

# Ordinance No. 521-2024 AS AMENDED

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.

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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are repealed.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,

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

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,

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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

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:

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## 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 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.

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## 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;
- (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

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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 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

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(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:

(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;

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(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 that 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



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ward of the councilmember requesting exemption, has gross revenues of under twenty-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.

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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 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 133.11 Division of Urban Forestry

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

Section 133.12 Duties of the Commissioner of Urban Forestry

The Commissioner of Urban Forestry shall, with the approval of the Director of Parks and Recreation, appoint all officers and employees in his or her division. The Commissioner of Urban Forestry shall control and manage the removal of dead and hazardous trees; prevent unsafe conditions relating to tree growth; trim trees for clearance of streetlights, traffic signals and signs, pedestrian and vehicular traffic, and building clearance; remove overgrown tree roots that cause raised sidewalks, and overgrown tree lawns; develop, coordinate, and implement the City's tree canopy; and provide public information regarding the care of trees."

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

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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.

(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

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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 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.

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### 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.

(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.

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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

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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.

(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

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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

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



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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
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

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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 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

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(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
(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

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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	\$1,210.00
C. Friday 5:00 p.m. through Sunday 12:00 p.m.		
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

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(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
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,

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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.

(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

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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 Myny 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.

Section 133.36      Reserved

Section 133.37      Rental of League Park Baseball Field and League Park  
Visitors Center; Fee



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(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.

(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:

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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.

(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

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(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.

### 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:

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

(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 \$175.00  
 (a maximum of 4 hours)

## 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.
<i>(a) Single Grave Section</i>		
(1) Adult grave	\$501.00	\$501.00
Open & close	\$464.00	\$647.00
Total	\$965.00	\$1,148.00
<i>(2) Infant grave (4 feet or less)</i>		
(2) Infant grave (4 feet or less)	\$116.00	\$116.00
Open & close	\$102.00	\$153.00
Total	\$218.00	\$269.00
<i>(3) Oversized Grave</i>		
(3) Oversized Grave	\$1,002.00	\$1,002.00
Open & close	\$464.00	\$647.00
Total	\$1,466.00	\$1,649.00
<i>(b) 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
<i>(2) Family lot (two graves)</i>		
(2) Family lot (two graves)	\$1,486.00	\$1,486.00
Open & close	\$647.00	\$921.00
Total	\$2,133.00	\$2,407.00

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(3) Oversized grave	\$1,486.00	\$1,486.00
Open & close	\$647.00	\$921.00
Total	\$2,133.00	\$2,407.00
<i>(c) 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
<i>(d) Open &amp; 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
<i>(e) 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
<i>(f) 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
<i>(g) Memorial Park Indigent Burial</i>		
(1) Adult	\$464.00	NA
(2) Infant	\$102.00	NA
<i>(h) Additional Services Available.</i>		

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(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	\$75.00	NA
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>		
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	\$1,415.00	\$1,415.00

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Mausoleum		
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.

(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

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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:

"Section 161.05, as amended by Ordinance No. 1121-18, passed December 3, 2018,";

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

"Sections 341.05, 341.051, 341.052, 341.053, 352.05 and 352.06, as amended or enacted by Ordinance No. 1121-18, passed December 3, 2018,";



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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 509.14, 509.99, 510.04 as amended by Ordinance No. 1121-18, passed December 3, 2018,"

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 161.05 Regulation of Environmental Changes; Certificate of Appropriateness

No person owning, renting or occupying property which has been designated a landmark or which is situated in a designated landmark district shall make any environmental change in such property unless a certificate of appropriateness has been previously issued by the Commission with respect to such environmental change. The following procedures shall apply to all alterations, demolitions, removals or constructions of such property in the City:

(a) Any application to the Department of Building and Housing for a building permit for an environmental change shall also be deemed an application for a certificate of appropriateness, and shall be forwarded to the Commission, together with copies of all detailed plans, designs, elevations, specifications and documents relating thereto, and, for any environmental change on one (1) or more acres of land, and for any environmental change to an apartment, townhome or condominium of four (4) or more units situated on any size parcel of land, a copy of a Tree Preservation Plan meeting the requirements set forth in Section 341.051, within seven (7) days after receipt of the application. An application for a certificate of appropriateness may be filed by the applicant directly with the Commission at the same time that an application for a building permit is filed or in lieu of filing for a building permit, if no building permit is required for the proposed environmental change. The Commissioner of Park

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Maintenance and Properties Urban Forestry or a designee shall review any Tree Preservation Plan and shall notify the Director of Building and Housing of approval or disapproval as set forth in Section 341.051. The general requirements of tree preservation in Section 341.052 shall apply to any person seeking to make an environmental change on one (1) or more acres of land, and to any person seeking to make an environmental change to an apartment, townhome or condominium of four (4) or more units situated on any size parcel of land.

(b) The Commission shall evaluate applications to determine whether or not the environmental change proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property and to determine whether or not the environmental change proposed by the applicant is consistent with the spirit and purposes of this chapter.

(1) In evaluating applications for alterations or construction of property, the Commission shall consider the following standards created by the U.S. Department of the Interior:

A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment;

B. The historic character of a property shall be retained and preserved. The removal of historic materials or alternation of features and spaces that characterize a property shall be avoided;

C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;

D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;

E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved;

F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence;

G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;

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H. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken;

I. New additions, exterior, alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment; and

J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(2) In evaluating applications for demolition or removal of property, the Commission shall consider the following standards:

A. The architectural and historic significance of the subject building or structure;

B. The significance of the building or structure in contributing to the architectural or historic character of its environs;

C. In the case of a request to move a building or other structure, the relationship between the location of the subject building or structure and its overall significance;

D. The present and potential economic viability of the subject building or structure, given its physical condition and marketability;

E. If the demolition will remedy conditions imminently dangerous to life, health, or property, as determined in writing by the Department of Building and Housing, the Division of Fire or the Department of Public Health; and

F. The appropriateness of the proposed new structure or use and its impact on the surrounding community.

(c) If the Commission finds that the environmental change proposed by the applicant will not adversely affect any significant historical or aesthetic feature of the property and is appropriate and consistent with the spirit and purposes of this chapter, or will remedy conditions imminently dangerous to life, health or property, as determined in writing by the Department of Building and Housing or the Division of Fire or the Department of Public Health, then the Commission shall issue a certificate of appropriateness.

