

# Ordinance No. 726-17

Mayor Jackson and Council Members  
Zone and Kelley

## AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 449.01 to 449.13 relating to snowmobiles, off-highway motorcycles, and all-purpose vehicles; and new Section 433.08 relating to trick or stunt riding prohibited.

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 Sections 449.01 to 449.13 to read as follows:

### **CHAPTER 449 SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES, AND ALL-PURPOSE VEHICLES**

#### Section 449.01      Definitions

As used in this chapter:

(a) "All-purpose vehicle" means any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, trail bikes, and dirt bikes. "All-purpose vehicle" does not include a utility vehicle as defined in section 4501.01 of the Revised Code or any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under Chapter 4503 or 4561 of the Revised Code, and any vehicle excepted from definition as a motor vehicle by division (B) of section 4501.01 of the Revised Code.

(b) "Dealer" means any person or firm engaged in the business of manufacturing or selling snowmobiles, off-highway motorcycles, or all-purpose vehicles at wholesale or retail, or who rents, leases, or otherwise furnishes snowmobiles, off-highway motorcycles, or all-purpose vehicles for hire.

(c) "Interstate highway" means any part of the interstate system of highways as defined in subsection (e), 90 Stat. 431 (1976), 23 U.S.C.A. 103, as amended.

(d) "Limited access highway" and "freeway" have the same meanings as in section 5511.02 of the Revised Code.

(e) "Mini-truck" means a vehicle that has four wheels, is propelled by an electric motor with a rated power of seven thousand five hundred watts or less or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters or less, has a total dry weight of nine hundred to two thousand two hundred pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards.

(f) "Off-highway motorcycle" means every motorcycle, as defined in section 4511.01 of the Revised Code, that is designed to be operated primarily on lands other than a street or highway.

(g) "Operator" means any person who operates or is in actual physical control of a snowmobile, off-highway motorcycle, or all-purpose vehicle.

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(h) "Owner" means any person or firm, other than a lienholder or dealer, having title to a snowmobile, off-highway motorcycle, or all-purpose vehicle, or other right to the possession thereof.

(i) "Snowmobile" means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners, or caterpillar treads.

(j) "Street or highway" has the same meaning as in section 4511.01 of the Revised Code.  
[RC 4519.01]

## Section 449.02      Registration Required; Exceptions; Operation of Watercraft

(a) (1) Except as provided in divisions (b), (c), and (d) of this section, no person shall operate any snowmobile, off-highway motorcycle, or all-purpose vehicle within the City unless the snowmobile, off-highway motorcycle, or all-purpose vehicle is registered and numbered in accordance with sections 4519.03 and 4519.04 of the Revised Code.

(2) Except as provided in section 4511.215 of the Revised Code, no registration is required for a mini-truck that is operated within this state. A mini-truck may be operated only in accordance with that section and section 4519.401 of the Revised Code.

(b) (1) No registration is required for a snowmobile or off-highway motorcycle that is operated exclusively upon lands owned by the owner of the snowmobile or off-highway motorcycle, or on lands to which the owner of the snowmobile or off-highway motorcycle has a contractual right.

(2) No registration is required for an all-purpose vehicle that is used primarily for agricultural purposes when the owner qualifies for the current agricultural use valuation tax credit, unless it is to be used on any public land, trail, or right-of-way.

(3) Any all-purpose vehicle exempted from registration under division (b)(2) of this section and operated for agricultural purposes may use public roads and rights-of-way when traveling from one farm field to another, when such use does not violate section 4519.41 of the Revised Code.

(c) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of another state whenever that state has in effect a registration law similar to this chapter and the snowmobile, off-highway motorcycle, or all-purpose vehicle is properly registered under that state's law. Any snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of a state not having a registration law similar to this chapter shall comply with section 4519.09 of the Revised Code.

(d) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by the United States, another state, or a political subdivision thereof, but the snowmobile, off-highway motorcycle, or all-purpose vehicle shall display the name of the owner thereon.

(e) The owner or operator of any all-purpose vehicle operated or used upon the waters in this state shall comply with Chapters 1547 and 1548 of the Revised Code relative to the operation of watercraft.

(f) Except as otherwise provided in this division, whoever violates division (A) of this section shall be fined not less than fifty dollars but not more than one hundred dollars.

