

# City of Cincinnati

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## An Ordinance No. 289

- 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.

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-city 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.

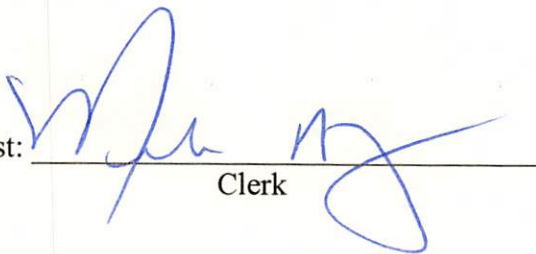
This subsection shall apply without limitations to any poles, sticks or other devices attached to or otherwise used to support or elevate signs, banners or other displays of any kind not associated with or approved by the city of Cincinnati. This section does not apply to law enforcement officers or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

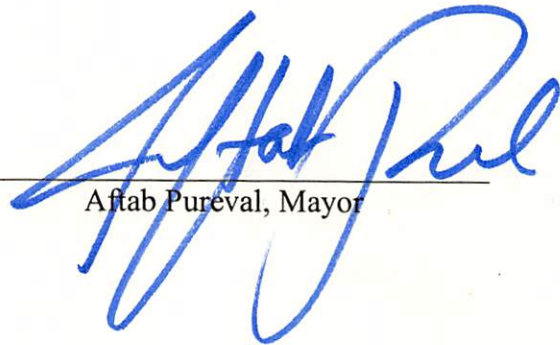
- (h) The sponsor of the event shall be responsible for ensuring that no person during the event shall take any animal to the event area, unless such animal is being or will be used by law enforcement officials engaged in the performance of their duties, or unless such animal is used as a guide for a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

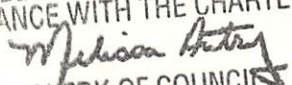
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: August 2, 2023

Attest:   
Clerk

  
Aftab Pureval, Mayor

Deletions are struck through. Additions are underlined.

I HEREBY CERTIFY THAT ORDINANCE NO 289-2023  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 8/15/2023  
  
CLERK OF COUNCIL