is for information and findings only and is not a condition of certification.

(3) Within 15 days after the list is published or updated, the Director of Finance, after consulting the Mayor, shall submit to Council a supplemental appropriation for the interim measures, operating measures and other improvements scheduled before the first day of operation, and shall include the remaining costs in the next annual estimate and five-year capital plan under Sections 5.5 and 5.7 of the Charter. Funding may come from any lawful source, including City capital funds, state and federal grants, and service payments under Ohio Revised Code Section 5709.40 for public infrastructure improvements that directly benefit the parcels from which they are collected.

(f) **City actions held.** Until certification or a waiver, no officer, board or commission of the City shall issue, approve or enter into any of the following to the extent it serves a covered change: a right-of-way, street opening or occupancy permit; a traffic designation, such as a loading zone, parking or turn restriction or change in traffic direction; a joint-use agreement, lease or license; City funding, a grant or an in-kind contribution; or a new or amended tax increment financing ordinance or agreement, or a school compensation agreement under Ohio Revised Code Section 5709.82. This subsection applies from the effective date of this section to any decision that meets a threshold in subsection (b)(1) hereof, whether or not the determination has been made. It does not apply to an action that provides for an improvement the plans identify, a mitigation measure, an interim measure, a crossing guard or police measure under subsection (c)(3) hereof or existing protection; to police, fire and emergency medical services; to work addressing an imminent threat to public health or safety; to use of a public way by a public utility, cable operator, operator or video service provider as defined in Ohio Revised Code Section 4939.01; to a traffic designation that adds protection for pedestrians; to a ministerial duty required by state law; or to a contract in effect on the effective date of this section.

(g) **Waiver.** Only Council may waive any requirement of this section, in whole or in part, and only by ordinance adopted after a public hearing, with notice published at least 10 days in advance, by the affirmative vote of two-thirds of all members. The ordinance shall appropriate the full estimated cost of each waived improvement, set a completion date for each, identify the interim measure at each affected location and state Council's findings on the estimate under subsection (e)(2) hereof. It is subject to the Mayor's veto. No other officer, board or commission may waive, suspend or modify any requirement of this section. Until every waived improvement is complete, no tax increment financing ordinance or agreement, and no school compensation agreement, covering a parcel within one-quarter mile of the affected routes shall be approved unless it first funds the remaining waived improvements that qualify as public infrastructure improvements under Ohio Revised Code Section 5709.40.

(h) **Public bodies.** The Commission shall review a covered change proposed by a public body as provided in Section 7.2(g) or (h) of the Charter, as applicable, and Ohio Revised Code Section 713.02. Within 60 days after the change is submitted or referred, the Commission shall issue a written finding on whether the change is consistent with the official plan, addressing the estimate under subsection (e)(2) hereof and stating whether certification has been made. A public body's vote to overrule the Commission does not satisfy, waive or suspend any requirement of this section, which governs actions of the City alone. If a public body does not submit a covered change, the Engineer's determination governs.

(i) **General provisions.**

(1) The Engineer shall post each request, determination, list, certification, finding and waiver under this section on the City website within 3 business days.

(2) This section applies to every covered change whose first day of operation falls after the effective date of this section, regardless of when the decision was made.

(3) Each duty imposed by this section is a clear legal duty of the official named, enforceable as provided by law.

(4) Except to the extent Ohio law subjects a public body to the Planning and Zoning Code, nothing in this section regulates the authority of a board of education to set attendance boundaries, assign pupils, or operate, open, close, consolidate, relocate or repurpose school facilities, and nothing in it conditions the approval of building plans or inspections under Chapters 3781. and 3791. of the Revised Code. This section governs only the exercise of municipal powers.

Section 3. That new Section 1161.04 of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

1161.04 USES THAT ARE PART OF A COVERED CHANGE.

No conditional use permit shall be approved, and no certificate of code compliance shall be issued, for the use or occupancy of a destination that a covered change under Section 901.24 opens, consolidates, relocates or repurposes, including a school, preschool or child care use in the C4 Public School District, unless the City Engineer has certified compliance under Section 901.24(c) or Council has granted a waiver under Section 901.24(g). This standard applies in addition to the criteria of Section 1173.02, whichever listed use the Planning Commission finds the proposed use most resembles under Sections 1171.03 and 1173.03.