(d) If the Commission finds that the environmental change proposed by the applicant will adversely affect any significant historical or aesthetic feature of the

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property or is inappropriate or inconsistent with the spirit and purposes of this chapter, the Commission may either deny the application or delay action on the application. Any decision to delay action on the application shall be by mutual agreement of the Commission and the applicant and shall be for a period not to exceed six (6) months. During the delay period, the Commission shall conduct further investigation with regard to the proposed environmental change, conduct negotiations with the applicant and any other party in an effort to find a means of preserving the property, or explore alternatives to the proposed environmental change. The Commission may also investigate the feasibility of all available ways and means of preserving the improvement, including without limitation, inducing by contract or other consideration the creation of covenants restricting the use of property, leasing and subleasing the property for the purposes of preservation and acquiring by eminent domain or contract or conveyance all or any part of or interest in the property.

(e) At the end of the delay period, the Commission shall either approve or deny the application, or delay action. A decision to delay action, at the end of one (1) delay period, shall be by mutual agreement of the Commission and the applicant and shall be for a period not to exceed six (6) months. The Commission shall only agree to a second and final delay period if the Commission determines that this additional time period may be useful in securing an alternative to the proposed environmental change. At the end of the second and final delay period, the Commission shall either approve or deny the application for a certificate of appropriateness.

(f) Upon the issuance, denial or a delay in the issuance of a certificate of appropriateness, the Commission shall give written notices of the issuance, denial or delay in the issuance to the applicant and the Department of Building and Housing. The Commission shall provide written notice of the issuance, denial or delay in the issuance of a certificate of appropriateness to the applicant and the Department of Building and Housing within forty-five (45) days of the receipt by the Commission of an application from either the applicant or the Department of Building and Housing.

(g) If no action has been taken by the Commission on an application for a certificate of appropriateness to approve, deny or delay action within forty-five (45) days after such application has been received by the Commission, the certificate of appropriateness shall be deemed issued.”.

## 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;

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- (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;
- (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 341.05 Administrative Procedures

The following procedures are established to govern the processing of applications for Building Permits subject to the regulations of this chapter.

(a) *Contents of Application.* In addition to meeting application requirements established in the Building Code and Zoning Code for Building Permit applications, applications governed by the provisions of this chapter shall include the following elements.

(1) Color photographs showing the subject property in the context of adjoining properties within two hundred fifty (250) lineal feet on either side of the subject property.

(2) Architectural drawings including elevation drawings and site plans for the construction or exterior alterations proposed, indicating design materials, colors, illumination, sign placement, and landscaping.

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(3) In the case of a proposed demolition, a plan showing the proposed re-use of the property, including both interim and long-term reuse plans, if appropriate.

(4) Information indicating project elements that contribute to an environmentally sustainable development.

(5) A Tree Preservation Plan, if required, pursuant to this chapter.

(6) Other materials listed in guides that may be prepared by the staff of the City Planning Commission and provided to applicants.

(b) *Determination of Applicability and Transmittal to City Planning Director.* Upon receipt of an application for a Building Permit, the Director of Building and Housing shall use the standards of Section 341.02 to determine whether the proposed action is governed by the provisions of this chapter. If it is determined that the action is governed by these provisions, the Director of Building and Housing shall promptly transmit the application to the Director of the City Planning Commission.

(c) *Transmittal to Local Design Review Advisory Committee.* Upon receipt of a complete application, the City Planning Director shall promptly transmit the application for review and recommendation by the Local Design Review Advisory Committee, as established in Section 341.06. Other required City reviews may be conducted concurrently, as appropriate. In the case of an application for an action that the City Planning Director deems to have no significant impact on the design or appearance of the property, the Director may approve the application administratively without referral to the Local Design Review Advisory Committee.

(d) *Standards for Review.* An application received pursuant to the provisions of this chapter shall be reviewed in accordance with the design guidelines of Section 341.07 and any supplemental guidelines adopted by the City Planning Commission for a particular district. A Tree Preservation Plan received pursuant to this chapter shall be reviewed by the Commissioner of Urban Forestry ~~Park Maintenance and Properties~~ in accordance with Section 341.051.

(e) *Local Design Review Committee Meeting and Action.*

(1) *Meeting.* The City Planning Director shall inform the applicant of the time and location of the Local Design Review Advisory Committee meeting at which the application will be considered. That consideration shall take place at the next regularly scheduled meeting of the Committee occurring at least five (5) days after acceptance of a complete application by the City Planning Director.

(2) *Action.* The Local Design Review Advisory Committee shall recommend either approval, approval with modifications or conditions, or disapproval of the application. The Committee may choose to postpone action in order to permit the applicant to prepare revisions if the applicant agrees to such postponement. If the applicant does not agree to a postponement, the Committee shall take action on the application at the meeting. The Committee

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shall provide a written record of its recommendation to the City Planning Commission.

(f) *City Planning Commission Meeting and Action.* After action by the Local Design Review Advisory Committee, or a failure to act at a meeting in accordance with the requirements of this section, the City Planning Director shall inform the applicant of the time and location of the City Planning Commission meeting at which the application will be considered. The City Planning Commission shall either approve or disapprove the application or approve the application with modifications or conditions. The Commission may choose to postpone action in order to permit the applicant to prepare revisions if the applicant agrees to such postponement. The Commission shall take action no later than forty-five (45) days after acceptance of a complete application by the City Planning Director unless the applicant has agreed to one (1) or more postponements, including agreed postponements in the Local Design Review Committee process.

