

Ordinance No. 25-2020

**Council Members McCormack, Cleveland,
B. Jones, Johnson, Brancatelli and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

To amend Sections 508.03 and 508.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to the application for permits and permit fee and duration for temporary sidewalk occupancy permits for vending devices in the Central Business District.

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 Sections 508.03 and 508.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 210-11, passed April 25, 2011 and Ordinance No. 1611-83, passed June 27, 1983, are amended to read, as follows:

Section 508.03 Application for Permits

Application for a permit shall be made to the Director in a form deemed appropriate by him or her. Such application shall include, but not be limited to, the following information:

- (a) Name and address of the applicant;
- (b) A description of the vending device to be located on the sidewalk;
- (c) The Ohio license number of the vending device, if applicable;
- (d) A signed statement that the applicant is the owner of the vending device;
- (e) The type of merchandise to be sold;
- (f) Evidence that all required health licenses have been obtained;
- (g) ~~The location or alternative locations for which application for permit is made;~~ Locations for which applications for permits are made will be randomly selected;
- (h) A signed statement that the permittee shall hold harmless the City of Cleveland, its officers and employees and shall indemnify the City of Cleveland, its officers and employees for any claims or damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee and the city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than fifty thousand dollars (\$50,000.00) for bodily injury for each person, one hundred thousand dollars (\$100,000.00) for each occurrence and not less than one hundred thousand dollars (\$100,000.00) for property damage per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall include the City of Cleveland, its officers and employees, as additional insured. Before conducting business at the location permitted by the Director, permittee shall include as an additional insured on the policies of insurance hereinabove required the owner of the property abutting the space between the prolongations of the boundary lines of the

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location which run perpendicular to the curblineline to the property line of the same side of the street.

A separate application and permit shall be required for each vending device.

Section 508.04 Permit Fee and Duration

Each application for a permit shall be accompanied by a fee of two hundred dollars (\$200.00). If the applicant is not issued a permit, the fee shall be refunded.

Permits shall be valid for a period of one (1) year, commencing August 1 and ending July 31. ~~Permits may be renewed prior to expiration upon the payment of the permit fee, provided all the requirements of this chapter are met.~~

Section 2. That existing Sections 508.03 and 508.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 210-11, passed April 25, 2011 and Ordinance No. 1611-83, passed June 27, 1983, are repealed.

Section 3. 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
1-6-20

FOR: Director Spronz

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READ FIRST TIME on JANUARY 6, 2020

and referred to DIRECTORS of Capital Projects, City Planning Commission, Finance, Law; COMMITTEES on Municipal Services and Properties, Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

**REPORT
after second Reading**

**PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE**

FILED WITH COMMITTEE

