

**MODIFYING** the provisions of Title VII, “General Regulations,” and Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code by **MODIFYING** Sections 723-42, “Mobile Food Vending; Definitions,” 723-6, “Revocable Street Privileges Required,” 723-16, “Sidewalk Vending,” and 723-50, “Mobile Food Vending; Penalties,” of Chapter 723, “Streets and Sidewalks, Use Regulations,” and 1501-7, “Class C Civil Offenses,” and by **REPEALING** Sections 723-44, “Mobile Food Vending; Operating Restrictions,” 723-46, “Mobile Food Vending; Applications,” and 723-48, “Mobile Food Vending; Fees, Term, Transferability,” of Chapter 723, “Streets and Sidewalks, Use Regulations,” to clarify and better align the Cincinnati Municipal Code with best practices for regulating mobile food vending in the public right-of-way.

WHEREAS, a revocable street privilege (“RSP”) is the primary tool by which the City of Cincinnati provides permission for a person to make special use of the public right-of-way or to place a structure or other object in the public right-of-way; and

WHEREAS, Cincinnati Municipal Code Chapter 723, “Street and Sidewalks, Use Regulations,” authorizes and governs certain uses of the City’s streets and sidewalks for which RSPs are made available, and these uses currently include mobile food vendors on the City’s streets; and

WHEREAS, the restricting mobile food-vending operations to mobile food zones is not efficient or economical for the City and does not allow or provide flexibility to the City to allow for mobile food vendors to be available to the public; and

WHEREAS, Council wishes to allow mobile food vendors on public streets to encourage economic vitality and the multi-dimensional use of City streets; and

WHEREAS, authorizing the use of public streets for mobile food vending is in accordance with the first goal of the Live initiative area to “build a robust public life” as described on pages 149 to 155 of Plan Cincinnati (2012), as well as the first goal of the Collaborate initiative area to “work in synergy with the Cincinnati community” as described on pages 209 to 212 of the plan; and

WHEREAS, in authorizing the use of public streets for mobile food vending, Council also wishes to establish a clear and effective framework for managing mobile food vending which promotes public health and safety and the uniformity of rules and regulations for mobile food vending throughout the City of Cincinnati; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Sections 723-6, “Revocable Street Privileges Required,” 723-16, “Sidewalk Vending,” 723-42, “Mobile Food Vending; Definitions,” 723-50, “Mobile Food Vending; Penalties,” of Chapter 723, “Streets and Sidewalks, Use Regulations,” and 1501-7, “Class C Civil Offenses,” of the Cincinnati Municipal Code are hereby amended to read as follows:

**Sec. 723-6. - Revocable Street Privileges Required.**

- (a) Unless specifically provided herein, no person shall encroach upon, or in any way obstruct or occupy any street, alley, avenue, sidewalk, public grounds, public right-of-way or land dedicated to the public use, or any part thereof, in the city by placing, building, erecting, causing to be placed, built, or erected or allowing to remain thereon any structure without first obtaining a revocable street privilege as governed by Chapter 718 of the Cincinnati Municipal Code.
- (b) Except as specifically allowed herein, no structure governed by this chapter and permitted by a revocable street privilege shall contain any type of advertising as defined herein.
- (c) All revocable street privileges issued pursuant to this chapter shall be subject to revocation and termination as specified in Chapter 718 of the Cincinnati Municipal Code.
- (d) Notwithstanding the provisions of this chapter, all structures placed in designated Urban Design Overlay Districts must conform to the design standards and procedures specified in Chapter 1437 of the Cincinnati Municipal Code and any other design standards adopted for the specific Urban Design Overlay Districts.
- (e) Notwithstanding the provisions of this policy, all structures placed in designated Historic Districts must conform to the design standards and procedures specified in Chapter 1435 of the Cincinnati Municipal Code and any other design standards adopted for the specific Historic District.
- (f) Nothing in this chapter is intended to prohibit the lawful carrying of signs by an individual in any public place.
- (g) All persons desiring to secure a revocable street privilege shall submit an application on a form to be provided by the city manager or his/her designee.
- (h) All persons desiring to secure a revocable street privilege shall include a non-refundable application fee of \$100.00 for each and every encroachment, obstruction, structure, dining area, kiosk, or other type of occupation requested.