(g) *Administrative Approval.* Pursuant to the "Rules of the City Planning Commission" regarding administrative approvals, the City Planning Director is authorized to act on behalf of the Commission in approving applications recommended for approval by the Local Design Review Advisory Committee and for applications that meet the standard stated in division (c) of this section. Use of the administrative approval procedure is not authorized in the case of applications for demolition or moving of buildings, other than for buildings that are deemed to be minor accessory structures. Generally, applications for development of new commercial or institutional buildings and for residential developments involving six (6) or more units shall not be approved without referral to the Local Design Review Advisory Committee and the City Planning Commission.

(h) *Exemptions.* No referral to the City Planning Commission or a Local Design Review Advisory Committee shall be required for projects approved under the City's Storefront Renovation Program. Such projects may be approved by the action of the City Planning Director subsequent to approval under the Storefront Renovation Program.

### Section 341.051 Tree Preservation Plan Required

(a) For any development project that meets the criteria of Section 341.02 ("development project") and is situated on one (1) or more acres of land, and for apartment, townhome or condominium projects of four (4) or more units situated on any size parcel of land, a Tree Preservation Plan shall be submitted as part of the Building Permit application. The Tree Preservation Plan shall be approved by the Commissioner of ~~Urban Forestry Park Maintenance and Properties~~ ("Commissioner") or a designee before a Building Permit is issued. A Tree Preservation Plan is not required for single-family dwellings, two-family dwellings, and three-family dwellings or for any person, firm, or corporation demolishing a building or structure pursuant to a valid demolition permit issued under Chapter 3115 of this Code.

(b) The Tree Preservation Plan shall include: (1) the location, botanical name, dimension at breast height (DBH), and vertical height of all existing trees on the property; (2) the intent to preserve, relocate, or replace each tree; (3) measures to be

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taken to protect new and mature trees during construction, and to protect roots and soil during construction, following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time; and (4) any other information the Commissioner or a designee requires to determine compliance with this chapter. The Tree Preservation Plan shall be adhered to during all phases of construction on any development project for which a Tree Preservation Plan is required.

(c) The Commissioner or designee shall review all Tree Preservation Plans and notify the City Planning Director of approval or disapproval within thirty (30) business days of submittal of the Tree Preservation Plan. When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant. The notice shall specify the modifications, terms and conditions that are necessary for approval of the plan. The Commissioner or designee may make periodic inspections of trees within the development site to ensure compliance with this chapter. If the Commissioner does not approve or disapprove the Tree Preservation Plan within thirty (30) business days of its submittal, the Tree Preservation Plan is deemed approved.

### Section 341.052 Tree Preservation General Requirements

The following are basic provisions for the preservation of private and public trees during construction of development projects on one (1) or more acres of land, for apartment, townhome or condominium projects of four (4) or more units situated on any size parcel of land, and for protecting public trees under Section 509.14.

(a) All trees with a DBH of over six (6) inches shall be preserved, maintained and protected during construction, a tree's roots shall be protected, and the size of the Tree Protection Zone shall be, in accordance with *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time.

(b) Trees on the property shall not be removed without prior written approval from the Commissioner of ~~Urban Forestry Park Maintenance and Properties~~ ("Commissioner") or a designee and only if one (1) or more of the following situations apply:

(1) The tree poses a risk. To verify that a risk exists, the City may require a tree risk assessment be performed by the Commissioner or designee or an International Society of Arboriculture (ISA) Certified Arborist with the ISA qualification.

(2) The tree is planted too close to an existing structure, such that it is either damaging or has the clear potential to damage the structure.

(3) The tree inhibits an infrastructure repair due to its proximity to the needed infrastructure repair. Trees should not be removed simply because a sidewalk is raised or cracked, unless it is determined that removal of the tree is necessary for the sidewalk repair.



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(4) The tree has structural defects (e.g., split trunk, poor branch attachments), is damaged to the point that it cannot recover and grow properly, or that it will grow in a misshapen or unsightly manner that could result in failure.

(5) The tree is infested with an epidemic insect or disease where the recommended control is not applicable and removal is necessary to prevent transmission of the insect or disease to other trees. The City may require this condition to be verified by the Commissioner or designee or an ISA-Certified Arborist.

(6) The Commissioner or a designee determines that the removal of the tree is necessary to carry out construction in compliance with approved plans.

(c) A person, firm or corporation may appeal the decision whether to remove a tree under division (b) to the Commissioner within ten (10) business days of the date of the notice of the decision. The Commissioner shall have jurisdiction to affirm, reverse or modify the decision and shall do so within ten (10) days of the date of the appeal. A person aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.

(d) A tree that is removed shall be replaced with a tree of appropriate species as selected by the Commissioner or designee and in a location where it will grow to replace the removed tree without posing the risks for which the tree was removed. Instead of replacing a tree removed pursuant to this section, a developer may pay the City the value of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication. All funds collected pursuant to this division shall be deposited in the Tree Preservation Fund established under Chapter 509 of the Codified Ordinances.

## Section 341.053 Civil Penalties for Damaged Trees or Trees Removed Without Approval

(a) Any person, firm, or corporation required to submit a Tree Preservation Plan that damages a tree located in the development site, due to the failure to properly protect or maintain the tree during construction pursuant to Section 341.052, whether by negligence or otherwise, shall be charged one thousand dollars (\$1,000.00) per area of damage to the above ground portion of the tree. If the damage can be repaired or reduced following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time, the party responsible for the damage shall hire an ISA-Certified Arborist to repair or reduce the damage at the cost of the responsible party. If the damage to the tree is adequately repaired by the ISA-Certified Arborist, in the discretion of the Commissioner of ~~Urban Forestry Park Maintenance and Properties~~ ("Commissioner") or designee, the Commissioner may waive the civil fine.

