

City of Cincinnati

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An Ordinance No. _____

- 2021

MODIFYING the provisions of Chapter 407, “Public Vehicles,” Chapter 408, “Drivers’ Licenses for Public Vehicles,” Chapter 510, “Assemblages and Parades,” Chapter 765, “Special Events,” and Chapter 850, “Advertising of Tobacco Products” of the Cincinnati Municipal Code by **AMENDING** Section 407-1-P1, “Public Vehicle,” Section 407-3, “License Fees for Public Vehicles,” Section 407-5, “Application for License,” Section 407-30, “Uninsured and Underinsured Motorist Coverage Insurance,” Section 407-35, “Insignia,” Section 407-55, “Rates of Fare for Limousines, Pedicabs, Tour Vehicles, Low Speed Vehicles, and Animal-Drawn Carriages,” Section 407-69, “Rates To Be Filed With Director,” Section 407-71, “Rate Card or Rate Information to be Reviewable by Passengers,” Section 407-83, “Illegal Use of Hotel or Bus Zones,” Section 407-107, “Equipment Requirements,” Section 407-117-A, “Animal-Drawn Carriage and Pedicab Stands,” Section 407-125, “Rules and Regulations,” Section 408, “Driver’s License for Public Vehicles,” Section 408-1, “Application and Digital Identification Permit,” Section 408-3, “Driver’s License Fee,” Section 408-5, “Examination of Applicant,” Section 408-7, “Issuance or Denial of License,” Section 408-25, “Smoking Prohibited,” Section 408-45, “Rules and Regulations,” Section 510-3, “Special Parades Requiring Permits,” Section 765-11, “Required Terms and Conditions,” and Section 850-1-P3, “Public Vehicle”; **ORDAINING** new Section 407-12, “Animal-Drawn Carriages,”; and **REPEALING** in their entirety Section 407-137, “Litter Control for Animal-Drawn Carriages,” Section 407-139, “Dimensions for Animal-Drawn Carriages,” and Section 407-143, “Veterinarian’s Certificate Required,” to prohibit the use of animal-drawn carriages for commercial purposes.

WHEREAS, the City of Cincinnati regulates all public vehicles, including issuing licenses for animal drawn carriages for-hire which expire and must be renewed in January of each year; and

WHEREAS, the City of Cincinnati supports its small businesses in its urban core, recognizing that much of the City’s revenue comes from dining and entertainment tourism, where the smell of horse manure can and has had an impact on small businesses competing for customers with areas outside of the City; and

WHEREAS, the City of Cincinnati supports public safety and the wellbeing of all residents, recognizing the dangers involved in having animals traveling in the roadway, including crashes with injuries reported as recently as 2019 in the City of Cincinnati, and additional crashes that have led to at least one hospitalization in the Cincinnati area within the last several years, and that injuries to riders and drivers related to urban horse carriage rides occur every year across the United States; and

WHEREAS, the City of Cincinnati is a leader in the humane treatment of animals, having led the nation on laws prohibiting animal cruelty in kitten and bunny mills; ending the use of

wild, dangerous, and endangered species in performances within the City of Cincinnati; and adopting tethering laws that protect the public and animals by reducing the abuse of animals that can lead to more vicious behavior in pets; and

WHEREAS, urban cities across the United States have begun to tackle the inhumane conditions of for-hire animal drawn carriages on asphalt and concrete city streets, including the operation of such animal drawn carriages on hot and humid days which, combined with the urban heat island effect, can push an animal beyond recommendations for safe and humane care; and

WHEREAS, numerous U.S. cities, including Chicago, Illinois; Key West, Palm Beach, Pompano Beach, and Treasure Island, Florida; Biloxi, Mississippi; Camden, New Jersey; and Salt Lake City, Utah have determined that the risks of safety to the public, cruelty to animals, and negative impacts on small businesses outweigh any perceived benefit of continuing to permit for-hire animal drawn carriages; now, therefore,

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

Section 1. That existing Section 407-1-P1, "Public Vehicle," Section 407-3, "License Fees for Public Vehicles," Section 407-5, "Application for License," Section 407-30, "Uninsured and Underinsured Motorist Coverage Insurance," Section 407-35, "Insignia," Section 407-55, "Rates of Fare for Limousines, Pedicabs, Tour Vehicles, Low Speed Vehicles, and Animal-Drawn Carriages," Section 407-69, "Rates To Be Filed With Director," Section 407-71, "Rate Card or Rate Information to be Reviewable by Passengers," Section 407-83, "Illegal Use of Hotel or Bus Zones," Section 407-107, "Equipment Requirements," Section 407-117-A, "Animal-Drawn Carriage and Pedicab Stands," Section 407-125, "Rules and Regulations," of Chapter 407, "Public Vehicles"; existing Section 408, "Driver's License for Public Vehicles," Section 408-1, "Application and Digital Identification Permit," Section 408-3, "Driver's License Fee," Section 408-5, "Examination of Applicant," Section 408-7, "Issuance or Denial of License," Section 408-25, "Smoking Prohibited," Section 408-45, "Rules and Regulations," of Chapter 408, "Drivers' Licenses for Public Vehicles"; existing Section 510-3, "Special Parades Requiring Permits," of Chapter 510, "Assemblages and Parades"; existing Section 765-11, "Required Terms and Conditions," of Chapter 765, "Special Events"; and existing Section 850-

1-P3, "Public Vehicle," of Chapter 850, "Advertising of Tobacco Products," of the Cincinnati Municipal Code are hereby amended to read as follows:

Sec. 407-1-P1. - Public Vehicle.