Section 4. That new Section 161.06 of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

161.06 COMMENT ON COVERED CHANGES. The City Engineer shall refer each determination, list or certification under Section 901.24, and the Clerk of Council shall refer each proposed waiver, to the Complete and Active Streets Education & Advisory Board, which may submit written comment within 21 days after publication, or before Council's public hearing on a waiver. The Engineer and Council shall include any comment in the record. Referral does not extend any deadline or delay any determination, list, certification or hearing under Section 901.24, and if the Board does not comment within the time allowed, the matter proceeds without its comment.

Section 5. The Director of Law may assign subsection letters and paragraph numbers, and conform cross-references, in codifying this ordinance, without changing its substance.

Section 6. If any section, subsection, sentence or application of this ordinance is held invalid, the remainder shall remain in effect. Subsections 901.24(f) and (g) and Section 3 of this ordinance are each severable from one another and from the rest of this ordinance.

Section 7. This ordinance shall take effect upon certification of the results of the election at which it is approved by the electors or, if passed by Council in the form submitted, at the earliest time permitted by Section 2.12 of the Charter. Section 1161.04 applies to every permit, certificate and approval not issued before that effective date, including any for which an application is pending on that date.

City of Lakewood
City Council

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Angelina Hamilton Steiner

Ward Council
Kyle Baker, Ward 1, Vice President
Bryan Evans, Ward 2
Cindy Strebig, Ward 3
Matt Bixenstine, Ward 4

Nov 2nd, 2026

Lakewood City Council
Lakewood, Ohio

RE: Citizen's Petition, Ordinance 30-2026 Due Diligence

Dear Colleagues,

As you know, we as a legislative body and as a city have been working from a variety of angles to address multi-modal safety. After significant research and input from a stakeholder group including members of the public and Vice President Baker, City Council passed the Active Transportation Plan (ATP) and Safe Streets for Lakewood Safety Action Plan in 2024. These plans lay out the steps to reach the goal of zero traffic deaths and serious injuries by 2038. President Sarah Kepple also served on the ADA Transition Plan Task Force and helped steer the plan to include rights-of-way evaluation.

We also co-sponsored two additional pieces of legislation around multi-modal safety as well - the Complete Streets and Complete and Active Street Education & Advisory Board (CASE) ordinances. City Council has prioritized funding for infrastructure projects and programs that help make it safer to walk and bike to school, and the Administration has been making headway on implementing infrastructure improvements laid out in these plans to make our rights-of-way safer and more accessible for users of all ages and abilities.

Given our ongoing focus on achieving the highest level of multi-modal safety, we are appreciative of the passion and support of residents who share these same goals. We're pleased to see that the citizen petition docketed this evening as Ordinance 30-2026 appears to embrace these plans as supportive of these goals and particularly safe routes for children.

Next Steps:

Per the Charter, once the Clerk of Council has submitted a citizen's petition to Council, it shall be referred to an appropriate committee. As this topic is of significant interest to all members of Council, I anticipate that committee referral to be to Committee of the Whole.

According to section 9.2(f) of the Charter, "The committee shall then report the proposed legislation to council with its recommendation, not later than the third regular meeting of council following that at which the proposed legislation was submitted to council by the clerk." The third regular meeting after today's introduction is December 21, 2026.

As Council will simultaneously be holding budget hearings for the 2027 budget, and the Administration has also requested a vote on a significant real estate investment in two weeks, City Council and the Administration have a tight timeline to do our due diligence to consider this proposed legislation. In order to meet both our time deadline and our legislative and fiduciary responsibility to make informed decisions, we request the following written, public reports be submitted to councilmembers through the Clerk of Council by no later than the docket deadline prior to the first Committee of the Whole meeting at which this is

docketed, which would normally be Wednesday, Nov 11th at 5pm, but due to the Veteran's Day holiday may be extended to Thursday, Nov 12th at 1:00pm.

- Written report from the Law Department including but not limited to alignment with the Ohio Revised Code, Ohio law, and Charter, and a draft substitute removing any potential misalignment that would make the petition otherwise ineligible for consideration under Charter section 9.2.(a) or other section.
- Written report from the Mayor/Public Safety Director including but not limited to impact on overall city operations, public safety operations, and suggestions for any related amendments or recommendations regarding adoption.
- Written report from the Public Works Department, particularly City Engineer, including but not limited to impact on cost (both operating and capital), engineering operations, alignment with other duties as laid out by the Ohio Revised Code, Ohio law, and Charter, and suggestions for any related amendments or recommendations regarding adoption.
- Written report from the Housing and Building Commissioner regarding impact on building department operations, alignment with Ohio Revised Code, Ohio law, and Charter, and suggestions for any related amendments or recommendations regarding adoption.
- Written report from Finance regarding impact on city budget and finance operations (both capital and operating) along with suggestions for any related amendments or recommendations regarding adoption.
- Written report from Planning Department regarding impact on planning operations, particularly Planning Commission along with suggestions for any related amendments or recommendations regarding adoption.