(b) Any person, firm, or corporation required to submit a Tree Preservation Plan that harms a tree within the development site by failing to properly protect the

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roots in violation of Section 341.052 or division (e) of Section 352.05, such that an ISA-Certified Arborist believes the tree will fall or decline and die within two (2) calendar years of the date of completion of construction, shall be charged the full value of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

(c) Any person, firm or corporation required to submit a Tree Preservation Plan that removes any tree located in the development site in violation of Section 341.052, shall be charged a civil fine of one thousand dollars (\$1,000.00) for each tree removed in addition to the full cost of any removed tree based on the replacement cost of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

(d) The Commissioner or a designee shall have the authority to charge the civil fines set forth in this section. All civil fines and costs collected pursuant to this section shall be deposited in the Tree Preservation Fund established under Chapter 509 of the Codified Ordinances.

(e) A person, firm or corporation required to submit a Tree Preservation Plan that receives a civil fine under this section may appeal to the Commissioner within ten (10) business days of the date of the notice of the civil fine. The Commissioner shall have jurisdiction to affirm, reverse, or modify the decision and shall do so within ten (10) days of the date of the appeal. A person aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.

### Section 352.05 Requirements for All Landscaped Areas

(a) *Permitted Forms of Screening.* Screening required in item 2 of the table contained in Section 352.11 and the Screen Barrier required in the table contained in Section 352.10 may take the form of:

(1) A landscaped earthen berm;

(2) A concrete or masonry wall;

(3) A wood, wrought iron, tubular steel, or similar decorative fence as approved by the Director of the City Planning Commission as compatible with the character of the area in which the fence is to be placed;

(4) A compact hedge or other live evergreen vegetative barrier; or

(5) A combination thereof.

Fences and walls used to meet screening requirements shall display a finished face toward adjacent streets and properties.

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(b) *Types of Landscaping Materials.* As determined by the Commissioner of Park Maintenance and Properties, or the Commissioner of Urban Forestry, as appropriate, ("Commissioner") or a designee, or in accordance with standards promulgated by the appropriate Commissioner or designee, all varieties of living landscape materials used shall be:

- (1) Healthy, hardy, and drought-resistant consistent with the availability of water for artificial irrigation; and
- (2) Suitable for the climate and environmental influences on the site, such as exposure to sun, wind, water, heat, automobile exhaust fumes, and road salt; and
- (3) Compatible with the slope of the site, with existing vegetation to be preserved and with utility lines above or below ground level; and
- (4) Tree selection shall be based on recommended species in the Cleveland Tree Plan as it may be amended from time to time.

(c) *Ground Cover In Landscaped Strips.* Grass or other ground cover shall be planted over all landscaped strips including earthen faces of berms, except in areas planted in flowers, shrubs, or trees, so as to present a finished appearance and reasonably complete coverage within three (3) months after planting.

Non-living landscaping materials such as sand, stones, rocks, or barks may be substituted for living cover over a maximum of thirty percent (30%) of the landscaped area. No artificial plants or turf shall be used.

(d) *Preservation of Landscaping.*

(1) *Credit Toward Requirements.* The Director of Building and Housing, in consultation with the Commissioner of Park Maintenance or the Commissioner of Urban Forestry, as appropriate, or designee, shall credit healthy trees or shrubs existing on a site prior to development and proposed to be preserved toward the requirements of the table contained in Section 352.11.

Except as provided herein for bonus credits, each preserved tree or shrub meeting the applicable requirements of the table contained in Section 352.11 shall reduce by one (1) the number of new trees or shrubs required.

(2) *Bonus Credit for Larger Trees.* Larger preserved trees shall reduce the number of new trees required in the table contained in Section 352.11 as follows:

<u>Trunk Caliper of Existing Tree to be Preserved*</u>	<u>Reduction in Number of New Trees Required</u>
<u>8 - 16 inches</u>	<u>2 trees</u>

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<u>Over 16 inches</u>	<u>3 trees</u>
* Measured 4.5 feet above grade at base.	

(e) *Tree Protection During Construction.* An applicant may claim a credit for preservation of existing trees and shrubs under division (d) of this section, and shall certify that all trees and shrubs for which a credit is claimed are currently healthy. An applicant shall adhere to the requirements of this section with respect to all trees on the site, including the trees for which the credit is claimed.

(1) *Tree protection during construction, including bark and root protection, shall be according to *Best Management Standards and ANSI Standards for Arboriculture* as may be amended from time to time.*

(2) *Damage Mitigation.* Despite following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time, significant damage has been done to the roots, the tree may need to be removed based on the assessment by the Commissioner of Urban Forestry or a designee. In this case, the owner shall replace the tree with a tree or trees of equal or greater diameter that are approved by the Commissioner of Urban Forestry or a designee, or the owner shall make payment to the City's Tree Preservation Fund for the replacement cost of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

Tree limbs damaged during construction shall be addressed following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time.

(3) *Removal of Barriers.* Protective fences and barriers around trees shall be removed only as the final stage of post-construction cleanup.

(f) *Berming.* Berms used for screening shall be a minimum of two (2) feet high at all points. The interior face of a berm may be retained by a wall, terrace, or other means acceptable to the Director of Building and Housing in lieu of taking the form of an earthen slope.

All earthen berm faces on which ground cover is not yet completely established shall be protected from erosion by a mulch and/or an erosion control net.

Slopes for earthen faces shall not exceed thirty- three percent (33%) if covered with grass and fifty percent (50%) if covered with other vegetative cover.

(g) *Curbing.* All landscaped strips located in or abutting parking areas shall be separated on all sides from the parking surface by curbing consisting of concrete, stone, brick, asphalt, or other material approved by the Director of Building and Housing as having comparable appearance and durability. Curbing shall be in good condition upon installation.

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(h) *Other.* Other requirements shall be as specified in the table contained in Sections 352.11.

## Section 352.06 Installation and Maintenance

(a) *Assurance of Installation.* Before issuing any Certificate of Occupancy for any application to which the provisions of this chapter apply, the Director of Building and Housing shall determine that either:

(1) Landscaping and screening required in this chapter have been fully installed; or

(2) If seasonal or weather conditions or other factors preclude such installation at the time of application, that financial sureties have been submitted to guarantee installation within nine (9) months of the date of issuance of the certificate.

