

Ordinance No. 704-2025

By Council Members Polensek and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

To amend Section 630.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 228-2025, passed April 24, 2025, relating to criminal activity nuisances declared.

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 Section 630.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 228-2025, passed April 24, 2025, is amended to read as follows:

Section 630.01 Criminal Activity Nuisances Declared

(a) Activities, as defined in any of the following Codified Ordinances, occurring on properties in the City, and engaged in by an owner, occupant, invitee of the owner or occupant of the property, or person associated with the property are declared to be nuisance activities. ~~To be a nuisance activity, a criminal conviction, citation, or arrest is not necessary. There must be probable cause to believe that the activity occurred. A member of the Division of Police may rely on a witness's statement(s) to find that there is probable cause that the nuisance activity occurred.~~ "Property or premises" means a platted lot or part thereof, or unplatted lot or parcel of land, or plot of land either occupied or unoccupied by any building or structure, equipment, or property of any kind. "Owner" means any person, for profit or not for profit corporation, partnership, limited partnership, joint venture, unincorporated association, estate, trust or other commercial or legal entity who alone or jointly with others, who is in possession of or has any control of any property, or is listed as the owner of a property on the records of the Cuyahoga County Fiscal Officer. "Person associated with" means any person who, whenever engaged in a nuisance or nuisance activity, enters, patronizes, or visits; attempts to enter, patronize or visit; or waits to enter, patronize, or visit, a property or person present on a property, including any officer, director, customer, agent, employee, or independent contractor of an owner.

(1) Any animal violation under Sections 603.01 (Animals or Fowl at Large), 603.02 (Unmuzzled Dogs at Large), 603.04 (Dog Nuisances), 603.07 (Killing or Injuring Animals), 603.072 (Illegal Fights between Animals), 603.08 (Poisoning Animals), 603.09 (Cruelty to Animals), 603.091 (Neglect of Animals), 603.11 (Large Cats), 603A.03 (Keeping an Exotic Animal Without a Permit), 603A.08 (Care and Treatment of Exotic Animal Held Under Permit), 603A.14 (Facilities Housing Reptiles), 603A.17 (Snakes in Multi-Family Residences Prohibited), 604.03 (Control of Vicious and Dangerous Dogs) of the Codified Ordinances;

(2) Any disorderly conduct or disorderly activity violation under Sections 605.01 (Riot), 605.02 (Failure to Disperse), 605.03 (Disorderly Conduct; Intoxication), 605.05 (Misconduct at an Emergency), 605.06 (Inducing Panic), 605.07 (Making False Alarms), 605.071 (Improper Use of 9-1-1 Telephone System), 605.10 (Unnecessary Noise), 605.14 (Minor's Curfew) of the Codified Ordinances;

(3) Any drug abuse violation under Chapter 607 of the Codified Ordinances or any violation under R.C Chapter 2925;

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(4) Any family offense violation under Sections 609.04 (Endangering Children), 609.10 (Contributing to Unruliness or Delinquency of a Child) of the Codified Ordinances;

(5) Any gambling violation under Chapter 611 of the Codified Ordinances;

(6) Any littering violation under Chapter 613 of the Codified Ordinances;

(7) Any liquor control violation under Sections 617.02 (Sales to and Use by Minors; Securing Public Accommodations), 617.021 (Purchase, Consumption or Possession by Minor; Misrepresentation), 617.03 (Sales to Intoxicated Persons), 617.05 (Permit Required), 617.06 (Printed Warnings to be Posted), 617.08 (Hours of Sale or Consumption), 617.09 (Bottle Clubs) of the Codified Ordinances;

(8) Any obscenity and sex offenses violation under Sections 619.03 (Corruption of a Minor), 619.04 (Sexual Imposition), 619.05 (Importuning), 619.08 (Procuring), 619.09 (Soliciting), 619.10 (Prostitution), 619.12 (Disseminating Material Harmful to Juveniles), 619.14 (Possession of Obscene Material Involving Minor), 619.15 (Possession of Sexually-Oriented Material Involving Minor), 619.16 (Possession of Nudity-Oriented Material Involving Minor), 619.161 (Displaying Matter Harmful to Juveniles), 619.17 (Prohibited Conduct) of the Codified Ordinances;

