

# Ordinance No. 758-18

## AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 605.031 relating to aggressive behavior on public property.

Council Member McCormack

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 Section 605.031 to read as follows:

### Section 605.031      Aggressive Behavior on Public Property

(a) For purpose of this section, "public property" means all property owned, operated or controlled by any governmental agency, including but not limited to streets, public sidewalks, tree lawns, parks, playgrounds, publicly- owned parking lots, schools, libraries, post offices, municipal transit facilities and other public lands and buildings.

(b) On public property, no person shall:

(1) Approach, seek, or follow a person if that conduct is intended, or likely to cause, a reasonable person to (i) fear bodily harm to oneself or another, (ii) fear damage to or loss of property, or (iii) be intimidated;

(2) Intentionally or recklessly touch or cause physical contact with another person without that person's consent if the touching or physical conduct is likely to cause a reasonable person to feel restrained or intimidated;

(3) Intentionally or recklessly block the safe or free passage of a person or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact. Acts authorized by a lawfully issued permit shall not constitute obstruction of pedestrian traffic for purposes of this section; or

(4) Intentionally or recklessly use obscene, abusive, or threatening language, or gestures, toward a person.

(c) No person shall approach within ten (10) feet of or use gestures or vocal commands to get the attention of a person:

(1) Using an automated-teller machine without the consent of the person using the machine, provided, however, that when an automated- teller machine is located within an automated-teller machine facility, the distance shall be measured from the entrance or exit of the automated-teller machine facility; or

(2) Using the area of the sidewalk used by an outdoor restaurant under a temporary public right-of-way occupancy permit issued under Chapter 513 of the Codified Ordinances or by a vendor under a permit issued under Chapter 508, Section 675.06, or Section 675.07 of the Codified Ordinances without the consent of the person who is a patron of the outdoor restaurant or vendor; or

(3) Standing in a line or queue awaiting access to a building, ticket counter or event without the consent of the person standing in the line or cue.

(d) Whoever violates this section shall be guilty of a misdemeanor of the fourth degree for a first offense, a misdemeanor of the third degree for a second offense, and a misdemeanor of the first degree for a third and subsequent offense.

Section 2. 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.

**Ord. No. 758-18**

**REPORT  
after second Reading**

**Council Member McCormack**

**AN EMERGENCY ORDINANCE**

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 605.031 relating to aggressive behavior on public property.

**READ FIRST TIME on MAY 21, 2018**  
**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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CITY CLERK

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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

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**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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