"Public Vehicle" shall mean a vehicle, other than a charitable non-profit transportation vehicle as defined in Section 407-1-C2, by which individual service for compensation in the transportation of persons on the public streets is furnished or offered to be furnished. Vehicles offering service in the transportation of persons on the public streets that make profit primarily through advertising or another method besides passenger fare are public vehicles. Public vehicles are classified as "taxicabs," "limousines," "accessible vehicles," "tour vehicles," "~~animal drawn carriages,~~" "transportation network vehicles," "low speed vehicles," and "pedicabs."

Vehicles furnishing mass transportation service of persons, such as motor buses, which are operated over fixed routes on a fixed schedule or between fixed termini, are not included in the term "public vehicle," but must comply with the appropriate provisions of law and the Cincinnati Municipal Code.

Sec. 407-3. - License Fees for Public Vehicles.

- (a) No person shall operate or permit to be operated any vehicle as a public vehicle, or shall proffer the services of such vehicles as a public vehicle by solicitation by voice, sign, public advertisement, light, or otherwise unless the proper license has been issued for the vehicle to the owner thereof and is in force.
- (b) Every license shall expire on January 14 of the year following the date on which the license was issued. License fees for each public vehicle shall be payable to the city treasurer in the following amounts:
 - (1) Taxicab: \$200.00; after 6/30 of each year, the amount of the license fee shall be \$100.00.
 - (2) Limousine: \$150.00; after 6/30 of each year, the amount of the license fee shall be \$75.00.
 - (3) Accessible Vehicle: \$70.00; after 6/30 of each year the amount shall be \$35.00.
 - (4) ~~Animal Drawn Carriage: \$150.00; after 6/30 of each year the amount shall be \$75.00.~~
 - (45) Pedicab: \$80.00; after 6/30 of each year the amount shall be \$40.00.
 - (56) Tour Vehicle: \$150.00; after 6/30 of each year, the amount of the license fee shall be \$75.00.
 - (67) Low Speed Vehicle: \$150.00; after 6/30 of each year, the amount shall be \$75.00.
- (c) These fees shall include all vehicle and taximeter inspections conducted by city personnel. The license fee required by this section shall be in addition to any fee required by the laws of the state of Ohio.

- (d) In addition as part of the requirements of this section, each application for a renewal of a taxicab and accessible vehicle shall be accompanied by a complete schedule of rates used by the applicant for trips to surrounding cities, villages, and communities. Any charge made that is not in accordance with this rate schedule shall be considered cause for revocation of the license of the driver, of the vehicle, or both. Taxicab trips shall be based upon the meter rate plus a surcharge and shall not exceed 25 cents per mile in excess of meter rate for mileage outside of the city of Cincinnati.
- (e) License requirements and fees for a person to become a licensed public vehicle driver in the City are contained within Chapter 408 of the Cincinnati Municipal Code, "Drivers' Licenses for Public Vehicles."
- (f) Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the Ohio Revised Code.

Sec. 407-5. - Application for License.

Applications for the following public vehicle licenses shall be made to the director or his designee upon forms provided by the director or his designee and shall cost \$50 to file per applicant. These forms shall be designed by the director after consultation with representatives from the public vehicles industry.

Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the requirements outlined in the Ohio Revised Code.

- (a) Taxicab License. At a minimum, the public vehicle application forms for a taxicab shall set forth the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the type of vehicle including age, condition and intended use; the applicant's public vehicle history; the procedures to train drivers; whether the vehicle will be driven by someone other than the applicant; the maintenance of the vehicle; the trade name under which business is to be conducted; the class of each vehicle for which a license is desired; the seating capacity; the design, color scheme, and lettering and marks to be used on the vehicle; and any other information required by the director or his designee.
- (b) ~~Animal Drawn Carriage. Each application for an animal drawn carriage license shall contain the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the trade name under which the business is to be conducted; the route on and hours during which the animal drawn carriage is to be operated; and a drawing, model, or photograph of the type of carriage to be inspected so that it shall conform to the aesthetic requirements set forth by the director. The proposed route, hours, and days of operation for each animal drawn carriage shall be reviewed for public safety purposes by the police department, public services department, transportation and engineering department, and the public vehicle inspection office. Each shall provide a report and recommendation to be considered by the director prior to the issuance of a public vehicle license specified in Section 407.7 of the Cincinnati Municipal Code.~~