Financial sureties shall be in the form of a performance bond, letter of credit, cash or property escrow, or other form approved by the Director of Building and Housing. They shall be in the amount of one hundred ten percent (110%) of the estimated cost of the materials and their installation based on figures approved by the ~~Commissioner of Park Maintenance and Properties~~ ("Commissioner") Director of Parks and Recreation or a designee.

(b) *Installation Procedures.* All tree materials shall be installed in conformance with the most current procedures established by *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time. All other living landscaping materials shall be installed in conformance with the most current procedures established by the American Association of Nurserymen or its successor organization. A permanently-installed underground irrigation system shall be provided for a required landscape area if it is determined by the Commissioner of Urban Forestry or a designee that such irrigation is required for proper maintenance of the type of landscape materials proposed for installation.

(c) *Maintenance and Replacement.* The owner, occupant, tenant, and agent of each, if any, shall be jointly and severally responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required under this chapter so as to preserve at least the same quantity, quality, and screening effectiveness as initially installed.

A preserved existing tree that dies or is destroyed shall be replaced by:

(1) A replacement tree or trees of equal or greater diameter approved by the Commissioner of Urban Forestry or a designee;

(2) The trees recommended in the Cleveland Tree Plan as it may be amended from time to time; or

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(3) The owner may make payment into the City's Tree Preservation Fund for the replacement cost of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

All living and non-living landscaping, including fences, walls, and ornamental lighting, shall be maintained in a good condition at all times so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.

Any unhealthy or dead vegetation shall be replaced with healthy living plantings no later than the end of the next applicable planting season.

(d) *Removal.* Installed landscaping and screening may not be removed except temporarily for replacement or maintenance unless the zoning of an abutting parcel is changed to a district that does not require a Transition Strip or unless any other condition that mandates landscaping or screening hereunder no longer applies to the property."

### 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

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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 ~~131.07~~ 133.07 and a permit as provided in Section ~~131.07~~ 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.

(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;

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(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

(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



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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;

(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.

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(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, 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.

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## 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 509.14 Protecting Trees During Construction

(a) No person in charge of the erection, repair, alteration or removal of any building or structure within the City shall fail to properly preserve, maintain, and protect, pursuant to the general requirements of Section 341.052, public trees that are in the vicinity of the building or structure from damage that may be caused by or may be a result of the erection, repair, alteration or removal of the building or structure.

(b) No person in charge of the erection, repair, alteration or removal of any building or structure within the City shall remove any public tree in the vicinity of the building or structure without prior written approval of the Commissioner of Urban Forestry Park Maintenance and Properties or a designee and then only if one (1) or more of the situations under division (b) of Section 341.052 apply.

## Section 509.99 Penalty

(a) Any person, firm or corporation which violates Sections 509.01, 509.05, 509.09, or 509.11 shall be fined not more than one hundred dollars (\$100.00) for each offense.

(b) Any person, firm or corporation which violates Sections 509.03, 509.06, 509.08, 509.12 or 509.13 shall be fined not more than five hundred dollars (\$500.00) for each offense.

(c) Any person, firm or corporation which violates Sections 509.02, 509.04 or 509.10 shall be fined not more than one thousand dollars (\$1,000.00) for each offense.

## (d) Civil Penalties.

(1) Any person, firm, or corporation that fails to properly preserve, maintain, and protect a public tree during construction as required under division (a) of Section 509.14, shall be charged one thousand dollars (\$1,000.00) per area of damage to the

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roots or the above ground portion of the tree. If the damage can be repaired or reduced following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time, the party responsible for the damage shall hire an ISA-Certified Arborist to repair or reduce the damage at the cost of the responsible party. If the damage to the tree is adequately repaired by the ISA-Certified Arborist, in the discretion of the Commissioner of Urban Forestry ("Commissioner") or designee, the Commissioner may waive the civil fine.

(2) Any person, firm, or corporation that removes any public tree in violation of division (b) of Section 509.14 shall be charged a civil fine of one thousand dollars (\$1,000.00) for each tree removed in addition to the full cost of the removed tree based on the replacement cost of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

(3) The Commissioner of Park Maintenance and Properties ("Commissioner") or designee shall have the authority to charge the civil fines set forth in division (d) of this section. All civil fines collected pursuant to this division (d) shall be deposited in the Tree Preservation Fund.

(e) Every violation by the same person, firm or corporation of Sections 509.01 to 509.13 which continues on any day succeeding the first violation, constitutes an additional violation for each of such succeeding days.

(f) In addition to civil liability for the cost of any work performed by the Commissioner or designee, any person who fails to comply with an order of the Commissioner to trim, preserve or remove any dead or diseased tree, or branch or limb of the dead or diseased tree, dangerous to person or property or to prevent the spread of disease to trees upon public property or streets within the time specified in the order shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, or both.

(g) A person, firm or corporation that receives a civil fine under division (d) of this section may appeal to the Commissioner within ten (10) business days of the date of the notice of the civil fine. The Commissioner shall have jurisdiction to affirm, reverse, or modify the decision and shall do so within ten (10) days of the date of the appeal. A person aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.

### Section 510.04 General Public Right-of-Way Use Regulations

(a) Public Right-of-Way Route. A completed initial and annual registration of a Service Provider to Occupy or Use the Public Right-of-Way under Sections 510.02 and 510.03 shall apply to only the types of Facilities and locations along the Public Right-of-Way that were identified by the Service Provider in the registration form.

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(b) Nonexclusive Right to Occupy the Public Right-of-Way. Registration of a Service Provider granted under Sections 510.02 and 510.03 shall not confer any exclusive right, privilege, license or franchise to Occupy or Use the Public Right-of-Way of the City to operate a System for delivery of Services or any other purposes.

(c) Rights Permitted. Registration of a Service Provider under Sections 510.02 and 510.03 shall not convey any right, title or interest in the Public Right-of- Way.