- (i) The city shall waive the revocable street privilege application fee required under paragraph (h) of this section for the following:
  - (1) An application for placement of a planter within the public right-of-way pursuant to Section 723-8; and
  - ~~(2) An application for a mobile food vendor permit pursuant to Section 723-48; and~~
  - ~~(3)~~ (2) An application on behalf of a recognized community council.

**Sec. 723-16. - Sidewalk Vending.**

- (a) Sidewalk Vending Program. The city manager or his or her designee is authorized to grant revocable street privileges for the placement of sidewalk vending locations in accordance with this section. This section governs merchandise and food vending on the sidewalks in the City's right-of-way. Mobile food vending within city streets is governed by Sections 723-4142 ~~through~~ and 723-50 of the Cincinnati Municipal Code.
- (b) Sidewalk Vending Rules and Regulations. The city manager is authorized to establish rules and regulations for the orderly and efficient administration of this chapter, including but not limited to rules governing application fees, vending practices, displays at vending locations, equipment and materials, health and safety standards, and authorized hours of operation. Changes to the rules and regulations must be approved by the city manager.
- (c) Vending Districts. The following sidewalk vending districts are the only areas in which individual sidewalk vending locations may be established by the city manager or his or her designee. Peddlers and itinerant vendors authorized to operate under Chapter 839 of the Cincinnati Municipal Code are prohibited from operating in these sidewalk vending districts, as stated in Section 839-13 of the Cincinnati Municipal Code.
  - 1. The "Downtown Vending District" shall be defined as follows: the area within the public right-of-way within the bounds beginning at the intersection of the north property line of East Central Parkway and the east property line of Eggleston Avenue as projected northeastwardly; thence southeastwardly along the projected east property line, the actual east property line and the projected east property line of Eggleston Avenue to the south city corporate limit; thence west along the south city corporate limit to the west property line of Central Avenue as projected southwardly to the city corporate limit; thence northwardly along the west property line of projected Central Avenue and the actual west property line of Central Avenue to the north property line of West Court Street; thence eastwardly along the north property line of West Court Street to the west property line of Plum Street; thence northwardly along the west property line of Plum Street to the projected north property line of West Central Parkway; thence east along the projected and actual north property line of Central Parkway;

continuing eastwardly along the north property line of East Central Parkway to the point of beginning.

2. The “Liberty/Dalton Street Vending District” shall be defined as the area within the public right-of-way beginning at a point being the intersection of the west right-of-way line of Dalton Street and the north right-of-way line of Flint Street. Thence north along the west right-of-way line of Dalton Street to the point of intersection with the south right-of-way line of Findlay Street. Thence east along the south right-of-way line of Findlay Street to the point of intersection with the east right-of-way line of Dalton Street. Thence south along the east right-of-way line of Dalton Street to the point of intersection with the north right-of-way line of Flint Street. Thence west along the north right-of-way line of Flint Street to the point of intersection with the west right-of-way line of Dalton Street, being the point and place of beginning.
3. The “Short Vine Vending District” shall be defined as the area beginning at a point being the intersection of the north right-of-way line of Corry Street and the east right-of-way line of Vine Street. Thence north along the east right-of-way line of Vine Street to the point of intersection with the south right-of-way line of Martin Luther King Jr. Drive. Thence west along the south right-of-way line of Martin Luther King Jr. Drive to the point of intersection with the west right-of-way line of Vine Street. Thence south along the west right-of-way line of Vine Street to the point of intersection with the north right-of-way line of Corry Street. Thence east along the north right-of-way line of Corry Street to the east right-of-way line of Vine Street, being the point and place of beginning.
4. The “University Hospital Vending District” shall be defined as the area beginning at a point being the intersection of the south right-of-way line of Piedmont Avenue and the west right-of-way line of Eden Avenue. Thence north along the west right-of-way line of Eden Avenue to the point of intersection with the north right-of-way line of Bethesda Avenue. Thence east along the north right-of-way line of Bethesda Avenue to the point of intersection with the northeast right-of-way line of Elland Avenue. Thence southeast and east along that right-of-way line and that right-of-way line extended to the east right-of-way line of Burnet Avenue. Thence south along the east right-of-way line of Burnet Avenue to the point of intersection with the south right-of-way line extended of Piedmont Avenue. Thence west along the south right-of-way line extended and the right-of-way line of Piedmont Avenue to the point of intersection with the west right-of-way of Eden Avenue, being the point and place of beginning.
5. The “FC Cincinnati Vending District” shall be defined as follows: the area within the public right-of-way within the bounds beginning at the intersection of the north property line of West Liberty Street and the west property line of John Street as projected easterly; thence to the east property line of Elm Street projected southerly to the south property line of West Liberty Street then