[RC 4519.02]

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Section 449.03      Rules for Equipment of Snowmobiles, Off-Highway Motorcycles,  
and all Purpose Vehicles

(a) Snowmobiles, off-highway motorcycles, and all-purpose vehicles shall include, but not be limited to requirements for the following items of equipment:

(1) At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least one hundred feet ahead under normal atmospheric conditions during hours of darkness;

(2) At least one red tail light having a minimum candlepower of sufficient intensity to be plainly visible from a distance of five hundred feet to the rear under normal atmospheric conditions during hours of darkness;

(3) Adequate brakes. Every snowmobile, while traveling on packed snow, shall be capable of carrying a driver who weighs one hundred seventy-five pounds or more, and, while carrying such driver, be capable of stopping in not more than forty feet from an initial steady speed of twenty miles per hour, or locking its traction belt.

(4) A muffler system capable of precluding the emission of excessive smoke or exhaust fumes, and of limiting the engine noise of vehicles. On snowmobiles manufactured after January 1, 1973, such requirement shall include sound dampening equipment such that noise does not exceed eighty-two decibels on the "A" scale at fifty feet as measured according to SAE J192 (September 1970).

(b) No person shall operate any snowmobile, off-highway motorcycle, or all-purpose vehicle in violation of division (a)(1), (2), (3), or (4) of this section, except that equipment specified in divisions (a)(1) and (2) of this section shall not be required on snowmobiles, off-highway motorcycles, or all-purpose vehicles operated during the daylight hours on state controlled land under the jurisdiction of the Ohio Department of Natural Resources and that are limited to off-street or off-highway use.

(c) Except as otherwise provided in this section, whoever violates division (b) of this section shall be fined not more than fifty dollars. If the offender within the preceding year previously has committed a violation of division (b) of this section, whoever violates division (b) of this section shall be fined not less than fifteen nor more than one hundred dollars, imprisoned not more than three days, or both.

[RC 4519.20]

Section 449.04      Prohibited Acts

(a) The applicable provisions of this traffic code and RC Chapters 4511 and 4549 shall be applied to the operation of snowmobiles, off-highway motorcycles, and all-purpose vehicles, except that no person shall operate a snowmobile, off-highway motorcycle, or all-purpose vehicle as follows:

(1) On any limited access highway or freeway or the right-of-way thereof, except for emergency travel only during such time and in such manner as the director of public safety shall designate;

(2) On any private property, or in any nursery or planting area, without having in his possession the written permission of the owner or other person having the right to possession of the property;

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- (3) On any land or waters controlled by the state, except at those locations where a sign has been posted permitting such operation;
- (4) On the tracks or right-of-way of any operating railroad;
- (5) While transporting any firearm, bow, or other implement for hunting, that is not unloaded and securely encased;
- (6) For the purpose of chasing, pursuing, capturing, or killing any animal or wildfowl;
- (7) During the time from 8:00 p.m. to 7:00 a.m., unless displaying lighted lights as required by section 4519.20 of the Revised Code.
- (8) On any street or sidewalk of the City;
- (9) On any property owned or leased by the City except in areas designated for such purposes;
- (10) On any restricted public property. As used in this subsection, "restricted public property" means any public property other than street right-of-way and streets or highways, or private property used by the public for purposes of vehicular travel or parking.

(b) Whoever violates this section shall be fined not less than one hundred nor more than five hundred dollars on a first offense. On a second offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. On a third or subsequent offense, whoever violates this section is guilty of a misdemeanor of the third degree.

[RC 4519.40]

## Section 449.05      Operation of a Mini-Truck

(a) Except as provided in this section and section 4511.215 of the Revised Code, no person shall operate a mini-truck within the City.

(b) A person may operate a mini-truck on a farm for agricultural purposes only when the owner of the farm qualifies for the current agricultural use valuation tax credit. A mini-truck may be operated by or on behalf of such a farm owner on public roads and rights-of-way only when traveling from one farm field to another.

(c) A person may operate a mini-truck on property owned or leased by a dealer who sells mini-trucks at retail.

(d) Whoever violates division (a) of this section is guilty of a minor misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree. If within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

[RC 4519.401]

## Section 449.06      Permitted Operations

Snowmobiles, off-highway motorcycles, and all-purpose vehicles may be operated as follows:

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(a) To make a crossing of a highway, other than a highway as designated in division (A)(1) of section 4519.40 of the Revised Code, whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway, and provided that the operator yields the right-of-way to any approaching traffic that presents an immediate hazard;

(b) On highways in the county or township road systems whenever the local authority having jurisdiction over such highways so permits;

(c) Off and alongside a street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile, off-highway motorcycle, or all-purpose vehicle is intended and authorized to be operated;

(d) On the berm or shoulder of a highway, other than a highway as designated in division (A)(1) of section 4519.40 of the Revised Code, when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane.

