

Ordinance No. 521-2024

By Council Members Bishop and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

To discontinue the Divisions of Recreation and Park Maintenance and Properties and the Office of Special Events and Marketing, by repealing various sections of Chapter 131, as amended and enacted by various ordinances; to amend Section 131.02 relating to the duties of the Director of Public Works; to create the Department of Parks and Recreation; to enact new Sections 133.01 to Sections 133.46; and to amend various other sections of the codified ordinances, as amended and enacted by various ordinances, relating to the foregoing changes.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the Divisions of Recreation and Park Maintenance and Properties, and the Office of Special Events and Marketing are discontinued and the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 131.05 as enacted by Ordinance No. 1331-A-10, passed December 6, 2010,

Section 131.06, as amended by Ordinance No. 523-2020, passed November 18, 2020, and

Sections 131.29, 131.30, 131.39, and 131.40, as enacted by Ordinance No. 1331-A-10, passed December 6, 2010,

are repealed.

Section 2. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 131.07, as amended by Ordinance No. 523-2020, passed November 18, 2020,

Section 131.08, as amended by Ordinance No 135-11, passed January 31, 2011,

Section 131.081, as amended by Ordinance No. 1580-11, passed December 5, 2011,

Section 131.09, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 131.10, as amended by Ordinance No. 1328-18, passed November 19, 2018,

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Section 131.15, as amended by Ordinance No. 1516-11, passed December 5, 2011,

Sections 131.17 and 131.18, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 131.19, as amended by Ordinance No. 1516-11, passed December 5, 2011,

Sections 131.20, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Sections 131.21 and 131.22, as amended by Ordinance No. 1092-2023, passed November 13, 2023,

Section 131.24, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 131.31, as amended by Ordinance No. 35-2024, passed January 22, 2024,

Sections 131.32 and 131.33, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 131.34, as amended by Ordinance No. 674-2019, passed June 3, 2019,

Section 131.35, as amended by Ordinance No. 20-15, passed May 4, 2015,

Section 131.36, as amended by Ordinance No. 1650-12, passed May 13, 2013,

Section 131.37, as amended by Ordinance No. 20-15, passed May 4, 2015,

Section 131.381, as amended by Ordinance No. 1167-16, passed November 14, 2016,

Section 131.41, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 131.42, as amended by Ordinance No. 1483-15, passed December 7, 2015,

Section 131.83, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010, and

Sections 131.85 and 131.86, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

are repealed.

Section 3. That Section 131.02, amended by Ordinance No. 1516-11, passed December 5, 2011, is amended to read as follows:

Section 131.02 Duties of the Director of Public Works

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The Director of Public Works either directly or through the appropriate divisions established in the Department of Public Works, ~~shall manage and supervise all public improvements, works and undertakings of the City except as otherwise provided by the Charter and ordinances of the City. He or she shall have charge of the planning, construction, improvement, repair and maintenance of streets, boulevards, sidewalks, alleys, lanes and other public highways; of the planning, construction, improvement, repair and maintenance and the operation of bridges and viaducts; of drains, ditches, culverts; the cleaning and sprinkling of streets, boulevards and public places; the collection and disposal of waste; the preservation of tools, equipment and other property belonging to the City and pertaining to the Department of Public Works; charge and management of City Hall buildings; charge and management of the Public Hall, the Music Hall, the Little Theater, the main arena, Mall Units 1 and 2 (Malls B and C), and all meeting rooms which shall comprise and be known as “The Public Auditorium Building”, and Cleveland Browns Stadium; all City parks, recreation facilities and markets; all City off-street parking facilities not under the jurisdiction of another department; all other real estate belonging to the City and not under the jurisdiction of another department; the installation and maintenance of parking meters in parking meter zones established by the Commissioner of Traffic Engineering; and the issuance of parking infraction tickets and the impoundment of vehicles to the extent that the Codified Ordinances specifically authorize employees of the Division of Parking Facilities to perform said tasks.~~

The Director of Public Works and his or her designees, which shall include only supervisory or higher ranking officials in the Department of Public Works, when commissioned by the Director of Public Safety as special police, may enforce minor misdemeanor offenses related to solid waste collection and disposal through the issuance of citations in accordance with Rule 4.1 of the Rules of Criminal Procedure. He or she shall further perform all other duties pertaining to the Department which may be required of him or her by ordinance or by the Mayor.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 133.01 to 133.46 to read as follows:

CHAPTER 133 DEPARTMENT OF PARKS AND RECREATION

Section 133.01 Establishment of the Department of Parks and Recreation

There is established a Department of Parks and Recreation to be controlled and administered by a Director of Parks and Recreation, subject to the provisions of the Charter and ordinances of the City, and to the direction of the Mayor. The Director may appoint and employ Assistant Directors, a secretary who may be in the unclassified service, and such other officers and employees as maybe necessary for the operation of his or her office and the several divisions and activities comprising the Department, except officers and employees appointed by commissioners of the several divisions in accordance with the provisions of Charter Section 79.

Section 133.02 Duties of the Director of Parks and Recreation

The Director of Parks and Recreation either directly or through the appropriate divisions established in the Department of Parks and Recreation, shall manage and supervise all public improvements, works and undertakings of the City except as otherwise provided by the Charter and ordinances of the City. He or she shall have

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charge of the preservation of tools, equipment and other property belonging to the City and pertaining to the Department of Parks and Recreation; charge and management of the Public Hall, the Music Hall, the Little Theater, the main arena, Mall Units 1 and 2 (Malls B and C), and all meeting rooms which shall comprise and be known as “The Public Auditorium Building”, and Cleveland Browns Stadium; all City parks, recreation facilities and markets. He or she shall further perform all other duties pertaining to the Department which may be required of him or her by ordinance or by the Mayor.

Section 133.03 Office of Administration

There is established in the Department of Parks and Recreation an Office of Administration to be administered and controlled by a Manager of Administration, subject to the provisions of the Charter and Codified Ordinances of Cleveland, Ohio 1976 and the supervision of the Director of Parks and Recreation.

Section 133.04 Duties of the Manager of Administration

The Manager of Administration shall control and supervise all activities and personnel of the Office of Administration; shall coordinate departmental support for the various divisions of the Department of Parks and Recreation in the areas of personnel, legislation, budgeting, purchasing, information technology and in such additional areas as are determined to be necessary by the Director of Parks and Recreation for the efficient operation of the Department; and shall perform such other duties as may from time to time be required by ordinance or by the Director of Parks and Recreation.

Section 133.05 Office of Special Events and Marketing

There is established in the Department of Parks and Recreation an Office of Special Events and Marketing to be administered and controlled by a Manager of Special Events and Marketing, subject to the provisions of the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, and to the supervision of the Director of Parks and Recreation.

Section 133.06 Duties of the Manager of Special Events and Marketing

The Manager of Special Events and Marketing shall:

- (a) Make recommendations to the Director regarding the issuance and conditions of issuance for all permits governing special events occurring within the corporate boundaries of the City;
- (b) Prior to and during every special event, coordinate the permitting process of all City departments providing services to the special event;
- (c) Provide technical assistance and information to special event applicants;
- (d) Recommend to the Director appropriate risk management measures to protect the City during each special event;
- (e) Administer all special event concession agreements and all special event permits under this chapter excepting only those concession agreements which apply to property under the control of the Directors of Port Control and Public Utilities;

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(f) Have the authority to determine and require events promoters to provide essential services, including but not limited to, adequate on-site safety and traffic control, fire protection, first-aid services, sanitation and cleanup, except that the hiring of police officers or private security personnel shall not be required for any block party or any small neighborhood-based community event when the anticipated attendees will not exceed 100 persons; and

(g) Preside over such special events steering committees of City personnel from more than one (1) City department as may be appointed by the directors of the affected City departments and record all actions taken by the committees.

Section 133.07 Special Event Permits

For purposes of this chapter, "special event" means a preplanned event or series of events of less than a week's duration, including block parties or any small neighborhood-based community events, sponsored by a public or private person or entity, which is: (1) located wholly or partially on property which is owned or maintained by the City of Cleveland; or (2) located on any other property and requires for its successful execution, the provision and coordination of municipal services to a degree significantly over and above that which the City of Cleveland routinely provides under ordinary everyday circumstances.

City buildings, parks and all other real estate under control of the Director which have been constructed or maintained for the benefit of the public shall be for the use of the public in general under the Charter and ordinances of the City of Cleveland. To that end, no person or entity shall be given any special or exclusive privilege to use any public property under the control of the Director without first obtaining a permit under this section. Additionally, the Director shall ensure that proper coordination occurs among necessary City departments to facilitate the use of City streets for special event activities including parades, marathons, foot races/bike-a-thons, and all other events requiring closure of a right-of-way.

All closures of City streets in conjunction with a special event shall be approved by the Police Traffic Commissioner, Commissioner of Streets, and Manager of Special Events and Marketing.

(a) The Director may establish rules and regulations for the use of public property under his or her control. Such rules and regulations shall become effective ten (10) days after publication in the City Record and shall be enforced as ordinances of the City. The Director of Parks and Recreation shall have the authority to make, amend, alter or rescind rules and regulations governing use of the facilities of the Public Auditorium Building and Cleveland Browns Stadium not in conflict with the ordinances or laws regulating such conduct. The Director may require in any rental agreement that the event be required to pay for or provide security personnel within and without the rental premises. The Director or designee shall not require any permit applicant to hire police officers or private security personnel for any block party or any small neighborhood-based community event when the anticipated attendees will not exceed one hundred (100) persons.

(b) The Director may place reasonable time restrictions on the issuance of special event permits, including without limitation a prior notice requirement, first-come, first-served scheduling, limitations on frequency of use, and limitation of permits to normal operating hours for City property. Use of the City Hall Rotunda for events other than City-sponsored events shall be limited to after normal business hours and

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weekends. The Director's prior notice requirement may not exceed five (5) days for special event permits not subject to the requirements of Section 133.08.

(c) The Director may place reasonable place restrictions on the issuance of special event permits, which restrictions may consider the historic use of the property, recreational use policies adopted in the Director's rules and regulations, the size of the property and the degree to which the special event would interfere with the historic use and adopted recreational use policies for the property.

(d) The Director may deny or revoke a special event permit whenever he or she finds:

(1) The applicant person or entity has previously violated the provisions of a special event permit or has submitted materially false or incomplete information on any special event permit application; or

(2) The special event would unreasonably interfere with the movement of or service capability of police vehicles, firefighting equipment or ambulance service; or

(3) The special event would unreasonably interfere with the historic recreational use and the adopted recreational use policies for a neighborhood park; or

(4) The special event would unreasonably interfere with another special event for which a permit has been issued; or

(5) The special event would unreasonably interfere with the City activities that occur on or at the property.