- (be) **Pedicab.** Each application for a pedicab shall contain the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the trade name under which the business is to be conducted; the hours and days of operation; the proposed area to be served; and a drawing, model, or photograph of the pedicab, so that it shall conform to the aesthetic requirements set forth by the director. The proposed route, hours, and days of operation for each pedicab shall be reviewed for public safety purposes by the police department, public services department, transportation and engineering department, and the public vehicle inspection office. Each shall provide a report and recommendation to be considered by the director prior to the issuance of a public vehicle license specified in Section 407-7 of the Cincinnati Municipal Code.
- (cd) **Limousine.** Each application for a limousine, both Class A and Class B limousines, shall contain the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the trade name under which the business is to be conducted; the type of vehicle including age, condition, and intended use; the applicant's public vehicle history; the procedures to train drivers; whether the vehicle will be driven by someone other than the applicant; and the maintenance of the vehicle.
- (de) **Tour vehicle.** Each application for a tour vehicle shall contain the name and address of the applicant; the name and address of the vehicle's owner if this is different than the applicant; the trade name under which the business is to be conducted; and the route, days, and hours of operation of the tour vehicle. The proposed route, hours, and days of operation for each tour vehicle shall be reviewed for public safety purposes by the police department, public services department, transportation and engineering department, and the public vehicle inspection office. Each shall provide a report and recommendation to be considered by the director prior to the issuance of a public vehicle license specified in Section 407-7 of the Cincinnati Municipal Code.
- (ef) **Low Speed Vehicle .** Each application for a low speed vehicle shall contain the name and address of the applicant; the name and address of the vehicle's owner if different than the applicant; the trade name under which the business is to be conducted; the hours and days of operation; the proposed area to be served; the type of vehicle including age, condition and intended use; the applicant's public vehicle history; the procedures to train drivers; whether the vehicle will be driven by someone other than the applicant; and the maintenance of the vehicle. The proposed operating zones or permitted routes, hours, and days of operation for each low speed vehicle shall be reviewed for public safety purposes by the police department, public services department, transportation and engineering department, and the public vehicle inspection office. The owner of a vehicle shall also comply with all requirements of Ohio law regarding proper title, registration, and license plates prior to operating the vehicle on any street.
- (fg) **Approved Application.** If the application is approved, the applicant shall furnish the city treasurer, prior to the issuance of the decal, information related to the particular vehicle to be licensed. Such information shall include title to each

applicable vehicle; state license plate registration; certificate of insurance; a mechanical inspection completed by a certified approved mechanic; and proof of establishment of an account with the city of Cincinnati income tax division.

Sec. 407-30. - Uninsured and Underinsured Motorist Coverage Insurance.

Each licensed public vehicle, except ~~animal-drawn carriages and~~ pedicabs, shall provide to its passengers uninsured and underinsured motorist coverage which shall provide protection for bodily injury or death to said passengers in the amount of \$25,000. The coverage afforded herein shall not apply to the drivers of said vehicles.

Sec. 407-35. - Insignia.

- (a) Excluding transportation network companies, the department shall furnish free of charge a decal which is to be affixed in the lower left-hand corner of the windshield, except ~~animal-drawn carriages, and~~ pedicabs, where the decal shall be affixed to a glass (plexiglass) plate 4" × 5" provided by the licensee. The plate shall be secured (easily removed) to the exterior of the ~~carriage or~~ pedicab as approved by the director. The decal shall indicate vehicle license number and type of license (taxi, limousine, accessible vehicle, tour vehicle, ~~animal-drawn carriage or pedicab~~). When the vehicle is retired from service, the decal is to be removed and returned to the director or his designee. Operation of a public vehicle without the proper decal or failure to properly return a decal shall be cause for revocation. If a public vehicle license is transferred from vehicle to vehicle, in accordance with Section 407-93, a new license decal shall be furnished by the department subject to the above conditions.
- (b) It shall be unlawful to display public vehicle equipment and insignia on any vehicle other than a licensed vehicle.
- (c) In an accessible vehicle, the floor area of an allocated space must display the international symbol of accessibility, also known as the international wheelchair symbol, and be outlined in a flush contrasting strip 1 inch wide. Every accessible vehicle used for the transportation of wheelchair users shall display the international symbol of accessibility in a clearly visible position on the rear of the vehicle and on the front of the vehicle in a position other than on the windshield.

Sec. 407-55. - Rates of Fare for Limousines, Pedicabs, Tour Vehicles, and Low Speed Vehicles, ~~and Animal-Drawn Carriages.~~

All fares and charges for use of limousines, pedicabs, tour vehicles, and low speed vehicles, ~~and animal-drawn carriages~~ shall be filed with and approved by the director between January 1 and 15 of each year in accordance with Section 407-69.

It shall be the duty of the licensee to inform any person hiring a limousine, ~~animal-drawn carriage~~, tour vehicle, low speed vehicle, or pedicab of all rates and charges before any service is rendered.

Sec. 407-69. - Rates To Be Filed With Director.

- (a) Every owner of one or more public vehicles, except a transportation network vehicle, shall file in the office of the director the complete schedule of rates offered and used.

