

CITY OF CLEVELAND



CERTIFICATE

Cleveland, Ohio December 31, 2005

TO WHOM IT MAY CONCERN:

This will certify that the matter published herewith is a true copy of the Codified Ordinances of the City of Cleveland, in effect on the 31st day of December, 2005.


Martin J. Sweeney
President of Council


Emily Lipovan
City Clerk, Clerk of Council

605.06 Inducing Panic

(a) No person without causing physical harm to any person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

(1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that such report or warning is false;

(2) Threatening to commit any offense of violence;

(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(b) Subsection (a)(1) hereof does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of inducing panic, a misdemeanor of the first degree.

(RC 2917.31; Ord. No. 54-74. Passed 3-25-74, eff. 4-1-74)

605.07 Making False Alarms

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

(1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;

(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;

(3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.

(b) This section does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree.

(RC 2917.32; Ord. No. 54-74. Passed 3-25-74, eff. 4-1-74)

605.071 Making False Alarms

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

(1) Initiate a call to 9-1-1 regarding an alleged or impending fire, explosion, crime, or other emergency, knowing that such report is false, and likely to cause inconvenience or alarm;

(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any safety service in the City of Cleveland, for dealing with emergencies involving a risk of physical harm to persons or property;

(3) Report to 9-1-1 that an alleged offense or other incident within the respective areas of concern for the safety divisions occurred, knowing that such offense did not occur;

(4) Knowingly use the 9-1-1 system, knowing that no major critical or life threatening emergency exists and knowing that such report is likely to result in unnecessary consumption of safety services; or

(b) Whoever violates this section is guilty of improper use of 9-1-1 telephone system, a misdemeanor of the first degree.

(Ord. No. 1783-97. Passed 6-12-00, eff. 6-22-00)

605.08 Criminal Activity on School Property

(a) No person shall assault, strike, threaten, menace or use improper, indecent or obscene language toward a teacher, instructor, professor, person in charge of a class of students or employee of any school, college or university while in the performance of his duties.

(b) No person shall disrupt, disturb or interfere with the teaching of any class of students, or any other activity conducted in a school, college or university building, or upon the campus or grounds thereof.

(c) No person shall assault, strike, threaten, menace, follow, pursue or use profane, indecent or obscene language toward a student or other person in a school, college or university building, or upon the campus or grounds thereof, or upon the way to or from any school, college or university sponsored activity.

(d) Whoever violates this section is guilty of criminal activity on school property, a misdemeanor of the first degree.

(Ord. No. 1015-74. Passed 7-29-74, eff. 8-1-74)

605.09 Unlawful Congregation

(a) No person shall congregate with others on the sidewalk, street corner or within the parks or public grounds, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned by the serious annoyance to pedestrians or by threatening, insulting or abusive conduct, and refuse to move on when ordered by a police officer.

(b) Whoever violates this section is guilty of unlawful congregation, a misdemeanor of the first degree.

(Ord. No. 1015-91. Passed 7-24-91, eff. 7-31-91)

605.14 Minor's Curfew

(a) No child twelve years of age or under shall be upon the streets or sidewalks or in a park or any other public place during the period from darkness to dawn, nor shall any child between the ages of thirteen and sixteen, inclusive, be upon the streets or sidewalks or in any park or other public place between the hours of 11:00 p.m. and 5:00 a.m., nor shall any child seventeen years of age be upon the streets or sidewalks between the hours of midnight and 5:00 a.m., unless the child is accompanied by a parent or legal guardian, or a responsible adult selected by the parent or legal guardian to supervise the child.

(b) Each parent or legal guardian of a child seventeen years of age or under shall have a duty to prohibit the child from behaving contrary to division (a) of this section. No person shall negligently fail to fulfill the duty imposed by this division.

(c) It shall be an affirmative defense to division (b) of this section that the parent or legal guardian initiated the jurisdiction of the Juvenile Court against the child prior to the time that the child was found violating division (a) of this section.

(d) Any child who violates division (a) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

(e) Any person who violates division (b) of this section is guilty of negligently failing to supervise a child, a minor misdemeanor for a first offense and may be required to perform supervised community service work pursuant to division (H) of RC 2951.02 in the ward in which the child was arrested or detained, the value of such service work not to exceed One Hundred Dollars (\$100.00). In addition to any other method of enforcement provided for in these Codified Ordinances or by statute, this offense may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Any person who is convicted of a second or subsequent offense for violating division (b) of this section is guilty of a misdemeanor of the fourth degree.