(d) Maintenance of Facilities. Each Service Provider shall maintain its System and Facilities in good and safe condition and in a manner that complies with all applicable federal, State and local requirements.

(e) Safety Procedures. A Service Provider or other Person acting on its behalf shall use suitable barricades, flags, flaggers, lights, flares and other measures as necessary and under applicable State and local requirements for the safety of all members of the general public and to prevent injury or damage to any Person, vehicle or property by reason of the work in or affecting such Public Right-of-Way or property.

(f) Interference with the Public Rights-of-Way. No Service Provider may locate or maintain its Facilities so as to unreasonably interfere with the use of the Public Right-of-Way by the City, by the general public or by other Persons authorized to use or be present in or on the Public Right-of-Way. To the extent permitted by law, all Facilities shall be moved by the Service Provider, temporarily or permanently, as determined by the Director.

(g) Damage to Public and Private Property. No Service Provider nor any Person acting on the Service Provider's behalf shall take any action or permit any action to be done which may impair or damage any City Property, including trees, Public Right-of-Way, Other Ways or other public or private property located in, on or adjacent thereto.

(h) Restoration of Public Right-of-Way, Other Ways and City Property.

(1) When a Service Provider, or any Person acting on its behalf, does any work in or affecting any Public Right-of-Way, Other Ways or City Property, it shall, after the work is completed and at its own expense, promptly remove any obstructions and restore such ways or property, within ten (10) to sixty (60) days, at the Director's discretion, to as good a condition as existed before the work was undertaken, unless otherwise directed by the City.

(2) If weather or other conditions do not permit the complete restoration required by this section, the Service Provider shall temporarily restore the affected ways or property as directed by the Director, to the extent practical or feasible. Such temporary restoration shall be at the Service Provider's sole expense and the Service Provider shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent permanent restoration.

(i) Duty to Provide Information.

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(1) Within ten (10) days of a written request from the Director each Service Provider shall furnish the City with documentation sufficient to show that the Service Provider has complied with all requirements of this chapter.

(2) Within ten (10) days of a written request from the Director, each Service Provider shall make available for inspection by the City at reasonable times all books, records, maps and other documents, maintained by the Service Provider with respect to its Facilities in the Public Right-of-Way.

(3) A Service Provider operating under a tariff issued by the PUCO shall cooperate with the City upon request of the Director for assistance with the "design ticket" process of the Ohio Utility Protection Service.

(j) Assignments or Transfers. Registration to Occupy or Use the Public Right-of-Way may be, directly or indirectly, transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the Service Provider, by operation of law or otherwise, without consent of the City, so long as:

(1) The City is notified of the proposed transfer on or before the date of transfer or upon approval of any jurisdictional agency, including the PUCO; and

(2) The transferee shall fully comply with this chapter within sixty (60) days of the transfer, including, but not limited to, providing:

A. All information required by the Registration to Occupy or Use the Public Right-of-Way under Sections 510.02 and 510.03; and

B. Any other information reasonably required by the Director.

(k) Transactions Affecting Assignments or Transfers. Any transactions that singularly or collectively result in a change of twenty-five percent (25%) or more of the ownership or ultimate working control of a Service Provider, of the ownership or working control of the Service Provider's Facility, or of control of the capacity or bandwidth of the Service Provider's System, Facilities or substantial parts of the Facility shall be considered an assignment or transfer under division (j) of this section. Transactions between Affiliated entities are not exempt from division (j) of this section.

(l) Revocation of Registration. To the extent permitted by law, a Service Provider's registration to Occupy or Use the Public Right-of-Way of the City may be revoked for any one (1) of the following reasons:

(1) Construction, Reconstruction, installation, location, operation or Excavation at an unauthorized location;

(2) Construction, Reconstruction, installation, location, operation or Excavation in violation of City safety and/or Construction requirements;

(3) Material misrepresentation or lack of candor by or on behalf of a Service Provider in any permit application or registration required by the City;

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(4) Failure to relocate or remove Facilities, or failure to restore the Public Right-of-Way, as required by this chapter;

(5) Failure to pay fees, costs, taxes or compensation when and as due the City;

(6) Insolvency or bankruptcy of the Service Provider;

(7) Violation of material provisions of this chapter.

(m) Notice and Duty to Cure. In the event that the Director believes that grounds exist for revocation of a Service Provider's registration to Occupy or Use the Public Right-of-Way, the Director shall give the Service Provider written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the Service Provider a reasonable period of time not exceeding thirty (30) days to furnish evidence:

(1) That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;

(2) That rebuts the alleged violation or noncompliance; and/or

(3) That it would be in the public interest to impose some penalty or sanction less than revocation.

(n) It is within the Director's reasonable discretion to waive a portion or portions of this chapter where the requirements, in the Director's judgment, are not necessary or appropriate to protect the City's interests and the purposes and intent of this chapter.

(o) Record Drawings. Within sixty (60) days after completion of Construction, registered Service Providers shall furnish the City with the following information for Facilities Constructed for the Service Provider in detail acceptable to the Director based on consultation with the Service Provider:

(1) The location, size, depth, grade, and route of any Underground Facilities, including proximity to other existing Facilities within the area excavated for the Construction;

(2) The location, height and route of any Overhead Facilities, including pole attachments;

(3) The location and position of any Above Ground Facilities and evidence of an AGF Installation Permit issued under Section 510.06 for the Facilities.

Information supplied under division (o) of this section shall be submitted in an electronic format which is available to the Service Provider and acceptable to the Director, or, if an acceptable electronic format is not available, on paper.

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(p) Field Identification. Commencing on January 1, 2008, Service Providers shall field identify in a readily available location by means of a mark or tag in a manner, form and at such time as is acceptable to the Director in accordance with national and state standards and regulations, all new or replacement Facilities constructed or installed at the surface of the Public Right-of-Way and, in conjunction with Public Right-of-Way improvements constructed by the City, all existing Facilities owned by a Service Provider and located on the surface of the portion of the Public Right-of-Way to be improved by the City.