- (b) Rate schedules may be changed by the owner. No change in schedule shall become effective until one day after it is filed with the director and until all requirements of Section 407-77 have been complied with. (The requirements of Section 407-77 shall not apply to ~~animal-drawn carriages~~, tour vehicles, low speed vehicles, transportation network vehicles, and pedicabs.) Not more than one amended schedule shall be filed by an owner in any period of 30 days unless with the consent of the director.
- (c) All schedules of rates of fare on file with the director shall be open to public inspection.
- (d) No driver or other person in control of a taxicab, limousine, accessible vehicle, pedicab, or tour vehicle, ~~or animal-drawn carriage~~ shall make any charge except in accordance with the schedule of rates filed as herein provided.

Sec. 407-71. - Rate Card or Rate Information to be Reviewable by Passengers.

Every public vehicle, except transportation network vehicles, shall carry in it at all times a rate card issued for the vehicle by the director. The rate card shall contain, in legible type, the director's office address, the name of the license owner, the type of vehicle, the serial body number on the vehicle, the date of issuance, and the complete schedule of rates of fare used as filed with the director. In taxicabs such rate card shall be mounted under transparent covering in the rear compartment or interior of the vehicle in such a position that it can be read easily by the occupants of the vehicle. In limousines, pedicabs, and tour vehicles, ~~and animal-drawn carriages~~ such rate card shall be exhibited on demand.

Rate cards shall not be altered or tampered with by any person. Whenever a rate card becomes damaged, soiled, or illegible, the owner shall request and the director shall issue a new card for the vehicle. No fee shall be charged for the issuance of a new, corrected, or duplicated rate card when the old card is turned in to the director.

In case of the loss of a rate card, the owner shall file with the director a sworn statement of the facts concerning such loss. If the director is satisfied that the facts justify the issuance of a replacement rate card, such replacement rate card shall be issued upon the payment of 50 cents.

Sec. 407-83. - Illegal Use of Hotel or Bus Zones.

Occupancy of a hotel zone or bus zone for purposes of soliciting patronage, or offering taxicab, accessible vehicle, limousine, pedicab, or tour vehicle ~~or animal-drawn carriage~~ service shall be unlawful.

Sec. 407-107. - Equipment Requirements.

Every public vehicle shall be kept in a safe and sanitary operating condition. Each type of public vehicle must follow the equipment regulations as mandated below.

- (a) All taxis must be either a four door sedan, a station wagon with a minimum of four doors, or a van-type vehicle with either a minimum of four doors or with a sliding door on the vehicle's passenger side. Each Taxicab shall have the following equipment at all times:

- (1) A light within the passenger compartment capable of being turned on or off by the passenger;
 - (2) Brakes that comply with all requirements of Section 4513.20 of the Revised Code of Ohio;
 - (3) A light contained inside the meter and capable of illuminating the taximeter display;
 - (4) A light located on the top of the vehicle that is capable of indicating when the taxi is available for hire, with an on/off switch that can be controlled by the operator; and
 - (5) Manufacturer-installed safety belts, which must be worn by front-seat passengers and may be worn by back-seat passengers and which number no fewer than the maximum occupancy of the taxicab.
- (b) ~~Each animal-drawn carriage shall at all times have the following equipment:~~
- ~~(1) A braking device capable of safely stopping said vehicle.~~
 - ~~(2) Two headlamps capable of emitting a white light visible a distance of at least 1,000 feet ahead of the carriage;~~
 - ~~(3) Two tail lamps capable of emitting a red light visible at least 1,000 feet from the rear of the carriage;~~
 - ~~(4) A triangular slow-moving vehicle emblem (SMV) (reflectorized), which shall be mounted so as to be visible for a distance of 500 feet to the rear;~~
 - ~~(5) Reflective materials upon the shafts of the vehicle or other parts of the vehicle parallel thereto so as to render the vehicle visible from the side after dark from a distance of 500 feet.~~
- (be) Each accessible vehicle shall comply with the equipment requirements and other required features found in Sections 407-145 through 407-171 of this chapter.
- (cd) Each pedicab shall at all times have the following equipment:
- (1) Braking device capable of stopping said vehicle;
 - (2) Functioning battery-operated head and tail lights;
 - (3) Rear reflective lights;
 - (4) Reflective material on both sides;
 - (5) A reflective triangle and slow moving vehicle sign in the rear;
 - (6) A properly functioning timing device, visible to customers, if the rate is based on time;
 - (7) A properly functioning mileage meter, visible to customers, if rates are based on mileage;
 - (8) A public vehicle license displayed so that it is easily seen; and
 - (9) Any other device ordered by the director.