We request that the Directors and any addition relevant staff of each department listed attend the Committee of the Whole meetings scheduled on this topic. Following our signatures is a tentative schedule of upcoming council meetings.

We welcome and encourage members of the public to attend committee meetings in person, watch the livestream, or watch the video recording. Public comment is typically welcomed at committee meetings barring time constraints and always welcomed at full council meetings. We also invite the sponsors of proposed Ordinance 30-2026 to meet with us to discuss how we can work together to achieve our shared goals.

Sincerely,

Sarah Kepple
President of Council, Member at Large

Kyle Baker
Vice President of Council
Member of Council, Ward 1

City Council Tentative Year End Schedule:

Date/ Time	Meeting	Topic
Nov 9th 7:00-8:30pm	Committee of the Whole	Franklin Playground Purchase Agreement *Some of this meeting may be held in executive session under ORC 121.22(G)(2)
Nov 16th 6:00-7:30pm	Committee of the Whole	Ordinance 30-2026
Nov 16th 7:30pm	Regular Meeting of Council	
Nov 23rd 6:00-8:45pm	Finance Committee	2027 Budget
Nov 30th 6:00-8:00pm	Committee of the Whole	Ordinance 30-2026
Dec 7th 5:45-7:30pm	Finance Committee	2027 Budget
Dec 7th 7:30pm	Regular Meeting of Council	
Dec 14th 6:00-9:00pm	Finance Committee	2027 Budget
Dec 21st 6:30-7:30	Finance Committee	2027 Budget
Dec 21st 7:30pm	Regular Meeting of Council	2027 Budget and COW report on Ord 30-2026 due

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November 2, 2026

Lakewood City Council
Lakewood, Ohio

Re: Introduction of Ordinances Creating the Safe Routes to School Fund and Allowing for School-Zone Traffic Law Photo-Monitoring Speed Enforcement

Dear Colleagues,

Lakewood's identity as a walkable community is one of our greatest strengths. Our children walk and bike to school, families travel on foot to neighborhood destinations, and residents of all ages rely on our sidewalks and streets every day. Preserving that unique character requires a continued commitment to making our streets safe for everyone, particularly our children.

The City has already taken important steps toward the goal of student walking and biking safety through its Safe Streets for Lakewood Active Transportation Plan, adopted in April 2024, its Safety Action Plan, its Complete Streets Ordinance, and the creation of the Complete and Active Streets Education & Advisory Board (CASE). These efforts establish a clear vision for a community where walking and biking are safe, accessible, and practical transportation options for residents of all ages and abilities.

The included proposed ordinances before Council build upon those commitments by addressing school-zone speeding and establishing a dedicated funding mechanism for safe routes to school and school safety.

The first ordinance establishes a school-zone photo-monitoring program. It would authorize the use of traffic law photo-monitoring devices to enforce posted school-zone speed limits, subject to applicable state law. The intent is to encourage compliance with existing speed limits and provide an additional tool to protect students, crossing guards, school personnel, and other roadway users.

The second ordinance establishes a Safe Routes to School Fund. This legislation would create a dedicated City fund to receive civil fines collected for school-zone speeding violations, along with any additional amounts appropriated by Council. Money in the Safe Routes to School Fund could be used only for school public-safety purposes, including crossing guards, infrastructure and other safety improvements, and measures supporting safe routes to school and school safety within Lakewood.

These ordinances are intended to work together. The first provides an enforcement tool to address dangerous speeding in school zones; the second ensures that school-zone speeding civil fines are directed toward a dedicated fund for school safety rather than becoming unrestricted City revenue. Together, they connect enforcement with tangible investments in the safety of Lakewood's children.

The need for continued action is clear. Lakewood's Active Transportation Plan reports that the School District does not provide student busing and that 60% of surveyed caregivers indicated their children walk or bike to school at least sometimes during the school year. Among the 758 caregivers surveyed, 61% identified intersection and crossing safety as a concern affecting whether they allow their children to walk or bike to school, while 45% identified traffic speeds along their children's routes as a concern.

