

EMERGENCY

City of Cincinnati

JRS

BWL

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

- 2021

**MODIFYING** Title VII, "General Regulations," of the Cincinnati Municipal Code by amending Section 723-16, "Sidewalk Vending," of Chapter 723, "Streets and Sidewalks, Use Regulations," to establish a new sidewalk vending district in proximity to TQL Stadium in the West End neighborhood.

WHEREAS, revocable street privileges are the primary tool used by the City to provide sidewalk vendors access to the public right-of-way and to manage those vendors' occupancy of the public right-of-way; and

WHEREAS, Cincinnati Municipal Code Section 723-16, "Sidewalk Vending," establishes a process whereby the City Manager may grant revocable street privileges to sidewalk vendors, allowing them to establish merchandise and food vending locations on City sidewalks within sidewalk vending districts; and

WHEREAS, in order to support the City's sidewalk vendors and to expand access to sidewalk vending across the City, the Council wishes to establish a new sidewalk vending district in proximity to FC Cincinnati's new TQL Stadium; now therefore,

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

Section 1. That Section 723-16, "Sidewalk Vending," of Chapter 723, "Streets and Sidewalks, Use Regulations," of the Cincinnati Municipal Code is hereby amended to read as follows:

**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 723-41 through 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.

Section 2. That existing Section 723-16, "Sidewalk Vending," is hereby repealed.

Section 3. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

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 establish a new sidewalk vending district in proximity to FC Cincinnati's TQL Stadium.

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

\_\_\_\_\_  
John Cranley, Mayor

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

\_\_\_\_\_  
Additions indicated by underline; Deletions indicated by strikethrough.