[RC 4519.41]

## Section 449.07      Driver's License Required

(a) No person who does not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement, or probationary license, issued under RC Chapters 4506 or 4507, or a valid, current driver's license issued by another jurisdiction, shall operate a snowmobile, off-highway motorcycle, or all-purpose vehicle on any street or highway in this City, on any portion of the right-of-way thereof, or on any public land or waters. Notwithstanding the license requirements under this division (a), the City may permit operation of a snowmobile, off-highway motorcycle, or all-purpose vehicle on City property designated for recreational use of such vehicles.

(b) No person who is less than sixteen years of age shall operate a snowmobile, off-highway motorcycle, or all-purpose vehicle on any land or waters other than private property or waters owned by or leased to the person's parent or guardian, unless accompanied by another person who is eighteen years of age, or older, and who holds a license as provided in division (A) of this section, except as follows:

(1) The Ohio Department of Natural Resources may permit such operation on state controlled land under its jurisdiction when such person is less than sixteen years of age and is accompanied by a parent or guardian who is a licensed driver eighteen years of age or older.

(2) The City may permit such operation on City property designated for recreational use of such vehicles, under rules and regulations governing such property, when a person is less than sixteen years of age and is accompanied by a parent or guardian.

(c) Whoever violates this section shall be fined not less than fifty nor more than five hundred dollars, imprisoned not less than three nor more than thirty days, or both.

[RC 4519.44]

## Section 449.08      Dealer to Maintain Vehicles

(a) Any dealer who rents, leases, or otherwise furnishes a snowmobile, off-highway motorcycle, or all-purpose vehicle for hire shall maintain the vehicle in safe operating condition.

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No dealer, or agent or employee of a dealer, shall rent, lease, or otherwise furnish a snowmobile, off-highway motorcycle, or all-purpose vehicle for hire to any person who does not hold a license as required by division (a) of Section 449.07. This section shall not apply to any dealer located on City property designated for the recreational use of snowmobiles, off-highway motorcycles, or all-purpose vehicles.

(b) No Dealer, or agent or employee of a dealer shall rent, lease or otherwise furnish a snowmobile, off-highway motorcycle, or all-purpose vehicle for hire to any person whom the dealer or an agent or employee of the dealer has reasonable cause to believe is incompetent to operate the vehicle in a safe and lawful manner.

(c) Whoever violates this section shall be fined not less than one hundred nor more than five hundred dollars.

[RC 4519.45]

## Section 449.09      Reporting of Accident

The operator of a snowmobile, off-highway motorcycle, or all-purpose vehicle involved in any accident resulting in bodily injury to or death of any person, or damage to the property of any person in excess of one hundred dollars, shall report the accident within forty-eight hours to the Chief of Police, and shall within thirty days forward a written report of the accident to the Ohio Registrar of Motor Vehicles on a form prescribed by the Registrar. If the operator is physically incapable of making the reports and there is another participant in the accident not so incapacitated, the participant shall make the reports. In the event there is no other participant, and the operator is other than the owner, the owner, within the prescribed periods of time, shall make the reports.

Any law enforcement officer, or other person authorized by sections 4519.42 and 4519.43 of the Revised Code, who investigates or receives information of an accident involving a snowmobile, off-highway motorcycle, or all-purpose vehicle, shall forward to the registrar a written report of the accident within forty-eight hours.

[RC 4519.46]

## Section 449.10      Impoundment of vehicle

(a) Whenever a person is found guilty of operating a snowmobile, off-highway motorcycle, or all-purpose vehicle in violation of any rule authorized to be adopted under section 4519.21 or 4519.42 of the Revised Code, the trial judge of any court of record, in addition to or independent of any other penalties provided by law, may impound for not less than sixty days the certificate of registration and license plate, if applicable, of that snowmobile, off-highway motorcycle, or all-purpose vehicle. The court shall send the impounded certificate of registration and license plate, if applicable, to the registrar of motor vehicles, who shall retain the certificate of registration and license plate, if applicable, until the expiration of the period of impoundment.

(b) If a court impounds the certificate of registration and license plate of an all-purpose vehicle pursuant to section 2911.21 of the Revised Code, the court shall send the impounded certificate of registration and license plate to the registrar, who shall retain them until the expiration of the period of impoundment.

(c) Police officers are authorized to provide for the removal of a snowmobile, off-highway motorcycle, mini-truck, or all-purpose vehicle whenever any such vehicle is in violation of the provisions of this Traffic Code under the authority of Section 405.02.