While Lakewood Police do a tremendous job keeping all of us safe in the City of Lakewood, they cannot be everywhere all the time and cite every car speeding in a school zone. Moreover, the typical school zone hours are during shift changes and other times of high calls for service. At a Public Safety Committee Meeting in January 2023, the Administration presented information (from one data set) that indicated that as many as 89% of drivers in the Lincoln School Zone and 59% of drivers in the Emerson School Zone were over the school zone speed limit in the morning (8 am to 9 am) during a December 2022 data collection. That same meeting and data collection highlighted that as many as 83% of drivers in the Lincoln School Zone and 71% of drivers in the Emerson School Zone were over the school zone speed limit in the afternoon (3 pm to 4 pm). While this was just one set of speed data collection, it does begin to show a trend; one that will not get better with many students switching elementary schools during the 2027-2028 school year and walking along new and potentially unfamiliar routes.

These proposals are not a substitute for thoughtful street design, crossing guards, education, traffic calming, traditional police enforcement, or other infrastructure improvements. Rather, they are intended to complement those efforts and provide another means of advancing the City's existing traffic-safety commitments.

I look forward to working with my colleagues, the Administration, and our residents to ensure that Lakewood continues to make meaningful progress toward safer streets and safe routes to school for every child in our community.

Sincerely,

Kyle G. Baker
Vice President of Council
Council Member – Ward 1

Sarah Kepple
President of Council
Council Member at Large

Matt Bixenstine
Councilmember – Ward 4

ORDINANCE NO. 31-2026 BY: BAKER, BIXENSTINE, KEPPLE

AN ORDINANCE to enact a new section of Chapter 129 of the Codified Ordinances of the City of Lakewood entitled the Safe Routes to School Fund, for school public safety related issues, including crossing guards, installation of improvements, infrastructure, and other safety measures to aid in safe routes to school, and other issues related to school safety both within schools and on routes to schools within the City of Lakewood.

WHEREAS, the City of Lakewood has long embraced its identity as a walkable community, where children and families routinely travel on foot or by bicycle to neighborhood schools, parks, libraries, and other destinations; and

WHEREAS, Lakewood's Safe Streets for Lakewood Active Transportation Plan, adopted April 15, 2024 ("Active Transportation Plan"), identifies the safety and comfort of pedestrians and bicyclists as central community priorities, including the goal of eliminating fatal and serious-injury crashes involving people walking and bicycling; and

WHEREAS, the Active Transportation Plan reports that the Lakewood City School District does not provide student busing and that 60% of caregivers surveyed indicated their children walk or bicycle to school at least sometimes during the school year, making safe streets and crossings especially important to Lakewood residents; and

WHEREAS, the Active Transportation Plan's survey of 758 caregivers identified the safety of intersections and crossings as a concern affecting decisions to allow children to walk or bicycle to school for 61% of respondents, while 45% identified the speed of traffic along their child's route as a concern; and

WHEREAS, at a Public Safety Committee Meeting in January 2023, the Administration presented information (from one data set) that indicated that as many as 89% of drivers in the Lincoln School Zone and 59% of drivers in the Emerson School Zone were over the school zone speed limit in the morning (8 am to 9 am) during a December 2022 data collection; and

WHEREAS, at a the same meeting, the Administration presented information (from one data set) that indicated that as many as 83% of drivers in the Lincoln School Zone and 71% of drivers in the Emerson School Zone were over the school zone speed limit in the afternoon (3 pm to 4 pm) during a December 2022 data collection; and

WHEREAS, school zones are locations where children will likely be crossing streets, walking along roadways, and entering or leaving school grounds, and where compliance with posted speed limits is essential to protecting students, crossing guards, school personnel, and other roadway users; and

WHEREAS, the City has adopted a comprehensive approach to street safety through its Active Transportation Plan, Safety Action Plan, Complete Streets Ordinance, Complete and Active Streets Advisory Board, and traffic-calming initiatives, and the use of traffic law photo-monitoring

devices in school zones would provide an additional tool to encourage compliance with established speed limits and advance these existing safety commitments; and

WHEREAS, the City has authorized a school-zone photo-monitoring program, subject to applicable Ohio law, which is intended to promote safer driving behavior and reduce the risks posed by excessive vehicle speeds in areas where children travel; and

WHEREAS, the City's traffic law photo-monitoring program allows the issuance if civil violations in school zones and such civil violations may produce funds that the City will restrict to uses related to safe routes to school and school safety; now, therefore,

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Establishment. There is hereby established a Fund which shall be known and referred to as the Safe Routes to School Fund. The Director of Finance is hereby authorized and directed forthwith to take such action and to make such records as may be necessary to establish the Safe Routes to School Fund and thereafter to show its existence and condition at all times upon the proper records of the City.