(q) Restoration of Improvements. On completion of any Construction work, registered Service Providers shall promptly repair any and all Public Rights-of-Way and provide property improvements, fixtures, structures and Facilities which were damaged during the course of Construction, restoring the same as nearly as practicable to its condition before the start of Construction.

(r) Trees in Public Right-of-Way; Cost of Replacement.

(1) In performing any Construction work that may impact trees with roots, trunk or branches within the Public Right-of-Way, the Service Provider shall follow Best Management Standards and ANSI Standards for Arboriculture as may be amended from time to time.

(2) When tree roots must be affected by any Construction work within the Public Right-of-Way, the Service Provider shall submit specifications with the permit or construction plans and shall follow guidelines in Best Management Standards and ANSI Standards for Arboriculture as may be amended from time to time. The Commissioner of Park Maintenance and Properties Urban Forestry ("Commissioner") or a designee shall review and approve the specifications prior to commencement of Construction work.

(3) A Service Provider that damages a tree located in Public Right-of-Way, due to the failure to properly protect or maintain the tree during Construction as required under division (r)(1), whether by negligence or otherwise, shall be charged one thousand dollars (\$1,000.00) per area of damage to the roots or the above ground portion of the tree. If the damage can be repaired or reduced following Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, the Service Provider shall hire an ISA-Certified Arborist to repair or reduce the damage at the Service Provider's cost. If the damage to the tree is adequately repaired by the ISA-Certified Arborist, in the discretion of the Commissioner or designee, the Commissioner may waive the civil fine. The civil fines shall be deposited into the City's Tree Preservation Fund.

(4) Trees within the Public Right-of-Way may not be removed without prior consultation with the Commissioner or a designee. Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, shall be utilized when removing trees from the Public Right-of-Way. Compensation for trees removed in connection with Construction work performed by a Service Provider, based upon the replacement cost of the tree as



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established using the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication, shall be paid to the City's Tree Preservation Fund prior to completion of Construction work. A Service Provider shall not be required to compensate the City for trees removed at the City's request.

(5) The Commissioner or designee shall have the authority to charge the civil fines and replacement costs as set forth in this division. Civil fines under this section may be appealed to the Commissioner within ten (10) business days of the date of the notice of the civil fine. The Commissioner shall have jurisdiction to affirm, reverse or modify the decision and shall do so within ten (10) days of the date of the appeal. A Service Provider aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.

(s) Landscape Restoration.

(1) All trees, landscaping and grounds removed, damaged or disturbed as a result of the Construction, Reconstruction, installation, maintenance, repair, replacement, or removal of Facilities must be replaced or restored as nearly as may be practicable, to the condition existing prior to performance of work as determined by the Commissioner or a designee, except to the extent that tree trimming is necessary to prevent the interference of tree branches with Overhead Facilities. Except in the case of emergency, trees within the Public Right-of-Way shall not be pruned without prior notice to the Commissioner or a designee. Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, shall be utilized when pruning trees in the Public Right-of-Way. Any Service Provider that fails to prune a tree using Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, such that the tree is damaged, as determined by the Commissioner or designee, shall be fined the full replacement cost of the tree as established using the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication, which shall be paid to the City's Tree Preservation Fund. If trees are damaged during Construction, Reconstruction, installation, maintenance, repair, replacement, or removal of Facilities, such that an ISA-Certified Arborist determines that the tree will fall or decline and die as a result of the damage, the Service Provider shall pay compensation to the City's Tree Preservation Fund based upon the replacement cost of the tree as established using the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication. If, in the opinion of the Commissioner or a designee, any trees cannot be replaced or restored in the same location, then either: (A) an equal number of trees, the type(s) of which shall be approved by the Commissioner or a designee, shall be planted in the Public Right-of-Way at a location or locations determined by the Commissioner or a designee; or (B) the Service Provider shall pay to the City's Tree Preservation Fund the replacement cost based on the Trunk Formula Method outlined in The

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Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication, for an equal number of trees. The Commissioner or designee shall have the authority to charge the replacement cost as set forth in this division.

(2) All restoration work within the Public Right-of-Way shall be done under landscape plans approved by the Director.

(t) Responsibility of Owner. The owner of the Facilities to be Constructed, Reconstructed, installed, located, operated, maintained or repaired and, if different, the Service Provider, are responsible for performance of and compliance with all provisions of this section."

## 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.

## 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

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## AS AMENDED

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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.

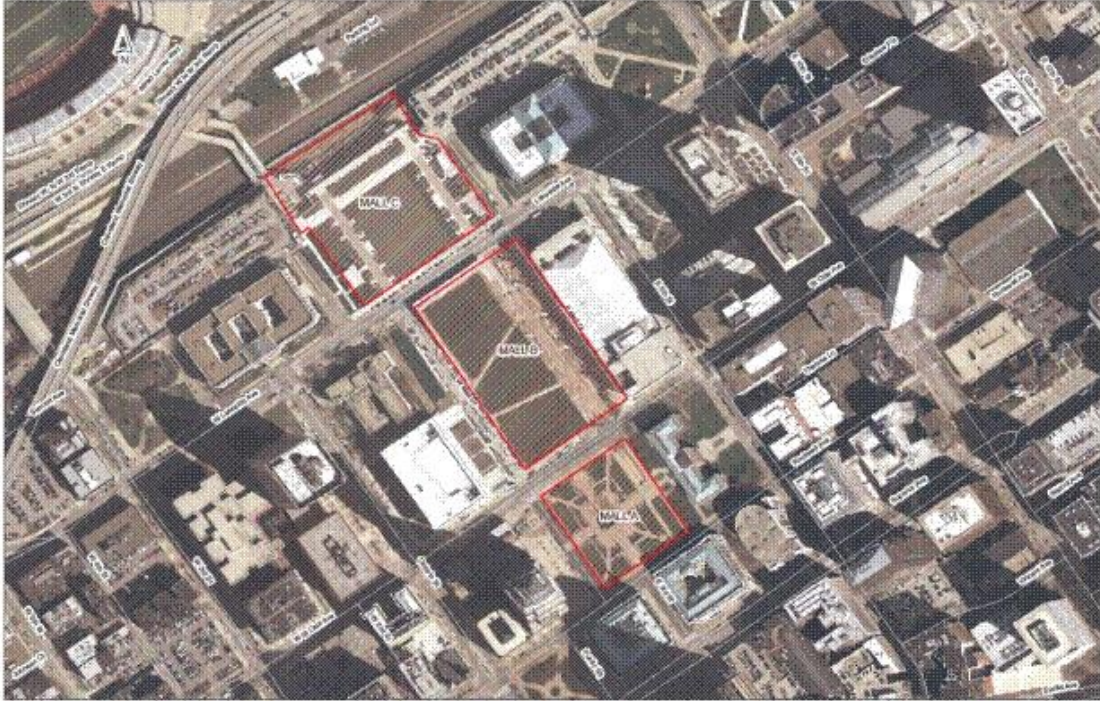
For the purpose of this section, the Mall area includes these areas specifically designated as Memorial Plaza (Mall A), Mall B, including the Leonard C. Hanna, Jr. Plaza and Mall C. It excludes therefrom all dedicated streets.