(Ord. No. 864-05. Passed 7-13-05, eff. 7-20-05)

605.141 Children of Compulsory School Age to be in Attendance at School; Parental Duty Imposed

(a) No child between the ages of six and seventeen, inclusive, other than a child that has been suspended or expelled from school, shall be at any place within the City except in attendance at school between the hours of 10:00 a.m. and 2:30 p.m. during any school day, unless the child has written proof from school authorities excusing him or her from attending school at that particular time, or unless the child is accompanied by a parent or legal guardian, or a responsible adult selected by the parent or legal guardian to supervise the child.

(b) Each parent or legal guardian of a child between the ages of six and seventeen, inclusive, shall have a duty to prohibit the child from behaving contrary to division (a) of this section. No person shall negligently fail to fulfill the duty imposed by this division.

(c) It shall be an affirmative defense to divisions (a) and (b) of this section that the child, at the time he or she was found at a place other than in school, was not required by law to be in attendance at school.

(d) It shall be an affirmative defense to division (b) of this section that the parent or legal guardian:

(1) Initiated the jurisdiction of the Juvenile Court against the child prior to the time that the child was found violating division (a) of this section; or

(2) Can demonstrate based upon the records of the Cleveland City School District that the parent or legal guardian has been actively working with officials of the Cleveland City School District regarding the behavior of the child prior to the time that the child was found violating division (a) of this section.

(e) A police officer or school attendance officer may transport any child found violating division (a) of this section to the child's residence and may release the child into the care of a parent or legal guardian, to the school the child usually attends, or to any location designated by the school authorities as a receiving center for such children, the choice of destination to be made at the discretion of the police officer or school attendance officer based on proximity of the destination and other relevant factors, and subject to the need to respond to emergency or priority calls.

(f) Any child who violates division (a) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

(g) Any person who violates division (b) of this section is guilty of negligently failing to supervise a child of compulsory school age, a misdemeanor of the fourth degree for a first offense. Any person who is convicted of a second or subsequent offense for violating division (b) of this Section is guilty of a misdemeanor of the third degree.

(Ord. No. 864-05. Passed 7-13-05, eff. 7-20-05)

605.142 Children Suspended or Expelled from School to Remain Under Supervision; Parental Duties Imposed

(a) If a child is suspended or expelled from school, then each parent or legal guardian of the child shall have the following duties for the duration of the suspension or expulsion:

(1) The duty to personally supervise the child, or to arrange for a responsible adult to supervise the child, at the times that the child would have been required to be in attendance at school had he or she not been suspended or expelled; and

(2) The duty to prohibit the child from being at any public place at the times that the child would have been required to be in attendance at school had he or she not been suspended or expelled, except in the following circumstances:

A. When the child is accompanied by the parent or legal guardian, or a responsible adult selected by the parent or legal guardian to supervise the child; or

B. When the child is employed pursuant to an age and schooling certificate issued by the school authorities, during the times that the child is actually on the job or traveling directly to or from the job site; or

C. When the child is on an emergency errand; or

D. When the child has been directed by the parent or legal guardian to engage in a specific activity or to carry out express instructions, during the times that the child is actually engaged in fulfilling those directions or instructions.

No person shall negligently fail to fulfill the duties imposed by this division.

(b) No child that has been suspended or expelled from school shall fail to comply with supervision provided or arranged by a parent or legal guardian pursuant to division (a)(1) of this section.

(c) No child that has been suspended or expelled from school shall be in any public place at the times that he or she would have been required to be in attendance at school had he or she not been suspended or expelled, except in the circumstances described in divisions (a)(2)A, (a)(2)B, (a)(2)C or (a)(2)D.

(d) As used in this section, "public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.

(e) A police officer or school attendance officer may transport any child found violating division (a) of this section to the child's residence and may release the child into the care of a parent or legal guardian, to the school the child usually attends, or to any location designated by the school authorities as a receiving center for such children, the choice of destination to be made at the discretion of the police officer or school attendance officer based on proximity of the destination and other relevant factors, and subject to the need to respond to emergency or priority calls.

(f) Any child that violates divisions (b) or (c) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

(g) Any person that negligently fails to fulfill the duty imposed by division (a) of this section is guilty of negligently failing to supervise a suspended or expelled child, a misdemeanor of the second degree for a first offense. Any person who is convicted of a

second or subsequent offense for violating division (a) of this section is guilty of a misdemeanor of the first degree.

(Ord. No. 864-05. Passed 7-13-05, eff. 7-20-05)

605.143 Parental Education Neglect

No person required to attend parental education or training program pursuant to a policy adopted under division (A) or (B) of Section 3313.663 of the Revised Code shall fail to attend the program. Whoever violates this section is guilty of parental education neglect, a misdemeanor of the fourth degree.

(Ord. No. 864-05, § 3. Passed 7-13-05, eff. 7-20-05)