



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Public Safety & Governance

Councilmember Scotty Johnson, Chair
Vice Mayor Jan-Michele Kearney, Vice Chair
Councilmember Mark Jeffreys
Councilmember Liz Keating

Tuesday, August 1, 2023

9:00 AM

Council Chambers, Room 300

AGENDA

1. [202301806](#) MOTION, submitted by Councilmember Keating, WE MOVE for the Law Department to begin drafting an ordinance updating the City Charter with provisions on ballot initiatives to allow for more public transparency and longer timeframes for the Law Department to prepare ballot initiatives for a Council vote. WE FURTHER MOVE the Law Department makes the appropriate changes to the Charter to require a petitioner to file final ballot measure language with the Clerk of Council prior to collecting any signatures. This should follow the mold set by the City of Columbus: a clear title to the ordinance along with a singular subject matter. This should be paired with fixing the ambiguous language within the City Charter regarding candidate petitions and their affidavits. (STATEMENT ATTACHED)

Sponsors: Keating

Attachments: [Charter Amendment Motion](#)
[Columbus Charter provisions regarding charter amendments initiative re](#)

2. [202301754](#) ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 6/20/2023, AUTHORIZING interactive archery demonstration ranges, hunting bow and crossbow displays, and the display of a firearm as the grand prizes of a raffle during the 2024 Deer, Turkey and Waterfowl Expo at the Duke Energy Convention Center from January 19 through 21, 2024, notwithstanding the prohibitions in Cincinnati Municipal Code Sections 708-41 and 708-27 against possession and use of a deadly or dangerous weapon within any City building and against discharge of any dangerous weapon in the City.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

3. [202301635](#) ORDINANCE, submitted by Councilmember Parks, from Emily Smart Woerner, City Solicitor, MODIFYING the provisions of Chapter 100, "Mayor," Chapter 101, "Council," Chapter 323, "Small Business Enterprise and Local Business Enterprise Programs," Chapter 408 "Drivers' Licenses for Public Vehicles," Chapter 506, "Operation and Right of Way," Chapter 508, "Stopping and Parking," Chapter 514, "Parking Permits," Chapter 515, "Parking Infractions; Collection Procedures," Chapter 729, "Waste Disposal," Chapter 850, "Advertising of Tobacco Products," Chapter 881, "Facilities for Public Assembly," Chapter 1107, "Elevator and Conveyer Equipment," Chapter 1207, "Drills," Chapter 1213, "Fireworks," Chapter 1401, "Definitions," Chapter 1421, "General Site Standards," and Chapter 1425, "Parking and Loading Regulations," of the Cincinnati Municipal Code by AMENDING Section 100-1, "Qualifications of the Mayor"; Section 101-1, "Qualifications of Members of Council"; Section 101-17, "Approval of Code Changes by City Solicitor"; Section 101-27, "References to Cincinnati Municipal Code"; Section 323-27, "City Maintained Records and Reports"; Section 408-13, "Driver's Identification Card"; Section 506.69, "Stopping for School Buses"; Section 506-93, "Quiet Zones"; Section 508-12, "Parking Unreasonable Time"; Section 508-36, "Handicapped Parking, Reserved Locations on Public and Private Property"; Section 514-13, "Fee Schedule"; Section 515-11, "Parking Infraction Fines"; Section 729-7, "Setting Out Containers"; Section 850-1-P3, "Public Vehicle"; Section 881-3, "Facility for Public Assembly License"; Section 1107-01, "General"; Section 1207-21, "Fire Safety Plan and Evacuation Procedure/Living Facilities for Handicapped and Aged Persons"; Section 1213-15, "Display", Section 1401-01-T, "Transitional Housing"; Section 1421-07, "Building Projections Into Yards"; and Section 1425-31, "Parking Lot Markings," to update provisions of the Cincinnati Municipal Code to comport with current practices of the City of Cincinnati and to ensure the intended application of the law using the most current and accepted language.

Sponsors:

Parks

Attachments:[Transmittal](#)[Ordinance](#)

4. [202301645](#) ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, 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.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

5. [202301646](#) ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, MODIFYING the provisions of Title VII, “General Regulations,” of the Cincinnati Municipal Code by AMENDING Section 765-11, “Required Terms and Conditions,” of Chapter 765, “Special Events,” to align the insurance and indemnification requirements for special events with best practices for risk management.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

6. [202301551](#) ORDINANCE (EMERGENCY), submitted by Councilmember Jeffreys, from Emily Smart Woerner, City Solicitor, MODIFYING Section 320-1-P2, “Primary Apprenticeable Occupation” of Chapter 320, “Compliance Guidelines for Construction Contracts Issued by Water Works and the Department of Sewers” of the Cincinnati Municipal Code to amend the definition of “Primary Apprenticeable Occupation.”

Sponsors: Jeffreys

Attachments: [Transmittal](#)
[Ordinance](#)




Liz Keating
Councilmember

MOTION

WE MOVE for the Law Department to begin drafting an ordinance updating the City Charter with provisions on ballot initiatives to allow for more public transparency and longer timeframes for the Law Department to prepare ballot initiatives for a Council vote.

WE FURTHER MOVE the Law Department makes the appropriate changes to the Charter to require a petitioner to file final ballot measure language with the Clerk of Council prior to collecting any signatures. This should follow the mold set by the City of Columbus: a clear title to the ordinance along with a singular subject matter. This should be paired with fixing the ambiguous language within the City Charter regarding candidate petitions and their affidavits.



Councilmember Liz Keating

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COMMITTEES

STATEMENT

In the State of Ohio, it is required to publicly file final ballot language before a petitioner can begin collecting signatures for the petition. However, there is no such requirement for local ballot measures, including in the City of Cincinnati. To promote public transparency, the City Charter should be amended to require a public filing of the ballot initiative with the Clerk of Council, similar to Ohio state law and the Charter of the City of Columbus.

The added layer of transparency will allow voters to be properly informed as to the language of the petitions being circulated. Updating requirements to reflect a singular subject matter and a clear title will make these referendums apparent and straightforward for the public.

Additionally, publicly filing the ballot language at the beginning of the process will allow the Law Department more time to prepare the ordinance for City Council. Currently, the Law Department has only ten days to turn around a Charter Amendment for Council vote when the petition is approved by the Hamilton County Board of Elections. The Law Department staff should be provided a sufficient amount of time to prepare Charter Amendment Language for Cincinnati City Council, particularly when there are multiple Charter Amendment initiatives for one election.

PETITIONS FOR INITIATED ORDINANCE, REFERENDUM, RECALL, CHARTER AMENDMENT

Sec. 42. Questions and issues.

The following provisions shall govern any petition for an initiated ordinance, referendum, recall, or charter amendment.

(Adopted 11-7-33; Ord. No. 1748-2014, 7-21-2014)

Editor's note(s)—Ord. No. 1748-2014, adopted July 21, 2014, amended the title of § 42 to read as set out herein. Former § 42 was titled [petition and signatures.]

Sec. 42-1. Petition templates.

The city clerk shall produce petition templates for an initiated ordinance, referendum, recall, and charter amendment, which templates shall conform to the provisions of this charter and general laws of the state, unless otherwise provided by this charter or ordinance of council.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-2. Petition forms.

Each petition for a proposal initiated by a citizen shall comply with the following as to form and with general laws of the state, unless otherwise provided by this charter or ordinance of council:

- (a) A petition may be circulated in separate part-petitions, but shall be uniform in character.
- (b) Each part-petition shall be circulated and submitted as a single instrument.
- (c) The petition and parts thereof shall be printed in a single, uniform color.
- (d) A petition may only contain one proposal, which shall not address multiple or unrelated subject matters or questions of law.
- (e) The title of the proposal shall clearly and without argument describe the proposed ordinance, referendum, recall, or charter amendment, and such title shall be placed, in at least fourteen-point font, on the top of each page of a part-petition, which pages shall be numbered sequentially.
- (f) A petition shall contain a full and correct copy of any proposed ordinance, referendum, or charter amendment, with no summary, argument or other ancillary information regarding the proposal placed thereon, unless otherwise required by this charter or ordinance of council.
- (g) On each page of a part-petition where voters' signatures may be placed, the following shall be printed, in at least twelve-point font, below the title of such proposal: "NOTICE: Whoever knowingly signs this petition more than once; signs a name other than one's own on this petition, except as provided by general laws of the state; or signs this petition when not a qualified elector of the City of Columbus, is liable to prosecution."
- (h) The following sentence shall appear in the circulator's statement provided for by general law: "I am provided or promised moneys or things of value to circulate this petition by (Name and address of employer)."

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(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-3. Petition committee.

The petition shall bear the names of five qualified electors of the city of Columbus, who shall represent the petitioners in all matters relating to such petitions and shall be known as the petition committee.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-4. Filing certified copy of petition with city clerk.

Whoever seeks to propose by petition an ordinance, referendum, recall, or charter amendment shall file a certified copy of the petition with the city clerk prior to circulating the same.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-5. Duties upon filing of certified copy of petition.

The city clerk shall forward the certified copy of a petition forthwith to the city attorney and the members of council. The city attorney shall determine if the petition addresses a single subject and meets the requirements as to form herein, and shall report the same to the city clerk and the members of council.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-6. Statement of intent to compensate.