Section 2. Money for Safe Routes to School Fund. There shall be paid directly into the Safe Routes for Schools Fund, when and as received, all money received by the City of Lakewood as civil fines for speeding in school zones, from any precursor statute that allowed and collected such fines, and all money appropriated to the Safe Routes to School Fund by Council from whatever source acquired.

Section 3. Authorized Expenditures. The Safe Routes to School Fund shall be used only for the expense of [school public safety related issues, including crossing guards, installation of improvements, infrastructure, and other safety measures to aid in safe routes to school, and other issues related to school safety both within the schools and on routes to schools within the City of Lakewood].

Section 4. Custody of Safe Routes to School Fund. The Director of Finance shall have possession and custody of the Safe Routes to School Fund and the supervision of all accounts with respect thereto. No further bond shall be required of the Director of Finance because of the Safe Routes to School Fund, but the Safe Routes to School Fund shall be under the protection of any bond that may be given hereafter by the Director of Finance.

Section 5. 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 such 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.

Section 6. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least two thirds of the members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted:_____

_____
Sarah Kepple, President of Council

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Maureen M. Bach, Clerk of Council

Approved:_____

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Meghan F. George, Mayor

ORDINANCE NO. 32-2026 BY: BAKER, BIXENSTINE, KEPPLE

AN ORDINANCE to establish photo monitoring devices for vehicular speed enforcement strictly within school zones in the City of Lakewood.

WHEREAS, the City of Lakewood has long embraced its identity as a walkable community, where children and families routinely travel on foot or by bicycle to neighborhood schools, parks, libraries, and other destinations; and

WHEREAS, Lakewood's Safe Streets for Lakewood Active Transportation Plan, adopted April 15, 2024 ("Active Transportation Plan"), identifies the safety and comfort of pedestrians and bicyclists as central community priorities, including the goal of eliminating fatal and serious-injury crashes involving people walking and bicycling; and

WHEREAS, the Active Transportation Plan reports that the Lakewood City School District does not provide student busing and that 60% of caregivers surveyed indicated their children walk or bicycle to school at least sometimes during the school year, making safe streets and crossings especially important to Lakewood residents; and

WHEREAS, the Active Transportation Plan's survey of 758 caregivers identified the safety of intersections and crossings as a concern affecting decisions to allow children to walk or bicycle to school for 61% of respondents, while 45% identified the speed of traffic along their child's route as a concern; and

WHEREAS, vehicle speed is a significant factor in both the likelihood and severity of pedestrian crashes, with the National Highway Traffic Safety Administration recognizing that pedestrian injury and fatality risk increases substantially as impact speeds rise above approximately 20 to 25 miles per hour; and

WHEREAS, at a Public Safety Committee Meeting in January 2023, the Administration presented information (from one data set) that indicated that as many as 89% of drivers in the Lincoln School Zone and 59% of drivers in the Emerson School Zone were over the school zone speed limit in the morning (8 am to 9 am) during a December 2022 data collection; and

WHEREAS, at that same meeting, the Administration presented information (from one data set) that indicated that as many as 83% of drivers in the Lincoln School Zone and 71% of drivers in the Emerson School Zone were over the school zone speed limit in the afternoon (3 pm to 4 pm) during a December 2022 data collection; and

WHEREAS, school zones are locations where children will likely be crossing streets, walking along roadways, and entering or leaving school grounds, and where compliance with posted speed limits is essential to protecting students, crossing guards, school personnel, and other roadway users; and

WHEREAS, the City has adopted a comprehensive approach to street safety through its Active Transportation Plan, Safety Action Plan, Complete Streets Ordinance, Complete and Active Streets Advisory Board, and traffic-calming initiatives, and the use of traffic law photo-monitoring

devices in school zones would provide an additional tool to encourage compliance with established speed limits and advance these existing safety commitments; and

WHEREAS, the establishment of a school-zone photo-monitoring program, subject to applicable Ohio law and appropriate procedures for review and contesting alleged violations, is intended to promote safer driving behavior and reduce the risks posed by excessive vehicle speeds in areas where children travel; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO

Section 1. That new Section XXX.XX, Traffic Law Photo-Monitoring Devices, of the Lakewood Codified Ordinances is hereby enacted to read as follows:

XXX.XX TRAFFIC LAW PHOTO-MONITORING DEVICES.

