

# Ordinance No. 546-2022

By Council Members Polensek and Griffin  
(by departmental request)

**FOR PASSAGE**  
**May 23, 2022**

## AN EMERGENCY ORDINANCE

To amend Sections 433.02, 433.08, 449.02 and 449.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating to the operation of vehicles that disregard the health, safety and travel of persons, and to the increase of penalties for certain unregistered and noncompliant vehicles on City streets.

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 following sections:

Section 433.02, as amended by Ordinance No. 1279-15, passed April 24, 2017,  
and

Sections 433.08, 449.02, and 449.03, as amended by Ordinance No. 726-17,  
passed October 16, 2017,

are amended to read as follows:

Section 433.02      Operation in Willful or Wanton Disregard of Safety in  
Creating a Nuisance

(a) No person shall operate a vehicle, trackless trolley or streetcar on any street or highway in willful or wanton disregard of the safety of persons or property.

(b) ~~(1)~~ No person shall operate a vehicle, trackless trolley or streetcar on any public or private property other than streets or highways in willful or wanton disregard of the safety of persons or property.

(c) No person shall operate a vehicle, trackless trolley or streetcar on any public property as to create a nuisance.

(d) ~~(2)~~ ~~Division (b)(1)~~ Divisions (b) and (c) of this section do not apply to the competitive operation of vehicles on public or private property when the owner of the property knowingly permits such operation thereon.

(e) As used in this section, "nuisance" means the operation of a vehicle in such close proximity to any residence or dwelling or place ordinarily used for human habitation in such manner as to make or cause to be made any unreasonable noise of such a character, intensity or duration as to disturb the peace and quiet of any inhabitant of such place, or be detrimental to the life or health of any individual therein.

(f) Except as otherwise provided in this division, whoever violates divisions (a) and (b) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates any provision of this section is guilty of a misdemeanor of the third degree. Whoever violates (c) of this section is guilty of a misdemeanor of the first degree and shall be fined one thousand dollars (\$1,000).

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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 (1) 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 (2) or more vehicles side by side or in proximity to each other, where one (1) 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 blocks or impedes an intersection for the purpose of aiding in or conducting trick riding or 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; and

(9) Operating a vehicle in a circular direction for display.

(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~~ the first degree and shall be fined one thousand dollars (\$1,000.00).

## 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 RC 4519.03 and RC 4519.04.

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(2) Except as provided in RC 4511.215, 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 RC 4519.401.

(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 RC 4519.41.

(4) No registration is required for a snowmobile or all-purpose vehicle that is operated on a state highway as authorized by division (F) of RC 4519.41.

(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 RC 4519.09.

(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 RC Chapters 1547 and 1548 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 (\$50.00) but not more than one hundred dollars (\$100.00)~~ shall be guilty of a misdemeanor of the third degree for the first offense and shall be fined five hundred dollars (\$500.00). On a second and any subsequent offense, whoever violates division (a) shall be guilty of a misdemeanor of the first degree and shall be fined one thousand dollars (\$1,000.00) for each offense.

## 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 (1) headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least one hundred (100) feet ahead under normal atmospheric conditions during hours of darkness;

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(2) At least one (1) red tail light having a minimum candlepower of sufficient intensity to be plainly visible from a distance of five hundred (500) 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 (175) pounds or more, and, while carrying such driver, be capable of stopping in not more than forty (40) feet from an initial steady speed of twenty (20) 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 (82) decibels on the "A" scale at fifty (50) 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), (a)(2), (a)(3), or (a)(4) of this section, except that equipment specified in divisions (a)(1) and (a)(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 (\$50.00). 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 dollars (\$15.00) nor more than one hundred dollars (\$100.00), imprisoned not more than three (3) days, or both.~~ shall be guilty of a misdemeanor of the third degree for the first offense and shall be fined five hundred dollars (\$500.00). On a second and any subsequent offense, whoever violates division (b) shall be guilty of a misdemeanor of the first degree and shall be fined one thousand dollars (\$1,000.000) for each offense.

Section 2. That the following existing sections:

Section 433.02, as amended by Ordinance No. 1279-15, passed April 24, 2017,  
and

Sections 433.08, 449.02, and 449.03, as amended by Ordinance No. 726-17,  
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.

SM:nl

5-23-2022

FOR: Director Howard

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REPORT  
after second Reading

By Council Members Polensek and Griffin (by departmental request)

**AN EMERGENCY ORDINANCE**

To amend Sections 433.02, 433.08, 449.02 and 449.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating to the operation of vehicles that disregard the health, safety and travel of persons, and to the increase of penalties for certain unregistered and noncompliant vehicles on City streets.

READ FIRST, SECOND AND THIRD TIME

READ FIRST TIME

REPORTS

referred to

CITY CLERK

READ SECOND TIME

CITY CLERK

**READ THIRD TIME on MAY 23, 2022**

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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