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1. 20 MILES 1 HOUR SPEED LIMIT TO ALL VEHICLES WHEN PASSING THROUGH A MARKED SCHOOL ZONE DURING SCHOOL HOURS. 2. THE 20 MILE 1 HOUR LIMIT IS NOT IN EFFECT DURING NON SCHOOL HOURS. 3. THE 20 MILE 1 HOUR LIMIT DOES NOT APPLY OUTSIDE OF SCHOOL GROUNDS—§§4511.21, 3313.47 R.C.

SYLLABUS:

1. The twenty miles per hour *prima-facie* speed provision found in division (A) of Section 4511.21, Revised Code, applies to a motor vehicle, trackless trolley, or streetcar when passing a school building or the grounds thereof only during school recess and while children are going to or leaving school during the opening or closing hours, and when appropriate signs giving notice of the existence of the school are erected.

2. A motorist passing a school building or grounds thereof at a time other than during school recess or during the opening or closing hours of the school is not governed by said division (A).

3. The twenty miles per hour *prima facie* speed provision of said division (A), if otherwise applicable, applies while the motor vehicle, trackless trolley, or streetcar is passing a school building or the grounds thereof, but does not apply in other areas.

Columbus, Ohio, February 28, 1962

Hon. William H. Conner, Prosecuting Attorney  
Hardin County, Kenton, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“I have had a question arise from the Municipal Court of Kenton, Ohio, in reference to Section 4511.21 of the Revised Code of the State of Ohio, Section A, which reads as follows:

“‘A. Twenty miles per hour when passing a school building or the grounds thereof during school recess and while children are going to or leaving school during the opening or closing hours, and when appropriate signs giving notice of the existence of the school are erected.’

“The following questions have arisen in reference thereto:

- “1. When extra school activities are on such as PTA, football games, basketball games, open house and the like.
- 2. Also how is the size of the school zone determined.
- “3. Does this cover a situation where school children on the way home pass through another school yard.
- “4. Does this cover on when a band is forming at the school.”

Section 4511.21, Revised Code, reads, in part, as follows:

\* \* \* \* \* \* \* \* \*

“It shall be prima facie lawful for the operator of a motor vehicle, trackless trolley, or streetcar to operate the same at a speed not exceeding the following:

“(A) Twenty miles per hour when passing a school building or the grounds thereof during school recess and while children are going to or leaving school during the opening or closing hours, and when appropriate signs giving notice of the existence of the school are erected; \* \* \*.

\* \* \* \* \* \* \* \* \*

Thus, the *prima facie* lawful speed of twenty miles per hour applies to an operator of a motor vehicle when the following factors are present.

- 1. When passing a school building or the grounds thereof;
- 2. During school recess and while children are going to or leaving school during the opening or closing hours;
- 3. And when appropriate signs giving notice of the existence of the school are erected.

Your first question pertains to “extra” school activities, and by this I assume that these activities occurring outside of the regular opening or closing hours.

There is no specific provision of law setting forth any particular opening and closing hours for the public schools of the state. Section 3313.48,

Revised Code, does provide that "each day for grades seven through twelve shall consist of not less than five clock hours with pupils in attendance," and each day for grades one through six "shall consist of not less than five clock hours with pupils in attendance which may include fifteen minute morning and afternoon recess periods." The actual opening and closing hours in a particular school district are, however, set by the board of education of the district pursuant to the provision of Section 3313.47, Revised Code, that each city, exempted village, or local board of education "shall have the management and control of all public schools \* \* \* in its respective district."

Thus, if the activities to which you refer are conducted at times other than the opening and closing hours applying to the particular school, and other than during recess, then a motorist passing such school when those activities are being conducted is not subject to the twenty miles per hour provision.

Coming to your second question, the twenty miles per hour provision applies when passing a school building on the grounds thereof. Accordingly, the "school zone" consists of the part of the street adjoining the school building or the grounds thereof.

As to your third question, the twenty miles per hour provision applies to the "other school yard" just as it does to any school. That is, such provision applies on streets adjoining that "school yard" during recess and while children are going to or leaving the school during the opening or closing hours, and when the appropriate signs are erected.

Considering your fourth question, if the band is forming at the school during the opening and closing hours of that school or during recess, then a motorist passing the school would be subject to the twenty miles per hour provision provided the appropriate signs are erected.

In conclusion, it is my opinion and you are advised:

1. The twenty miles per hour *prima facie* speed provision found in division (A) of Section 4511.21, Revised Code, applies to a motor vehicle, trackless trolley, or streetcar when passing a school building or the grounds thereof only during school recess and while children are going to or leaving school during the opening or closing hours, and when appropriate signs giving notice of the existence of the school are erected.

2. A motorist passing a school building or grounds thereof at a time other than during school recess or during the opening or closing hours of the school is not governed by said division (A).

3. The twenty miles per hour *prima facie* speed provision of said division (A), if otherwise applicable, applies while the motor vehicle, trackless trolley, or streetcar is passing a school building or the grounds thereof, but does not apply in other areas.

Respectfully,

MARK McELROY

Attorney General