(6) The applicant person or entity has failed to keep detailed records of all vendors, as defined in Section 675.01(a)(3) of the Codified Ordinances, associated with a special event in accordance with divisions (e) and (f) of this section.

The Director may charge a permit application fee, subject to approval of Board of Control, in an amount not to exceed the Director's cost in administering such application.

(e) The applicant, person, or entity shall do the following:

(1) maintain records of all vendors associated with the event, including the name, address, phone number, and description of all items to be sold; and

(2) maintain records that demonstrate compliance with Section 675.09 (n) and (o) by vendors of prepackaged frozen desserts associated with the event.

(f) All special events and vendors associated with special events shall comply with applicable vendor regulations in Section 675.09 of the Codified Ordinances.

Section 133.08 Special Event Concession Agreement and Charges

Every person or entity sponsoring a special event involving sale of items, admission for which a charge or ticket is required or limited to invitation only, or closure of more than one-half (1/2) linear mile of City streets shall comply with the following requirements:

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(a) Obtain a permit under Section 133.07, provided, however, that prior to the issuance of a permit to use City property managed by a City department other than the Department of Parks and Recreation, the director of the affected department must consent to the issuance of the permit;

(b) Submit an application in a form approved by the director of the affected department or his or her designee within such time period prior to the special event as may be established by the Director;

(c) If the special event is to be located wholly or partially on property which is owned, leased or maintained by the City of Cleveland, pay property rent in scheduled amounts determined from time to time by the Board of Control; in setting rents, the Board of Control may consider without limitation the following considerations entitling the applicant to a reduced or abated rent:

(1) The economic impact of the special event on the Greater Cleveland economy as reflected in sales taxes, transient occupancy taxes, and admission taxes;

(2) The extent to which the special event will preserve the City's recreational use Immunity provided in RC 1533.181 on all property used for the special event;

(3) The percentage of the special event gross revenues which will accrue to a charity or charities qualifying under Section 501(c)(3) of the Internal Revenue Code.

(d) Pay all costs, at scheduled rates as determined from time to time by the director of the affected department or designee and approved by the Board of Control, for services and equipment exceeding normal service levels incurred during a special event by the City's Department of Parks and Recreation;

(e) Pay such additional costs for services exceeding normal service levels incurred during the special event by other City departments at scheduled rates determined by the director of the affected department or his or her designee and approved from time to time by the Board of Control;

(f) Provide such services at the applicant's sole cost, including without limitation security and traffic control, crowd management, fire protection, food service control and inspection, waste and litter control, and any other services necessary to ensure than an event is conducted in a safe manner to protect the safety, health, property and general welfare of the City's citizens, as determined by the director of the affected department or his or her designee and approved by the Board of Control; and

(g) Submit an independently audited statement of gross revenues derived from the special event within such time period after the special event as may be specified by the director of the affected department or his or her designee.

(h) After January 1, 1992, each annual Board of Control resolution establishing special event rental rates and service cost recovery amounts shall only become effective sixty (60) days after publication in the City Record. Notwithstanding any provision of the Codified Ordinances to the contrary, the councilmember of each ward may designate one (1) special event per year to be exempt from either (a) the payment of any sums described herein; and the submission of an audited statement under division (g) of this section, or division (b) if the special event is located in the ward of the councilmember requesting exemption, has gross revenues of under twenty-

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five thousand dollars (\$25,000.00), and at least ninety percent (90%) of its gross special event revenues accrue to a community-based organization or to a charity qualifying under Section 501(c)(3) of the Internal Revenue Code, the payment of any sums described herein, the submission of an audited statement under division (g) of this section, and the payment of any permit fees to the City. The Director of Parks and Recreation shall submit a report on the City costs and charges for special events to the Clerk of Council at the end of each calendar year.

Section 133.081 Rental Fees for City Hall Rotunda

(a) The Director of Parks and Recreation may allow private parties to rent the City Hall Rotunda after normal business hours and on weekends provided that said parties secure a permit from the Director under Section 133.07 and pay the fees specified in division (b) of this section.

(b) Rental rates for the Rotunda shall be based on a four (4) hour period. The Director of Parks and Recreation shall assess and collect the following fees for the rental of the City Hall Rotunda:

- (1) A five hundred dollar (\$500.00) non-refundable deposit; and
- (2) One thousand three hundred seventy-five dollars (\$1,375.00) per four (4) hours of use.

(c) The City Hall Rotunda closes at 12:00 a.m. All events shall end by 11:30 p.m. at the latest.

(d) When a private party obtains banquet food and beverage service from a person or firm under contract with the City to provide concession services in the Rotunda, rental of the Rotunda shall be included in the price that the private party pays for such concession services, and no other charges for rental shall be imposed. When a private party obtains banquet food and beverage service from a person or firm other than one under contract with the City for those services, Rotunda rental shall be assessed and collected in accordance with division (b) of this Section.

(e) Net proceeds from fees collected from the rental shall be deposited into the fund or funds which are designated for use by the Office of Special Events and Marketing for Special Events and Marketing purposes.

Section 133.09 Exempted Special Events

Notwithstanding division (h) of Section 133.08 or any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, a member of Council may request an exemption for a special event for an event located outside of the members’ ward if there is not a location in the members’ ward suitable for the special event. This exemption shall not be considered as the exemption designated under division (h) of Section 133.08 of the Codified Ordinances.

Section 133.10 Purchase of Food and Beverages for the Public Who Are Attending Activities or Events Sponsored by the Division of Recreation

The Director of Parks and Recreation is authorized to purchase food and beverages for the public who are attending activities or events sponsored by the Division

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of Recreation. The total amount of funding expended annually shall not exceed fifty thousand dollars (\$50,000).

Sections 133.11 Reserved

Section 113.12 Reserved

Section 113.13 Reserved

Section 133.14 Division of Public Auditorium

There is established a Division of Public Auditorium in the Department of Parks and Recreation, to be controlled and administered by a Commissioner of Public Auditorium, subject to Charter and ordinances of the City, and to direction of the Director of Parks and Recreation. As provided in Section 133.02, the “Public Auditorium Building” is comprised of the Public Hall, the Music Hall, the Little Theater, the main arena, Mall Units 1 and 2 (Malls B & C) and all meeting rooms.

Section 133.141 Duties of the Commissioner of Public Auditorium

The Commissioner of Public Auditorium shall have control and supervise all activities and personnel of the Division of Public Auditorium; coordinate the scheduling, use and rental of any portion of the Public Auditorium Building; and perform such other and further duties as may from time to time be required of him or her by the Director of Parks and Recreation.

Section 133.15 Concession Agreements for Rental of the Public Auditorium Building

(a) The Director of Parks and Recreation shall have the authority to enter into contracts to rent all or any portion of the Public Auditorium Building or Cleveland Browns Stadium. Every contract for renting all or any portion of the Public Auditorium Building shall be reduced to writing and shall contain all the terms and conditions of the agreement including without limitation, the exact amount and location of space to be granted, the amount of the rental therefor, and a separate charge or rate for any labor, materials, or equipment which is to be supplied by the City to the grantee.

(b) Every grant or concession agreement for the use of the Public Auditorium Building shall be reduced to writing and shall be executed by the parties thereto at least thirty (30) days prior to the scheduled opening date of the event or show, except in emergencies; the Director of Parks and Recreation shall review and approve each concession agreement.

(c) No grant or concession agreement for the use of the Public Auditorium Building shall be modified or changed in any manner, after it is signed by the parties, except if such modification or change is in writing and signed by the parties and is in all respects clear, complete and in conformity with all existing laws of the City of Cleveland including the rules and regulations of the Director of Parks and Recreation and applicable resolutions of the Board of Control.

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(d) Every such grant or concession agreement for the use of the Public Auditorium Building shall also be approved in writing by the Director of Law.

(e) All deposits required of any person to secure the use of the Public Auditorium Building shall be nonreturnable.

(f) Every person, firm, company or organization using or renting space at the Public Auditorium Building shall be required to pay for such use at the rates established by the Board of Control.

(g) The Director of Parks and Recreation may offer to grantees the acceptance of Mastercard and Visa and other credit cards for ticket purchases.

The Director of Finance may contract for credit card services with any financial institution designated as a depository for active funds of the City of Cleveland. The Director of Finance is authorized to pay all credit card fees and enter into a contract for credit card services and purchase or lease of equipment. The Director of Parks and Recreation shall charge any grantee requesting credit card services all costs of such services including but not limited to bank handling fees to recover for the City the costs of the contracts executed by the Director of Finance.

The Director of Parks and Recreation is authorized to impose on ticket purchases a one dollar and fifty cent (\$1.50) service charge on all telephone and mail order charge purchases to cover Public Auditorium Building costs.

Section 133.16 Reserved

Section 133.17 Moneys From Operation of Public Auditorium Building and Cleveland Browns Stadium

All money which may be advanced by parties holding concession agreements, contracts or leases in the nature of concessions, and all other miscellaneous deposits, made in connection with the operation of the Public Auditorium Building and Cleveland Browns Stadium, and all moneys received from tickets shall be collected by the Public Auditorium Building under the supervision of the Director of Finance. All such moneys shall be brought to the office of the City Treasurer in City Hall.

Section 133.18 Accounting for Cleveland Browns Stadium

Notwithstanding any Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, all revenues derived from Cleveland Browns Stadium received by the City of Cleveland shall be deposited into a separate fund created by the Department of Finance solely for the purpose of accounting for all expenses and revenues associated with Cleveland Browns Stadium and all expenses to be paid by the City of Cleveland for the operation or maintenance of Cleveland Browns Stadium shall be paid from that separate fund.

Section 133.19 Withdrawal of Funds by the Director of Parks and Recreation

All money deposited in a special trust fund account shall be withdrawn only on a warrant executed and approved by the Director of Parks and Recreation, under which warrant a check may be drawn on the depository in which the special trust fund account

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is placed, in the manner prescribed by ordinance for the withdrawal of City funds from City depositories.

Section 133.20 Accrued Interest from Public Auditorium Building and Stadium Funds

Interest accruing on all such deposits, if any, shall be paid to the City Treasurer by the depository in which the same may be deposited at the same rate and in accordance with the terms of the depository agreement.