[RC 4519.47]

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Section 449.11      Local Regulations

Nothing contained in this chapter shall prevent local authorities from regulating the operation of snowmobiles, off-highway motorcycles, and all-purpose vehicles on streets and highways and other public property under their jurisdiction, and within the reasonable exercise of the police power, except that no local authority shall require the registration or licensing of any snowmobile, off-highway motorcycle, or all-purpose vehicle required to be registered or titled under this chapter.

[RC 4519.48]

Section 449.12      Prohibited Acts

(a) No person shall do any of the following:

(1) Operate in this City an off-highway motorcycle or all-purpose vehicle without having a certificate of title for the off-highway motorcycle or all-purpose vehicle, if such a certificate is required by this chapter to be issued for the off-highway motorcycle or all-purpose vehicle, or, if a physical certificate of title has not been issued for it, operate an off-highway motorcycle or all-purpose vehicle knowing that the ownership information relating to the motorcycle or vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;

(2) Operate in this City an off-highway motorcycle or all-purpose vehicle if a certificate of title to the off-highway motorcycle or all-purpose vehicle has been issued and then has been canceled;

(3) Violate any provision of sections 4519.51 to 4519.70 of the Revised Code for which no penalty is otherwise provided or any lawful rules adopted pursuant to those sections;

(4) Operate in this City an off-highway motorcycle or all-purpose vehicle knowing that the certificate of title to or ownership of the motorcycle or vehicle as otherwise reflected in the automated title processing system has been canceled.

(b) Whoever violates this section shall be fined not more than two hundred dollars, imprisoned not more than ninety days, or both.

[RC 4519.66]

Section 449.13      Fueling

(a) No person shall fuel or knowingly permit to be fueled a snowmobile, off-highway motorcycle, or all-purpose vehicle from a gasoline pump at a retail gasoline service station when such vehicle is driven to the service station and is not transported by another vehicle.

(b) For purposes of this section "person" includes any individual, partnerships, corporations, companies, or their agents, assigns, or employees.

(c) Whoever violates this section is guilty of a minor misdemeanor.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 433.08 to read as follows:

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Section 433.08      Trick or Stunt Riding Prohibited

(a) No person shall knowingly engage in trick or stunt riding or driving of any vehicle upon any part of a sidewalk, street, or other public property of the City.

(b) No person shall act or engage in behavior with purpose to facilitate the commission of a violation of division (a) of this section. Persons rendering assistance in any manner to such trick or stunt riding shall be equally charged as the participants.

(c) For purposes of this section, "trick or stunt riding" includes, but is not limited to, any activity where one or more persons engages in any of the following behavior:

(1) Operating a vehicle in a manner that indicates an intention to lift some or all of its tires from the surface of the road or ground;

(2) Operating a vehicle while a driver is not sitting in the driver's seat;

(3) Operating a vehicle while a passenger is not sitting in a passenger seat;

(4) Operating two or more vehicles side by side or in proximity to each other, where one of the motor vehicles occupies a lane of traffic or other portion of the highway intended for use by oncoming traffic for a period of time that is longer than is reasonably required to pass another motor vehicle;

(5) Operating a vehicle in a manner that indicates an intention to block or interfere with the movement of another vehicle by cutting off its passage on the street or highway or to cause another vehicle to stop or slow down in circumstances where the other vehicle would not ordinarily do so;

(6) Operating a vehicle in a manner that indicates an intention to drive, without justification, as close as possible to another vehicle, pedestrian or fixed object on or near the highway;

(7) Weaving in and out of vehicular or pedestrian traffic;

(8) Operating a vehicle at excessive speeds;

(d) This section does not apply to the operation of vehicles on public or private property when the owner of such property knowingly permits such operation.

(e) Whoever violates this section is guilty of a misdemeanor of the second degree on a first offense and of a misdemeanor of the first degree on each subsequent offense.

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.

RC:nl  
6-5-17

FOR: Mayor Jackson



**Ord. No. 726-17**

**REPORT  
after second Reading**

**Mayor Jackson and Council Members Zone and Kelley**

**AN EMERGENCY ORDINANCE**

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 449.01 to 449.13 relating to snowmobiles, off-highway motorcycles, and all-purpose vehicles; and new Section 433.08 relating to trick or stunt riding prohibited.

**READ FIRST TIME on JUNE 5, 2017**  
**and referred to DIRECTORS of Public Safety, Finance, Law;**  
**COMMITTEES on Safety, Finance**

**REPORTS**

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**CITY CLERK**

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**READ SECOND TIME**

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**READ THIRD TIME**

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**PRESIDENT**

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**CITY CLERK**

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**APPROVED**

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**MAYOR**

Recorded Vol. **104** Page \_\_\_\_\_

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
SAFETY**

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**PASSAGE RECOMMENDED BY  
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FINANCE**

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