(a) **Definitions**. As used in this section, the meanings of applicable terms are as defined in R.C. 4511.092. In addition, the term "System" may be used interchangeably with the term "Traffic Law Photo-Monitoring Device."

a. The definition of "School Zone" shall have the same as outlined in Lakewood Codified Ordinances Section 333.03.

(b) **Civil Enforcement System Established**.

(1) General. The City hereby adopts the use of Traffic Law Photo-Monitoring devices to detect and enforce violations of applicable speed limits in school zones. The City shall operate this System in compliance with all pertinent requirements and limitations set forth in the portions of R.C. Chapter 4511 that are constitutional and applicable Ohio Law.

A violation of this section shall be deemed a civil violation for which a fine is assessed. No points shall be assessed against the operating record of any person on whom liability is imposed under this section.

(2) Prerequisites to System Deployment. The Director of Public Safety shall ensure the lawful requirements of R.C. 4511.094, R.C. 4511.095, and any other lawful state or federal law are met prior to deploying any traffic law photo-monitoring device.

(3) System Locations. Traffic law photo-monitoring devices may be deployed in any area used as a school zone in the City.

(4) Program Oversight. The Director of Public Safety shall oversee the program authorized by this section. The Public Works Director shall oversee the installation and maintenance of all traffic law photo-monitoring devices by a vendor.

(5) Rules and Regulations. The Director of Public Safety shall issue rules and regulations to carry out the provisions of this section, which shall be effective 30 days after being communicated to Council through a docket communication. The rules and regulations must also be published on the City website and kept on file

with the Director of Public Safety. If the City deploys any traffic law photo-monitoring devices in a School Zone in the City, the Director of Public Safety shall provide an annual report to Council through a docket communication that outlines the program, traffic law photo-monitoring device locations, revenues and expenses of the program and other related and relevant information.

(c) **Offense**.

(1) Speeding Violation; Civil Fine. The registered owner of a vehicle that is recorded by a traffic law photo-monitoring device being operated in a school zone at a speed greater than five miles per hour over the speed limit set forth in Section 333.03(b) of these Codified Ordinances is liable for the following civil penalties:

A. Six to nine miles per hour over the speed limit: $100.

B. Ten miles per hour or more over the speed limit: $200.

(2) Evidence of Ownership. It is prima facie evidence that the person registered as the owner of the vehicle with the Ohio Bureau of Motor Vehicles, or with any other State vehicle registration office, was operating the vehicle at the time of the offense set out in division (c)(1) of this section.

(3) Issuing Ticket. Any ticket for a traffic violation set forth in this section shall be issued in compliance with R.C. 4511.096, as follows:

A. A Lakewood police officer shall examine evidence of alleged traffic law violations recorded by the system to determine whether a violation has occurred. If the image(s) recorded by the traffic law photo-monitoring device shows a violation, contains the date and time of the violation, and shows the letter and numerals on the license plate of the vehicle involved as well as the state that issued the license plate, the officer may use any lawful means to identify the registered owner.

B. Within 30 days of the traffic law violation, the City or its designee will file the ticket with the Lakewood Municipal Court in compliance with the Court's rules and regulations relating to such tickets. The Court may then issue and send by regular mail or other methods consistent with the Court's rules, a ticket charging the registered owner with the violation.

C. A certified copy of the ticket alleging a traffic law violation, sworn to or affirmed by a Lakewood police officer, including by electronic means, and the recorded images produced by the traffic law photo-monitoring device, is prima facie evidence of the facts contained therein and is admissible in a proceeding for review of the ticket issued under this section.

(4) Content of Ticket. Any ticket issued pursuant to this section shall contain the following information, in accordance with R.C. 4511.097:

A. The name and address of the registered owner;

B. The letters and numerals appearing on the license plate on the motor vehicle;

C. The traffic law violation charged;

D. The system location;

E. The date and time of the violation;

F. A copy of the recorded images;

G. The amount of the civil penalty imposed, the date by which the civil penalty is required to be paid, and the address to which the payment is to be sent;

H. A statement signed by a Lakewood police officer indicating that, based on an inspection of recorded images, the motor vehicle was involved in a traffic law violation, and a statement indicating that the recorded images are prima facie evidence of that traffic law violation both of which may be signed electronically;

I. Information advising the person or entity alleged to be liable of the options prescribed in division (d)(1) of this section, specifically to include the time, place, and manner in which an appeal may be initiated and the procedure for disclaiming liability by submitting an affidavit as prescribed in that subsection;

J. A warning that failure to exercise one of the options prescribed in division (d)(1) of this section is deemed to be an admission of liability and waiver of the opportunity to contest the violation.