- (de) Every low speed vehicle shall at all times comply with any equipment requirements established in the Ohio Revised Code as well as those required under the city's policies and regulations for low speed vehicles, as published on April 26, 2018 and as amended from time to time by the city manager, the current version of which is available through the department of transportation and engineering.
- (ef) Every pedal wagon shall have at all times the following equipment:
 - (1) Adequate brakes and braking system, including parking brake;
 - (2) Two headlamps capable of emitting a white light visible at a distance of at least 1,000 feet ahead of the pedal wagon;
 - (3) Two tail lights capable of emitting a red light visible at least 1,000 feet from the rear of the pedal wagon;
 - (4) Functioning battery to operate the head and tail lights;
 - (5) Reflective material on both sides and the rear of the vehicle so as to render the vehicle visible from a distance of 500 feet;
 - (6) A triangular slow-moving vehicle (SMV) emblem mounted on the rear of the vehicle;
 - (7) A public vehicle license displayed so that it can be easily seen as per CMC 407-35;
 - (8) Any other device ordered by the director.
- (fg) Whenever a public vehicle is found not to be in a safe and sanitary operating condition or not to comply fully with all the requirements specified herein, the city treasurer, upon the recommendation of the director, shall suspend or revoke the license of the public vehicle, until the public vehicle is in full compliance with provisions herein.
- (gh) Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the requirements outlined in the Ohio Revised Code.

Sec. 407-117-A. - ~~Animal-Drawn Carriage and~~ Pedicab Stands.

The director shall designate the location of space and times of use for stands to be known as "~~animal-drawn carriage~~ pedicab stands." No automobiles or other means of conveyance except pedicabs shall be permitted to use such "~~animal-drawn carriage~~ pedicab stands" within the time as provided by the rules and regulations promulgated by the director.

The director is authorized to formulate reasonable rules and regulations for the use of such "~~animal-drawn carriage~~ pedicab stands" so as to ensure equality of opportunity between operators and to prevent unfair practices between the owners, operators and drivers of such ~~animal-drawn vehicles~~ pedicabs for hire.

Sec. 407-125. - Rules and Regulations.

The director is authorized and directed to establish rules and regulations necessary for the enforcement of the provisions of this chapter, ~~including rules and regulations pertaining to the health, safety and well-being of animals used to draw carriages in the city of Cincinnati.~~

Violation of any such regulation or failure to comply with a lawful order of the director shall be reason for revocation of any license issued under authority of this chapter.

Sec. 408. - Driver's License for Public Vehicles.

No person shall drive a taxicab, tour vehicle, limousine, accessible vehicle, pedicab, or low speed vehicle, ~~or animal drawn carriage~~ unless duly licensed as hereinafter provided.

Transportation Network Companies and their drivers and vehicles are exempt from this Chapter and are alternatively regulated pursuant to the requirements contained in Ohio Revised Code Chapters 3942 and 4925 or any successor chapter or sections of the Ohio Revised Code.

Sec. 408-1. - Application and Digital Identification Permit.

- (a) Every applicant for a license as a driver of a taxicab, tour vehicle, accessible vehicle, pedicab, or low speed vehicle, ~~or animal drawn carriage~~ shall make application to the director on forms to be supplied by the director. The director, for purposes of Chapter 408, shall be the same definition as Section 407-1-D1. The application shall be notarized, and each applicant must supply information or documentation to show the applicant fulfills the following requirements, and any other pertinent information as the director may require, in order to complete his/her application under Chapter 408:
- (1) Able to speak, read, and write the English language;
 - (2) Twenty-one years of age or over and must present a valid operator's license as approved by the director;
 - (3) Free of defective vision, defective hearing, epilepsy, vertigo, heart trouble, and any other infirmity, physical or mental, which would render the applicant unfit for safe operation of a public vehicle;
 - (4) Not currently engaging in the illegal use of alcohol or drugs;
 - (5) Cleared by a criminal background check, which is completed by a law enforcement entity, association, corporation, or firm approved by the director to perform such services.
- (b) Every applicant for a license to drive an accessible vehicle shall also produce satisfactory evidence that the applicant has completed a course in first aid and life saving, approved by the director, and in addition, a certificate from a reputable physician stating that the applicant is free from communicable diseases.

Sec. 408-3. - Driver's License Fee.

Every driver of a taxicab, limousine, accessible vehicle, pedicab, tour vehicle, and low speed vehicle, ~~and animal-drawn carriage~~ shall pay to the city treasurer the sum of \$40.00 upon issuance of a driver's license, and the sum of \$20.00 per year for each annual renewal.

Sec. 408-5. - Examination of Applicant.

After complying with the provisions of Section 408-1, every applicant shall be examined by the director or his designee as to the applicant's knowledge of the provisions governing the operation of taxicabs, limousines, pedicabs, tour vehicles, and low speed vehicles, ~~and animal-drawn carriages~~ and as to knowledge of the city of Cincinnati and state and local traffic regulations. The applicant shall produce evidence of at least six months' experience in operating a motor vehicle ~~or animal-drawn carriage~~, or successful completion of a course in the operation of a motor vehicle ~~or animal-drawn carriage~~ given by a school approved by the director, or both, and shall, if required, demonstrate the applicant's skill and ability.

Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the requirements contained in the Ohio Revised Code.

Sec. 408-7. - Issuance or Denial of License.

If the applicant to drive a taxicab, tour vehicle, limousine, pedicab, or low speed vehicle, ~~or animal-drawn carriage~~ meets all the requirements set forth in this chapter, his/her criminal background check did not disclose convictions for felony crimes of violence, weapons, or moral turpitude, or misdemeanor convictions of moral turpitude and he/she is not non-compliant as stated in Chapter 801, "General Provisions," then the director shall notify the city treasurer in writing; and the city treasurer shall issue a license to applicant upon payment of the proper fee.

