

Ordinance No. 399-2022 AS AMENDED

By Council Members McCormack,
Conwell, Hairston, Gray, and Mayor Bibb

AN EMERGENCY ORDINANCE

To amend Section 605.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 167-13, passed April 15, 2013, relating to the penalty for evading the payment of fares of a public transportation system.

WHEREAS, it is inequitable to subject public transit riders to a fine of up to \$250.00 and/or up to 30 days in jail for evading payment of fares, while drivers who park in the right-of-way without paying are only ticketed with a \$25.00 fine; and

WHEREAS, the cities of Washington DC, San Francisco, and Portland have decriminalized fare evasion, opting for a civil fine rather than criminal charges; and

WHEREAS, the Greater Cleveland Regional Transit Authority (RTA) gives first-time adult offenders a warning, and second time adult offenders the option of paying a \$25.00 administrative fee to avoid criminal charges, but only if paid within 72 hours while other public transit systems allow a range up to 90 days to pay; juvenile offenders receive a written warning for the first offense, and a \$25.00 administrative fee if received within 30 days of the second and subsequent offense; and

WHEREAS, RTA transit police officers currently cite offenders for evading payment of fares under Ohio Revised Code Section 2917.41(A), a fourth degree misdemeanor that carries a penalty of up to a \$250.00 fine and/or up to 30 days in jail; and

WHEREAS, this Council and the Administration desire to lower the penalty for violating Section 605.11(a) of the Codified Ordinances to a fine of \$25.00 and encourages RTA to cite offenders under this section; and

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 605.11 of the Codified Ordinances of Cleveland, Ohio 1976, as enacted by Ordinance No. 167-13, passed April 15, 2013, is amended as follows:

Section 605.11 Misconduct Involving a Public Transportation System

- (a) No person shall evade the payment of the known fares of a public transportation system.
- (b) No person shall alter any transfer, pass, ticket, or token of a public transportation system with the purpose of evading the payment of fares or of defrauding the system.

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(c) No person shall do any of the following while in any facility or on any vehicle of a public transportation system:

(1) Play sound equipment without the proper use of a private earphone;
(2) Smoke, eat, or drink in any area where the activity is clearly marked as being prohibited; and

(3) Expectorate upon a person, facility or vehicle.

(d) No person shall fail to comply with a lawful order of a public transportation system police officer, and no person shall resist, obstruct, or abuse a public transportation system police officer in the performance of the officer's duties.

(e) No person, without privilege to do so, and while on a public transportation system vehicle, shall negligently fail or refuse to leave such vehicle upon being notified to do so by the operator, driver, or an authorized agent of the public transportation system.

(f) No person shall throw a rock, stone, bottle, missile, projectile, snowball or other hard substance at, within or from a public transportation system vehicle.

(g) Whoever violates division (f) of this section is guilty of a misdemeanor of the second degree. If violation of division (f) of this section creates a risk of physical harm to any person, such violation is a misdemeanor of the first degree.

(h) Whoever violates division (c) of this section is guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on the second and any subsequent offense.

(i) Whoever violates division (b), (d), or (e) of this section is guilty of a misdemeanor of the fourth degree.

~~(j) Whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree and shall be fined twenty five dollars (\$25.00). No incarceration for this violation shall be imposed.~~

(j) Whoever violates division (a) of this section is guilty of a minor misdemeanor and may be fined up to twenty-five dollars (\$25.00).

Section 2. That existing Section 605.11 of the Codified Ordinances of Cleveland, Ohio 1976, as enacted by Ordinance No.167-13, passed April 15, 2013, 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.

/jho

4-25-2022

FOR: Council Members McCormack, Conwell, Hairston, Gray, and Mayor Bibb

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READ FIRST TIME on APRIL 25, 2022

and referred to DIRECTORS of Public Safety, Finance, Law; COMMITTEES on Transportation and Mobility, 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

PASSAGE RECOMMENDED BY
COMMITTEE ON
**TRANSPORTATION and
MOBILITY**

FILED WITH COMMITTEE

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

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PASSAGE RECOMMENDED BY
COMMITTEE ON
SAFETY

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