projecting westerly along the south property line of West Liberty Street to the east property line of Central Parkway; thence projected southerly on the east property line of Central Parkway to the south property line of Charles Street; thence projecting westerly along the south property line of Charles Street to the west property line of Central Avenue; thence projecting northerly along the west property line of Central Avenue to the south property line of Ezzard Charles Drive; thence projecting westerly to the west property line of John Street; thence projecting northwesterly to the north property line of West Liberty Street.

- (d) Vending Locations. The city manager or his or her designee may designate sites within the defined vending districts for either food vending or merchandise vending and shall identify approved sites by maps, approximate address, or both. Additional sites may be requested in writing by persons interested in vending at specific locations which have not been designated for vending of the type proposed in the request. The city manager or his or her designee shall exercise sole discretion in determining the appropriateness of the requested location and shall notify the applicant in writing of the decision.
- (e) Temporary Locations. Temporary locations within the vending districts established in subsection (c) of this section for use in relocating sidewalk vendors from special event areas or for handling short-term (under seven days) demand for vending locations prompted by special events, holidays, sports championships, and other such occurrences, may be established and withdrawn by the city manager or his or her designee at any time.
- (f) Applications for Sidewalk Vending Locations. Persons desiring to obtain a revocable street privilege for a vending location shall submit an application on a form to be provided by the city manager or his or her designee. The city manager or his or her designee is authorized to charge a non-refundable application fee to be determined by the city manager.
- (g) Assignment of Vending Locations. Vending revocable street privileges for sidewalk vending locations will be awarded in accordance with the following:
  - 1. Each year, vendors with existing sidewalk vending locations may retain up to eight of their vending locations, upon provision of written notice to the city.
  - 2. New vending locations, and newly open vending locations not retained by a vendor, are to be awarded on a first come, first served basis.
  - 3. Applications for new or newly available vending locations shall be considered and awarded, in the order in which they are received, only to qualified applicants who submit proper and complete applications.
  - 4. Existing vendors seeking to retain one or more (up to eight) of their vending locations, and applicants seeking a new vending location, all must submit their applications within the deadlines for each step of the process. The application

periods and deadlines shall be established in the rules and regulations governing the sidewalk vending program.

5. In a given year, if deemed necessary because of high demand for new vending locations, the city manager or his or her designee may implement another method for awarding new locations, including but not limited to a lottery or another random drawing method, to ensure fairness both to existing vendors and new vendors.
6. The provisions of this subsection (g) do not change the revocability of vending revocable street privileges addressed in subsection (h) of this section and in Chapter 718 of the Cincinnati Municipal Code.

(h) **Vending Revocable Street Privilege.** The city manager or his designee shall issue a vending revocable street privilege for each vending location awarded upon payment of the required fee set forth in the rules and regulations for the sidewalk vending program. Vending revocable street privileges for vending locations issued pursuant to this chapter are also governed by Chapter 718 of the Cincinnati Municipal Code and are revocable at any time as set forth in Chapter 718. In the event of revocation not caused by any act or omission of the vendor, the city shall make good faith efforts to accommodate the vendor by identifying an alternative vending location, or, if no alternative locations are available, the city will refund a prorated amount of the annual fee for the vending revocable street privilege based on the number of months of the year that the vendor had the vending revocable street privilege.