Any person or entity providing or promising moneys or things of value for the circulation, supervision, management, or other organization of a petition shall file a statement to that effect with the city clerk prior to providing any such moneys or things of value. The statement shall be on a form prescribed by the city clerk and duly notarized. Upon the filing of the petition, such person or entity shall file with the city clerk, on a form prescribed by the city clerk and duly notarized, an itemized statement of moneys or things of value promised or provided for the circulation, supervision, management, or other organization of such petition.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-7. All petitions to be filed with city clerk.

All separate part-petitions providing for a proposed ordinance, referendum, recall, or charter amendment shall be filed at the same time, as one instrument, with the city clerk. No alterations, corrections, or additions may be made to a petition after it is filed in a public office. Petitions for an initiated ordinance or charter amendment shall be filed within two years of filing a certified copy of the same with the city clerk; petitions for recall or referendum shall be filed as otherwise provided for herein.

(Ord. No. 1748-2014, 7-21-2014; Ord. No. 2198-2022 , § 1, 7-25-2022)

Sec. 42-8. Withdrawal, effect of withdrawal or insufficiency.

No petition, or part thereof, presented to or filed with any office of the city of Columbus may be withdrawn from such public office. A petition shall be withdrawn from consideration by the city if the petition committee submits

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(Supp. No. 75, Add.)

to the city clerk a written notice of withdrawal, signed by a majority of the committee and duly notarized, prior to final action on the petition; and a petition shall be withdrawn from consideration by the electors if notice is submitted in like manner prior to the forty-fifth day before the date of the election thereon.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-9. Duties upon filing of a petition.

Within ten days after filing, the city clerk shall cause copies of the petitions to be made, and shall forward the petitions to the elections authorities to validate the signatures on the petition and to the city attorney to advise on the legal sufficiency of the petition, based upon any applicable local, state or federal laws, rules or regulations; provided, however, in the case of a proposed charter amendment, the city clerk shall forward the petitions forthwith to the elections authorities and the city attorney. Validation of signatures shall be reported by the elections authority within ten days of their receipt of the petition. If the elections authority's report confirms a sufficient number of valid signatures on the petition, the city clerk shall, upon receipt, forthwith forward to the council the elections authority's report and the city attorney's findings regarding legal sufficiency. If the elections authority's report confirms an insufficient number of valid signatures on the petition, the city clerk shall forthwith notify the petition committee of the deficiency. The petition committee shall have an additional ten (10) days from the time of notification by the city clerk to secure and file petitions containing additional signatures. The city clerk shall forward any additional petitions received forthwith to the elections authorities. Validation of additional signatures shall be reported by the elections authority within ten days of their receipt of the petition. The city clerk shall, upon receipt, forthwith forward to the council the elections authority's supplemental report regarding signature validation and the city attorney's findings regarding legal sufficiency.

(Ord. No. 1748-2014, 7-21-2014; Ord. No. 2198-2022 , § 1, 7-25-2022)

Sec. 42-10. Validation of part-petitions, signatures.

Validation of signatures and part-petitions shall be as provided for in the general laws of the state, unless otherwise provided by this charter or ordinance of council. No part-petition which includes a purported elector's signature or circulator's signature affixed prior to the date of filing a certified copy of the petition shall be deemed valid.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-11. Council action by ordinance.

Council action on a petition for any proposed ordinance, referendum, or charter amendment shall be by ordinance. No city officer may consider the subject matter of a petition when determining the legal sufficiency thereof, except as required to assure compliance with applicable provisions of this charter, general laws of the state, or ordinance of council. Any petition and any signatures upon the part-petitions thereof found to be sufficient as provided herein shall be presumed to be in all respects sufficient, unless not later than forty-five days before the election, it shall be otherwise proven.

(Ord. No. 1748-2014, 7-21-2014)

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Sec. 42-12. Petitions not subject to veto, referendum.

Any ordinance placing an issue before voters or setting the date of an associated special election shall go into effect and be in force from and after the date of passage, and shall not be submitted to or require the mayor's signature, or be subject to the mayor's veto; nor shall such ordinance be subject to the referendum.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-13. Conflicting questions and issues.

If two or more proposals are approved or adopted at the same election, and the city council finds that any provisions of two or more are in conflict, the proposal receiving the highest number of votes shall prevail.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-14. Effect of petition irregularities after approval by voters.

No vote on a proposal submitted to the electors of the city of Columbus shall be held ineffective or void on account of the insufficiency of the petitions by which such submission of the proposal was procured.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-15. Legal review, action upon approval of initiated question or issue.

Upon approval of an initiated proposal, the city attorney shall review the same. If the city attorney finds any conflicts between the proposal so approved and any applicable local, state or federal law, this charter, the Ohio Constitution, or the United States Constitution, the city attorney shall promptly inform the mayor and city council of the same in writing.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-16. Conferring special privilege by initiated ordinance or charter amendment.

- A) Restraint of trade or commerce being injurious to this state and its citizens, including citizens of the City of Columbus, the power of the initiative shall not be used to pass an ordinance or an amendment to the city charter that would grant or create a monopoly, oligopoly, or cartel; specify or determine a tax rate; or confer a commercial interest, commercial right, or commercial license to any person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, however organized, that is not then available to other similarly situated persons or nonpublic entities.
- B) The power of the initiative shall not be used to pass an ordinance authorizing the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution.
- C) If an ordinance or charter amendment proposed by initiative petition is certified to appear on the ballot, and in the opinion of the City Attorney, the ordinance or amendment would conflict with division (A) or (B) of this Section, the City Council shall prescribe two separate questions to appear on the ballot, as follows:
 - a. The first question shall be as follows:
 - i. Where there is determined to be a conflict with division (A):

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1. For an initiated ordinance: "Shall the petition committee, in violation of division (A) of Section 42-16 of the Columbus City Charter, be authorized to initiate an ordinance that grants or creates a monopoly, oligopoly, or cartel, specifies or determines a tax rate, or confers a commercial interest, commercial right, or commercial license that is not available to other similarly situated persons?"
 2. For a charter amendment: "Shall the petition committee, in violation of division (A) of Section 42-16 of the Columbus City Charter, be authorized to initiate a charter amendment that grants or creates a monopoly, oligopoly, or cartel, specifies or determines a tax rate, or confers a commercial interest, commercial right, or commercial license that is not available to other similarly situated persons?"
- ii. Where there is determined to be a conflict with division (B):
 1. For an initiated ordinance: "Shall the petition committee, in violation of division (B) of Section 42-16 of the Columbus City Charter, be authorized to initiate an ordinance that authorizes the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution?"
 2. For a charter amendment: "Shall the petition committee, in violation of division (B) of Section 42-16 of the Columbus City Charter, be authorized to initiate a charter amendment that authorizes the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution?"
 - b. The second question shall describe the proposed ordinance or charter amendment.
 - c. If both questions are approved or affirmed by a majority of the electors voting on them, then the ordinance or charter amendment shall take effect. If only one question is approved or affirmed by a majority of the electors voting on it, then the ordinance or charter amendment shall not take effect.

(Ord. No. 2198-2022 , § 1, 7-25-2022)

Sec. 42-17. Disclosure Requirements for Certain Initiative Petitions.

- A) If a petition committee seeks to use the municipal power of the initiative to pass an ordinance or an amendment to the city charter that would grant or create a monopoly, oligopoly, or cartel; specify or determine a tax rate; or confer a commercial interest, commercial right, or commercial license to any person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, however organized, that is not then available to other similarly situated persons or nonpublic entities in violation of Sec. 42-16(A) or if a petition committee seeks to use the municipal power of the initiative to pass an ordinance that authorizes the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution in violation of Sec. 42-16(B), such petition committee must make the following additional disclosures on each part petition submitted:
 - 1) The name and address of each member of the petition committee;
 - 2) The name and address of each person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, who will receive or are intended to receive a commercial interest,

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- commercial right, commercial license, or private commercial benefit of any kind under the initiated ordinance or charter amendment;
- 3) The amount of public money that each person, nonpublic entity, or group or persons or nonpublic entities, or any combination thereof, will obtain or is expected either to obtain or to have access to from the city in each of the first three fiscal years following the effective date of the initiated ordinance or charter amendment.
- B) The failure to disclose any information required in Section (A) on any part-petition, will result in the invalidity of all signatures contained on such part-petition;
- C) Strict compliance with this section is required pursuant to the obligations under Title 35 of the Revised Code;
- D) This provision preserves the authority conferred upon of the citizens of the City of Columbus granted under Article II Sections .01e and .01f and Article XVIII, Section 03 of the Ohio Constitution.
- (Ord. No. 2198-2022 , § 1, 7-25-2022)

INITIATED ORDINANCE

Sec. 43. Ordinance initiated by petition.

The power to initiate an ordinance by petition is hereby reserved to the people of the city of Columbus. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal to not less than five per cent of the total vote cast at the last preceding regular municipal election for mayor. Any such proposed ordinance shall comply, in all respects, with the requirements of this charter and applicable rules of council regarding ordinances.

(Adopted 11-7-33; Ord. No. 1748-2014, 7-21-2014)

Editor's note(s)—Ord. No. 1748-2014, adopted July 21, 2014, amended the title of § 43 to read as set out herein.
Former § 43 was titled [duties of city clerk.]

Sec. 43-1. Council action on initiated ordinances.

Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of the same into the record. Within fourteen days thereafter, the council shall determine the sufficiency of the petition by ordinance. Should the council find such petition sufficient, it shall vote within thirty days to either adopt the proposed ordinance without alteration, or by ordinance forthwith order and provide for the submission of such proposed ordinance in its original form to a vote of the electors of the city.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 43-2. Placement of issue on the ballot.