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

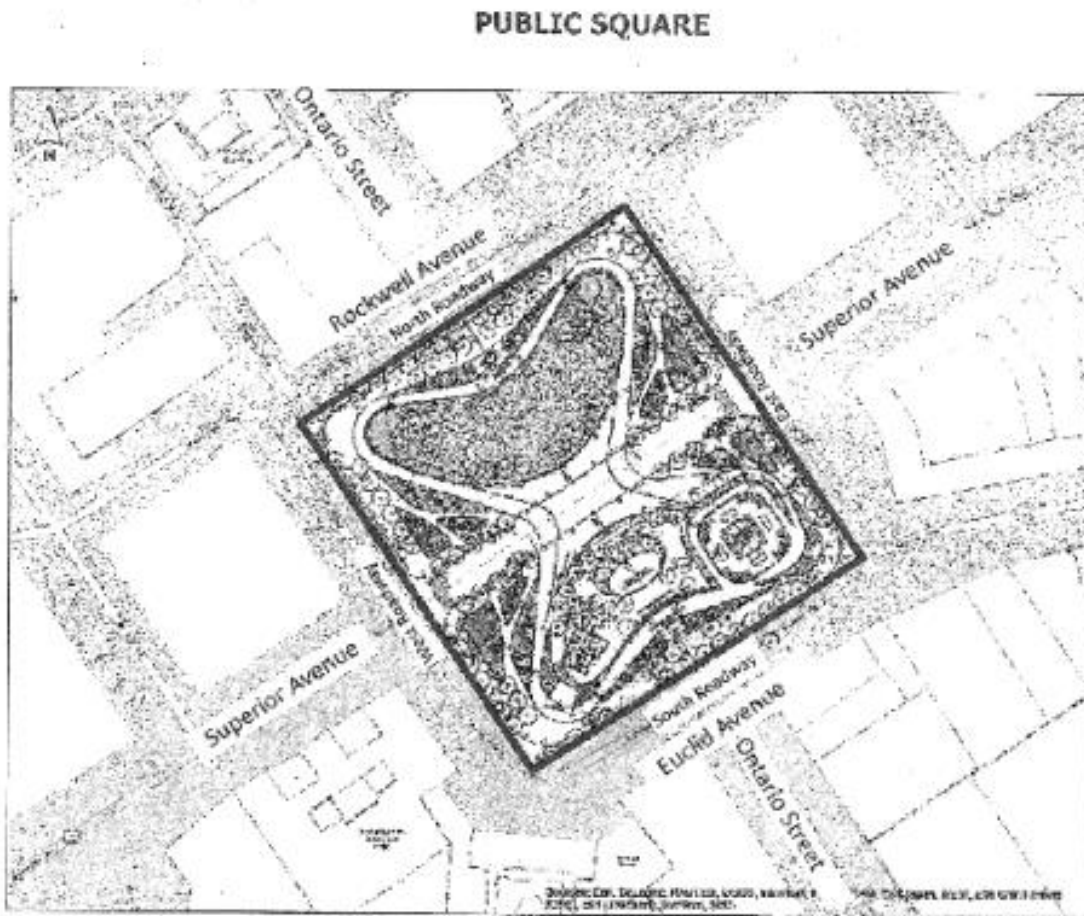
No unauthorized person shall remain on or in any portion of the area known as the Public Square area between the hours of 12:00 a.m. to 5:00 a.m. Persons may be authorized to remain in Public Square by obtaining a permit from the Director of Public Works Parks and Recreation.

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

# Ordinance No. 521-2024 AS AMENDED

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.

(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 161.05, as amended by Ordinance No. 1121-18, passed December 3, 2018,";

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

"Sections 341.05, 341.051, 341.052, 341.053, 352.05 and 352.06, as amended or enacted by Ordinance No. 1121-18, passed December 3, 2018,";

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

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

“Sections 509.14, 509.99, and 510.04, as amended by Ordinance No. 1121-18, passed December 3, 2018,”.

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.

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 Urban Forestry, 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.



# Ordinance No. 521-2024 AS AMENDED

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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 AS AMENDED**

**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** **REPORTS**

and referred to \_\_\_\_\_

by the council \_\_\_\_\_

**CITY CLERK**

**READ SECOND TIME**

by the council \_\_\_\_\_

**CITY CLERK**

**READ THIRD TIME**

by the council \_\_\_\_\_

**PRESIDENT**

**CITY CLERK**

**APPROVED**

**MAYOR**

Recorded Vol. \_\_\_\_\_ Page \_\_\_\_\_

Published in the City Record \_\_\_\_\_