(i) **Vending During Special Events.** When city council passes an ordinance in connection with a special event which temporarily prohibits vending in a specified area within any vending district except that which is authorized by the special event sponsor, and such area includes established sidewalk vending locations, or when, as a result of lawful construction or demolition or a significant change in the use of the street or sidewalk space in the vending district, it is necessary to eliminate an established vending site, the city manager or his or her designee may designate a temporary alternative sidewalk vending location within one of the defined vending districts established in subsection (c) of this section. The city manager or his or her designee shall designate temporary locations for sidewalk vending on an as-needed basis. The location of such temporary sites shall be at the sole discretion of the city manager or his or her designee.

#### **Sec. 723-42. - Mobile Food Vending.**

(a) For purposes of this chapter, the following words shall have the meanings respectively ascribed to them, unless a different meaning is clearly indicated by the context.

1. “Mobile Food-Vending Unit” shall be defined as a commercially manufactured, motorized, or otherwise mobile unit, truck, or cart that is readily movable, and from which non-alcoholic beverages and/or ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution.

2. “Mobile Food Vendor” shall be defined as any person who sells or offers for sale food or beverages from a Mobile Food-Vending Unit in any public, private, or restricted space.
- (b) Mobile food vending is permitted on street and other public rights-of-way in the City, subject to the following requirements:
- (1) The mobile food-vending unit must be parked within a designated parking space, provided that a mobile food vendor may not park within the following areas:
    1. A residential zoning district;
    2. A parking zone that requires a parking permit;
    3. Parking spaces designated for motorcycle or bicycle parking;
    4. Parking spaces designated for disabled persons;
    5. No parking zones, loading zones, valet zones, bus lanes, bicycle lanes, or other restricted use zones;
    6. Within 100 feet of a restaurant, food service business, school, or outdoor dining area or parklet space, unless the mobile food vendor first obtains the prior written consent of all operators of restaurants, food service businesses, schools, and outdoor dining areas, and parklet spaces located within 100 feet of the subject parking space;
    7. Within 100 feet of a sidewalk vendor authorized under Section 723-16, “Sidewalk Vending”;
    8. Within 10 feet of a fire hydrant, bus stop, mailbox, building entrance, sidewalk elevator, fire exit or escape, or a police or fire call box; or
    9. Within 750 feet of a special event, community event, parade, or assembly, unless authorized to participate in such event.
  - (2) A mobile food vendor must:
    1. Be actively engaged in providing mobile food-vending at all times while occupying a parking space.
    2. Keep the area within a 5-foot radius of the mobile food-vending unit clear of all litter and debris arising from their operations.
    3. Collect and dispose of all litter, waste, and debris generated by their mobile food vending, including litter, waste, and debris generated by

their customers. Such litter, waste, and debris shall not be placed in city trash receptacles.

4. Pay all parking and meter fees for the parking spot occupied by its mobile food-vending unit and shall comply with all applicable parking restrictions and requirements.
5. Promptly vacate its parking spot and cease providing mobile food vending if directed to do so by a parking enforcement agent or law enforcement officer in the interest of public health or safety or when the parking spot is required for municipal purposes.
6. Comply with all applicable food-service laws, rules, regulations, including, but not limited to, obtain a food-service permit and related certifications.

(3) A mobile food vendor may not:

1. Utilize the city's electrical outlets, unless specifically authorized by the city.
2. Park in a manner that prevents other vehicles from parking in otherwise available spaces.
3. Block, obstruct, or restrict the free passage of vehicles or persons in the lawful use of street, sidewalks, and public rights-of-way or ingress or egress to an abutting property.

(c) The city manager or the manager's designee is authorized to establish rules and regulations to provide for the safe, efficient, and orderly administration and enforcement of this section.