The aforesaid ordinance shall require that such proposed ordinance be submitted at the next regular municipal election if one shall occur not less than sixty nor more than one-hundred-twenty days after its passage. If no such election will be held within the period herein provided, the council shall, at its sole discretion, order and provide for the submission of such proposed ordinance to a vote of the electors of the city at either a special election within such period, or at the next regular municipal election.

(Ord. No. 1748-2014, 7-21-2014)

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(Supp. No. 75, Add.)

Sec. 43-3. Ballot language, initiated ordinance.

In any ordinance placing a proposed ordinance on the ballot, city council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot. City council may further prescribe arguments, of no more than two-hundred words each, printed side by side in such order as council deems appropriate, both in support of and in opposition to such proposed ordinance; and such arguments shall properly represent the substance, purpose and effect of the proposal. The ballot committee may prepare and present to city council suggested arguments for such proposal, which shall properly identify the substance, purpose and effect of the proposal. The arguments, so prescribed by council, shall be affixed to a copy of the proposal ordinance and shall be placed in each voting location of the city.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 43-4. Effect of electoral vote on proposed ordinance.

If such proposed ordinance be approved by a majority of the electors voting thereon, it shall become an ordinance of the city at the time fixed therein, or upon the completion of the official canvass of the election, whichever is later.

(Ord. No. 1748-2014, 7-21-2014)

REFERENDUM

Sec. 44. Referendum initiated by petition.

The power to initiate a referendum by petition on any ordinance, other than those ordinances listed herein, is hereby reserved to the people of the city of Columbus. Any proposed referendum may be submitted to the council by a petition signed by registered electors of the city equal to not less than five per cent of the total vote cast at the last preceding regular municipal election for mayor, and such petition shall be submitted within thirty days of final action by the council.

(Adopted 11-7-33; Ord. No. 1748-2014, 7-21-2014)

Editor's note(s)—Ord. No. 1748-2014, adopted July 21, 2014, amended the title of § 44 to read as set out herein.
Former § 44 was titled [council action; submission to voters.]

Sec. 44-1. Ordinances not subject to the referendum.

The following shall not be subject to the referendum, but shall go into effect at the time indicated therein:

- (a) Any annual appropriation ordinance.
- (b) In all cases where council is required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the referendum shall apply only to the first ordinance or measure required to be passed.
- (c) Ordinances or resolutions providing for the approval or disapproval of appointments or removals by the mayor, and appointments or removals made by council.
- (d) Action by the council on the approval of official bonds.

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(Supp. No. 75, Add.)

(e) Ordinances or resolutions providing for the submission of any proposal to a vote of the electors.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 44-2. Effect of referendum petition on subject ordinance.

If a petition for referendum shall be filed as provided for herein regarding an ordinance that shall go into effect thirty days after final passage by the council, such ordinance shall not be operative until the steps indicated herein have been taken. If a petition for referendum is filed as provided for herein regarding an emergency measure, such ordinance shall go into effect at the time indicated in such ordinance. If, when submitted to a vote of the electors, an emergency measure is not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon. If any aforesaid referendum petition be filed regarding a measure passed by the council providing for an expenditure of money, a bond issue, or a public improvement, all steps preliminary to such actual expenditure, actual issuance of bonds, or actual execution of a contract for such improvement, may be taken prior to the election.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 44-3. Council action on petition for referendum.

Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of the same into the record. Within fourteen days thereafter, the council shall determine the sufficiency of the petition. Should the council find such petition sufficient, it shall vote within thirty days to either repeal the subject ordinance, or by ordinance forthwith order and provide for the submission of such proposed referendum in its original form to a vote of the electors of the city.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 44-4. Placement of issue on the ballot.

The aforesaid ordinance shall require that such proposed referendum be submitted at the next regular municipal election if one shall occur not less than sixty nor more than one-hundred-twenty days after its passage. If no such election will be held within the period herein provided, the council shall, at its sole discretion, order and provide for the submission of such proposed referendum to a vote of the electors of the city at either a special election within such period, or at the next regular municipal election.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 44-5. Ballot language, referendum.

In any ordinance placing a referendum on the ballot, city council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot. City council may further prescribe arguments, of no more than two-hundred words each, printed side by side in such order as council deems appropriate, both in support of and in opposition to such referendum; and such arguments shall properly represent the substance, purpose and effect of the proposal. The ballot committee may prepare and present to city council suggested arguments for such proposal. The arguments, so prescribed by council, shall be affixed to a copy of the proposal referendum and shall be placed in each voting location of the city.

(Ord. No. 1748-2014, 7-21-2014)

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(Supp. No. 75, Add.)

Sec. 44-6. Effect of electoral vote on referendum.

If such proposed referendum be approved by a majority of the electors voting thereon, the ordinance which was the subject of the referendum shall be repealed upon the completion of the official canvass of the election.

(Ord. No. 1748-2014, 7-21-2014)

CHARTER AMENDMENTS

Sec. 45. Charter amendments.

Proposed amendments to this charter may be submitted to the electors of the city by a two-thirds vote of the council and such submission shall be by ordinance. Proposed amendments to this charter shall be submitted by the council forthwith upon a petition signed by electors of the city equal to not less than ten percent of the total vote cast at the last preceding regular municipal election.

(Adopted 11-7-33; Ord. No. 1748-2014, 7-21-2014)

Editor's note(s)—Ord. No. 1748-2014, adopted July 21, 2014, amended the title of § 45 to read as set out herein. Former § 45 was titled [approval or rejection.]

Sec. 45-1. Council action on petition for proposed charter amendment.

Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of the same into the record. The council shall forthwith determine the sufficiency of the petition. Should the council find such petition sufficient, it shall forthwith by ordinance provide for the submission of such proposed charter amendment to a vote of the electors of the city.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 45-2. Placement of issue on the ballot.

The aforesaid ordinance shall order and provide for the submission of such proposed charter amendment to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one-hundred-twenty days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 45-3. Notice of charter amendment.

The city clerk shall provide notice of any proposed charter amendment as provided for by general laws of the state, unless otherwise provided by this charter or ordinance of council.

(Ord. No. 1748-2014, 7-21-2014)

{00382479-1}

Created: 2023-04-13 13:38:08 [EST]

(Supp. No. 75, Add.)

Sec. 45-4. Ballot language, generally.

In any ordinance placing a proposed charter amendment on the ballot, city council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot. City council may further prescribe arguments, of no more than two-hundred words each, printed side by side in such order as council deems appropriate, both in support of and in opposition to such proposed charter amendment; and such arguments shall properly represent the substance, purpose and effect of the proposal. The ballot committee may prepare and present to city council the arguments for such proposal, which shall properly identify the substance, purpose and effect of the proposal. The arguments, so prescribed by council, shall be placed in the notice to voters provided for herein; and shall be affixed to a copy of the proposal charter amendment and be placed in each voting location of the city.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 45-5. Effect of approval at election.

If such proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed in the proposed amendment, or upon the completion of the official canvass of the election, whichever is later.

(Ord. No. 1748-2014, 7-21-2014)

June 26, 2023

To: Mayor and Members of City Council

202301754

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – NOW 2024 Waterfowl Expo**

Attached is an Ordinance captioned:

AUTHORIZING interactive archery demonstration ranges, hunting bow and crossbow displays, and the display of a firearm as the grand prizes of a raffle during the 2024 Deer, Turkey and Waterfowl Expo at the Duke Energy Convention Center from January 19 through 21, 2024, notwithstanding the prohibitions in Cincinnati Municipal Code Sections 708-41 and 708-27 against possession and use of a deadly or dangerous weapon within any City building and against discharge of any dangerous weapon in the City.

The Administration recommends passage of this Ordinance.

cc: William “Billy” Weber, Assistant City Manager
Virginia Tallent, Assistant City Manager

AUTHORIZING interactive archery demonstration ranges, hunting bow and crossbow displays, and the display of a firearm as the grand prizes of a raffle during the 2024 Deer, Turkey and Waterfowl Expo at the Duke Energy Convention Center from January 19 through 21, 2024, notwithstanding the prohibitions in Cincinnati Municipal Code Sections 708-41 and 708-27 against possession and use of a deadly or dangerous weapon within any City building and against discharge of any dangerous weapon in the City.