Section 133.21 Rental of Market Stalls

(a) If the West Side Market is leased or managed by a third-party operator, then that operator shall assess and collect rent for the use of space at the West Side Market at the operator’s discretion. If the West Side Market is operated exclusively by the City, then the Director of Parks and Recreation (the "Director") shall assess and collect rent for the use of space at the West Side Market as provided herein. The rent for leases renewed in the year 2022 shall remain the same as the rent charged in 2020, and the rent for a new tenant lease shall be calculated by inserting the new tenant into the formula set forth below ("Fee Formula") that was calculated for 2022. Except as otherwise provided and beginning in 2023, the Director shall assess and collect rent on the lesser of a three percent (3%) increase from the rent assessed the previous year or the rent calculated by using the then current Fee Formula. New tenants' rent for the first year of their leases shall be calculated solely on the Fee Formula. The Director shall use the following Fee Formula for rent assessment and collection:

(1) By November 1st of each year, the Director shall prepare and submit for review to the Budget Committee of the Tenant’s Association, a schedule of expenses for the ensuing year (the “Director’s Schedule”). The Director shall have the discretion to increase the total amount of expenses in the Director’s Schedule (the “Schedule Amount”) so that the Schedule Amount is not greater than the previous year’s Schedule Amount plus ten percent (10%) plus a percentage equal to the percentage increase in wages negotiated by the City with its union employees.

In the event that the Schedule Amount exceeds the amount referred to in the preceding sentence, the excess amount may serve as the basis for the calculations set forth herein only with the prior approval of the Budget Committee, which approval shall not be unreasonably withheld. The decision of the Budget Committee as to any such excess amount shall be made within twenty-five (25) days after submittal of the Director’s Schedule to the Budget Committee. If the Budget Committee has failed to act at the expiration of this twenty-five (25) day period, the Schedule Amount shall be deemed approved as submitted.

In the event that the Schedule Amount for the ensuing year is less than the previous year’s Schedule Amount, the Schedule Amount which shall serve as the basis for calculation of Rent for the ensuing year shall be the Schedule Amount as submitted for review to the Budget Committee plus thirty percent (30%) of the difference between the previous year’s Schedule Amount and the Schedule Amount submitted for review to the Budget Committee for the ensuing year.

(2) By December 1st of each year, the Director shall make available to Tenant the calculation of Rent for the ensuing year, based on the formula set forth herein.

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(3) Tenant shall be assigned an occupancy factor which shall be determined by multiplying the total amount of occupied square footage, as evidenced the market Plan, times a location factor times a use factor.

A. The location factor shall be:

1. One and eight-tenths (1.8) for stands located in the Market House; or
2. One and two-tenths (1.2) for stands located outside the Market House.

B. The use factor associated with the designated Use Category as defined in the Market Rates shall be:

1. Two (2.0) for any stand selling any amount of spirituous liquor, beer, wine, mixed beverages or other intoxicating beverages;
2. One (1.0) for "fast food", "specialty" and "traditional" stand;
3. Five-tenths (0.5) for "grocery" stands; or
4. Three-tenths (0.3) for "restaurant" stands.

(4) The occupancy factors for all stands upon the Market Grounds shall be added together. The result of that addition shall be "Total Occupancy Factor." The Total Occupancy Factor shall be multiplied by five percent (5%) to reflect average vacancy rates from year to year. This calculation shall result in the "Vacancy Factor."

(5) The aggregate of all revenue reasonably anticipated in the upcoming year from event rental, leases with terms for less than a year, and Storage Lockers shall be deducted from the Schedule Amount. The result of this calculation shall be the "Adjusted Schedule Amount."

(6) The Adjusted Schedule Amount shall be multiplied by a fraction, the numerator of which is Tenant's occupancy factor and the denominator of which is the Total Occupancy factor minus the Vacancy Factor. This calculation shall result in the "Annual Rent," which shall then be divided by twelve (12) to determine the Rent due on the first day of each month.

(7) A fee for energy consumption for the outdoor heating system will be assessed to each Tenant of the Arcade. A fee for maintenance and repair services for the refrigerated display cases will be assessed to each Tenant of the Market House. Such payments are deemed part of the rental obligation.

(b) The Director may rent such spaces or parts or grant the right to use the same for a period not to exceed three (3) years. Rent for a lease term of more than one (1) year shall be recalculated in accordance with division (a) of Section 131.21 each year regardless of the lease term. He or she may make such provision for renewal or extension of the rental right or grant as he or she may deem advisable from time to time for additional periods not exceeding three (3) years each, providing that the option or right of renewal shall be exercisable only by the Director and not by the grantee.

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(c) The Director may rent such spaces for terms less than one (1) year for the amounts established from time to time by the Board of Control.

(d) The Director is authorized to provide in the renting or granting of rights to the use of such part or space that the rental right or grant shall not be transferred or assigned by the grantee thereof to any other person without the consent, in writing, of the Director. Such right or grant may be revoked by the Director upon conviction of the grantee of violation of law or ordinances relating to weights and measures. Provisions shall be made by the Director for the payment of such rental at such regular times and at such place as may be by him or her deemed most advisable.

Section 133.22 Manager of West Side Market

The Director of Parks and Recreation may appoint a Manager of the West Side Market, subject to the provisions of the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, and to the supervision of the Director of Parks and Recreation, who shall be responsible for the management and administration of the City’s West Side Market.

Section 133.23 Property Adoption and Licensing

The Director may agree to allow, with the approval of the Board of Control, any business or other entity to maintain, improve, and adopt real estate belonging to the City and not in charge of another department; provided, however, that such real estate is no greater in area than two hundred (200) square feet and that the improvements are for solely for beautification of the real estate. Any business or entity adopting property shall be entitled to have such property designated in its name and the Director is authorized to evaluate and present awards to the best maintained property. The Director shall establish rules and regulations for property adoption. A copy of each proposed Property Adoption Agreement is to be provided to the Clerk of Council at least fourteen (14) days prior to approval by the Board of Control. Any such adoption shall not be construed as the conveyance of any right, title or interest in public property but merely as the grant of a privilege, revocable at will.

Section 133.24 Deposits for Use of Property

The issuance of a permit for the use of Municipal property under the supervision and control of the Department of Parks and Recreation or the use of such equipment or property, both real and personal, shall be secured by a deposit, in an amount equal to at least ten percent (10%) of the value of the equipment used and sufficient to guarantee performance or reimbursement for estimated costs of repair, replacement or return of secured property to its condition prior to use by the permittee, except where by reason of the nature of the project to be undertaken, the respective commissioner or manager of the division affected, with the approval of the Director of Parks and Recreation has determined that it is impractical or unnecessary to require a deposit.

Section 133.25 Reserved

Section 133.26 Reserved

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Section 133.27 Reserved

Section 133.28 Reserved

Section 133.29 Division of Recreation

There is established a Division of Recreation in the Department of Parks and Recreation, to be administered and controlled by a Commissioner of Recreation, subject to the Charter and ordinances of the City, and to the direction of the Director of Parks and Recreation.

Section 133.30 Duties of the Commissioner of Recreation

The Commissioner of Recreation shall have charge and management of all recreational property and activities of the City, including without limitation, yoga, gaming tournaments, tennis, pickleball, volleyball, or any other sports played at City recreation centers or Cleveland Public Auditorium and playgrounds, ballfields, tennis courts, skating rinks, Camp George L. Forbes and the operation and maintenance of all City golf courses. The Commissioner shall administer permits under the same terms and conditions as those set forth in Section 133.07 for the use of any property under his or her charge and management which is not subject to the authority of the Manager of Special Events under Sections 133.07 and 133.08. The Commissioner may enter into agreements with the owners of premises in the vicinity of City playgrounds for the storage of playground equipment on such terms and conditions as may be approved by the Board of Control.

Section 133.31 Highland Park Golf Course and Banquet Room Rates

The Director of Parks and Recreation is authorized to collect, or cause to be collected, the following rates at Highland Park Golf Course, provided, however, that the fees regarding banquet room rental at Highland Park Golf Course may be amended from time to time by the Board of Control:

(a) In-Season Rates (May 1 through October 15 of each year):

(1) Weekdays

	Rate
18 holes riding*	up to \$36
18 holes walking	up to \$23
9 holes riding	up to \$24
9 holes walking	up to \$17

** As used in this ordinance, riding shall mean the player will use a power cart.*

(2) Weekends - Holidays

	Rate
18 holes riding	up to \$45

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18 holes walking	up to \$32
9 holes riding	up to \$26
9 holes walking	up to \$19

(3) Senior – Junior* (only available on weekdays before 3:00 p.m. and weekends after 2:00 p.m.)

	Rate
18 holes riding	up to \$33
18 holes walking	up to \$20
9 holes riding	up to \$19
9 holes walking	up to \$12

** Senior players must be at least sixty (60) years old and Junior players must be under the age of 18.*

(b) Off-Season Rates (October 16 through April 30 of each year):

	Weekdays Rate	Weekends – Holidays Rate
18 holes riding	up to \$29	up to \$32
18 holes walking	up to \$20	up to \$23
9 holes riding	up to \$16	up to \$18
9 holes walking	up to \$11	up to \$13

(c) Residential Discounts and Discount Card. A residential discount on rates is available to all Cleveland residents with non-expired photo identification demonstrating current Cleveland proof of residency. Cleveland residents qualify for and may obtain an annual discount card at no cost. Non-residents can obtain this annual discount card for a \$20.00 fee. The card provides a discount of up to \$2.00 off of 9 holes and up to \$6.00 off of 18 holes.

(d) Additional Rates/Charges:

	Rate
League rate 9 holes walking/riding (a.m. hours)	up to \$10 / \$16
League rate 9 holes walking/riding (p.m. hours)	up to \$14 / \$20
In-Season Power Cart Fee (9 holes/18 holes)	up to \$7 / \$13
Pull Cart	\$5
Replay [after already playing 18 holes] (9 holes/18 holes)	up to \$9 / \$18
High School/College students (9 holes/18 holes)	up to \$9 / \$15

(e) Banquet Room Rental at Highland Park Golf Course.

(1) All rental rates for the banquet room shall be set by the Board of Control, which shall include rental schedules for City residents and non-City residents.

(2) Rental rates shall be based on a four (4) hour period, which will include at no charge up to one (1) hour before the event for set-up and up to one (1) hour after the event for clean-up. Any events, not including the above-referenced set-up and clean-up times, exceeding the four (4) hour period, shall be charged for each additional hour, or portion of an hour, used. Rental rates for the room, including additional charges for exceeding the four (4) hour period, shall

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be set by the Board of Control. The banquet room closes at 12:00 a.m. on Friday through Sunday and Holidays and at times determined by the Commissioner of Recreation on Monday through Thursday. All events shall end one-half hour before the facility closes. The City's Concessionaire shall be used exclusively to provide food and beverages for all catered events, unless the Director approves the use of an independent caterer. All beverages, including alcoholic beverages, shall be purchased from the City or the City's Concessionaire. Security is to be provided through the Village of Highland Hills Police Department and it is the responsibility of the group renting the banquet room to arrange and pay for such security, as billed by the Village of Highland Hills Police Department.