#### **Sec. 723-42. Mobile Food Vending; Definitions.**

~~For purposes of this chapter, the following words shall have the meanings respectively ascribed to them, unless a different meaning is clearly indicated by the context.~~

- ~~(a) "Mobile Food Vending Unit" shall be defined as a commercially manufactured, motorized or otherwise mobile unit, truck or cart that is readily movable, and from which non-alcoholic beverages and/or ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.~~
- ~~(b) "Mobile Food Vendor" shall be defined as any person who sells or offers for sale food or beverages from a Mobile Food Vending Unit in any public, private or restricted space.~~
- ~~(c) "Designated Zones" shall include all individually identified zones defined in this section.~~
- ~~(d) The "Court Street Market Zone" shall be defined as the designated parking spaces on East Court Street, southern most side, from the east line of Vine Street extending eastward approximately 130 feet.~~

- ~~(e) The “Purple People Bridge Zone” shall be defined as the East and South portions of the concrete pad, measuring 18 feet by 23 feet in size on the East side of the L and N Bridge, South of Pete Rose Way, on the corner of Pete Rose Way, the bridge approach adjacent to the Sawyer Point Parking area, and the grassy area west of the bridge on Pete Rose Way.~~
- ~~(f) The “Fountain Square/South Vine Street Zone” shall be defined as the area from the east curb lane of Vine Street between the Fifth Street crosswalk and the mid-block crosswalk, except where prohibited by marked loading zones.~~
- ~~(g) The “Fountain Square/North Fifth Street Zone” shall be defined as the area from the north curb lane of Fifth Street east of the mid-block crosswalk to the Walnut Street crosswalk.~~
- ~~(h) The “Fountain Square/South Fifth Street Zone” shall be defined as the area from the south right turn lane (the “Drop Lane”) on Fifth Street from the start of the Drop Lane to the Walnut Street crosswalk, except where prohibited by marked taxi stand zone.~~
- ~~(i) The “Fountain Square/North Vine Street Zone” shall be defined as the designated parking spaces on Vine Street, eastern most side, beginning approximately 180 feet south of the southern curb line of Sixth Street and extending southward approximately 60 feet.~~
- ~~(j) The “University Hospital Zone” shall be defined as the designated parking spaces on Bellevue Avenue, eastern most side, beginning 40 feet south of the south line of Piedmont Avenue and extending southward approximately 40 feet.~~
- ~~(k) The “Washington Park Zone” shall be defined as the designated parking spaces on the east side of Elm Street, beginning approximately 50 feet south of the southern curb line of West 14th Street and extending southward approximately 90 feet.~~
- ~~(l) The “Over the Rhine 12th Street Zone” shall be defined as the designated spaces on the south side of East 12th Street beginning 50 feet west of the west curb line on Clay Street and extending 45 feet westward.~~

**Sec. 723-50. - Mobile Food Vending; Penalties.**

Whoever violates any of the provisions of Sections ~~723-42, 723-44, 723-46, or 723-48~~ commits a Class C Civil Offense as defined by the Cincinnati Municipal Code § 1501-7(a), and is liable for the civil fine specified in § 1501-99 for a Class C Civil Offense. ~~Additional violations or failure to pay fines will result in immediate revocation of the revocable street privilege. Each day that any person violates a provision of Section 723-42 shall constitute a separate offense.~~

**Sec. 1501-7. - Class C Civil Offenses.**

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class C Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with § 1501-15 that the violation has been corrected. If a person has previously been found to

