

Ordinance No. 1080-2024

By Council Members Polensek, Griffin and McCormack

AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances by amending Section 433.07 as amended by Ordinance No. 1279-15, passed April 24, 2017, related to street racing.

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, or safety in that the recent countless instances of reckless driving, street racing, stunt driving and street takeovers occurring in the City requires that the City amend the Codified Ordinances to correspond with anticipated changes in state law and provide additional tools to combat street racing, stunt driving and street takeovers; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Codified Ordinances are supplemented by amending Section 433.07 as amended by Ordinance No. 1279-15, passed April 24, 2017, to read as follows:

Section 433.07 Street Racing, Stunt Driving and Street Takeover and Racing Prohibited

(a) As used in this section,:

(1) "Street racing" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one (1) or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two (2) or more vehicles side by side either at speeds in excess of prima facie lawful speeds established by Section 433.03 of these Codified Ordinances or Section 4511.21 of the Revised Code as applicable, RC 4511.21(B)(1)(a) through (B)(8) or a substantially equivalent municipal ordinance, or rapidly accelerating from a common starting point to a speed in excess of the prima facie lawful speeds shall be prima facie evidence of street racing.

(2) "Burnout" means a maneuver performed while operating a vehicle whereby the vehicle is kept in a stationary position, but the wheels of the vehicle are spun, which may cause the tires of the vehicle to become heated and emit smoke from the friction.

(3) "Doughnut" means a maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.

(4) "Drifting" means a maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.

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(5) "Wheelie" means a maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.

(6) "Stunt driving" means performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.

(7) "Street takeover" means blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.

(b) No person shall participate in street racing, stunt driving, or street takeover upon any public road, street or highway, or on private property that is open to the general public in this City.

(c) Whoever violates this section is guilty of street racing, stunt driving, or street takeover, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privileges for not less than thirty (30) days or more than three (3) years. No judge shall suspend the first thirty (30) days of any suspension of an offender's license, permit or privilege imposed under this division.

(d) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.

(e) This section does not apply to the competitive operation of vehicles on public or private property in accordance with a Special Event permit issued pursuant to these Codified Ordinances or when otherwise authorized by ordinance of Council.

(RC 4511.251)

(f) In addition to any other penalties imposed by law, any vehicle component used in a violation of division (b) of this section is an instrumentality, shall be subject to seizure as contraband, and is subject to forfeiture under Chapter 2981 of the Revised Code. "Instrumentality" has the same meaning as in Section 2981.01 of the Revised Code. "Vehicle component" means any motor vehicle part or accessory specifically adapted for use in street racing, stunt driving or street takeover. Vehicle components include, but are not limited to, steering wheels, wheels and tires, and mufflers.

Section 2. That existing Section 433.07 as amended by Ordinance No. 1279-15, passed April 24, 2017, 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.

MDP:rns
10/7/2024