If the director denies the issuance of a public vehicles driver's license, the director shall send notice to the applicant-supplied address, or if applicable, the notice may be provided to the applicant in person if the individual is present in the office of the director at the time of the denial. The applicant may appeal the decision to the office of administrative hearings (OAH). All appeals must be filed in writing with OAH within 10 days from receipt of notice of the director's decision to deny the license, and OAH shall hold the hearing within 14 days from receipt of the applicant's written appeal. For purposes of appeal the director's decision shall be presumed accurate, and the appellant shall bear the burden of proof of evidence to contradict the director's decision. The hearing examiner will either uphold or reverse the director's decision based on the information presented at the hearing under the criteria set forth in this Chapter.

Transportation Network Drivers and vehicles are exempt from this section and are alternatively regulated pursuant to the requirements outlined in the Ohio Revised Code.

Sec. 408-25. - Smoking Prohibited.

Drivers of limousines, taxicabs, transportation network vehicles, tour vehicles, accessible vehicles, and low speed vehicles, ~~and animal-drawn carriages~~ are prohibited from smoking while carrying passengers.

Sec. 408-45. - Rules and Regulations.

The director is hereby authorized and empowered to establish and adopt such additional rules and regulations governing the issuance of licenses to drive taxicabs, tour vehicles, pedicabs, ~~animal-drawn carriage~~, low speed vehicles, and accessible vehicles as may be reasonable and necessary and not inconsistent with the provisions of this chapter. Any rules and regulations proposed by the director under this section on or after September 1, 2014, shall be published and made available to the public and shall be made available for public comment at a committee of the city council prior to adoption.

Sec. 510-3. - Special Parades Requiring Permits.

Notwithstanding the provisions of Section 510-2, the city manager, or person designated by the city manager, may grant permission to a group, association or organization holding or sponsoring a parade, march or procession to do so without strict compliance with specified provisions of the laws and regulations relating to vehicular and pedestrian traffic, and may restrict parking along a proposed route of a parade, march or procession and provide police escorts therefor upon the following terms and conditions:

- (a) The group, organization or association sponsoring a parade, march or procession shall apply in writing at least 30 calendar days in advance of the date of the parade, march or procession for a permit to hold a parade at variance with the laws and regulations relating to pedestrian and vehicular traffic.

The city manager or person designated by the city manager shall, in appropriate cases, have the authority to waive the time period within which the application for a parade permit must be made.

- (b) Application for such permit shall be on forms provided by the city manager or person designated by the city manager, and shall state:
- (1) The name and address of the sponsoring group, association or organization.
 - (2) The names and addresses and telephone numbers of officers of the organization or persons authorized to speak for and on behalf of such organization and to represent the organization in all matters pertaining to the parade permit.
 - (3) The date, time and proposed route of the parade.
 - (4) The nature of the parade; i.e., whether it will consist of or include:
 - a. Pedestrians,
 - b. Vehicles,
 - c. Animals,
 - d. A combination of any of the above, and
 - e. The approximate size or length of the parade.

- (5) Those traffic laws or regulations which the group, association or organization holding or sponsoring the parade wish to be waived in regard to it.
 - (6) Whether or not it is desirable that parking be restricted along the parade route or any part of the parade route.
 - (7) Whether or not a police escort is desired.
 - (8) The application for the proposed parade shall include a non refundable \$100.00 fee if it is estimated that fewer than 3,000 people will be in attendance, or a \$500.00 fee if it is estimated that over 3,000 people will be in attendance.
- (c) In reviewing the application for a parade permit, the city manager or person designated by the city manager shall determine the number of police officers reasonably necessary to control traffic in the area of the requested parade. In making this determination, the city manager or person designated by the city manager shall consider such factors as the time, date, route, length, number of participants and vehicles contained in the application for the parade permit. The city manager or person designated by the city manager shall inform the applicant for the parade permit of the number and cost of police officers and vehicles which he determines to be necessary to control the traffic for the requested parade. The cost to the applicant for each police officer shall be the current standard hourly special duty rate. The cost for each police vehicle shall be the standard hourly rental rate prescribed by the Cincinnati Police Department. The applicant for a parade permit shall deposit one-half of the amount of money designated by the city manager or person designated by the city manager as necessary for police traffic control and police vehicles with the Cincinnati Police Department within five business days of the issuance of the permit, or within five business days prior to the parade, whichever date is earlier, unless the deposit requirement is waived by the city manager. The Cincinnati Police Department will invoice the applicant for a parade permit for the remaining one-half of all such costs, and the applicant shall promptly pay the invoice.
- (d) In reviewing the application for a parade permit, the city manager or person designated by the city manager shall determine if personnel from the Cincinnati Fire Department are necessary to the safe conduct and operation of the parade. In making that determination, the city manager or person designated by the city manager shall consider the time, date, route and length of the parade; the likelihood of fires or explosions during the parade or the need for emergency and medical services; the nature and purpose of the parade; the anticipated attendance at the parade by both participants and observers; the number, type, and speed of vehicles in the parade; and the ability of the Cincinnati Fire Department to respond to a call for services from a location outside the parade route.

