

# City of Cincinnati

JRS/B

## An Ordinance No. \_\_\_\_\_

AWG/ESW

- 2021

**MODIFYING** Title VII, “General Regulations,” of the Cincinnati Municipal Code by amending Section 723-42, “Mobile Food Vending; Definitions,” and Section 723-44, “Mobile Food Vending; Operating Restrictions,” of Chapter 723, “Streets and Sidewalk, Use Regulations,” to establish a new designated zone for mobile food vending on Harrison Avenue in the Westwood neighborhood.

WHEREAS, revocable street privileges are the primary tool used by the City to provide permission for mobile food vendors to access the public right-of-way to provide for public safety, and to regulate and manage mobile food vendors in the public right-of-way; and

WHEREAS, Section 723-42, “Mobile Food Vending; Definitions,” and Section 723-44, “Mobile Food Vending; Operating Restrictions,” of Cincinnati Municipal Code Chapter 723, “Streets and Sidewalk, Use Regulations,” require that mobile food vendors operating in the public right-of-way do so within designated zones established by City Council; and

WHEREAS, in order to support the City’s mobile food vendors and to expand access to mobile food vending across the City, the Council wishes to establish a new designated zone for mobile food vendors on Harrison Avenue in the Westwood neighborhood; now, therefore,

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

Section 1. That Section 723-42, “Mobile Food Vending; Definitions,” of Chapter 723, “Streets and Sidewalk, Use Regulations,” of the Cincinnati Municipal Code is hereby amended as follows:

**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.
- (m) The “Westwood/Harrison Avenue Zone” shall be defined as the designated spaces on the east side of Harrison Avenue beginning approximately 30 feet north of the north curb line on Ruehlman Place and extending 50 feet northward.

Section 2. That Section 723-44, “Mobile Food Vending; Operating Restrictions,” of Chapter 723, “Streets and Sidewalk, Use Regulations,” of the Cincinnati Municipal Code is hereby amended as follows:

**Sec. 723-44. - Mobile Food Vending; Operating Restrictions.**

The city manager or his or her designee is authorized to grant revocable street privileges for the placement of mobile food vendors subject to the following restrictions:

- (a) Mobile food vending shall be allowed only:
  - i. Within the designated zones;
  - ii. On private property with the permission of the owner;
  - iii. In accordance with a permit or concessionaire agreement entered into pursuant to Chapter 739 of the Municipal Code; or

iv. As otherwise permitted by a revocable street privilege issued pursuant to Section 723-16 of the Municipal Code.

(b) Mobile food vendors who operate under a revocable street privilege issued pursuant to Section 723-16 of the Municipal Code or who operate under a permit or concessionaire agreement issued pursuant to Chapter 739 of the Municipal Code shall continue to be regulated by the provisions of those sections.

(c) Mobile food vendors must be actively engaged in vending operations at all times while occupying any space in the designated zones.

(d) Mobile food vendors may operate in the designated zones only during the hours listed below:

Designated Zone	Hours of Operation
Court Street Market Zone	6:00 a.m. - 3:00 p.m.
Purple People Bridge Zone	6:00 a.m. - 3:30 a.m.
Fountain Square/South Vine Street Zone	6:00 a.m. - 3:30 a.m.
Fountain Square/North Fifth Street Zone	6:00 a.m. - 3:30 a.m.
Fountain Square/South Fifth Street Zone	6:00 a.m. - 3:30 a.m.
Fountain Square/North Vine Street Zone	6:00 p.m. - 3:30 a.m.
University Hospital Zone	6:00 a.m. - 3:30 a.m.
Washington Park Zone	6:00 a.m. - 3:00 p.m.
Over-the-Rhine 12th Street Zone	6:00 p.m. - 3:30 a.m.
<u>Westwood Harrison Avenue Zone</u>	<u>6:00 a.m. - 12:00 a.m.</u>

(e) Mobile food vendors shall not occupy any space in the designated zones outside the hours of operation listed above.

(f) Spaces within the designated zones will be available on a first-come, first-served basis each day. Issuance of a revocable street privilege under this section does not guarantee access to a particular designated zone, nor does it guarantee that space will

be available. The designated zones are available only to mobile food vendors who have a valid revocable street privilege issued pursuant to this section.

- (g) Mobile food vendors shall keep the area within a 5 foot radius of their unit clear of all litter and debris arising from their operations.
- (h) Mobile food vendors shall be responsible for removing all waste generated by the internal operations of their unit. Such waste shall not be placed in city trash receptacles.
- (i) Mobile food vendors may not operate in any manner that blocks, obstructs, or restricts the free passage of vehicles or pedestrians in the lawful use of the sidewalks or highways or ingress or egress to the abutting property.
- (j) Mobile food vending units shall not exceed thirty-one feet (31') in length or eight feet, five inches (8'5") in width.
- (k) Revocable street privileges and food service licenses must be kept on the mobile food vending unit at all times and must be available for immediate inspection.
- (l) Mobile food vendors shall not park in a way that prevents other trucks from parking in otherwise available spaces.
- (m) Mobile food vendors shall place a tarp or other impermeable material under their unit when parked in order to protect the sidewalk or pavement from damage or staining.
- (n) Mobile food vendors may set up tables and chairs in the space immediately in front of their units, provided that the tables and chairs do not impede other trucks from parking in otherwise available spaces, and further provided that the tables and chairs are placed:

- i. Only on paved surfaces;
  - ii. In a location that does not block the entrance or exit of any building;
  - iii. In a location that does not block access to buses at bus stops, fire escapes, sidewalk access doors, traffic or street lighting equipment, utility valve boxes or other utility equipment;
  - iv. In a location that is not less than 5 feet from any alley, pedestrian crosswalk, driveway, curb cut, curb ramp or fire hydrant, and not less than 4 feet from any bicycle rack; and
  - v. So that an open area of not less than 4 feet is available for pedestrian traffic around the tables and chairs.
- (o) Mobile food vendors may display advertising consisting only of the mobile food vendor name and logo and any items sold or available from the mobile food vendor. All other advertising is prohibited.
- (p) Mobile food vendors shall not have access to locations within the designated zones during special events designated by the city pursuant to a special event permit issued under Chapter 765 of the Municipal Code or pursuant to a special notwithstanding ordinance.
- (q) In the case of mobile food vending units that are pulled or hauled by separate vehicles, the mobile food vending unit shall be detached from the vehicle by which it was hauled (the “hauling vehicle”). The hauling vehicle shall be parked in a regular, lawful parking space and shall not occupy space in any designated zone.
- (r) Mobile food vendors shall not utilize the city's electrical outlets, unless specifically authorized by the city, within the court street zone due to electrical current overload issues requiring frequent, subsequent repairs by the city.

Section 3. That existing Section 723-42, "Mobile Food Vending; Definitions," and Section 723-44, "Mobile Food Vending; Operating Restrictions," of Chapter 723, "Streets and Sidewalk, Use Regulations," of the Cincinnati Municipal Code are hereby repealed.

Section 4. That the City Manager and the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Section 1 through 3 hereof.

Section 5. That this ordinance shall take effect and be in force from and after the earliest time allowed by law.

Passed: \_\_\_\_\_, 2021

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John Cranley, Mayor

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

Clerk

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Additions indicated by underline; Deletions indicated by strikethrough.