(3) Rental of the banquet room for golf outings. The golf outing must conclude one-half hour before the golf course closing time. Events exceeding the four (4) hour rental period described above, are subject to additional charges. If the event is to be catered by the City's Concessionaire, the rental fee for the room for a maximum period of four (4) hours, shall be included in the caterer's per-person meal cost.

(4) Golf leagues established for the season at Highland Park Golf Course may use the banquet room at no charge once per golf season. Events shall be held Monday through Friday and shall conclude by 5:00 p.m.

(f) Net proceeds from fees collected at the Highland Park Golf Course shall be expended for facility improvements therein.

Section 133.32 Rental Fees for Camp George Forbes

(a) The Commissioner of Recreation may allow private parties to rent Camp George Forbes provided that said parties secure a permit from the Director under Section 133.07 and pay the fees specified in division (b) of this section.

(b) The Director of Parks and Recreation shall assess and collect the following fees for the rental of Camp George Forbes:

	City Residents	Non-City Residents
(1) Great Room Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$250.00	\$275.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$400.00	\$440.00
Saturday-Sunday: All Day	\$400.00	\$440.00
(2) Great Room and Class Room A Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$300.00	\$330.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$500.00	\$550.00
Saturday-Sunday: All Day	\$500.00	\$550.00

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(3)Class Room A Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$250.00	\$275.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$400.00	\$440.00
Saturday-Sunday: All Day	\$400.00	\$440.00
(4)Class Room B or C Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$250.00	\$275.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$400.00	\$440.00
Saturday-Sunday: All Day	\$400.00	\$440.00
(5)Dining Hall Room Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$300.00	\$330.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$550.00	\$605.00
Saturday-Sunday: All Day	\$550.00	\$605.00
(6)Picnic Shelter Rental	\$220.00	\$265.00
(7)Cabin Rental:		
A. Friday 5:00 p.m. through Saturday 12:00 p.m.		
Minimum of 6 cabins	\$730.00	\$805.00
Each additional cabin	\$100.00	\$100.00
10 cabin package	\$1,000.00	\$1,100.00
B. Saturday 12:00 p.m. through Sunday 12:00 p.m.		
Minimum of 6 cabins	\$880.00	\$970.00
Each additional cabin	\$125.00	\$125.00
10 cabin package	\$1,100.00	\$1210.00
C. Friday 5:00 p.m. through Sunday 12:00 p.m.		

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Minimum of 6 cabins	\$1,370.00	\$1,510.00
Each additional cabin	\$125.00	\$125.00
10 cabin package	\$1,700.00	\$1,870.00
D. Weekend package:		
Includes 10 cabins and use of Dining Hall	\$2,000.00	\$2,200.00
(8)Swimming Pool Rental:		
A. Pool only	\$300.00	\$300.00
B. Pool with a room or cabin rental	\$150.00	\$150.00

- (c) City of Cleveland certified lifeguards must be provided by the parties renting the pool with minimum of one (1) lifeguard per thirty-five (35) participants. Lifeguard rate is thirty-two dollars (\$32.00) per guard.
- (d) Rental of any part of the facility is based on a four (4) hour period including two (2) hours prior to event for set up. There is a charge of fifty dollars (\$50.00) per hour for each additional hour.
- (e) In instances where private security services are required, it is the responsibility of the party renting the facility to provide such service. Security guards may be a member of a police department as defined in RC 4117.01(M) or be a person engaged for hire as a watchman, guard, private policeman or other person whose primary duty is to protect persons or property or both and is a class A or C licensee under RC Chapter 4749 or a registered employee of the same and meets all requirements imposed by that chapter, and also meets all requirements that may be imposed by RC Chapter 109 and Chapter 709 of the Codified Ordinances of Highland Hills. It is the responsibility of the party renting the facility to ensure that such requirements are met.

Section 133.33 Rental of Halloran Skating Rink

- (a) The Commissioner of Recreation may allow private parties to rent Halloran Skating Rink during any period when Division of Recreation programs are not scheduled or in progress provided that said parties secure a permit from the Director under Section 133.07 and pay the fees specified in division (b) of this section.
- (b) The Director of Parks and Recreation shall assess and collect the following fees and charges for the rental of Halloran Skating Rink:

Permit application, under Section 133.07	\$10.00
Fee for rental of rink	N/A

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Personnel and operating expenses	\$88.00 per hour
Utility charges	\$32.00 per hour

(c) The Director of Parks and Recreation shall deposit the fees and charges collected for the rental of Halloran Skating Rink into the fund or funds designated to pay the costs of the general operation of the skating rink, the equipment and maintenance costs associated with maintaining the skating rink, and for skating rink facility improvements and that these funds collected may be used for and are appropriated for these purposes.

(d) During any period when Division of Recreation programs are not scheduled or in progress, the Commissioner of Recreation shall allow branches, departments, offices, and groups of the City of Cleveland to use Halloran Skating Rink provided that such groups pay one-half (1/2) of the permit application, personnel and operating expenses, and utility charge fees specified in division (b) of this section. The Director of Parks and Recreation shall not require more than five (5) days prior notice to obtain the permit required by Section 133.07.

Section 133.34 Rental Fees for Recreation Center Use

(a) The Commissioner of Recreation may allow private parties to rent recreation center community or meeting rooms or outdoor pools during regular operational hours provided that the parties pay the fees specified in division (c) of this section. The Commissioner of Recreation may allow the following private groups to rent at no cost recreation center community or meeting rooms or outdoor pools during regular operational hours provided that the room will not be used to raise money for political campaigns or political issues:

(1) Branches, departments or offices of the City of Cleveland if the event furthers the functions or goals of that branch, department or office;

(2) Non-profit organizations and neighborhood organizations, such as block clubs, street clubs and ward clubs, located within the City of Cleveland if the purpose of the event is to address providing or supporting direct health and welfare services to individuals or to address safety, building or housing issues; and

(3) Schools located within the City of Cleveland if the event furthers an educational or recreational purpose.

(b) The Commissioner of Recreation may allow private parties to rent recreation center community or meeting rooms or outdoor pools before or after regular operational hours provided that the parties pay the fees specified in division (c) of this section.

(c) The Director of Parks and Recreation shall assess and collect the following fees for rental of recreation center community or meeting rooms or outdoor pools:

(1) During regular operational hours, sixty-eight dollars (\$68.00) per hour per staff person required.

(2) Before or after regular operational hours, eighty-four dollars (\$84.00) per hour per staff person required.

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(d) The Commissioner of Recreation may allow private parties to rent portions of the recreation centers for recreation uses before or after regular operational hours provided that the parties pay the fees specified in division (f) of this section.

(e) The Commissioner of Recreation may allow the groups identified in division (a) of this section to rent portions of the recreation centers for recreation uses before or after regular operational hours provided that the parties pay one-half (1/2) of the fees specified in division (f) of this section.

(f) The Director of Parks and Recreation shall assess and collect a fee of eighty-four dollars (\$84.00) per hour per staff person required fees for the rental of portions of the recreation centers for recreation uses.

(g) The Commissioner of Recreation may allow the Cuyahoga County Board of Elections to rent at no cost recreation center community or meeting rooms or any portions of the recreation centers before, during or after regular operational hours for voting purposes.

(h) Any party renting a portion of a recreation center or outdoor pool under this section shall also secure a permit from the Director under Section 133.07 and shall pay any fee required for that permit.

(i) Net proceeds from fees collected under this section shall be deposited into a fund or funds which are designated for use by the Division of Recreation for its goods, services, activities, and programs.

Section 133.35 Rental of Athletic Complexes; Fee

(a) The Director of Parks and Recreation, or his or her designee, may rent the Collinwood Athletic Complex, the Morgana Athletic Complex, League Park Baseball Field; and any other City of Cleveland athletic complexes, when available, as long as a permit is secured under Section 133.07 and the fees specified in this section are paid. This section shall not apply to the rental of the League Park Complex which is subject to the provisions of Section 133.37.

(b) The Director, or his or her designee, shall assess and collect the following fees and charges for the rental of athletic complexes:

- (1) Athletic complex base rental: one thousand dollars (\$1,000.00);
 - A. Base rental of the complex is based on a six (6) hour period.
 - B. The six (6) hour base rental period includes set up, event, dismantle, and the exit of the organizers and their participants and guests, and general clean-up.
 - C. Each additional hour or fraction thereof exceeding the six (6) hour base rental will cost an additional two hundred dollars (\$200.00) per hour.
 - D. During the six (6) hour base rental, if lights are required during any portion of the sporting or athletic event, an additional one hundred dollars (\$100.00) per hour or fraction thereof will be charged at the time the permit is issued. The City will bill for any additional lighting costs at one hundred fifty dollars (\$150.00) per hour or fraction thereof.

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- E. Party renting the complex is responsible for general clean-up of the area.
- (2) All fees are due and payable prior to the issuance of a permit.
- (3) Rentals not requiring lights are to conclude thirty (30) minutes prior to dusk.
- (4) Rentals requiring lights must conclude no later than 11:00 p.m.
- (c) In cases where private security services are determined to be necessary by the Director, or his or her designee, it is the responsibility of the party renting the complex to provide the services, using a security service approved by the Director, or his or her designee.
- (d) Any party renting the complex is responsible for damages incurred during rental period and will be required to provide one million dollars (\$1,000,000.00) liability and property damage insurance which includes the City of Cleveland as an additional insured.
- (e) Any party renting the complex will be required to provide emergency medical personnel for any athletic competition.
- (f) All proceeds from gate collections will go to the party renting the facility.
- (g) All concessions will be operated by the City of Cleveland or its designated vendor.
- (h) The Director shall deposit the fees and charges collected for the rental of the complex into the fund or funds designated to pay the costs of the general operation of the complex, the equipment and maintenance costs associated with maintaining the complex, and for improvements to the complex. The funds collected may be used for and are appropriated for these purposes. Any funds received through the renting of the League Park complex shall be used only for the operation and maintenance of, and equipment and improvements for, the League Park complex.
- (i) After securing the necessary permit under Section 133.07 of these Codified Ordinances, the Director, or his or her designee, may allow the Cleveland Muny Football League and the Cleveland Metropolitan School District to rent athletic complexes for games, scrimmages, or practices, without being assessed the fees and charges specified in division (b) of this section.