If the city manager or person designated by the city manager determines that Cincinnati Fire Department personnel are necessary to the safe conduct and operation of the parade, then the applicant for the parade permit shall be informed of the necessary number and cost of Cincinnati Fire Department personnel. The

cost to the applicant of the Cincinnati Fire Department personnel shall be the current standard hourly special duty rate for such personnel. The cost for each Cincinnati Fire Department vehicle shall be a standard hourly rate prescribed by the fire chief. The applicant for a parade permit shall deposit one-half of the amount of money designated by the city manager or person designated by the city manager as necessary for fire department personnel and vehicles with the Cincinnati Fire Department within five business days of the issuance of the permit, or within five business days prior to the parade, whichever date is earlier, unless the deposit requirement is waived by the city manager. The Cincinnati Fire Department will invoice the applicant for a parade permit for the remaining one-half of all such costs, and the applicant shall promptly pay the invoice.

- (e) Before issuing a permit, the city manager or person designated by the city manager shall determine that:
 - (1) Waiver of laws or regulations relating to the movement of pedestrian or vehicular traffic for the proposed parade will not present an unreasonable hazard to the safety of the public.
 - (2) The waiver of enforcement of laws and regulations relating to vehicular and pedestrian traffic along the route of the suggested parade will not substantially and unreasonably increase traffic congestion in the congested area or in any other area of the city during rush hours.
 - (3) That there will be available sufficient city manpower to provide for the reasonably safe movement of the parade and other traffic, the safety of the public, and the restriction of parking along the parade route or police escorts when requested or when determined to be necessary for the safety of the public by the city manager or person designated by the city manager.
 - (4) That the parade will not unreasonably interfere with access to public or private property adjacent to the streets and sidewalks to the proposed parade route.
- (f) If the parade, march or procession involves the use of motor vehicles or animals, the organization, group or association sponsoring or holding the parade shall obtain liability insurance and file a copy of the policy with the City of Cincinnati, which policy shall:
 - (1) List the sponsoring group, association or organization and the City of Cincinnati as a named insured; and
 - (2) Provide liability coverage against all hazards arising from the holding of the parade for personal injuries and property damage in the amount of \$500,000.
- (g) If the parade, march or procession involves the use of animals, no permit shall be issued unless the organization, group or association sponsoring or holding the parade shall provide the following to the city at the time the permit is requested:

- (1) A description of the litter control measures that will be taken to prevent animal urine and manure from collecting on city property or streets and the plan for disposal of any animal urine or feces;
- (2) A certificate of fitness from a licensed veterinarian stating that the veterinarian has examined the animal within the last 60 days and that the exam included all matters consistent with the usual and customary veterinary practice in the community to maintain the health and well-being of animals, and that the animal is fit for use in the parade, march or procession; and
- (3) If an animal-drawn carriage is to be used, a certification that the carriage has a readily visible reflector on the rear of the carriage and that the carriage does not exceed the following dimensions:
 - a. Height: 13 feet, 6 inches
 - b. Width: 8 feet, 0 inches
 - c. Length: 48 feet, 0 inches, including horse, mule or other beast of burden.
- (4) If an animal-drawn carriage is to be used, evidence of the driver having at least six months' experience in operating an animal-drawn carriage, or successful completion of a course in the operation of an animal-drawn carriage given by a school approved by the director, or both, and shall, if required, demonstrate the driver's skill and ability.

- (hg) A parade permit will not be granted to any applicant whose stated intended purpose is to communicate any obscenity, defamation, "fighting words," or words creating a "clear and present danger."

The City of Cincinnati will promptly seek judicial review of any intended denial or revocation of a parade permit based upon the obscenity, defamation, "fighting words," or "clear and present danger" prohibitions contained in this section. Unless a court issues an order within ten business days of the city's petition declaring that the permit may be lawfully denied or revoked, the parade permit will be granted.

- (ih) After the application is filed, the city manager or person designated by the city manager shall act upon an application for a special parade permit within ten business days, or within five business days prior to the proposed parade, whichever date is earlier.

If the city manager or person designated by the city manager finds that the determinations required by paragraph (e) above cannot be made without changes in the proposed route, time, or waiver of laws or regulations relating to movement of pedestrian or vehicular traffic as requested in the application, or the restriction of parking along the proposed route, the city manager or person designated by the city manager shall suggest in writing alternate times, routes, or procedures or conditions which would meet the requirements of paragraph (e) above. Such suggestions shall be noted upon the application for the special parade permit. The

terms of such suggestions shall be communicated by the city manager or the person designated by the city manager to the permit applicant either by personal delivery or certified mail within ten business days after the application is filed, or within five business days prior to the proposed parade, whichever date is earlier.

