

# Ordinance No. 657-17

Council Member Kelley

## AN EMERGENCY ORDINANCE

To amend Sections 471.01 471.03, 471.05 and 471.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating pedestrians.

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 amending Sections 471.01 and 471.03, as amended by Ordinance No. 91-96, passed March 18, 1996, and Sections 471.05 and 471.09, as amended by Ordinance No. 1684-76, passed June 29, 1976 to read as follows:

#### **Section 471.01**      **Right-of-way in Crosswalk**

(a) When traffic control signals are not in place, not in operation or are not clearly assigning the right- of-way, the driver of a vehicle, trackless trolley, or streetcar shall yield the right-of- way, slowing down or stopping if need be to so yield or if required by section 413.11, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, trackless trolley, or streetcar which is so close as to constitute an immediate hazard.

(c) Division (a) of this section does not apply under the conditions stated division (b) of section 471.03.

(d) Whenever any vehicle, trackless trolley, or streetcar is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle, trackless trolley, or streetcar approaching from the rear shall not overtake and pass the stopped vehicle.

(RC 4511.46)

#### **Section 471.03**      **Crossing Roadway Outside Crosswalk**

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles, trackless trolleys, or streetcars upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all traffic upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(e) This section does not relieve the operator of a vehicle, streetcar, or trackless trolley from exercising due care to avoid colliding with any pedestrian upon any roadway.

(RC 4511.48)

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## **Section 471.05      Walking Along Highways**

(a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two (2) way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in sections 413.03 and 471.01, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.  
(RC 4511.50)

## **Section 471.09      Intoxicated or Drugged Pedestrian on Highway**

A pedestrian who is under the influence of alcohol, any drug of abuse, or any combination of them, to a degree that renders the pedestrian a hazard shall not walk or be upon a highway.

(RC 4511.481)

**Section 3.** That existing sections 471.01 and 471.03, as amended by Ordinance No. 91-96, passed March 18, 1996, and sections 471.05 and 471.09, as amended by Ordinance No. 1684-76, passed June 29, 1976 are repealed.

**Section 4.** 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  
5-22-17

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**READ FIRST TIME on MAY 22, 2017**  
and referred to **DIRECTORS of Public Safety, Finance, Law;**  
**COMMITTEES on Safety, Finance**

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record \_\_\_\_\_

## REPORT after Second Reading

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**SAFETY**

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**FINANCE**

FILED WITH COMMITTEE

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