<u>Section 133.36</u>	<u>Reserved</u>
<u>Section 133.37</u>	<u>Rental of League Park Baseball Field and League Park Visitors Center; Fee</u>

- (a) The Director of Parks and Recreation, or his or her designee, may rent the League Park Baseball Field or the Visitors Center, collectively known as the League Park Complex, when available, as long as a permit is secured under Section 133.07 and the fees specified in this section are paid. Rentals secured under this section shall be for a minimum base rental period of four (4) hours and include set-up, event, dismantle, exit of the organizers and their participants and guests, and general clean-up of the rented area.

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(b) The Director, or his or her designee, shall assess and collect the following fees and charges for the rental of the following:

(1) League Park Baseball Field rental:

A. Not-for-profit rental:

1. Three hundred dollars (\$300.00) for the base rental period of four (4) hours.

2. Thirty-seven dollars and fifty cents (\$37.50) for each half hour the event extends beyond the four (4) hour base rental period, and any remaining minutes past any half-hour increment shall be prorated using the rate of thirty-seven dollars and fifty cents (\$37.50) per half hour.

B. For-profit rental:

1. Six hundred dollars (\$600.00) for the base rental period of four (4) hours.

2. Seventy-five dollars (\$75.00) for each half hour the event extends beyond the four (4) hour base rental period, and any remaining minutes past any half-hour increment shall be prorated using the rate of seventy-five dollars (\$75.00) per half hour.

(2) League Park Visitors Center rental:

A. Not-for-profit rental:

1. Three hundred forty dollars (\$340.00) for the base rental period of four (4) hours.

2. Forty-two dollars and fifty cents (\$42.50) for each half hour the event extends beyond the base rental period of four (4) hours, and any remaining minutes past a half-hour increment shall be prorated at the rate of forty-two dollars and fifty cents (\$42.50) per half hour.

B. For-profit rental:

1. Four hundred dollars (\$400.00) for the base rental period of four (4) hours.

2. Fifty dollars (\$50.00) for each half hour the event extends beyond the base rental period of four (4) hours, and any remaining minutes past a half-hour increment shall be prorated at the rate of fifty dollars (\$50.00) per half hour.

(c) The party renting either portion of the League Park Complex is responsible for general clean-up of the area.

(d) Rentals are to conclude thirty (30) minutes before dusk.

(e) All fees are due and payable prior to the issuance of a permit.

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(f) In cases where off-duty commissioned officers or private security services are determined to be necessary by the Director, or his or her designee, it is the responsibility of the party renting either portion of the League Park Complex to provide the services, using a security service approved by the Director, or his or her designee.

(g) Any party renting either portion of the League Park Complex is responsible for damages incurred during the rental period and will be required to provide one million dollars (\$1,000,000.00) liability and property damage insurance and include the City of Cleveland as an additional insured.

(h) Any party renting either portion of the League Park Complex will be required to provide emergency medical personnel for any athletic competition or other event as determined to be necessary by the Director, or his or her designee.

(i) All proceeds from gate collections will go to the party renting the facility.

(j) All concessions will be operated by the City of Cleveland or its designated vendor.

(k) The Director shall deposit the fees and charges collected for the rental of either portion of the League Park Complex into the fund or funds designated to pay the costs of the general operation of the Complex, the equipment and maintenance costs associated with maintaining the Complex, and for insert improvements to the Complex and for City events held at the Complex. The funds collected may be used for and are appropriated for these purposes.

(l) After securing the necessary permit under Section 133.07 of these Codified Ordinances, the Director, or his or her designee, may allow the Cleveland Metropolitan School District to rent the baseball field for games or practices, without being assessed the fees and charges specified in division (b) of this section.

Section 133.38 Purchase of City-related Merchandise, Souvenirs, Food, and Beverages for Resale at City Parks, Recreational Facilities, and the West Side Market

(a) The Director of Parks and Recreation is authorized to enter into one (1) or more standard purchase or requirement contracts duly let to the lowest and best bidder after competitive bidding for merchandise, souvenirs, food, and beverages for resale at a price set by the Director, at City parks, recreational facilities, and the West Side Market, for a period of time to be determined by the Director.

(b) Any purchase made under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for that purpose.

(c) That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Parks and Recreation may sign all documents that are necessary to make the purchases, and may enter into one (1) or more contracts with the vendors selected through that cooperative process.

(d) That the proceeds from the sale of the merchandise, souvenirs, food, and beverages shall be deposited into a fund or funds designated by the Director of Finance to provide support for programs and services to benefit the public in the use of parks, recreational facilities, and programs and services of the West Side Market, and are appropriated for that purpose.

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Section 133.39 Division of Park Maintenance

There is established a Division of Park Maintenance in the Department of Parks and Recreation, which shall be administered and controlled by a Commissioner of Park Maintenance, subject to the provisions of the Charter and ordinances of the City, and to the direction of the Director of Parks and Recreation.

Section 133.40 Duties of the Commissioner of Park Maintenance

The Commissioner of Park Maintenance shall direct and assist managers and assistant managers in the Division of Park Maintenance in scheduling daily operations in all phases of ground maintenance for park and recreational areas and all other properties designated by the Director of Parks and Recreation. The Commissioner shall have charge and management of the City greenhouse, nurseries and cultural gardens, the operation and maintenance of all City cemeteries, and all aspects of the planting, maintenance, removal and disposal of trees, grass, shrubs, ground covers and other vegetation, except at the City golf courses.

Section 133.41 Greenhouse, Rockefeller Park and Cultural Gardens; Fees

(a) The Director of Parks and Recreation shall assess and collect fees for the use of the City Greenhouse, Rockefeller Park and Cultural Gardens under the following schedule for City Residents:

Photo shoots (a maximum of 4 hours)	\$75.00
Wedding ceremonies and photo shoots (a maximum of 4 hours)	\$150.00

(b) The Director of Parks and Recreation shall assess and collect fees for the use of the City Greenhouse, Rockefeller Park and Cultural Gardens under the following schedule for non-City Residents:

Photo shoots (a maximum of 4 hours)	\$100.00
Wedding ceremonies and photo shoots (a maximum of 4 hours)	\$175.00

Section 133.42 Cemetery Rates

The Commissioner of Park Maintenance shall collect the following charges for services, space, and supplies at City-owned cemeteries:

	Tues. - Fri.	Sat.
(a) <i>Single Grave Section</i>		
(1) Adult grave	\$501.00	\$501.00
Open & close	\$464.00	\$647.00

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Total	\$965.00	\$1,148.00
(2) Infant grave (4 feet or less)	\$116.00	\$116.00
Open & close	\$102.00	\$153.00
Total	\$218.00	\$269.00
(3) Oversized Grave	\$1,002.00	\$1,002.00
Open & close	\$464.00	\$647.00
Total	\$1,466.00	\$1,649.00
(b) <i>Flush Marker Lot Sections</i>		
(1) One grave	\$743.00	\$743.00
Open & close	\$647.00	\$921.00
Total	\$1,390.00	\$1,664.00
(2) Family lot (two graves)	\$1,486.00	\$1,486.00
Open & close	\$647.00	\$921.00
Total	\$2,133.00	\$2,407.00
(3) Oversized grave	\$1,486.00	\$1,486.00
Open & close	\$647.00	\$921.00
Total	\$2,133.00	\$2,407.00
(c) <i>Raised Marker Lot Sections</i>		
(1) One grave	\$873.00	\$873.00
Open & close	\$647.00	\$921.00
Total	\$1,520.00	\$1,794.00
(2) Family lot (two graves)	\$1,746.00	\$1,746.00
Open & close	\$647.00	\$921.00
Total	\$2,393.00	\$2,667.00
(3) Oversized grave	\$1,746.00	\$1,746.00
Open & close	\$647.00	\$921.00
Total	\$2,393.00	\$2,667.00
(d) <i>Open & Closing for Lot Sections</i>		
(1) Adult grave	\$647.00	\$921.00
(2) Extra deep adult grave (depth of 8 feet)	\$872.00	\$1,207.00
(3) On top of extra deep adult grave	\$872.00	\$1,207.00
(4) Infant grave or still born on top	\$102.00	\$153.00
(5) Cremated remains in urn	\$334.00	\$450.00
(6) Cremated remains in vault	\$392.00	\$538.00

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(e) <i>Urn Garden Section</i>		
Grave	\$363.00	\$363.00
Open & close (includes marker setting and vault)	\$421.00	\$589.00
Total	\$784.00	\$952.00
(f) <i>Veterans' Sections</i>		
(1) Full body open & close	\$464.00	\$647.00
(2) Cremains in urn	\$334.00	\$450.00
(3) Cremains in vault	\$392.00	\$538.00
(g) <i>Memorial Park Indigent Burial</i>		
(1) Adult	\$464.00	NA
(2) Infant	\$102.00	NA
(h) <i>Additional Services Available.</i>		
(1) <i>Disinterments.</i>		
A. Adult grave	\$2,500.00	NA
B. Adult grave-extra deep	\$2,700.00	NA
C. Infant grave	\$700.00	NA
D. Cremated remains - located in urn garden	\$700.00	NA
E. Cremated remains - located other than urn garden	\$600.00	NA
(2) <i>Setting and Foundation Charges.</i>		
A. Headstones		
1. 18" × 10" (Infant)	\$160.00	\$160.00
2. 2' × 1' (Single)	\$260.00	\$260.00
3. 3' × 1' or 4' × 1' (Double)	\$350.00	\$350.00
4. Resetting	1/2 of price listed above for replacement of same size markers	
5. Foundation (per cubic ft)	\$28.00	\$28.00
6. Veteran stones	\$260.00	\$260.00
7. Veteran stones resetting	<u>\$75.00</u>	<u>NA</u>
B. Flower container		
1. Purchase	\$40.00	\$40.00
2. Installation	\$30.00	\$30.00
3. Purchase & Installation	\$70.00	\$70.00
(3) <i>Miscellaneous Services.</i>		

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A. Opening and closing grave for inspection		
1. Identify without disturbing remains	\$1,185.00	NA
2. Remove for autopsy; replace in open grave	\$1,273.00	NA
B. Private mausoleums: receipt and discharge	\$667.00	NA
C. Highland Chapel Park Mausoleum		
1. Crypts: seal or unsealed	\$587.00	\$587.00
2. Niches: seal or unsealed	\$448.00	\$448.00
D. Resale of repurchased niches and crypts		
1. Niches in Highland Park Mausoleum	\$1,415.00	\$1,415.00
2. Crypts In Highland Park Mausoleum	\$3,575.00	\$3,575.00
E. Placement of additional remains in casket at time of burial (recording fee)	\$150.00	\$150.00
(i) <i>Administrative Charges.</i>		
(1)Bad Check Charge	\$30.00	\$30.00
(2) Late Payments		
A. Payments received after interment including checks that cannot be processed because of errors	\$65.00	\$65.00
B. Late/same day interment orders	\$100.00	\$100.00

Section 133.43 Licensing Advertising Space on Public Recreational Property

Upon the approval of the Board of Control, the Director of Parks and Recreation may license space on recreational or real or personal property under the control of said Director to businesses for advertising purposes for fees determined by the Board of Control. Any such license shall not be construed as the conveyance of any right, title or interest in public property but merely as the grant of a privilege, revocable at will.

