

EMERGENCY

JRS

- 2024

MODIFYING Chapter 413, “Parking Garages and Parking Lots,” and Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code by **AMENDING** Sections 413-1-D, “Director,” 413-5, “Application for License,” 413-9, “License Fees,” 413-11, “Issuance of License,” 413-13, “Renewal of License,” 413-15, “Changes After Issue of License,” 413-21, “Parking Tickets,” 413-31, “Inspections by Department of Public Utilities,” 413-33, “Liability Insurance,” 413-37, “Bond in Lieu of Insurance,” 413-45, “Revocation or Suspension Procedure,” 413-99, “Penalties,” and 1501-14, “Class E1 Civil Offenses,” and **REPEALING** Sections 413-35, “Extent of Insurance Coverage,” and 413-99-A, “Violation of Section 413-28,” to establish a clear and effective framework for ensuring the safety, security, and welfare of persons using parking lots and parking garages so as to prevent fraud and neglect and further authorize the City Manager to establish fees to recoup costs associated with licenses issued for the operation of parking lots and garages.

WHEREAS, Cincinnati Municipal Code Chapter 413, “Parking Garages and Parking Lots,” requires persons to first obtain a license to operate paid-for parking lots and garages which provides for an effective means of ensuring such lots and garages operate in such a manner as to ensure the safety, security, and welfare of the citizens of Cincinnati; and

WHEREAS, Council wishes to modify the requirements for license holders so as to hold them accountable to maintain their parking lots and garages to certain standards so as to ensure the health, safety, and welfare of the citizens of Cincinnati, and prevent fraud and undue waste; and

WHEREAS, licensing fees allow the City to recoup costs and expenses directly incurred by the City of Cincinnati for issuing and inspecting the parking lots and garages to ensure compliance with the City’s rules and regulations; and

WHEREAS, Council wishes to establish a clear, consistent, and effective framework for managing licensing fees by authorizing the City Manager to establish fees that ensure the City is able to recover the costs associated with licenses issued for parking lots and garages; and

WHEREAS, Council additionally wishes to modify Chapter 413, “Parking Garages and Parking Lots,” to recognize the transition of the oversight of the licensing program for parking lots and garages from the Department of Public Services to the Parking Division of the Department of Community and Economic Development; now, therefore,

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

Section 1. That Sections 413-1-D, “Director,” 413-5, “Application for License,” 413-9, “License Fees,” 413-11, “Issuance of License,” 413-13, “Renewal of License,” 413-15, “Changes

After Issue of License,” 413-21, “Parking Tickets,” 413-31, ”Inspections by Department of Public Utilities,” 413-33, ”Liability Insurance,” 413-37, ”Bond in Lieu of Insurance,” 413-45, “Revocation or Suspension Procedure,” and 413-99, “Penalties,” of Chapter 413, “Parking Garages and Parking Lots,” and Section 1501-14, “Class E1 Civil Offenses,” of Title XV, “Code Compliance and Hearings,” are hereby amended to read as follows:

Sec. 413-1-D. - Director.

“Director” shall mean the ~~director of public services or his~~ person designated by the city manager to administer this chapter and program. ~~designee.~~

Sec. 413-5. - Application for License.

Application for a license shall be made on forms supplied by the director. The applicant shall set forth the following information and facts stated under oath or affirmation:

- (a) The name of applicant, and location of the parking garage or parking lot.
- (b) If a firm, the firm name, the name and address of each member of the firm, and the location of the principal office or place of business.
- (c) If a corporation, the date and state of incorporation, the names of the president, secretary, and the business manager or superintendent thereof, and the addresses of such persons.
- ~~(d) Type of license desired — special or regular. If a special license is desired, the number of days of operation and the approximate dates of operation shall be specified.~~
- ~~(e)~~ The type of parking garage or parking lot to be operated by applicant.
- ~~(f) The name and address of the person in charge of the garage or lot.~~
- ~~(g)~~ Name and address of a local representative who has the duty, responsibility, and authority to operate, maintain, and manage a parking lot or parking garage. must be a resident of the city of Cincinnati. The local representative shall be available for contact during all operating hours and located no greater than fifty miles from the parking lot or garage.
- ~~(h)~~ Owner of the real estate property on which parking garage or parking lot is located.