(5) Payments; Default Fees. The amount of the penalty shall be paid within 30 days from the receipt of the ticket. If the amount of the penalty is not paid within this time, twenty dollars ($20.00) shall be imposed as a default fee. Failure to pay the penalty and the twenty-dollar ($20.00) default fee within 60 days from the date of mailing of the ticket will result in the imposition of an additional twenty-dollar ($20.00) default fee, bringing the default fee to forty dollars ($40.00). Failure to pay the penalty and the forty-dollar ($40.00) default fee within 90 days from the date of mailing of the ticket will result in the unpaid penalty and default fee being forwarded for collection.

(6) Default and Collection. Failure to timely elect and perform one of the options contained in division (d)(1) of this section shall constitute an admission of the violation and a waiver of the opportunity to contest the violation. Further, if the registered owner or operator fails to pay the penalty within the period set forth in division (c)(5) of this section, the penalty, along with the additional late fee(s), may be collected by civil suit or other appropriate means of collection.

(7) Other Offenses and Penalties Not Abrogated. Nothing in this section shall be construed as altering or limiting Sections 333.03 or 313.03 of these Codified Ordinances, the criminal penalties imposed by those sections, or the ability of a police officer to enforce those sections against any offender observed by the officer violating either of those sections. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of division (c)(1) of this section.

(d) Contesting Ticket.

(1) Options Upon Receipt of Ticket. Consistent with R.C. 4511.098, a recipient of a ticket shall elect to do one of the following:

A. In accordance with instructions on the ticket, within 30 days after receipt of the ticket, pay the civil penalty, thereby failing to contest liability and waiving the opportunity to contest the violation;

B. Within 30 days after receipt of the ticket, provide the Court with either of the following affidavits:

1. An affidavit executed by the registered owner stating that another person was operating the vehicle of the registered owner at the time of the violation, identifying that person as a designated party who may be held liable for the violation, and containing at a minimum the name and address of the designated party;

2. An affidavit executed by the registered owner stating that at the time of the violation, the motor vehicle or the license plates issued to the motor vehicle were stolen and therefore were in the care, custody, or control of some person or entity to whom the registered owner did not grant permission to use the motor vehicle. In order to demonstrate that the motor vehicle or the license plates were stolen prior to the traffic law violation and therefore were not under the control or possession of the registered owner at the time of the violation, the registered owner shall submit proof that a report about the stolen motor vehicle or license plates was filed with the appropriate law enforcement agency prior to the violation or within 48 hours after the violation occurred.

C. If the recipient is the registered owner of the motor vehicle involved in the traffic law violation and is a motor vehicle leasing dealer or a motor vehicle renting dealer, the recipient shall within 30 days after receipt of ticket notify the Court of the name and address of the lessee or renter of the motor vehicle at the time of the traffic law violation. A motor vehicle leasing dealer or motor vehicle renting dealer who receives a ticket for an alleged traffic law violation detected by a traffic law photo-monitoring device is not liable for a ticket issued for a motor vehicle that was in the care, custody, or control of a lessee or renter at the time of the alleged violation. The dealer shall not pay such a ticket and subsequently attempt to collect a fee or assess the lessee or renter a charge for any payment of such a ticket made on behalf of the lessee or renter;

D. If the recipient is the registered owner of the motor vehicle involved in the traffic law violation and the motor vehicle is a commercial motor vehicle, and the ticket is issued to a corporate entity, the recipient shall within 30 days after receipt of ticket, provide to the Court an affidavit, sworn to or affirmed by an agent of the corporate entity, that provides the name and address of the employee who was operating the motor vehicle at the time of the alleged violation and who is the designated party;

E. Contest the ticket by filing a written request with the Court for a hearing. The person or entity shall file the written request not later than 30 days after receipt of the ticket. The failure to request a hearing within this time period constitutes a waiver of the right to contest the violation and ticket, and is deemed to constitute an admission of liability and waiver of the opportunity to contest the violation.