Section 133.44 Acceptance of Gifts

(a) The Director of Parks and Recreation is authorized to accept gifts of money, material, or services, for the various divisions of the department unconditionally given or limited by conditions as the donor may impose. The Director shall report the acceptance of each gift to the Clerk of the City Council.

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(b) All moneys accepted under this section shall be placed to the credit of the Department of Parks and Recreation in a special revenue fund. The moneys deposited in the special revenue fund shall be expended for the benefit of the Department of Parks and Recreation, or in the manner and for the specific purpose named in the gift. If the donor has imposed limitations to their gift, then separate subfunds may be created in the special revenue fund to deposit the gifts.

(c) Expenditures from the fund or subfunds created by this section shall be made on vouchers signed by the Director of Parks and Recreation, or the director's designee, when the amount is less than ten thousand dollars (\$10,000.00); otherwise such expenditure shall first be authorized by ordinance of Council in the manner provided in Charter Section 108.

(d) No part of any funds credited to the accounts shall be paid to or for the benefit of any officer or employee, either as additional compensation or as reimbursement for expenses incurred, or paid for purposes other than those directly benefiting the Department of Parks and Recreation. The funds received under this section shall be expended in the same manner as other public funds, unless specifically provided for in the terms of the gift, or authorized by resolution or ordinance of Council.

Section 133.45 Agreements for the Loan of Statues, Busts, or other Personal Property for Public Display

(a) The Director of Parks and Recreation may enter into one (1) or more agreements to loan statues, busts or other personal property under the control of the Department of Public Works to a person or entity for public display for a period not to exceed five (5) years, with one (1) option to renew for an additional five (5) year term, exercisable by the Director of Parks and Recreation

(b) The agreements shall, among other things, itemize the personal property, specify all conditions of the display, require restoration of any damaged City property, require insurance coverage acceptable to the Director of Parks and Recreation and the Director of Law, and contain additional terms and conditions as required to protect the interests of the City.

Section 133.46 Tree Commission Grants and Contributions

The Director of Parks and Recreation is authorized to apply for and accept from various entities, both public and private, such grants and contributions as the Tree Commission solicits under division (e) of Section 163.03; provided that such contributions may be in the form of money, material or services. The Director is further authorized to file all papers and execute all documents necessary to receive the funds under any grant or contribution, and upon acceptance of any grant or contribution by the Director, the funds shall be appropriated in the case of grants, for the purposes set forth in the grant agreement, and in the case of contributions, for the purposes designated by the donors. The Director shall report the acceptance of any grant or contribution to the Clerk of Council. Funds accepted under this section shall be deposited to Fund No. 20 SF 038 and used solely for the purpose of furthering the case, preservation and enhancement of the urban forest and education of the public with respect thereto.

Section 5. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

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Section 163.04, as amended by Ordinance No. 702-2020, passed June 6, 2020,

Section 411.05, as amended by Ordinance No. 928-2015, passed July 22, 2015,

Section 447.02, as amended by Ordinance No. 1474-13, passed November 25, 2013,

Sections 557.07, 557.13, 557.25, 557.27 and 557.36, as amended by Ordinance No. 957-2011, passed October 24, 2011, and

Section 559.53, as amended by Ordinance No. 1233-15, passed November 9, 2015,

Sections 559.54 and 559.541, as amended by Ordinance No. 479-2016, passed May 9, 2016,

Section 675.02, as amended by Ordinance No. 164-2018, passed March 5, 2018, and

Section 697A.02, as amended by Ordinance No. 1028-18, passed January 14, 2019,

are amended to read as follows:

Section 163.04 Duties of Commission

The Commission shall:

- (a) Assist with the adoption of an urban forest management plan and assist with updating a comprehensive inventory of trees and tree benefits analysis at regular intervals for the City;
- (b) Provide recommendations on policy, plans, programs, or legislation concerning urban forestry management, sustainability and protection of associated trees on public or private property;
- (c) Review and comment on any program or work undertaken by any City Department, technical or advisory bodies related to the protection or enhancement of the urban forest when so requested by the Mayor or Council;
- (d) Work with the necessary departments to implement recommendations to reduce tree loss and damage;
- (e) Monitor implementation of City plans and policies related to the urban forest and provide review and comment to the Mayor and Council;
- (f) Assist the Director of ~~Public Works~~, Parks and Recreation or his or her designee, in preparing educational programming for residents, businesses, and organizations in the community to encourage proper maintenance of trees within the City;
- (g) Solicit grants or contributions to the Tree Preservation Fund set forth in Section 509.21 of the codified ordinances, for the purpose of supporting the preservation, protection, maintenance, purchase and planting and establishment of trees in the City, and educating the public with respect thereto;

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- (h) Review and report on whether the penalties collected for unauthorized damage or removal of trees are being paid to the Tree Preservation Fund as set forth in Section 509.99 of the codified ordinances and make recommendations regarding the disbursement of funds from the Tree Preservation Fund;
- (i) Assist the Director of ~~Public Works~~, Parks and Recreation, or his or her designee, in preparing an annual report to Council, the Mayor, and the public regarding the activities of the Commission; and
- (j) Any other duty requested by the Mayor or Council.

Section 411.05 Parade Permits and Fee

- (a) Definitions. As used in this section:
 - (1) "Chief" means the Chief of Police or the Chief's designee.
 - (2) "Crosswalk" shall have the same meaning as defined in Section 401.14.
 - (3) "Impromptu Demonstration" means a spontaneously-announced parade, whether proposed by a person or group, with little or no advanced planning and usually with the help of social media in response to events of great community or public interest occurring within two (2) days of the parade.
 - (4) "Parade" means any formation, march, procession of any kind, or motorcade consisting of persons, animals, or vehicles, or combination thereof traveling in unison for a common purpose upon the streets and public grounds within the City with an intent of attracting public attention that interferes with the normal flow or regulation of vehicular or pedestrian traffic upon the streets, sidewalks, and public grounds within the City.
 - (5) "Pedestrian" shall have the same meaning as defined in Section 401.37.
 - (6) "Person" shall have the same meaning as defined in Section 401.38.
 - (7) "Public Grounds" means property under the control of the City to which the general public has access, including all parks, malls, public lands and any paved areas on such property, but excluding streets, public buildings, and sidewalks.
 - (8) "Sidewalk" means the portion of a street adjacent to the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for use of pedestrians.
 - (9) "Social Media" means online or electronic communication created by individuals using publicly-accessible technologies through the internet.
 - (10) "Special Event" shall have the same meaning as defined in Section ~~431.07~~ 133.07 and a permit as provided in Section ~~431.07~~ 133.07.
 - (11) "Street" means any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof, excluding sidewalks.

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(12) "Vehicle" shall have the same meaning as defined in Section 401.73.

(b) Permit Required. Except as provided in division (f)(2) of this section, no person shall engage in or conduct a parade without first obtaining a permit issued as provided in this section.

(c) Application Filing. A person seeking a parade permit shall file an application with the Office of Special Events and Marketing on the forms and in the manner provided and the application form shall be signed by the applicant.

(1) A permit application for a parade to be held with a special event shall be filed at least fourteen (14) days before the special event is proposed to commence.

(2) A permit application for a parade that will not be held with a special event shall be filed at least four (4) business days before the parade is proposed to commence.

(3) An application for a parade permit shall be considered filed upon receipt of the fully completed application by the Office of Special Events and Marketing.

(d) Application Contents. The application for a parade permit shall set forth the following information:

(1) The name, address, day-time telephone number, and email, if available, of the applicant;

(2) The name, address, and telephone number of the headquarters of the organization for which the parade is to be conducted;

(3) The name and telephone number of the on-site coordinator or person in charge of the parade if different from the applicant;

(4) The date, time and estimated duration of the parade including time to organize before and disperse after the parade, and any possible alternative dates and times;

(5) A description of the route to be traveled, if applicable, including the starting point, the identification of and the directions to be followed on all streets, the termination point, and any areas to be used to set up before and disperse after the parade;

(6) An aerial street map of the route to be traveled clearly delineating all of the affected streets, compass coordinates and any proposed street closures;

(7) A statement of whether the proposed parade is a new or a recurring event;

(8) The approximate number of persons who, and animals and vehicles which, will constitute the parade and the types of animals and vehicles participating in the parade;

(9) The contact information for any private security services to be provided by the organizer for the parade, if applicable; and

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(10) A description of any sound amplification equipment to be used in connection with the parade, if applicable.

(e) Application Review. Applications for parade permits shall be reviewed by the Office of Special Events and Marketing and the Division of Police, and approved by the Chief and the Directors of Public Safety and Public Works, or the Director's designees, before a permit is issued. In determining whether to issue a permit, the following factors shall be considered:

(1) Whether the information contained in the permit application is found to be false, misleading, or incomplete in any material detail;

(2) Whether the time, place, or size of the parade including the assembly areas and route of march, will unreasonably interfere with the safe and expeditious movement of pedestrian and vehicular traffic, ingress or egress to or use of adjoining private property, or unreasonably disrupt the use of a street when it is usually subject to significant traffic congestion;

(3) Whether the parade will present an unreasonable danger to the health or safety of the parade participants or other members of the public, or cause damage to public or private property;

(4) Whether the conduct of the parade will require the diversion of so great a number of City police officers to properly police the line of movement and contiguous areas as to prevent normal police protection within the City, including previously permitted parades and special events;

(5) Whether the parade would unreasonably interfere with the movement of police vehicles, fire-fighting equipment, or ambulance service to other areas of the City;

(6) Whether a permit for a parade or special event has been granted or has previously been filed and will be granted, for the same time and approximate location, or would unreasonably interfere with another parade or special event for which a permit has been issued;

(7) Whether the parade will substantially interfere with any construction or maintenance work schedule to take place along the planned route or location; and

(8) Whether the applicant, the organization, or persons represented by the applicant or organization have previously violated the provisions of a similar permit or have violated any City ordinances or state or federal laws in connection with a previous parade in the City.