WHEREAS, the Duke Energy Convention Center will host the 2024 Deer, Turkey and Waterfowl Expo, managed by Renfro Productions & Management, Inc. (“Renfro”) and scheduled to occur from January 19 through 21, 2024; and

WHEREAS, Renfro has received a request from the Indiana Bow Hunters Association to operate an interactive youth archery demonstration range in which a youth would be paired with an adult instructor from the Indiana Bow Hunters Association to provide archery demonstrations, which demonstrations would constitute the possession, use, and discharge of weapons in the City and would normally be prohibited under Cincinnati Municipal Code Chapter 708; and

WHEREAS, the proposed interactive youth archery demonstration will include public participation under the supervision of instructors from the Indiana Bow Hunters Association, as well as observation by members of the public from a designated safe distance; and

WHEREAS, Renfro anticipates receiving requests from bow manufacturers and archery retailers to operate an interactive archery demonstration range, where an adult would be permitted to discharge a bow under the supervision of a bow manufacturer representative or an archery retailer representative, which displays and demonstrations would constitute the possession, use, and discharge of weapons in the City and would normally be prohibited under Cincinnati Municipal Code Chapter 708; and

WHEREAS, the proposed interactive adult archery demonstration range will include public participation under the supervision of bow manufacturer representatives or archery retailer representatives, as well as observation by members of the public from a designated safe distance; and

WHEREAS, Renfro anticipates receiving requests from bow manufacturers and archery retailers to display and sell hunting bows and crossbows during the 2024 Deer, Turkey and Waterfowl Expo, which displays would constitute the possession of deadly or dangerous weapons in a City building and would normally be prohibited under Cincinnati Municipal Code Chapter 708; and

WHEREAS, Renfro has received a request from Ducks Unlimited to possess and display a hunting rifle that will be used as the grand prize for a raffle during the course of the show, which display would constitute possessing a dangerous weapon in a City building and would normally be prohibited under Cincinnati Municipal Code Chapter 708; and

WHEREAS, the hunting rifle that will be used as the grand prize for the Ducks Unlimited raffle would be on secured display and locked during the 2024 Deer, Turkey and Waterfowl Expo; now, therefore,

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

Section 1. That the Duke Energy Convention Center management may allow interactive archery demonstration ranges, which will include use of bows and arrows discharged by members of the public who will remain under the supervision of instructors from the Indiana Bow Hunters Association, bow manufacturer representatives, or archery retailer representatives at all times, and displays of hunting bows and crossbows during the 2024 Deer, Turkey and Waterfowl Expo at the Duke Energy Convention Center from January 19 through 21, 2024, notwithstanding the prohibitions in Cincinnati Municipal Code Sections 708-41 and 708-27 against possession and use of a deadly or dangerous weapon within any City building and against discharge of any dangerous weapon in the City, and any other municipal law or regulation that might otherwise inhibit the activities specifically permitted herein.

Section 2. That the operation of interactive archery demonstration ranges and the retail display of hunting bows and crossbows shall be limited to the following dates and times during the 2024 Deer, Turkey and Waterfowl Expo: from January 19 through January 21, 2024, during the normal operating hours of the 2024 Deer, Turkey and Waterfowl Expo, at all times during which the public is permitted into the Duke Energy Convention Center for the described event.

Section 3. That the hunting rifle to be displayed and given as a raffle prize shall be given to a recipient at a later date rather than during the 2024 Deer, Turkey and Waterfowl Expo, and shall be presented to the recipient at a location other than the Duke Energy Convention Center.

Section 4. That the producers, exhibitors, and attendees of the 2024 Deer, Turkey and Waterfowl Expo shall comply with all other normally applicable laws and regulations.

Section 5. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of Sections 1 through 4.

Section 6. 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

Date: June 14, 2023

To: Councilmember Victoria Parks
From: Emily Smart Woerner, City Solicitor *ESW*
Subject: Ordinance – Accessible Language Update

Transmitted herewith is an ordinance captioned as follows:

MODIFYING the provisions of Chapter 100, “Mayor,” Chapter 101, “Council,” Chapter 323, “Small Business Enterprise and Local Business Enterprise Programs,” Chapter 408 “Drivers’ Licenses for Public Vehicles,” Chapter 506, “Operation and Right of Way,” Chapter 508, “Stopping and Parking,” Chapter 514, “Parking Permits,” Chapter 515, “Parking Infractions; Collection Procedures,” Chapter 729, “Waste Disposal,” Chapter 850, “Advertising of Tobacco Products,” Chapter 881, “Facilities for Public Assembly,” Chapter 1107, “Elevator and Conveyer Equipment,” Chapter 1207, “Drills,” Chapter 1213, “Fireworks,” Chapter 1401, “Definitions,” Chapter 1421, “General Site Standards,” and Chapter 1425, “Parking and Loading Regulations,” of the Cincinnati Municipal Code by AMENDING Section 100-1, “Qualifications of the Mayor”; Section 101-1, “Qualifications of Members of Council”; Section 101-17, “Approval of Code Changes by City Solicitor”; Section 101-27, “References to Cincinnati Municipal Code”; Section 323-27, “City Maintained Records and Reports”; Section 408-13, “Driver’s Identification Card”; Section 506-69, “Stopping for School Buses”; Section 506-93, “Quiet Zones”; Section 508-12, “Parking Unreasonable Time”; Section 508-36, “Handicapped Parking, Reserved Locations on Public and Private Property”; Section 514-13, “Fee Schedule”; Section 515-11, “Parking Infraction Fines”; Section 729-7, “Setting Out Containers”; Section 850-1-P3, “Public Vehicle”; Section 881-3, “Facility for Public Assembly License”; Section 1107-01, “General”; Section 1207-21, “Fire Safety Plan and Evacuation Procedure/Living Facilities for Handicapped and Aged Persons”; Section 1213-15, “Display”; Section 1401-01-T, “Transitional Housing”; Section 1421-07, “Building Projections Into Yards”; and Section 1425-31, “Parking Lot Markings,” to update provisions of the Cincinnati Municipal Code to comport with current practices of the City of Cincinnati and to ensure the intended application of the law using the most current and accepted language.

ESW/LES(dmm)
Attachment
384603

{00384797-1}

City of Cincinnati

LES

EESW

An Ordinance No. _____

- 2023

MODIFYING the provisions of Chapter 100, “Mayor,” Chapter 101, “Council,” Chapter 323, “Small Business Enterprise and Local Business Enterprise Programs,” Chapter 408 “Drivers’ Licenses for Public Vehicles,” Chapter 506, “Operation and Right of Way,” Chapter 508, “Stopping and Parking,” Chapter 514, “Parking Permits,” Chapter 515, “Parking Infractions; Collection Procedures,” Chapter 729, “Waste Disposal,” Chapter 850, “Advertising of Tobacco Products,” Chapter 881, “Facilities for Public Assembly,” Chapter 1107, “Elevator and Conveyer Equipment,” Chapter 1207, “Drills,” Chapter 1213, “Fireworks,” Chapter 1401, “Definitions,” Chapter 1421, “General Site Standards,” and Chapter 1425, “Parking and Loading Regulations,” of the Cincinnati Municipal Code by **AMENDING** Section 100-1, “Qualifications of the Mayor”; Section 101-1, “Qualifications of Members of Council”; Section 101-17, “Approval of Code Changes by City Solicitor”; Section 101-27, “References to Cincinnati Municipal Code”; Section 323-27, “City Maintained Records and Reports”; Section 408-13, “Driver’s Identification Card”; Section 506-69, “Stopping for School Buses”; Section 506-93, “Quiet Zones”; Section 508-12, “Parking Unreasonable Time”; Section 508-36, “Handicapped Parking, Reserved Locations on Public and Private Property”; Section 514-13, “Fee Schedule”; Section 515-11, “Parking Infraction Fines”; Section 729-7, “Setting Out Containers”; Section 850-1-P3, “Public Vehicle”; Section 881-3, “Facility for Public Assembly License”; Section 1107-01, “General”; Section 1207-21, “Fire Safety Plan and Evacuation Procedure/Living Facilities for Handicapped and Aged Persons”; Section 1213-15, “Display”; Section 1401-01-T, “Transitional Housing”; Section 1421-07, “Building Projections Into Yards”; and Section 1425-31, “Parking Lot Markings,” to update provisions of the Cincinnati Municipal Code to comport with current practices of the City of Cincinnati and to ensure the intended application of the law using the most current and accepted language.

WHEREAS, the City wishes to be a welcoming and inclusive environment for all people and seeks to prohibit wrongful discrimination in all forms, including by using the most accurate terms and definitions in its laws; and

WHEREAS, the Cincinnati Municipal Code occasionally must be updated to ensure the most accurate terms and definitions are used to express the intent and purpose of the laws of the City of Cincinnati; and

WHEREAS, courts and legislative bodies throughout the United States have refined their terminology to better include individuals with disabilities; and

WHEREAS, Council desires to update various provisions of the Cincinnati Municipal Code to comport with current practices of the City and to ensure the intended application of the law using the most current and accepted language; now, therefore,

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

Section 1. That Section 100-1, "Qualifications of the Mayor," of Chapter 100, "Mayor"; Section 101-1, "Qualifications of Members of Council," Section 101-17, "Approval of Code Changes by City Solicitor," and Section 101-27, "References to Cincinnati Municipal Code," of Chapter 101, "Council"; Section 323-27, "City Maintained Records and Reports," of Chapter 323, "Small Business Enterprise and Local Business Enterprise Programs"; Section 408-13, "Driver's Identification Card," of Chapter 408, "Drivers' Licenses for Public Vehicles"; Section 506-69, "Stopping for School Buses," and Section 506-93, "Quiet Zones," of Chapter 506, "Operation and Right of Way"; Section 508-12, "Parking Unreasonable Time," and Section 508-36, "Handicapped Parking, Reserved Locations on Public and Private Property," of Chapter 508, "Stopping and Parking"; Section 514-13, "Fee Schedule," of Chapter 514, "Parking Permits"; Section 515-11, "Parking Infraction Fines," of Chapter 515, "Parking Infractions; Collection Procedures"; Section 729-7, "Setting Out Containers," of Chapter 729, "Waste Disposal"; Section 850-1-P3, "Public Vehicle," of Chapter 850, "Advertising of Tobacco Products"; Section 881-3, "Facility for Public Assembly License," of Chapter 881, "Facilities for Public Assembly"; Section 1107-01, "General," of Chapter 1107, "Elevator and Conveyor Equipment"; Section 1207-21, "Fire Safety Plan and Evacuation Procedure/Living Facilities for Handicapped and Aged Persons," of Chapter 1207, "Drills"; Section 1213-15, "Display," of Chapter 1213, "Fireworks"; Section 1401-01-T, "Transitional Housing," of Chapter 1401, "Definitions"; Section 1421-07, "Building Projections Into Yards," of Chapter 1421, "General Site Standards"; and Section 1425-31, "Parking Lot Markings," of Chapter 1425, "Parking and Loading Regulations," of the Cincinnati Municipal Code are amended to read as follows:

Sec. 100-1. - Qualifications of the Mayor.