- (i) ~~A statement of any prior revocation of license or refusal by the city to issue a license to applicant, or any partner, employee, officer or director of the company.~~
- (jg) A scaled drawing or sketch of the premises used in operation of the parking garage or parking lot showing dimensions of business area, location of entrances and exits, abutting city streets or alleys, parking area surface, number of parking spaces, number and siting of required bicycle parking spaces, barrier enclosures, driveway dimensions, any other information required for determination of compliance with the city ordinances pertaining to use of property and operation of the business.
- (kh) A statement of days and hours of attended operation.
- (li) A statement of the range of parking rates charged by the operator.
- (j) A statement of good standing from the city's income tax division.
- (k) A zoning verification letter that the parking lot or garage is a permitted use in compliance with city zoning laws.
- (l) The amount of gross fees or consideration charged for paid parking in the parking garage or parking lot during the prior calendar year.
- (m) Any information relative to operation of a parking garage or parking lot which is deemed necessary by the director for the purposes of determining that a license should be issued or refused.

Sec. 413-9. - License Fees.

~~The annual license, whether regular or special, shall be effective for the 12-month period beginning October 1 and ending September 30 of each year. The annual license fees for a regular license, payable to the city treasurer for each parking garage or parking lot, shall be based upon the following rates per square foot for the total number of square feet of floor or ground area of each parking garage or parking lot:~~

~~\$.0060 per square foot for the first 50,000 square feet;~~

~~\$.0040 per square foot for any amount above the initial 50,000 square feet.~~

~~Except that if a license is issued on or after April 1 of any year, the fee therefor shall be one-half the applicable annual fee.~~

~~The fee for a special annual license which shall permit a licensee to operate for only 20 days during a license year shall be 20 percent of the annual fee for a regular license.~~

~~The minimum license fee shall be \$12.~~

The city manager is hereby authorized to establish license and application fees to offset the costs and expenses incurred or estimated to be incurred by the city for the licensing program provided for in this chapter. A schedule of the fees shall be available on the city's website. All fees shall be paid prior to the issuance of a license or renewal.

Sec. 413-11. - Issuance of License.

All matters pertaining to the application for a license shall be investigated by the director, who shall approve the issuance of the license if the parking garage or parking lot and the proposed operation thereof comply with all applicable ordinances of the city. Upon approval of an application, the director shall ~~notify the city treasurer who~~ shall issue a license to the applicant upon payment of the proper license fee.

Sec. 413-13. - Renewal of License.

All licenses issued as provided in this chapter shall expire on the date provided for on the license or if no date is provided, then the license shall expire 12 months from the issue date. ~~the last day of September of each year.~~

Application for renewal shall be made to the director on forms to be supplied by the director. ~~Upon approval of renewal application by the director, the city treasurer shall issue a renewal license.~~

In the event of refusal to renew a license, the proceedings as to revocation, suspension or refusal of license shall apply and appeal shall be the same as in cases where an original application is denied.

Sec. 413-15. - Changes After Issue of License.

If, after issuance or renewal of a license, any change is made to the information provided in Section 413-5(a)-(m) in the firm ownership, officers, manager, or nature of business, written notice shall be given within 10 days by licensee to the director for insertion in the records.

Prior written approval of the director is required for any change made in entrance and exit areas, expansion of parking area, or any changes which affect public usage of parking area or the abutting streets and highways.

~~In the case of special licenses, if the parking operations are not held on the dates specified in the application, or if the parking operations are held on dates different from those specified in the application, the director shall be notified thereof within 10 days.~~

Sec. 413-21. – Parking Payment Tickets.