(f) Policy; Exceptions. It is the policy of the City of Cleveland that persons and groups have the right to organize and participate in peaceful parades and impromptu demonstrations on the streets and public grounds of the City, subject to reasonable restrictions designed to protect public safety, persons and property, and to accommodate the interest of persons not participating in the assemblies to use the streets and sidewalks to travel to their intended destinations, and use public grounds for their intended purposes. For this reason:

(1) Except as provided in division (f)(2) of this section, all parades shall obtain a parade permit under this section and all reasonable efforts shall be taken to expedite the review of any application for a permit for a parade;

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(2) A person or group is not required to obtain a permit for a parade before conducting the parade where:

A. The parade is not associated with a special event, will take place on sidewalks and crosswalks and will not prevent pedestrian traffic from using the sidewalks or crosswalks or interfere with vehicular traffic on the streets at the crosswalks, and will not occur on streets; or

B. The event is an impromptu demonstration, provided that a person involved in organizing the event notifies the Chief, by telephone, in writing, or in person, at least eight (8) hours prior to the parade of: 1) the date and time of the parade; 2) the name and telephone number of an on-site coordinator or a person in charge of the parade; and 3) a description of the proposed route to be traveled, including the starting point, the identification of and the directions to be followed on all streets, the termination point, and any areas to be used to set up before and disperse after a parade.

(3) The Chief may impose reasonable time, place, and manner restrictions on parades that have not obtained a permit under division (f)(2) of this section based on the Chief's determination that the parade will substantially interfere with:

A. The safe and expeditious movement of pedestrian and vehicular traffic, ingress or egress to or use of adjoining private property, or unreasonably disrupt the use of a street when it is usually subject to significant traffic congestion;

B. The health or safety of the parade participants or other members of the public, or cause damage to public or private property;

C. The movement of police vehicles, fire-fighting equipment, or ambulance service to other areas of the City;

D. Another parade, special event, or impromptu demonstration; or

E. Any construction or maintenance work schedule to take place along a route or location to be used by the parade.

(g) Permit Fee. A fee of twenty-five dollars (\$25.00) to cover the administrative cost of processing the permit shall be paid to the City when the approved permit is obtained from the Division of Assessments and Licenses. This fee is separate from and in addition to any fees or charges paid for special events under Section ~~131.08~~ 133.08.

(h) Permit Revocation. Based on the recommendation of the Director of Public Safety or the Director's designee, the Commissioner of Assessments and Licenses may revoke or suspend any permit granted under this section because of any false statement made in the application for the permit.

(i) Appeals. If an application for a parade permit is denied or revoked, the applicant or permittee shall be notified in writing by email, if available, or by telephone and regular mail to the address on the application with the reason for the denial or revocation. An applicant or permittee shall have the right to appeal the denial or revocation of a parade permit within three (3) business days of receipt of the notice of denial to the Director of Public Safety. The Director of Public Safety, or his designee,

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shall hold a hearing on the denial or revocation within three (3) business days of receipt of the notice of appeal. If the Director determines that the permit should be granted, the applicant shall be notified in writing and obtain the permit from the Division of Assessments and Licenses upon payment of the fee. If the Director determines that a revoked permit should be reinstated, the permittee shall be notified in writing and proceed as if the permit was not revoked. If the Director affirms the denial or revocation of the permit, the applicant shall be immediately notified of the decision and shall have the right to appeal the denial within the same time and in the same manner provided in Section 403.09.

Section 447.02 Licenses Required

- (a) No person shall operate any carriage upon the public rights of way of the City without a carriage license and a carriage operator’s license, each issued pursuant to Section 447.07.
- (b) No person shall operate a carriage business in the City without a carriage business license issued pursuant to Section 447.07.
- (c) A carriage operator or business that operates, without charging the public a fee, as part of a special event permitted under Section ~~131.07~~ 133.07 that lasts less than three (3) consecutive days shall be exempt from the license requirements of divisions (a) and (b) of this section but shall comply with all other provisions in this chapter unless specifically exempted.

Section 557.07 Lot Prices

Prices at which cemetery lots, or parts thereof, may be sold shall be fixed by the Commissioner of Park Maintenance ~~and Properties~~, at the time of platting any cemetery or part of any cemetery hereinafter acquired by the City, or not previously platted. The prices so fixed for all the lots shown on any plat shall be included in a single schedule, which shall clearly identify each lot shown on the plat, and the price. No schedule or amendment thereto shall be valid until the approval of the Director of ~~Public Works~~ Parks and Recreation and the Director of Finance are endorsed thereon, and until it is filed as a public record in the office of the Commissioner. Whenever any prices so fixed are to be changed, it shall be done only by amending the schedule, or by adopting a new schedule, which shall supersede all prior schedules applicable to the plat.

Section 557.13 Purchase of Lots on Deferred Payments

The Commissioner of Park Maintenance ~~and Properties~~ may at his or her discretion accept an initial payment on the price of the lot in an amount not less than half the total price, nor in any case less than the land cost apportioned to the lot. Payment of the remainder of the price shall be secured by agreement as the Commissioner, with the approval of the Director of ~~Public Works~~ Parks and Recreation, deems reasonable. The agreement shall be in form prescribed and approved by the Director of Law, and shall require the payment to the City for the benefit of the Cemetery Operating Fund of interest at the rate of six percent (6%) per annum on the deferred portion of the price, and for the reduction from time to time of the deferred portion by payments not less frequent than semi-annually, nor shall the payment of any portion be deferred longer than five (5) years. The entire amount unpaid shall become due and payable before any interment is permitted in the lot, but the payment may be waived, and the agreement continued upon terms approved by the Directors named in this section.

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Section 557.25 Plan of Mausoleums

The Commissioner of Park Maintenance ~~and Properties~~ shall at all times keep in his or her office as a public record a plan of every City mausoleum, which plan shall show and clearly identify every crypt and niche intended for use as a repository of human remains. The plan shall not be of any force or effect for the purposes of this chapter until and unless it is approved by the Director of ~~Public Works~~ Parks and Recreation. The plan may be altered, amended, supplemented or superseded by only a like plan similarly approved, which shall specifically state the plan or particular items of the plan intended to be altered, amended, supplemented or superseded.

Section 557.27 Schedule of Mausoleum Prices

Prices at which crypts and niches of City mausoleums shall be sold shall be fixed by the Commissioner of Park Maintenance ~~and Properties~~ not later than the first offering of any crypt or niche for sale, in the case of mausoleums hereafter erected. The prices so fixed for all of the crypts and niches shown on any plan shall be included in a single schedule, which shall clearly identify each crypt or niche and the price. No schedule or amendment thereto shall be valid until the approval of the Director of ~~Public Works~~ Parks and Recreation and the Director of Finance are endorsed thereon, and until it is filed as a public record in the office of the Commissioner. Whenever any prices so fixed are to be changed, it shall be done only by amending the schedule, or by adopting a new schedule which shall supersede all prior schedules applicable to the plan.

Section 557.36 Power to Decrease Prices

Wherever the Commissioner of Park Maintenance ~~and Properties~~ determines that cemetery lots, mausoleum crypts or niches cannot be sold at prices determined as provided in the foregoing sections of this chapter, he or she shall have power, with the approval of the Director of ~~Public Works~~ Parks and Recreation, to fix such less price as shall represent the highest price reasonably obtainable, not less than the endowment cost fixed as determined in this chapter, and to diminish the land cost or the land and capital cost in proportion as may be required. No sale shall be made for less than the determined endowment cost, and the full amount of the endowment cost shall in every case be paid into the respective endowment funds as in cases where the price is the full sum required by this chapter.

Section 559.53 Trespass on City Facilities

(a) No person shall trespass, loiter, or remain in or upon the grounds of any park or recreational facility under the supervision and control of the Director of ~~Public Works~~ Parks and Recreation during any hour when the public is not permitted in such park or recreational facility as determined by the Director pursuant to Section 559.52, unless such person has been authorized to be present in the park or recreational facility by the Director of Public Works.

(b) No person shall trespass, loiter, enter or remain in or upon the grounds of any park or recreational facility under the supervision and control of the Director of ~~Public Works~~ Parks and Recreation after being lawfully ordered to leave such park or recreational facility by an authorized official or agent of the City.

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(c) Whoever violates this section shall be guilty of a minor misdemeanor for a first offense. In addition to any other method of enforcement provided for on this chapter, this minor misdemeanor may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. For each subsequent offense, whoever violates this section shall be guilty of a misdemeanor of the fourth degree.

Section 559.54 Prohibited Hours in the Mall Area

No unauthorized person shall be or remain on or in any portion of the area known as the Mall area between the hours of 12:00 a.m. to 5:00 a.m. Persons may be authorized to remain on the Mall by obtaining a permit from the Director of ~~Public Works~~ Parks and Recreation.

Such permits shall be issued when the Director finds:

- (a) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare and safety;
- (b) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- (c) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City;
- (d) That the facilities desired have not been reserved for other use at the day and hour required in the application.

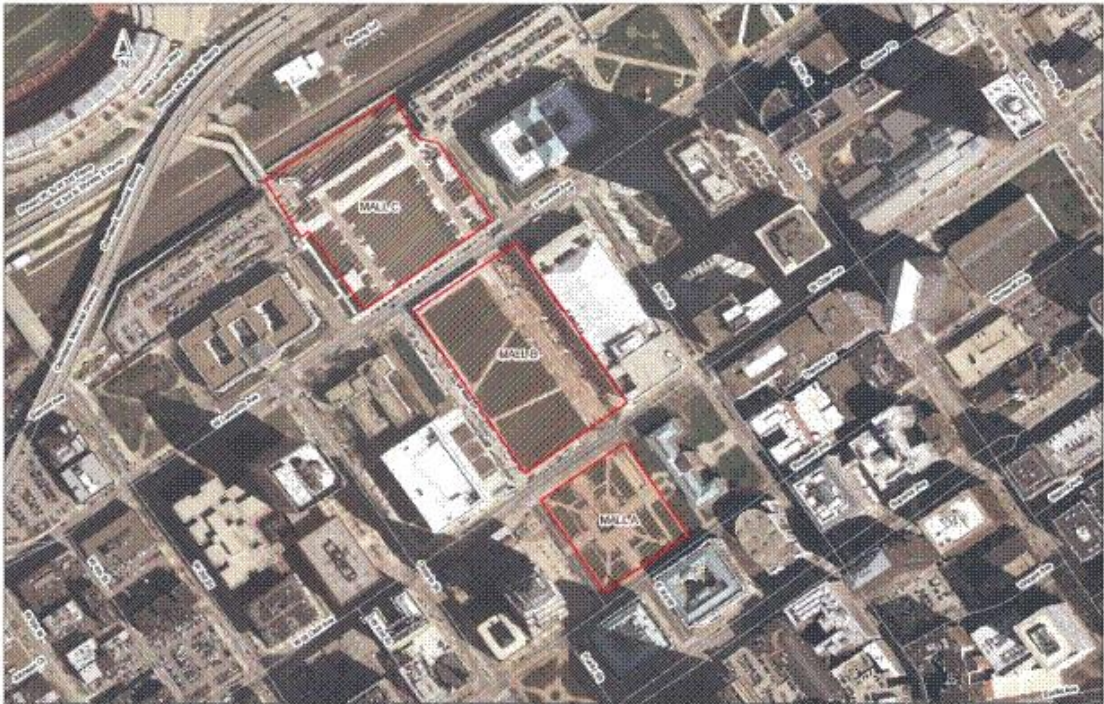
For the purpose of this section, the Mall area includes these areas specifically designated as Memorial Plaza (Mall A), Mall B, including the Leonard C. Hanna, Jr. Plaza and Mall C. It excludes therefrom all dedicated streets.