The mayor shall be an elector of the city and shall not hold any other public office except that of notary public or member of the state militia. The mayor shall not be interested in any contract with the city and shall not hold employment with the city.

A person serving as mayor who ceases to possess any of the above qualifications or removes from the city shall forthwith forfeit the office of mayor.

An officer, director, stockholder, employee, or owner of any interest in a financial institution or public depository receiving inactive, interim, or active deposits pursuant to the Uniform Depository Act of the Ohio Revised Code shall not be deemed to hold public office or be interested, either directly or indirectly, as a result of such relationship, in the deposit of such inactive, interim, or active deposits of public moneys for the purpose of any law prohibiting an elected official of the City of Cincinnati from holding other office or being interested in any contract of the city of Cincinnati.

The mayor shall not be deemed to hold other public office when appointed or designated by council or selected by a governmental or quasi-governmental body to represent the city on the board or commission of any governmental or quasi-governmental body, including, but not limited to, the OKI, District 13 Council of Governments on Law Enforcement, the Port Authority, the Transit Authority, Hamilton County Mental Health and Recovery Services, and ~~the Community Mental Health and Mental Retardation Board of Hamilton County~~ Hamilton County Developmental Disabilities Services. The mayor shall not be deemed to hold public office when appointed a director of the Federal Home Loan Bank, nor considered as having an interest, directly or indirectly, in the purchase or sale by the city or the Federal Home Loan Bank System of securities issued by the Federal Home Loan Bank System or the city.

Sec. 101-1. - Qualifications of Members of Council.

Each member of council shall be an elector of the city and shall not hold any other public office except that of notary public or member of the state militia. A member of council shall not be interested in any contract with the city and shall not hold employment with the city.

A member who ceases to possess any of the above qualifications or removes from the city shall forthwith forfeit the office of council member.

An officer, director, stockholder, employee, or owner of any interest in a financial institution or public depository receiving inactive, interim, or active deposits pursuant to the Uniform Depository Act of the Ohio Revised Code shall not be deemed to hold public office or be interested, either directly or indirectly, as a result of such relationship, in the deposit of such inactive, interim, or active deposits of public moneys for the purpose of any law prohibiting a member of council from holding other office or being interested in any contract of the city of Cincinnati.

A member of council shall not be deemed to hold other public office when appointed by the mayor or designated by council or selected by a governmental or quasi-governmental body to represent the city on the board or commission of any governmental or quasi-governmental body, including, but not limited to, the OKI, District 13 Council of Governments on Law Enforcement, the Port Authority, the Transit Authority, Hamilton County Mental Health and Recovery Services, and ~~the Community Mental Health and Mental Retardation Board of Hamilton County~~ Hamilton County Disabilities Services. A member of council shall not be deemed to hold public office when appointed a director of the Federal Home Loan Bank, nor considered as having an interest, directly or indirectly, in the purchase or sale by the city or the Federal Home Loan Bank System of securities issued by the Federal Home Loan Bank System or the city.

Sec. 101-17. - Approval of Code Changes by City Solicitor.

Every ordinance ~~amendatory of, or supplementary to,~~ that amends or supplements the Cincinnati Municipal Code shall be submitted to the city solicitor before being passed by council. If any provision of the Cincinnati Municipal Code as amended or supplemented ~~any such ordinance shall~~ conflicts with any other existing section of the code, the solicitor shall prepare and insert in the proposed ordinance a clause repealing the section in conflict.

Sec. 101-27. – References to Cincinnati Municipal Code.

In all ordinances, resolutions and proceedings relating to, or referring to, ordinance provisions included in this code of ordinances, or amendments or supplements thereof, the term “Cincinnati Municipal Code,” or the abbreviation “CMC”~~“C.M.C.”~~, with the respective section, chapter, or title number, shall be a sufficient designation for such reference.

Sec. 323-27. - City Maintained Records and Reports.

- (a) The effectiveness of this program will be measured by a review of data indicating prime and subcontract awards to SBEs, SLBEs, and ELBEs. Program effectiveness measurements will also include efforts by the city to provide prime contracting opportunities for SBEs, SLBEs, and ELBEs. At the end of each contract, the department will prepare a report on the utilization of firms in the SBE, SLBE, and ELBE programs. Data in this report will include information on the gross income size of the firms participating on each contract. Each project manager and the procurement staff will continuously maintain, and compile monthly, information relating to the departments’ use of SBEs, SLBEs, and ELBEs, including information regarding subcontractors and efforts toward SBE program participation.
- (b) At the end of a contract, the director shall require a contractor to report to the department the identity of each SBE, SLBE, and ELBE to whom the contractor has awarded a subcontract for the purchase of services, professional services, supplies, materials, and equipment.

- (c) The director shall prepare quarterly a consolidated report based on a compilation and analysis of the reports submitted by each project manager and the procurement staff, information provided by the finance department, and the reports submitted by prime contractors. This record-keeping system will identify and assess SBE, SLBE, and ELBE contract awards, prime contractors' progress in achieving SBE, SLBE and ELBE subcontract participation, and other SBE, SLBE and ELBE development and contracting efforts. Specifically, the department in conjunction with all city agencies will maintain records showing:
- (1) Awards to SBEs, SLBEs and ELBEs including names of contractors and subcontractors, nature of the work and services performed, and the percentage of SBE, SLBE and ELBE participation per contract. The city of Cincinnati will obtain regular reports from prime contractors on their progress in meeting contractual SBE, SLBE and ELBE commitments;
 - (2) Specific efforts to identify and award contracts to SBEs, SLBEs and ELBEs;
 - (3) Copies of direct mailings to SBEs, SLBEs and ELBEs;
 - (4) Pre-bid conference information as it relates to the SBE, SLBE and ELBE programs;
 - (5) Requests for assistance from the SBEs, SLBEs and ELBEs interested in bidding or proposing on city of Cincinnati contracts and subcontracts;
 - (6) Workshops, seminars, and training programs conducted for SBEs, SLBEs and ELBEs;
 - (7) Efforts to assist SBEs, SLBEs and ELBEs in acquiring bonding and insurance; and
 - (8) Contracts for which a full or partial waiver of SLBE or ELBE participation was granted pursuant to Section 323-17 of this chapter.
- (d) The director will submit quarterly SBE, SLBE and ELBE development reports to city council. These reports shall include:
- (1) The number of contracts awarded to SBEs, SLBEs and ELBEs;
 - (2) A description of the general categories of contracts awarded to SBEs, SLBEs and ELBEs;
 - (3) The dollar value of contracts awarded to SBEs, SLBEs and ELBEs; and

- (4) (A) The percentage of the dollar value of all contracts awarded to SBEs, SLBEs and ELBEs during the preceding year;
- (B) The actual dollar amount paid to SBE, SLBE, ELBE and all other vendors as prime or subcontractors; and
- (C) The percentage of dollar amount paid to SBEs, SLBEs and ELBEs compared to the total.

The city of Cincinnati does not discriminate against any company or group of companies in its contracting and procurement activities on the basis of race, color, age, religion, sex, national origin, ~~handicap~~ disability, or veteran status. The SBE, SLBE and ELBE opportunity does not propose any numeric goals determined by the rate of program participation by minorities or women; but will require this information at the end of city contracts. The program is designed to include all segments of the region's business community by increasing the competitiveness and profitability of all small businesses as defined within this program.

Sec. 408-13. - Driver's Identification Card.

At the time a driver's license is issued, the city treasurer shall issue to the driver an identification card, upon which shall be affixed one of the photographs filed with the director. The cards shall be numbered consecutively, and the number thereon shall be written on the license receipt issued to the driver. The card shall bear the driver's name, signature, the year in which it was issued and such other pertinent information as the city treasurer may require. Whenever a driver is driving any vehicle for which a public vehicle license (except motor bus) is required, the driver shall ensure that the identification card is continuously displayed within the vehicle operated by the licensee so as to be easily visible to passengers; and shall display his or her identification card on demand to any public vehicle inspector, police officer or citizen. Such identification card and license shall not be assigned or transferred to any other person.

In addition, drivers of ~~handicapped~~ livery-accessible vehicles shall wear a uniform or uniform shirt carrying the driver's name and the name or trade name of the holder of the public vehicle license for the vehicle which he or she drives.

Sec. 506-69. - Stopping for School Buses.

The driver of a vehicle, upon meeting or overtaking from either direction any yellow school bus stopped for the purpose of receiving or discharging any school child or person attending programs offered by community boards of mental health and county boards of ~~mental retardation and developmental~~ disabilities, shall stop at least 10 feet from the front or rear of the yellow school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed. The requirement to stop shall not apply for vehicles approaching a school bus on the opposite side of a highway divided into

four or more traffic lanes; the driver of a vehicle overtaking a school bus on such a divided highway is still required to comply with the requirement to stop.