When a vehicle is brought into a parking garage or parking lot for hourly or daily parking, the person in control or possession of the vehicle shall be furnished with a parking

payment ticket upon which shall be printed contain the name and address of the parking garage, or parking lot, and the date and time when the vehicle entered. If payment is due and collected upon entry to the lot, then the duration of stay and the amount paid shall be included on the parking payment ticket or receipt. Further, if the parking garage or lot requires that the receipt or other documentation be left on the car dashboard as evidence of payment, signage stating this requirement shall be clearly visible at the location of payment and other conspicuous places so that the parking public is informed of the requirement. This ticket shall be numbered to correspond with a number on a ticket placed upon said vehicle.

Where a vehicle is stored for a period of more than 24 hours, a written receipt or memorandum shall be given to the person storing the vehicle stating this parking arrangement and showing the name and address of the parking garage, parking lot or transfer station.

~~The director may authorize a waiver of the use of tickets for parking in a parking garage or parking lot.~~

Sec. 413-31. - Inspections by Department of Public Utilities.

The director or an authorized representative is authorized to make periodic inspections of parking garage and parking lots for the purpose of carrying out the provisions of this chapter, and for gathering factual data as to number of vehicles parked and the total vehicles parked in any parking garage or parking lot.

Sec. 413-33. - Liability Insurance.

~~No license to operate a parking garage or parking lot shall be issued or renewed by the city treasurer, and no person shall operate any parking garage or parking lot or permit such to be operated, unless and until the applicant shall deposit supply with the city with proof of treasurer a policy or policies of liability insurance issued by a responsible insurance company at or above the limits established by the director. No person shall operate any parking garage or parking lot or permit such to be operated unless such liability insurance is maintained for as long as the licensee operates a parking garage or parking lot, approved as to sufficiency by the city treasurer and approved by the city solicitor as to form, type and as to the amounts provided for in Sections 413-35 and 413-37. The director is authorized to establish minimum insurance limits required to be carried by licensees to protect against claims for damages and injury, including theft from automobiles coverage. The director shall publish the minimum insurance limits on the city's website 30 days before they become effective.~~

Sec. 413-37. - Bond in Lieu of Insurance.

In lieu of any policy or policies of insurance required by Sections 413-33 ~~and 413-35~~, applicant may furnish a bond executed by a surety company authorized to do business in the state of Ohio, approved ~~as to sufficiency by the city treasurer and as to form by the city~~

solicitor, holding and binding the principal and sureties to the same liability, and subject to the same conditions as in the case of policies of insurance provided for herein.

It shall further be permissible for the applicant to furnish insurance for personal injuries, including death, and an indemnity bond or bonds as to the property damage, or vice versa.

Sec. 413-45. - Revocation or Suspension Procedure.

No license provided for in this chapter shall be suspended or revoked without a hearing or opportunity to be heard before the director. When the charges as to one or more of the items set forth in Section 413-43 have been sustained, the director shall ~~notify the city treasurer of such finding and the city treasurer shall thereupon~~ suspend or revoke the license in accordance with the decision of the director.

Sec. 413-99. - Penalties.

~~Whoever violates any provision of this chapter for which another penalty is not specifically provided shall be fined not more than \$100. Except where a penalty for a violation of a provision of this chapter is otherwise provided, a person who violates any provision of this chapter commits a Class E1 Civil Offense as defined by Cincinnati Municipal Code Section 1501-14, and is liable for the civil fine specified in Section 1501-99 for a Class E1 Civil Offense. Each day's violation of any section shall constitute a separate offense.~~

Sec. 1501-14. - Class E1 Civil Offenses.

A person who violates a standard of conduct set forth in Cincinnati Municipal Code Chapter 413, Section 701-23, Section 318-13(d) or Section 320-11(a) is liable for the civil fine specified in Section 1501-99 for a Class E1 Civil Offense.

Section 2. That the existing Sections 413-35, "Extent of Insurance Coverage," and 413-99-A, "Violation of Section 413-28," of the Cincinnati Municipal Code are hereby repealed.

Section 3. That the City Manager and the proper City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including by updating applicable rules and regulations, fee schedules, and policies and procedures in accordance with the modifications to the Cincinnati Municipal Code provided for herein.

Section 4. 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 allow the City Manager to establish and promulgate license fees as soon as possible, so they will be in effect for the coming fiscal year.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

Additions indicated by underline; Deletions indicated by strikethrough.