have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

(a) Class C Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 514-15	Violation and Revocation	Class D
(2)	§ 602-1	Permitting Unclean Habitations	Class D
(3)	§ 602-7	Vacation of Unsanitary Premises	Class D
(4)	§ 604-5	All Improved Premises to be Rat-Proofed	Class D
(5)	§ 606-3	Vaccination of Dogs	Class D
(6)	Chapter 743	Urban Forestry	Class D
(7)	§ 747-3	Limited Franchise Permit Required	Class D
(8)	§ 802-5(G)	Regulation of Recycled Content Paper Bags and Reusable Bags	Class D
(9)	§ 802-7	Reporting on Distribution of Bags and Collection of Charges	Class D
(10)	§ 869-7	Wrecking License Required	Class D
(11)	§ 1201-1	Cincinnati Fire Prevention Code	Class C
(12)	§ 1201-57	Permits	Class C
(13)	Chapter 1203	Motor Equipment in Places of Assembly	Class C
(14)	Chapter 1207	Drills	Class C
(15)	§ 1209-3	Hazardous Existing Electrical Wiring and Equipment	Class C
(16)	Chapter 1211	Fire Extinguishers	Class C
(17)	§ 1219-11	Flameproof Decorations	Class C
(18)	§ 1219-25	Chimneys and Fireplaces	Class C
(19)	§ 1219-31	Air Conditioning	Class C
(20)	§ 1219-35	Residential Storage	Class C
(21)	§ 1219-43	Fire Escapes	Class C
(22)	§ 1219-57	Restrictions on Parking Motor Vehicles	Class C

			Civil Fine for Subsequent Offense
(23)	§ 1219-61	Shaftways	Class C
(24)	§ 1219-63	Inspection, Safety Provisions	Class C
(25)	§ 1219-65	Location of Exits	Class C
(26)	§ 1219-67	Interior Stairway Doors	Class C
(27)	Chapter 1227	Storage, General Requirements	Class C
(28)	§ 1229-3	Water Flow Requirements	Class C
(29)	§ 1229-9	Private Fire Hydrants	Class C
(30)	§§ 723-5, 723-19	Structures in the Public Right-of-Way	Class D
(31)	§§ 723-44, 723-50 723-42	Mobile Food Vending	Class C
(32)	§ 723-24	Bike Share Stations	Class C

(b) Class C Civil Offense With Civil Fines Not Subject to 50% Reduction to Correction for Violation:

			Civil Fine for Subsequent Offense
(1)	Chapter 404	Electricity	Class D
(2)	Chapter 405	Telegraph and Telephone	Class D
(3)	Chapter 414	Valet Parking	Class D
(4)	§ 506-63	Driving on Sidewalk Area	Class D
(5)	§ 506-64	Driving on New Pavement	Class D
(6)	§ 718-23	Unlawful Private Use of Streets	Class D
(7)	§ 721-71	Permits for Sidewalk Construction	Class D
(8)	§ 721-81	Sidewalk Construction Without Permit Unlawful	Class D
(9)	§ 729-73	Discharging Noisome Substances	Class D
(10)	§ 729-83	Refrigerators, Abandoning	Class C

			Civil Fine for Subsequent Offense
(11)	§ 729-89(d)	Improper Disposal of Construction Debris or Hazardous Waste	Class D
(12)	§ 1215-3	Safe Practices	Class C
(13)	§ 1219-17	Misuse of Fire Protection Equipment	Class C
(14)	§ 1231-9	Tampering with Fire Hydrants	Class C
(15)	§ 1231-13	Unlicensed Use of Fire Hydrants Prohibited	Class C
(16)	§ 701-2(B)(2)	Leash Required; Responsibility for Injury (Menacing Fashion)	Class C
(17)	§ 701-2(B)(3)	Leash Required; Responsibility for Injury (Injury)	Class C
(18)	§ 856-25(b)	Failure to Obtain a Short Term Rental Registration	Class D
(19)	§ 856-25(e)	Failure of Short Term Rental Housing Platform to Comply with Obligations	Class D

Section 2. That existing Sections 723-44, “Mobile Food Vending; Operating Restrictions,” 723-46, “Mobile Food Vending; Applications,” and 723-48, “Mobile Food Vending; Fees, Term, Transferability,” of Chapter 723, “Streets and Sidewalks, Use Regulations,” of the Cincinnati Municipal Code are hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
Additions indicated by underline; Deletions indicated by strikethrough.