Whoever violates this section may be fined an amount not to exceed \$500.

Sec. 506-93. - Quiet Zones.

The city manager or person designated by the city manager may designate zones of quiet upon any highway within 250 feet of any hospital, school, court, church, ~~asylum~~ mental health institution, or other like institution.

When any such zone is so designated by official traffic signs, no person therein shall blow a horn or a whistle or make or cause any outcry or any avoidable noise or clamor likely to disturb persons within such zone.

Sec. 508-12. - Parking Unreasonable Time.

No person shall park any vehicle contrary to traffic signs erected as otherwise authorized herein; and further, no person shall park any vehicle upon any highway longer than 24 hours except vehicles parked at metered or loading locations upon which the vehicles shall be parked in accordance with Chapter 509 of the Cincinnati Municipal Code and under no circumstances for longer than 14 hours, and vehicles operated by or for the transport of a person with a disability that limits or impairs the ability to walk which display a valid removable windshield ~~handicapped-disability~~ placard, or special ~~handicapped disability~~ license plates alone, or special ~~handicapped-disability~~ license plates and validation stickers, or validation stickers alone, issued pursuant to the provisions of Chapter ~~50344~~503 of the Ohio Revised Code or the equivalent thereof from any other state, may park upon a highway for up to but not more than 36 hours.

Sec. 508-36. - ~~Handicapped-Accessible~~ Parking, Reserved Locations on Public and Private Property.

No person shall stop, stand, or park any motor vehicle at special, clearly marked, parking locations provided for ~~the handicapped persons with disabilities~~ in or on privately or publicly owned parking lots, parking garages or other parking areas or public streets and highways unless the motor vehicle is displaying a parking card issued under Section 4503.44 of the Revised Code or is being operated by or for the transport of a ~~handicapped~~ person with a disability and is displaying the special license plates authorized by Section 4503.44 of the Revised Code or the equivalent thereof from any other state.

As used in this section, "~~handicapped person with a disability~~" means a person having lost the use of one or both legs, one or both arms, or any combination thereof, or being blind or deaf or so severely disabled as to be unable to move about without the aid of crutches or a wheelchair, or a person whose mobility is restricted by a permanent cardiovascular, pulmonary, or other ~~handicapping-~~ disabling condition.

Sec. 514-13. - Fee Schedule.

The following are exempt from the provisions of this Chapter:

- (a) A vehicle bearing the special ~~handicapped~~-license plate for a person with a disability as provided in Ohio Revised Code 4503.44 or a similar license plate issued by any other state.
- (b) A vehicle bearing the special disabled veterans license plates as provided by Ohio Revised Code 4503.41 or a similar license plate issued by any other state.
- (c) A truck, commercial vehicle or a vehicle operated by a utility company, or a governmental entity when the driver is making a delivery, pickup or service call in the normal course of employment.
- (d) Parking necessitated by emergency or mechanical failure.
- (e) Any vehicle exempted in the aforementioned provisions may not violate any other traffic or parking regulation or control device.

Sec. 515-11. - Parking Infraction Fines.

- (a) The following fines for parking infractions are hereby established:

Sec. 502-3	Parking prohibitions during street sweeping operations	\$65.00
Sec. 508-1	Stopping and parking	65.00
Sec. 508-1	Unauthorized stopping and parking	65.00
Sec. 508-1A(c)	Unauthorized stopping and parking within 10 feet of a fire hydrant	250.00
Sec. 508-1-B	Unauthorized stopping and parking along streetcar track	100.00
Sec. 508-2	Parking and stopping restrictions, unauthorized	65.00
Sec. 508-3	Parking so as to create obstruction prohibited	65.00
Sec. 508-6	No standing and no parking zones	65.00
Sec. 508-7	Truck loading zones	65.00
Sec. 508-8	No standing, no stopping, no parking zones designated	65.00
Sec. 508-11	Parking of trucks restricted	65.00
Sec. 508-12	Parking unreasonable time	65.00

Sec. 508-17	Trucks obstructing traffic	65.00
Sec. 508-21	Parking in public transit stops	65.00
Sec. 508-22	Unlawful parking of taxicabs	65.00
Sec. 508-23	Trailer parking	44.00
Sec. 508-24	Taxicab, restrictions	65.00
Sec. 508-25	Unauthorized license plates	65.00
Sec. 508-26	Parking at curbs	65.00
Sec. 508-27	Parking on narrow streets	65.00
Sec. 508-28	Parking on grade	65.00
Sec. 508-29	Parking vehicle for sale	65.00
Sec. 508-31	Locks on motor vehicle	65.00
Sec. 508-32	Repaired, serviced, or stored vehicles, parking on streets	65.00
Sec. 508-33	Parking on controlled access highways	65.00
Sec. 508-34	Snow emergency	56.00
Sec. 508-36	Handicapped Accessible parking	250.00
Sec. 508-38	Parking in reserved car sharing spaces	65.00
Sec. 510-5	Parking on parade route	65.00

(b) The following fines for parking infractions issued on or before June 30, 2013, are hereby established:

Sec. 509-4	Metered spaces - across line	\$35.00
Sec. 509-7	Unmetered parking	35.00
Sec. 509-8	Repeat metering	35.00

(c) The following fines for parking infractions issued on or after July 1, 2013 are hereby established:

Sec. 509-4	Metered spaces - across line	\$45.00
Sec. 509-7	Unmetered parking	45.00
Sec. 509-8	Repeat metering	45.00

Sec. 729-7. - Setting Out Containers.

It shall be the duty of every owner, tenant, agent, lessee, occupant, and person in charge of any and every dwelling in the city to place all waste that is to be collected by the division of sanitation in properly closed containers that meet the requirements of Section 729-5. Such containers shall be placed not more than three feet from the curb or curblin in front of the building unless the owner, tenant, agent, lessee, occupant, or person in charge of a dwelling is notified by the department of public services to place the containers in another location for collection. All containers must be set out for collection no earlier than

5:00 p.m. on the day before the scheduled day of collection, but no later than 6:00 a.m. on the day of collection. The waste containers shall in all cases be kept outside of any fence, wall, enclosure, dwelling or building on the day of collection.

Any city resident ~~who is with a physically handicapped to the extent that such resident cannot disability who is unable to~~ set the week's accumulation of waste at the curb for collection can receive set-out service as provided in Section 729-11 by providing written documentation of his or her condition to the director of public services or his or her designee and following procedures established by the director for requesting set-out service. The director of public services or his or her designee will approve any request for set-out service that meets the requirements of this section.

Sec. 850-1-P3. - Public Vehicle.

“Public Vehicle” means a vehicle by which individual service for compensation in the transportation of persons on the public streets or highways is furnished or offered to be furnished including taxicabs, limousines, ~~handicapped livery~~ accessible vehicles, and animal-drawn carriages.

Sec. 881-3. - Facility for Public Assembly License.

- (a) No person shall operate a facility for public assembly without first obtaining from the director of safety a license. This license shall be in addition to any other license, permit, or certificate which may be required by law, ordinance, or regulation.

The facility manager of a new permanent facility for public assembly shall make application on a form provided by the director of safety 60 days prior to the use of the facility. The facility manager of a facility or person responsible for a facility involving street events or other events requiring a special event permit for public assembly shall make application on a form provided by the director of safety 90 days prior to the date of the event.

- (b) Any person seeking the license or renewal of a facility for public assembly license shall apply in writing to the director of safety. The application shall include the following information:
 - (1) The name and address of the applicant. If the applicant is a corporation or association the names and addresses of the principal officers. If the applicant is a partnership, the names and addresses of the partners.
 - (2) A description, either verbal or graphic, of the facility, which shall include:
 - a. The site of the facility, including surrounding areas.

- b. The inner and outer dimensions of the facility.
 - c. The number of entrances and exits and their locations.
 - d. Possible configurations of the facility and site for an event, including the area of performance, exhibition or gathering, and the locations of aisles, stage, and seating.
 - e. The location, number, type, and description of seating, if applicable, including the construction material and whether the seats are fixed or portable, bench or separate.
 - f. The inside and outside lighting, including house lighting, exit lighting and emergency lighting.
 - g. The location of any restrooms, refreshment stands, souvenir stands and first aid rooms.
 - h. Any accommodations which are available for admitting and seating ~~handicapped and disabled persons~~ with disabilities.
 - i. The number, type, and location of public and private parking available for use by patrons to the facility.
- (3) A plan of operating procedure which categorizes the events to be held at the facility and which contains the following information with respect to each category:
- a. A description of the category.
 - b. The number and location of entrance and exit doors and permanent and temporary turnstiles for admission of patrons to the facility, including ratio of doors and turnstiles to the total number of patrons anticipated for an event.
 - c. The duties and responsibilities of persons in charge of the facility, medical services, ushers, ticket takers and security personnel, and the names, addresses and telephone numbers of persons currently holding such positions.
 - d. The ratio of ushers, ticket takers, security personnel and medical service personnel to the total number of patrons anticipated for an event, and a description of the duties and responsibilities of such personnel.