If these suggestions are accepted in writing by the permit applicant within three business days after the date the city manager or person designated by the city manager personally notifies the applicant of the suggestions or mails the suggestions to the applicant, the city manager or person designated by the city manager shall proceed as though such changes were originally part of the application. The permit applicant's acceptance of the suggestions shall be noted upon the application.

- (ji) Any applicant shall have the right to appeal the denial of a permit to the office of administrative hearings by filing a written notice of appeal with the city manager within five business days of the denial of the permit. The city manager shall transmit the notice of appeal and all documents related to the permit application to the office of administrative hearings within 24 hours of the filing of the appeal. The office of administrative hearings shall conduct a hearing and issue a decision in sufficient time to allow the applicant to conduct the parade if the appeal is granted, but in no event shall the hearing be held more than five business days after the appeal is filed.
- (kj) A permit may be revoked at any time by the city manager or person designated by the city manager for the same reasons as those provided for denial of a permit. Notice of the revocation of a permit shall be given immediately to the applicant as provided in Section 510-3(g), and appeal of the revocation of the permit may be taken in the same manner and time as provided in Section 510-3(h), except the requirement that the appeal shall be heard before the date of the parade will not apply.
- (lk) In the absence of special circumstances, the following parade route in the congested district shall be deemed to comply with the requirements of this section insofar as presenting the least hazard to the safety of the public and the least interference with normal use and movement upon the streets in that area, and shall be followed by any group proposing to hold a parade in the congested area, unless the city manager or person designated by the city manager finds that exceptional circumstances exist, which shall be stated in writing upon the application, which warrant the use of an alternate route:

From the intersection of Butler and Sentinel Street, travel south on Sentinel Street to Fifth Street, thence west on Fifth Street to Vine Street, thence north on Vine Street to the intersection of Vine Street and Central Parkway, where the parade shall end.
- (ml) No person participating in a parade, march or procession under this section shall distribute handbills, free samples, give autographs or other such items to spectators along the designated parade route nor commit any other act which

would encourage spectators to move into the designated parade route during the course of any such parade.

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 with a certificate of insurance 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) 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 not less than 60 days prior to such action.
 - (2) 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).
- (c) 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 § 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 ($\frac{3}{4}$) of an inch in diameter, one-quarter ($\frac{1}{4}$) 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. If an animal is to be used during or as part of an event, then the sponsor of the event shall also comply with the provisions of Cincinnati Municipal Code Section 510-3(g).

Section 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, and handicapped livery vehicles ~~and animal-drawn carriages.~~

Section 2. That existing Section 407-1-P1, “Public Vehicle,” Section 407-3, “License Fees for Public Vehicles,” Section 407-5, “Application for License,” Section 407-30, “Uninsured and Underinsured Motorist Coverage Insurance,” Section 407-35, “Insignia,” Section 407-55,

“Rates of Fare for Limousines, Pedicabs, Tour Vehicles, Low Speed Vehicles, and Animal-Drawn Carriages,” Section 407-69, “Rates To Be Filed With Director,” Section 407-71, “Rate Card or Rate Information to be Reviewable by Passengers,” Section 407-83, “Illegal Use of Hotel or Bus Zones,” Section 407-107, “Equipment Requirements,” Section 407-117-A, “Animal-Drawn Carriage and Pedicab Stands,” Section 407-125, “Rules and Regulations,” of Chapter 407, “Public Vehicles,” and existing Section 408, “Driver’s Licenses for Public Vehicles,” Section 408-1, “Application and Digital Identification Permit,” Section 408-3, “Driver’s License Fee,” Section 408-5, “Examination of Applicant,” Section 408-7, “Issuance or Denial of License,” Section 408-25, “Smoking Prohibited,” Section 408-45, “Rules and Regulations,” of Chapter 408, “Drivers’ Licenses for Public Vehicles,” and existing Section 850-1-P3, “Public Vehicle,” of Chapter 850, “Advertising of Tobacco Products,” of the Cincinnati Municipal Code are hereby repealed.

Section 3. That the following new Section 407-12, “Animal-Drawn Carriages,” of Chapter 407, “Public Vehicles,” of the Cincinnati Municipal Code is hereby ordained to read as follows:

Sec. 407-12. – Animal-Drawn Carriages

As of January 15, 2022, animal-drawn carriages may no longer offer for-hire service in the transportation of persons on the public streets. Animal-drawn carriages may be utilized during parades and special events such as weddings, upon compliance with the applicable provisions of the Cincinnati Municipal Code and issuance of the proper special event approvals and permits.

Section 4. That existing Section 407-137, “Litter Control for Animal-Drawn Carriages,” Section 407-139, “Dimensions for Animal-Drawn Carriages,” and Section 407-143, “Veterinarian’s Certificate Required,” of Chapter 407 of the Cincinnati Municipal Code are hereby repealed in their entirety.

Section 5. That sections 1 through 4 above shall be effective as of January 15, 2022.

Section 6. That the proper City officials are hereby authorized to do all things necessary and proper to implement the provisions of Sections 1 through 5 of this Ordinance.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

New language underscored. Deletions indicated by strike-through.