

Ordinance No. 1178-2019

Council Member(s) Zone, Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

To amend Sections 401.261 and 401.401 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 188-16, passed October 16, 2017, relating to Traffic Code definitions.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Sections 401.261 and 401.401 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 188-16, passed October 16, 2017, are amended to read, respectively, as follows:

Section 401.261 Motorized Bicycle or Moped

“Motorized bicycle” or “moped” means any vehicle that either has two (2) tandem wheels or one (1) wheel in the front and two (2) wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than fifty (50) cubic centimeters piston displacement that produces no more than one (1) brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty (20) miles per hour on a level surface. “Motorized bicycle” or “moped” does not include an electric bicycle.

(RC 4501.01(L), 4511.01(H))

Section 401.401 Predicate Motor Vehicle or Traffic Offense

“Predicate motor vehicle or traffic offense” means any of the following:

(a) A violation of RC 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, ~~4511.214~~, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, ~~4511.522~~, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78 or 4511.84;

(b) A violation of RC 4511.17(A)(2), 4511.51(A) to (D) or 4511.74(A);

(c) A violation of any provision of RC 4511.01 to 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;

(d) A violation of RC 4511.214;

~~(d)~~ (e) A violation of any section of this Traffic Code that is substantially equivalent to any section or provision set forth or described in divisions (a), (b), (c) or (d) ~~or (e)~~ of this section.

(RC 4511.01(III))

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Section 2. That existing Sections 401.261 and 401.401 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 188-16, passed October 16, 2017, are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

KJK:rns
9/9/19