(2) A registered owner is not responsible for a traffic law violation if, within 30 days after the date of receipt of the ticket, the registered owner furnishes an affidavit specified in division (d)(1)B or (d)(1)D of this section to the Court in a form established by the Court and the following conditions are met:

A. If the registered owner submits an affidavit as specified in division (d)(1)B.1 or (d)(1)D. of this section, the designated party either accepts liability for the violation by paying the civil penalty or fails to request a hearing within 30 days or is determined liable at hearing;

B. If the registered owner submits an affidavit as specified in division (d)(1)B.2 of this section, the affidavit is supported by a stolen vehicle or stolen license plate report as required in that division.

(3) If the Court timely receives an affidavit described in division (d)(l)B.1 or (d)(1)D. of this section or a notification under division (d)(1)C. of this section from a registered owner, it may proceed to notify the City to send a ticket that conforms with division (c)(4) of this section to the designated party. The City shall send the ticket to the designated party by ordinary mail not later than 21 days after receipt of the affidavit or notification.

(4) Initial Appearance; Hearing; Procedures.

A. Initial appearance. When a person or entity named in a ticket elects to contest the ticket and completes the requirements prescribed in division (d)(1)E. of this section in a timely manner the case shall be set for an initial appearance, and the following will apply:

1. The Lakewood Municipal Court shall conduct an initial appearance not later than 180 days after the filing of a written request for the hearing. The Court may extend the time period in which an initial appearance must be conducted upon a request for additional time for good cause shown.

2. At the initial appearance, the person or entity named in the ticket can discuss any questions or concerns relating to the ticket, including possible resolution.

B. Evidentiary hearing. If the case is not resolved at the initial appearance, it will be set for an evidentiary hearing. The court shall conduct an evidentiary hearing within 90 days of the initial appearance. The following will apply:

1. The Court shall ensure that the evidentiary hearing is open to the public. The Court shall post a docket in a conspicuous place near the entrance to the hearing room. The Court shall identify on the docket, by respondent, the hearings scheduled

for that day and the time of each hearing. The Court may schedule multiple hearings for the same time to allow for occurrences such as non-appearances or admissions of liability.

2. The person who requested the evidentiary hearing or a representative of the entity that requested the hearing shall appear for the hearing and may present evidence at the hearing. The City may present evidence at the hearing.

3. At the evidentiary hearing, the Court shall determine whether a preponderance of the evidence establishes that the violation alleged in the ticket did in fact occur and that the person or entity requesting the review is the person who was operating the vehicle at the time of the violation.

4. If the Court finds by a preponderance of the evidence that the alleged traffic law violation did in fact occur and that the person or entity named in the ticket is the person who was operating the vehicle at the time of the violation, the Court shall issue a written decision imposing liability for the violation upon the individual or entity.

5. If the Court finds by a preponderance of the evidence that the alleged traffic law violation did not occur or did in fact occur but the person or entity named in the ticket is not the person who was operating the vehicle at the time of the violation, the Court shall issue a written decision finding that the individual or entity is not liable for the violation.

C. If the person who requested the hearing or a representative of the entity that requested the hearing fails to appear at the hearing, the Court shall determine that the person or entity is liable for the violation. In such a case, the Court shall issue a written decision imposing liability for the violation upon the individual or entity.

D. 1. If the Court finds that the person or entity named in the ticket was not the person who was operating the vehicle at the time of the violation or receives evidence identifying the designated party, the Court may provide to the City or its designee, within five days of the hearing, a copy of any evidence substantiating the identity of the designated party.

2. Upon receipt of evidence of the identity of the designated party, the City or its designee may issue a ticket to the designated party. The City shall send the ticket by ordinary mail not later than 21 days after receipt of the evidence from the Court or the registered owner of the identity of the designated party.

E. If a designated party who is issued a ticket under this section contests the ticket by filing a written request for a hearing not later than 30 days after receipt of the ticket, the Court shall require the registered owner of the motor vehicle also to attend the hearing. If at the hearing involving the designated party the Court cannot determine the identity of the operator of the vehicle at the time of the violation, the registered owner is liable for the violation. The Court then shall issue a written decision imposing liability for the violation on the registered owner. If the

designated party also is a registered owner of the vehicle, liability for the violation shall follow the order of registered owners as listed on the title to the vehicle.

F. A person who is named in a ticket for a traffic violation under this section may assert a testimonial privilege in accordance with R.C. 2317.02(D).

G. No decision rendered under this section, and no admission of liability under this section or R.C. 4511.098, is admissible as evidence in any other judicial proceeding in this state.

Section 2. 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 such 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.

Adopted: _____ _____

Sarah Kepple, President of Council

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Maureen M. Bach, Clerk of Council

Approved: _____ _____

Meghan F. George, Mayor