- e. The type of liquor license held by the facility or its concessionaire and the type and alcohol content of alcoholic beverages to be served.
 - f. Arrangements for communication between internal and external security personnel, including city personnel, and arrangements for emergency communication with patrons.
 - g. Medical services available to patrons.
 - h. Description of training received by personnel in crowd management techniques and life-saving medical techniques such as first aid and cardiopulmonary resuscitation.
 - i. Arrangements for pre-entry staging areas, queuing, ticket checking at remote points, ticket taking and other admissions procedures designed to ensure the safety of patrons and the exclusion of others not entitled to entry.
 - j. Rules and regulations of the facility applicable to patrons or employees.
 - k. Emergency plans, including methods for emergency ingress and egress.
 - l. Insurance coverage, of operator of the facility, including type of risk and amount. If the city of Cincinnati is named as an additional insured on any insurance policy for an event, a copy of any policy shall be attached to the application.
 - m. City services or personnel needed for an event.
- (c) Any person who conducts any events at a facility for public assembly having knowledge or possession of the information required by this section shall provide such information to the applicant for a license.

Sec. 1107-01. - General.

- (a) The provisions of this Chapter shall govern the construction, installation, alteration, maintenance, operation, inspection, and testing of all elevators, dumbwaiters, buck hoists, escalators, moving walks, belt manlifts, and special hoisting and conveying equipment hereafter operated, installed, relocated, or altered within the city of Cincinnati.

- (b) Except as otherwise provided herein, the construction, installation, alteration, maintenance, operation, inspection, and testing of elevators shall conform to the standards referenced in Section 1107-23, Ohio Administrative Code 4101: 5-3-01 and ANSI/ASSE, "Personnel Hoists and Employee Elevators on Construction and Demolition Site."
- (c) The provisions of this chapter shall not apply to portable elevating devices used to handle materials only.
- (d) Notwithstanding any other provisions of this chapter, the director may permit the installation of vertical wheelchair lifts to provide for ~~handicapped~~ accessibility where such lifts exceed the maximum travel distance of 12 feet upon the demonstration of a hardship and an equivalent degree of safety.

Sec. 1207-21. - Fire Safety Plan and Evacuation Procedure/Living Facilities for ~~Handicapped and Aged Persons~~ and Persons with Disabilities.

- (a) The owner or other person having charge of buildings, which are required to provide living facilities for ~~handicapped and aged persons~~ and persons with disabilities, as defined in the Cincinnati - Ohio Building Code, shall be required to prepare and submit for the review of the fire official, a fire safety and evacuation procedure as set forth in this section and a fire plan review fee in the amount of one hundred dollars (\$100.00).
- (b) A fire safety plan and evacuation procedure, prepared in accordance with the requirements of the fire official, shall be distributed to all tenants and building service employees. A floor plan showing evacuation routes shall be posted at the entrance to every required means of egress on each floor level.
- (c) It shall be the responsibility of the owner or his agent to promptly update the fire safety plan and evacuation procedure upon changes in occupancy, use or physical arrangement.
- (d) A copy of the fire safety plan and evacuation procedure shall be maintained on the premises by the owner or occupant in charge of said premises, and shall be submitted to the fire official when requested for inspection and evaluation.
- (e) This section shall not apply to owner-occupied detached single-family dwellings or multiple single-family buildings, such as townhouses.

Sec. 1213-15. – Display.

- (a) No permit shall be granted for any display of fireworks where the discharge, failure to fire, faulty firing, or fallout of any fireworks or other objects

would endanger persons, buildings, structures, vehicles, forest or brush, ~~not in any ease~~ or for any display where the point at which fireworks are to be fired is less than 500 feet from any hospital, ~~asylum~~ mental health facility, or infirmary.

- (b) Spectators at a display of fireworks shall be restrained behind lines or barriers designated by the fire chief or a representative of the fire chief. Only persons authorized by the fire chief or representative and persons directly in charge of the display will be allowed inside these lines or barriers during the unloading, preparation or firing of fireworks.
- (c) All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible in a vertical direction, provided that where such fireworks are to be fired beside a lake or other large body of water, they may be directed in such a manner that the falling residue from the deflagration will fall into the body of water.
- (d) Any fireworks that remain unfired after the display is concluded shall be immediately disposed of or removed in a manner safe for the particular type of fireworks. The debris from the discharged fireworks shall be properly disposed of by the operator before leaving the premises. The operator, upon the conclusion of the display, shall make a complete and thorough search for any unfired fireworks or pieces which have failed to fire or function and shall dispose of them in a safe manner. Such search shall be instituted immediately following the conclusion of the display, and if the display is conducted at night, also at sunrise the following morning.
- (e) No fireworks display shall be held during any windstorm in which the wind reached a velocity of more than 20 miles per hour.
- (f) All class B fireworks to be used at a fireworks exhibition shall be stored in an approved magazine until immediately prior to their use. Such magazine shall be located in an area approved by the local fire official and shall meet the table of distance requirements of Section F-2600 of the Cincinnati Fire Prevention Code.
- (g) Other than class B fireworks, all fireworks articles and items at places of display shall be stored in a closed wooden box or flame-resistive tarpaulin secure from fire, accidental discharge and theft until they are to be used.
- (h) As soon as the fireworks have been delivered to the display site, they shall not be left unattended nor shall they be allowed to become wet.

Sec. 1401-01-T. - Transitional Housing.

“Transitional housing” means housing designed to assist persons in obtaining skills necessary for independent living in permanent housing, including homes for adjustment and halfway houses. Transitional housing is housing in which:

- (a) An organization provides a program of therapy, counseling, or training for the residential occupants;
- (b) The organization operating the program is licensed or authorized by a governmental authority having jurisdiction over operation; and
- (c) The program is for the purpose of assisting the residential occupants in one or more of the following types of care:
 - (1) Protection from abuse and neglect;
 - (2) Developing skills necessary to adjust to life;
 - (3) Adjusting to living with the ~~handicaps~~ challenges of a physical disability;
 - (4) Adjusting to living with the ~~handicaps~~ challenges of an emotional or mental disorder or ~~mental retardation~~ an intellectual disability;
 - (5) Recuperation from the effects of drugs or alcohol, even if under criminal justice supervision; or
 - (6) Readjusting to society while housed under criminal justice supervision including, but not limited to, pre-release, work-release, and probationary programs.

Sec. 1421-07 . - Building Projections Into Yards.

The standards for building projections into setback areas are prescribed in Schedule 1421-07 below.

Schedule 1421-07: Maximum Projections Allowed Into Yards (Feet)

Physical Element	Front Yard	Side Yard	Rear Yard
Cornices, sills, belt courses, eaves, and other ornamental features 1425-31	2.5	2.5	2.5

Fire escapes	4.5	4.5	4.5
Uncovered stairways and necessary landings not extending above building entrance floor	4.5	4.5	4.5
Bay windows, fireplaces, and chimneys of less than 1/3 the length of the building wall	3.0	3.0	3.0
Terraces and uncovered porches not more than three feet above the floor level of the ground story	2.5	2.5	2.5
Porte-cocheres and canopies	2.5	2.5	2.5
Balconies into yards of less than 20 feet in SF or RM Districts in aggregate less than 1/3 the length of the building wall	3	3	3
Balconies into yards of more than 20 feet in SF or RM districts in aggregate less than 1/3 the length of the building wall	6	6	6
In all other districts other than residential, balconies no closer to any lot line than 20 feet or 1/3 of the required yard space at the top story, whichever is less	8	8	8
Air conditioners, compressors and similar noise emitting devices in districts other than residential	—	—	Anywhere ¹
Power generating equipment	—	—	Anywhere ¹
Handicap Access ramps, excluding handrails, not extending above the floor level of the ground story	Anywhere	Anywhere	Anywhere ¹

¹ Except within required buffer yard.

Sec. 1425-31. - Parking Lot Markings.

Driveways and parking areas must include markings consistent with the following standards:

- (a) *Markings.* Each parking space and parking facility must be identified by surface markings at all times. The markings must be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles. Markings required to be maintained in a highly visible condition include striping, directional arrows, and signs for ~~handicapped-designated~~ designated for persons with disabilities.
- (b) *Directional Arrows.* One-way and two-way access ways into required parking facilities must be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street must be marked with a traffic separation stripe throughout the length of the access; this requirement does not extend to aisles.
- (c) *Exit Signs.* Where the exit may not be clearly recognizable, directional signage must be provided.

Section 2. That the proper City officials are authorized to do all things necessary and proper to implement the provisions of Section 1 of this ordinance.

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

New language underscored. Deleted language indicated by strikethrough.

Date: June 14, 2023

To: Mayor and Members of City Council 202301645
From: Sheryl M. M. Long, City Manager
Subject: ORDINANCE – MOBILE FOOD VENDING

Attached is an ordinance captioned as follows:

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.

Mobile Food Vending is currently restricted to operate in established parking zones in the public right-of-way. The City wishes to provide more flexibility to allow mobile food vendors to utilize existing public street parking and increase availability to the public.

Permissions for vendors to occupy existing designated public parking spaces, instead of restricted zones, will change from the Revocable Street Privilege requirement to meeting the outlined requirements of C.M.C. Sec. 723-42 and DOTE rules and regulations to provide for the safe and efficient use of city streets. Cincinnati Law Enforcement Officers or Parking Enforcement Agents are responsible for enforcement related to parking violations, including mobile food vending.

The Administration recommends passage of the attached ordinance.

cc: John S. Brazina, Director, Transportation and Engineering

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.

June 14, 2023

To: Mayor and Members of City Council

202301646

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Amending 765-11 -Special Events Insurance Requirements

Attached is an Ordinance captioned:

MODIFYING the provisions of Title VII, “General Regulations,” of the Cincinnati Municipal Code by **AMENDING** Section 765-11, “Required Terms and Conditions,” of Chapter 765, “Special Events,” to align the insurance and indemnification requirements for special events with best practices for risk management.