Memorial Plaza is that portion of the Mall A bounded by Rockwell Avenue on the south, St. Clair Avenue on the north, the east curb line, and its southeasterly prolongation, of the Memorial Plaza parking garage ramp extending southeasterly to Rockwell Avenue on the east, and by West Mall Drive on the west.

Mall B is that portion of the Mall bounded by the Convention Center on the east, St. Clair Avenue on the south, Lakeside Avenue on the north, and West Mall Drive on the west.

Mall C is that portion of the Mall bounded by Lakeside Avenue on the south, City Hall on the east, and property lines on the north and west of parcel B2 in the Survey, Partition and Consolidation Plat as shown volume 365, page 0 of the Cuyahoga County Map Records, including all City Hall and City Garage property.

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Section 559.541 Prohibited Hours in Public Square

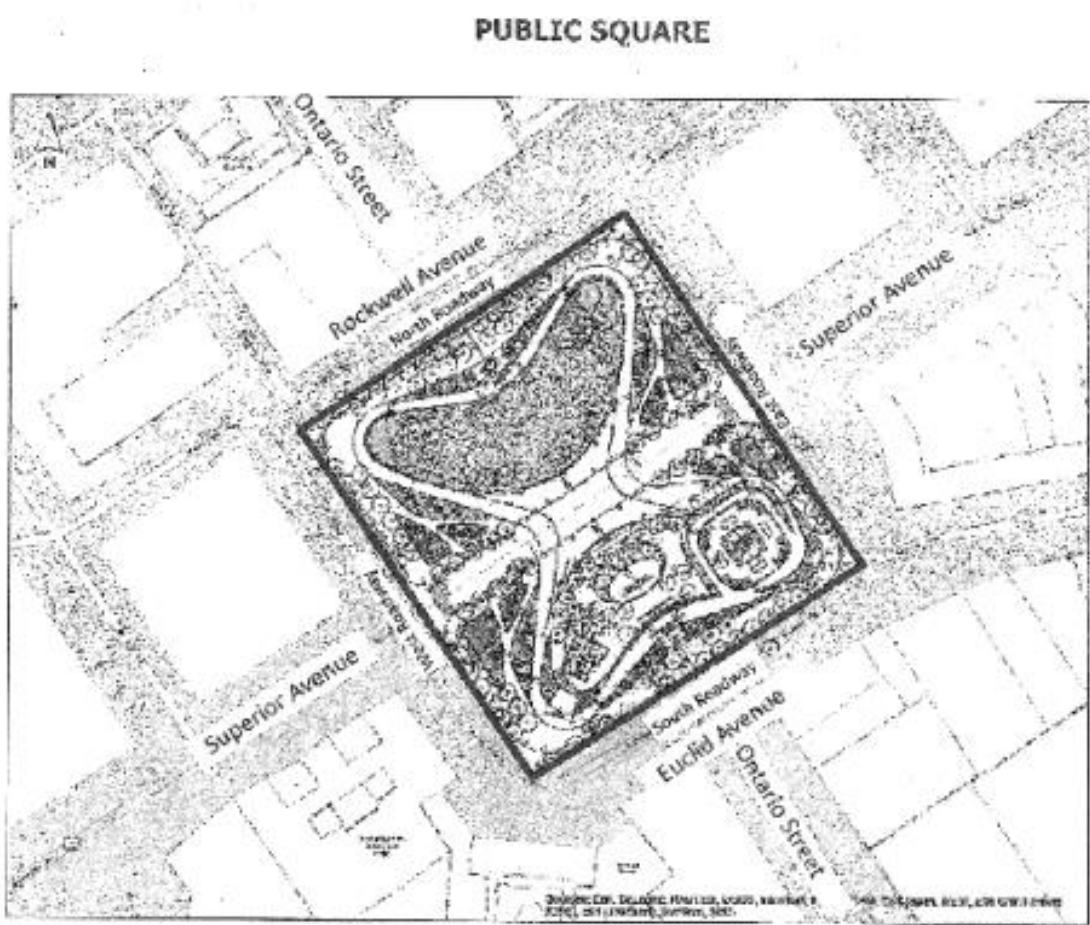
No unauthorized person shall remain on or in any portion of the area known as the Public Square area between the hours of 12:00 a.m. to 5:00 a.m. Persons may be authorized to remain in Public Square by obtaining a permit from the Director of ~~Public Works~~ Parks and Recreation.

Such permits shall be issued when the Director finds:

- (a) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare and safety;
- (b) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- (c) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City;
- (d) That the facilities desired have not been reserved for other use at the day and hour required in the application.

For purposes of this section, the "Public Square area" includes all structures (including but not limited to walls, fountains, and flower planters) located within Public Square and shown on the map below, but excludes all dedicated streets, public sidewalks adjacent to dedicated streets and RTA bus shelters within this area.

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Section 675.02 Street Vendor’s License Required; Application; Fee

- (a) No person shall engage in vending anywhere in the City without a vendor's license issued under Section 675.03. The issuance of a vendor's license to a person shall not be deemed to authorize agents or employees of the person to vend without a license.
- (b) The application for the license required by division (a) of this section shall be made to the Commissioner on forms prescribed by the Commissioner. The application shall include the following information:
- (1) The name and address of the applicant;
 - (2) A detailed description of the goods, wares, commercially prepackaged food or beverages, or merchandise that the applicant intends to sell; and
 - (3) Such other information as the Commissioner deems necessary to ensure compliance with this chapter.
- (c) In addition to the application required by division (a) of this section, each applicant for a vendor's license shall furnish two (2) photographs of the applicant taken within thirty (30) days before the date of application and of a size designated by the Commissioner.
- (d) The annual license fee shall be sixty dollars (\$60.00) which shall cover the period beginning August 1 and ending July 31 of the following year.

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(e) This section shall not apply to any special event as defined under and governed by Section ~~131.07~~ 133.07 of the Codified Ordinances, or to any vendor associated with that special event.

Section 697A.02 Major Qualifying Event Permits

(a) Notwithstanding any Code provision or ordinance to the contrary, the Directors of Public Works, Parks and Recreation, Public Safety, Building and Housing, Capital Projects, and the Commissioner of Assessments and Licenses, as applicable to the duties of their respective departments or divisions, are authorized to issue appropriate permits and authorizations related to activities associated with Major Qualifying Event.

(b) Notwithstanding any Code provisions or ordinances to the contrary, the various City directors are authorized to develop and implement policies and practices for consolidating applications for and expediting review and issuance of City licenses, permits, approvals, reviews and inspections as required by the laws of the City as needed for the Major Qualifying Event and related activities and to issue a comprehensive permit that incorporates various City permits for the Major Qualifying Event, including review and approval of a comprehensive signage plan in the Central Business District and the major routes into the City as proposed by the Local Organizing Committee or Sponsor, in a form acceptable to the Director of Law. The consolidated application process and issuance of a comprehensive City permit as described in this section shall be coordinated by the Director of Public Works or the Director's designee.

Section 6. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 163.04, as amended by Ordinance No. 702-2020, passed June 6, 2020,

Section 411.05, as amended by Ordinance No. 928-2015, passed July 22, 2015,

Section 447.02, as amended by Ordinance No. 1474-13, passed November 25, 2013,

Sections 557.07, 557.13, 557.25, 557.27 and 557.36, as amended by Ordinance No. 957-2011, passed October 24, 2011, and

Section 559.53, as amended by Ordinance No. 1233-15, passed November 9, 2015,

Sections 559.54 and 559.541, as amended by Ordinance No. 479-2016, passed May 9, 2016,

Section 675.02, as amended by Ordinance No. 164-2018, passed March 5, 2018, and

Section 697A.02, as amended by Ordinance No. 1028-18, passed January 14, 2019,

are repealed.

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Section 7. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the Department of Parks and Recreation, Office of Administration, Office of Special Events and the Divisions of Public Auditorium, Recreation, and Park Maintenance are established.

Section 8. That concurrence of the Board of Control shall be evidenced by a certified copy of the resolution of the Board of Control duly filed with the Clerk of Council by the Secretary of the Board of Control immediately upon the adoption of the concurring resolution, which resolution shall be attached by the Clerk of Council to this ordinance.

Section 9. That any references contained in the Codified Ordinances of Cleveland, Ohio, 1976, to the “Division of Park Maintenance and Properties” and the “Commissioner of Park Maintenance and Properties” shall be amended to read “Division of Park Maintenance” and “Commissioner of Park Maintenance” consistent with this ordinance.

Section 10. That the Clerk of Council is authorized when publishing the Codified Ordinances of Cleveland, Ohio, 1976, and amendments thereto, to change all references from the “Division of Park Maintenance and Properties” and “Commissioner of Park Maintenance and Properties” to the “Division of Park Maintenance” and “Commissioner of Park Maintenance” consistent with this ordinance.

Section 11. That the Director of Parks and Recreation is authorized to enter into contracts or perform any acts under an ordinance passed by this Council that gives such authority to the Director of Public Works, when appropriate.

Section 12. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

SM:nl
5-6-2024
FOR: Director Williams

Ord. No. 521-2024

REPORT
after second Reading

By Council Members Bishop and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

To discontinue the Divisions of Recreation and Park Maintenance and Properties and the Office of Special Events and Marketing, by repealing various sections of Chapter 131, as amended and enacted by various ordinances; to amend Section 131.02 relating to the duties of the Director of Public Works; to create the Department of Parks and Recreation; to enact new Sections 133.01 to Sections 133.46; and to amend various other sections of the codified ordinances, as amended and enacted by various ordinances, relating to the foregoing changes.

READ FIRST TIME on MAY 6, 2024
and referred to DIRECTORS of Public Works, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. 111 Page

Published in the City Record

PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE, DIVERSITY, EQUITY
and INCLUSION

FILED WITH COMMITTEE