

Ordinance No.

AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland Ohio, 1976, by enacting new Section 401.711, relating to the definition of under-speed vehicles; and to enact new Sections 450.01 to ~~450.06~~ 450.08 and 450.99 relating to under-speed vehicles.

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 the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 401.711 to read as follows:

Section 401.711 Under-Speed Vehicle

"Under-speed vehicle" means a three or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty (20) miles per hour and with a gross vehicle weight rating less than three thousand (3,000) pounds; as defined by Section 4501.01(XX) of the Revised Code which may be updated from time to time this does not include low-speed vehicles as defined by Section 4501.01(WW) of the Revised Code such as a golf cart modified to attain a speed of more than twenty (20) miles per hour.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 450.01 to 450.06 and 450.99 to read as follows:

Chapter 450 **Under-Speed Vehicles (including non-modified golf carts)**

Section 450.01 Under-Speed Vehicles Permitted on City Streets

Subject to the requirements of this chapter, and the rules and regulations promulgated by the Director of Public Safety or ~~designee~~, their designee ("Director"), the use of under-speed vehicles shall be permitted on City ~~street~~ public rights-of-way streets where the speed limit is thirty-five (35) miles per hour or less only for legitimate business purposes as determined by the Director . For the purposes of this section, under-speed vehicle rentals and private use shall not be included as a legitimate business purpose.

Section 450.02 Title and Registration Required

(a) Prior to the operation of an under-speed vehicle on City streets ~~and public rights-of-way~~, the vehicle must be titled in accordance with Chapter 4505 of the Revised Code and registered in accordance with Chapter 4503 of the Revised Code.

(b) ~~Out-of-state under-speed vehicles are not permitted on City streets. Only~~ under-speed vehicles that are titled and registered in the State of Ohio are permitted on

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City streets.

Section 450.03 Annual Vehicle Inspection

(a) Before the owner of the under-speed vehicle may obtain a new or transferred title for the under-speed vehicle, the under-speed vehicle must pass an annual inspection conducted by ~~the Bureau of Traffic or other local law enforcement agency~~ the Cleveland Division of Police. The inspection fee shall be One Hundred Fifty Dollars (\$150.00) per vehicle.

(b) At the time of the inspection, the owner of the under-speed vehicle must present all of the following:

- (1) A valid driver’s license. If the owner of the under-speed vehicle is a business, the business must require that all persons operating ~~its~~ the under-speed vehicles have a valid driver’s license;
- (2) Proof of insurance;
- (3) Proof of ownership;
- (4) Proof of the gross vehicle weight; and
- (5) Payment for the inspection fee; and. ~~(Check payable to City of Cleveland.)~~
- (6) Certificate of Good Standing from the Secretary of the State of Ohio.

(c) Following a successful annual inspection, the Cleveland Division of Police will provide a sign indicating that the vehicle passed inspection that must be visibly displayed on every approved under-speed vehicle

Section 450.04 Compliance with Traffic Laws

All under-speed vehicles must be operated on City streets in accordance with all applicable state and local laws, including but not limited to the following:

(a) For the purposes of this section, under-speed vehicles are defined as vehicles under the Revised Code and the Codified Ordinances of the City of Cleveland and are subject to all vehicle traffic laws of the Revised Code and Codified Ordinances of the City of Cleveland

(a) (b) Anyone who operates a vehicle on the City streets must have a valid driver’s license;

(b) (c)- A vehicle must have the required license plates; and

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~~(e)~~ (d) A vehicle must have at least minimum liability insurance coverage as required by the State of Ohio.

Section 450.05 Rules and Regulations by Director of Public Safety

~~All under-speed vehicles shall conform to the rules and regulations governing their use, imposed by the Director of Public Safety or designee, as deemed necessary for public safety to life and property and the maintenance of traffic on sidewalks and public right of ways including an option to create a restricted service area map, any special event restrictions, and an option to charge a fee for curb use for pick up and drop off in an amount to be determined by the Board of Control. All~~
under-speed vehicles shall conform to the rules and regulations governing their use, imposed by the Director, as deemed necessary for the protection of life and property. The Director may create a restricted service area map, implement any special event restrictions, and may charge a fee for pick up and drop off zones in an amount to be determined by the Board of Control. Such rules and regulations shall become effective seven (7) days after publication in the City Record

Section 450.06 Required Equipment

An under-speed vehicle, at a minimum, must have all of the following in the manner required by the equipment provisions of Chapter 4513 of the Revised Code:

- (a) Brake lights (2 lights);
- (b) Head lights (2 lights)
- (c) Tail lights (2 lights);
- (d) Turn signals (2 front, 2 rear);
- (e) A horn;
- (f) A rearview mirror;
- (g) A windshield;
- (h) Brakes and a brake system;
- (i) A steering mechanism;
- (j) Appropriate tires that are free of major bumps, bulges, breaks, or any other unsafe conditions;
- (k) Seat belts sufficient for the maximum occupancy of the vehicle; and
- ~~(l) A properly placed inspection sticker issued by the Bureau of Traffic.~~

Section 450.07 Required Information to Display

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An under-speed vehicle, at a minimum, must display all of the following information:

- (a) Rates and fees schedule, if applicable;
- (b) A properly placed inspection sign issued by the Cleveland Division of Police; and
- (c) Any other required business permits or licenses.

Sections 450.08 Suspension or Revocation of Permission to Operate; Appeal

(a) Consent to operate under-speed vehicles under this chapter may be suspended or revoked by the Director at any time if it is determined that the rules and regulations of this section are violated. Additionally, if the operation of under-speed vehicles on City streets becomes a hazard or risk to the health, safety, and welfare of the public, the Director may revoke existing permissions and discontinue the acceptance of applications to operate under this chapter.

(b) The Director shall give written notice of suspension or revocation of consent to the under-speed vehicle operator or his or her agent stating the reasons therefor. The action shall be effective upon giving such notice to the operator or to his or her agent. If the business owner or operator fails to comply, the Cleveland Division of Police may seize and hold the under-speed vehicle.

(c) Within five (5) business days of receipt of the notice, the operator may request a hearing before the Director. The Director shall forthwith hold the requested hearing, at which time the operator shall be afforded the opportunity to give his or her version of the facts which gave rise to the Director's action. After the hearing the Director shall determine whether to reinstate consent to operate or to permanently rescind it. The action of the Director may be appealed in accordance with the provisions of the Charter.

Section 450.99 Penalty

Any person who violates any provision of this Chapter 450 for which a penalty is not already provided in another section of this Traffic Code is guilty of a ~~minor degree misdemeanor and shall be fined in an amount to be determined by the Board of Control and~~ minor misdemeanor, and shall face potential impoundment of the under-speed vehicle pursuant to Section ~~405.02~~ 450.08.

In addition to any other method of enforcement provided for in this Chapter 450, any violation of the provisions of this chapter which is a minor misdemeanor may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Each day of non-compliance shall constitute a separate violation. Individuals, corporations, ~~or companies~~ companies, or other commercial or legal entities so named on the title of said vehicle shall be responsible for all safety equipment and shall also be responsible for all penalties set forth in this section.

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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.

AP:uo
7-9-25

FOR: Director Mersmann

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REPORT
after second Reading

Mr.

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READ FIRST TIME

and referred to _____

by the council _____

CITY CLERK

READ SECOND TIME

by the council _____

CITY CLERK

READ THIRD TIME

by the council _____

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____
Published in the City Record _____