The primary purpose of this ordinance is to provide increased flexibility in insurance requirements for special events held in the City. The ordinance will remove rigid insurance requirements currently set forth in the Cincinnati Municipal Code and instead will provide administrative discretion to the City Manager to establish appropriate insurance requirements for various types of events. This administrative discretion will allow the City Manager the ability to work with the Office of Special Events, Risk Management, and the Law Department to create a structure that balances appropriately protecting the City from liability while encouraging and facilitating activation of our community through special events. The Administration recommends passage of this Ordinance.

cc: William “Billy” Weber, Assistant City Manager

MODIFYING the provisions of Title VII, “General Regulations,” of the Cincinnati Municipal Code by **AMENDING** Section 765-11, “Required Terms and Conditions,” of Chapter 765, “Special Events,” to align the insurance and indemnification requirements for special events with best practices for risk management.

WHEREAS, special event permits are the primary tool for the City of Cincinnati (“City”) to provide permission to make special use of the public right-of-way or other public places that use City assets, infrastructure, or personnel; and

WHEREAS, Cincinnati Municipal Code Chapter 765, “Special Events,” authorizes and establishes the conditions for special event permits that are necessary for the City to coordinate, manage, and make efficient use of public spaces and personnel; and

WHEREAS, the Administration recommends updating the insurance and indemnification requirements for special events to align the requirements with risk management best practices for use of public spaces; and

WHEREAS, these amendments allow for uniform but flexible regulation of special events on public streets and in public spaces to encourage economic vitality and the multi-dimensional use of City public assets, while ensuring a clear and effective framework for managing special events that promotes public health and safety; now, therefore,

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

Section 1. That Section 765-11, “Required Terms and Conditions,” of Chapter 765, “Special Events,” of the Cincinnati Municipal Code is hereby amended to read as follows:

Sec. 765-11. Required Terms and Conditions.

As part of a special event permit, the sponsor of the event shall agree in writing and the permit shall contain the following terms and conditions:

- (a) The sponsor of the event shall have a representative present at all times during the event who shall be responsible for ensuring compliance with all applicable ordinances and regulations and for accepting all notices of violations and closure orders.
- (b) The special event shall not take place unless the sponsor has supplied the ~~chief of police-city~~ chief of police with a certificate of insurance that meets the special-events

insurance requirements established by the city manager evidencing general commercial liability insurance, with limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate, and liquor liability insurance, if applicable, with a limit of not less than \$1,000,000. Each certificate of insurance shall list the city as an additional insured.

- (1) The special-events insurance requirements established by the city manager shall set forth the types and limits of insurance required for special events, including for recurring special events, which shall be the minimum necessary to protect the city and its employees from liability for injury and property damage claims associated with or foreseeably resulting from the sponsor's use of city property and services, taking into account the size and duration of the event, the number of participants involved, and the nature of the property, facilities, and services used. Any requirements that the city manager establishes pursuant to this section, which shall be made available to the public and published on the city's website, shall take effect thirty days after their initial publication.
- (2) Each insurance policy required by this subsection shall include a provision to the effect that it shall not be subject to cancellation, reduction in the amounts of its liabilities, or other material changes until notice thereof has been received in writing by the office of risk management and the ~~chief of police~~ city manager not less than ~~60~~sixty days prior to such action.
- (32) Each sponsor shall maintain the insurance required by this subsection in full force and effect for the duration of the permit period. Failure of the sponsor of the event to maintain such insurance during the periods indicated above shall result in automatic expiration of the permit. For the purposes of this subsection, the permit shall include the time required for construction and removal of all materials and equipment provided for the conduct of the special event until the public way has been cleared and restored as provided in subsection (f).
- (4) Each insurance policy required by this subsection shall list the city as an additional insured and shall provide a waiver of subrogation in favor of the city.
- (5) The city manager is authorized to waive an insurance requirement upon a written finding that the event does not present a substantial liability or property damage risk for the city or its employees, or that the minimum insurance requirement would unduly burden the sponsor's expressive activity protected by the United States and Ohio constitutions. To qualify for a waiver, the sponsor must agree to redesign or reschedule the event to mitigate specific risks, hazards, or dangers to public health and safety that the city manager identifies as being reasonably foreseeable consequences of the event.

- (c) Except where otherwise prohibited by law, The the sponsor of the event shall indemnify and hold harmless the city of Cincinnati, its officials, employees, subcontractors, agents, and assignees from any and all losses, damages, injuries, claims, demands, and expenses arising out of the operation of the special event or the condition, maintenance, and use of public property.
- (d) During the presentation of the special event, the sponsor of the event shall at its own cost keep the public way clean and free from paper, debris, or refuse, and upon termination of the permit by lapse of time or otherwise, the sponsor of the event shall remove all materials and equipment and clean the street. If the public way has been damaged, the city shall repair and restore it to the condition it was in prior to the special event and bill the sponsor of the event for the city's actual cost to repair.
- (e) Whenever a permit requires the closure of a street, a clear path of not less than twelve ~~(12)~~ feet must be maintained at all times to provide for the passage of emergency vehicles.
- (f) The sponsor of the event shall be responsible for ensuring that each vendor participating in the event obtains the proper licenses. In the event that an unlicensed or improperly licensed vendor is found at the event, the sponsor of the event shall be fined pursuant to ~~CMC §~~ section 765-99 for each unlicensed or improperly licensed vendor. This shall be in addition to any fines or penalties which may be issued to the individual vendor. The sponsor shall promptly remove the unlicensed or improperly licensed vendor from the event area.
- (g) The sponsor of the event shall be responsible for ensuring that no person during the event shall, unless specifically authorized by the Cincinnati Police Department, possess or bring to the event area any poles, sticks, or clubs made of any rigid material or any other instrument, device, or thing that is capable of inflicting serious physical harm, that is designed or specifically adapted for use as a weapon, or that is possessed, carried, or used as a weapon, except to support a sign or banner, provided that such wooden stick is not more than two ~~(2)~~ inches in width or three-quarters ~~(3/4)~~ of an inch in diameter, one-quarter ~~(1/4)~~ inch in thickness, and forty ~~(40)~~ inches in length, and where such wooden stick is blunt on both ends.

This subsection shall apply without limitations to any poles, sticks or other devices attached to or otherwise used to support or elevate signs, banners or other displays of any kind not associated with or approved by the city of Cincinnati. This section does not apply to law enforcement officers or to canes, crutches, or other similar devices used by persons who are visually or physically impaired.

(h) The sponsor of the event shall be responsible for ensuring that no person during the event shall take any animal to the event area, unless such animal is being or will be used by law enforcement officials engaged in the performance of their duties, or unless such animal is used as a guide for a disabled individual or such animal is part of the event and is listed on the application.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Section 1.

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

Deletions are struck through. Additions are underlined.

202301551
Date: June 7, 2023

To: Councilmember Mark Jeffeys
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Emergency Ordinance – Apprenticeship Program**

Transmitted herewith is an emergency ordinance captioned as follows:

MODIFYING Section 320-1-P2, “Primary Apprenticeable Occupation” of Chapter 320, “Compliance Guidelines for Construction Contracts Issued by Water Works and the Department of Sewers” of the Cincinnati Municipal Code to amend the definition of “Primary Apprenticeable Occupation.”

ESW/CMZ(dmm)
Attachment
384274

EMERGENCY

City of Cincinnati

CMZ

EESW

An Ordinance No. _____

-2023

MODIFYING Section 320-1-P2, "Primary Apprenticeable Occupation" of Chapter 320, "Compliance Guidelines for Construction Contracts Issued by Water Works and the Department of Sewers" of the Cincinnati Municipal Code to amend the definition of "Primary Apprenticeable Occupation."

WHEREAS, on June 26, 2012, Council ordained Chapter 320 of the Cincinnati Municipal Code to provide requirements for those contractors who could be awarded construction contracts for the Department of Sewers based on significant capital work required to be completed; and

WHEREAS, Chapter 320 was amended to include construction contracts for the Greater Cincinnati Water Works that are \$400,000 or more; and

WHEREAS, one requirement of Chapter 320 is that bidders on such construction contracts identify the Primary Apprenticeable Occupation for the project, which is that occupation that will comprise the largest number of hours worked on that construction project; and

WHEREAS, Council wishes to clarify the definition of Primary Apprenticeable Occupation based on current implementation of Chapter 320; now, therefore,

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

Section 1. That Section 320-1-P2, "Primary Apprenticeable Occupation" of Chapter 320, "Compliance Guidelines for Construction Contracts Issued by Water Works and the Department of Sewers" of the Cincinnati Municipal Code is hereby amended to read as follows:

Sec. 320-1-P2. - Primary Apprenticeable Occupation.

"Primary Apprenticeable Occupation" shall mean the apprenticeable occupation that comprises the largest number of hours on the project, as determined by the number of construction hours expected to be performed in that apprenticeable occupation at the time the construction contract is executed. "Primary Apprenticeable Occupation" shall be determined by looking to past industry practices in the locality concerning which workers traditionally have done the work that will comprise the largest number of hours on the project, including review of the labor classifications traditionally assigned the work according to prevailing wage and federal Davis-Bacon laws.

Section 2. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to clarify the definition of “Primary Apprenticeable Occupation” to be implemented on future construction contracts subject to Chapter 320 of the Cincinnati Municipal Code.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.