



City of Cleveland Memorandum
Justin M. Bibb

To: Blaine A. Griffin, Chair
Finance, Diversity, Equity and Inclusion Committee

FROM: Karrie D. Howard, Director
Department of Public Safety

Date: January 29, 2024

Subject: Ordinance No.1023-2023 To amend Sections 433.09, 605.04, 607.03, 607.04, 607.17, 617.02 and 625.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, and to repeal Sections 607.13 and 607.18 of the codified ordinances, **with a proposed amendment**

Ordinance No. 1023-2023, if passed by Council, would amend various sections of the Codified Ordinances of the City of Cleveland in accordance with SB 288 and other current laws of the State of Ohio.

CO Section 433.09 pertains to operating a motor vehicle while using an electronic wireless communication device. This section is being amended in accordance with SB 288 to address the danger of distracted driving by prohibiting the operation of a motor vehicle while physically holding or supporting the wireless device with any part of the person's body. There are exceptions to this prohibition outlined in this CO Section such as for operators of emergency vehicles; making emergency calls to law enforcement, fire department or other emergency agencies/ entities; use of the speaker phone function; use of voice-operated or hand-free operation; and using technology that physically or electronically connects to the motor vehicle. The full list of exceptions is included in CO Section 433.09 (b).

CO Section 433.09 (c) indicates the penalties for violation of this section. The first offense of this section is an unclassified misdemeanor and the court can impose a fine of up to \$150.00, which can be waived if the offender successfully completes a distracted driving safety course and submits this evidence to the court. Subsequent offenses within two years of the original violation can result in higher fines and license suspension.

Other CO Sections that have been updated to reflect the current laws of the State of Ohio include Disturbing a Public Meeting (Section 605.04); Drug Abuse: Controlled Substance Possession or Use (Section 607.03); Possessing Drug Abuse Instruments (Section 607.04); Possession, Manufacture and Sale of Drug Paraphernalia (Section 607.17); Sales to and Use by Minors (alcohol) and Securing Public Accommodations (Section 617.02); and changing "Petty Theft" to "Misdemeanor Theft" (Section 625.05).

In addition, this legislation includes a proposed amendment. The amendment includes the following change to the following Section of the Codified Ordinances of the City of Cleveland to be consistent with State law:

- 607.17(d)(2) Possession, Manufacture and Sale of Drug Paraphernalia
 - Ensures that a person is not penalized for possessing paraphernalia that is permitted by ORC 3780 Adult Use Cannabis Control
 - i.e. cultivation materials for home grow