(9) Any offense against another person under Sections 621.03 (Assault), 621.031 (Assault by a Minor; Parental Duty Imposed), 621.04 (Negligent Assault), 621.06 (Aggravated Menacing), 621.07 (Menacing), 621.08 (Unlawful Restraint), 621.09 (Coercion), 621.10 (Telephone Harassment), 621.11 (Threatening or Harassing Phone Calls), 621.14 (Hazing) of the Codified Ordinances;

(10) Any offense against property under Sections 623.02 (Criminal Damaging or Endangering), 623.03 (Criminal Mischief) of the Codified Ordinances;

(11) Any theft violation under Sections 625.05 (Petty Theft), 625.08 (Criminal Tools), 625.10 (Unauthorized Use of Property), 625.21 (Receiving Stolen Property), 625.27 (Trafficking In or Illegal Use of "WIC" Coupons) of the Codified Ordinances;

(12) Any weapons and explosives violation under Sections 627.04 (Using Weapons While Intoxicated), 627.06 (Failure to Secure Dangerous Ordnance), 627.07 (Improperly Providing Access to Firearms to a Minor), 627.09 (Improperly Discharging a Firearm on or near Prohibited Premises), 627.12 (Seizure and Confiscation of Deadly Weapon), 627.16 (Prohibition Against Transferring Firearms or Dangerous Ordnance to a Felon or Intoxicated Person), 627.15 (Unlawful Transactions in Weapons), 627.19 (Facsimile Firearms), 627.21 (Sale of Long Bladed Pocket Knives), 627.22 (Sale or Possession of Sling Shots and Pea Shooters), 627.23 (Unlawful Display of Weapons), 627.24 (Possession or Use of Stench Bombs), 627.25 (Tear Gas Guns), 627.26 (Containers of Combustibles), 627.27 (Jump Traps) of the Codified Ordinances;

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- (13) Any sound devices violation under Section 683.01 (Playing of Sound Devices Prohibited) of the Codified Ordinances;
- (14) Any massage establishment violation under Chapter 683A of the Codified Ordinances;
- (15) Any explosives violation under Chapter 387 of the Codified Ordinances;
- (16) Any open burning violation under Section 277.09 of the Codified Ordinances;
- (17) Any safety and equipment violations under Sections 437.19 (Horn, Sirens, and Warning Devices) and 437.20 (Muffler; Muffler Cutout; Excessive Smoke, Gas or Noise) of the Codified Ordinances; and
- (18) Any reckless operation offense under Section 433.07 (Street Racing, Stunt Driving, and Street Takeover Prohibited) of the Codified Ordinances.

~~(b) When three (3) or more nuisance activities as defined in division (a) occur on separate calendar days on the same property within any six (6) month period, the Director of Public Safety, or his or her designee, may declare the premises to be a nuisance property and may abate the nuisance as provided in Section 630.02.~~

(b) To be a nuisance activity, a criminal conviction, citation, or arrest is not necessary. There must be probable cause to believe that the activity occurred. A member of the Division of Police may rely on a witness’s statement(s) to find that there is probable cause that the nuisance activity occurred. “Property or premises” means a platted lot or part thereof, or unplatted lot or parcel of land, or plot of land either occupied or unoccupied by any building or structure, equipment, or property of any kind. “Owner” means any person, for-profit or not-for-profit corporation, partnership, limited partnership, joint venture, unincorporated association, estate, trust or other commercial or legal entity who alone or jointly with others, who is in possession of or has any control of any property, or is listed as the owner of a property on the records of the Cuyahoga County Fiscal Officer. “Person associated with” means any person who, whenever engaged in a nuisance or nuisance activity, enters, patronizes, or visits; attempts to enter, patronize or visit; or waits to enter, patronize, or visit, a property or person present on a property, including any officer, director, customer, agent, employee, or independent contractor of an owner.

Section 2. That existing Sections 630.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 228-2025, passed April 21, 2025, is 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.

SL:uo
6-2-2025
FOR: Director Drummond

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By Council Members Polensek and Griffin (by departmental request)

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READ FIRST TIME on JUNE 2, 2025

and referred to DIRECTORS of Public Safety, Finance, Law; COMMITTEES on Safety, Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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REPORT
after second Reading

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
SAFETY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE, DIVERSITY, EQUITY
and INCLUSION