

Ordinance No. 523-2020

By Council Members McCormack,
Brancatelli, Zone and B. Jones

AN EMERGENCY ORDINANCE

To amend Sections 131.06, Duties of Special Events Manager, of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1516-11, passed December 5, 2011, and Section 131.07 Special Event Permits, as amended by Ordinance No. 164-18, passed March 5, 2018, ~~and 131.30, Duties of Commissioner of Recreation, as amended by Ordinance No. 1330-A-10, passed December 6, 2010~~, to eliminate the administrative requirement to hire police officers for block parties and small neighborhood-based community events.

WHEREAS, block party permit applicants are required to hire two police officers in order for their Permit to Conduct Recreational Activity upon a Street to be granted by the Commissioner of Recreation; and

WHEREAS, for similar small neighborhood-based community events, even those that do not sell food or host vendors, organizers are required to provide a minimum number of law enforcement and security professionals, as determined by the Division of Police, as part of the Special Events Permit application submitted to the Manager of Special Events; and

WHEREAS, these requirements create barriers for block party organizers to find and hire police officers, and add burdensome expenses for neighborhood groups trying to foster community connection; and

WHEREAS, requirements to hire police officers at neighborhood-based block parties and small community events conflict with wide-spread concerns about over-policing neighborhood gatherings;

WHEREAS, local and Ohio cities of Cleveland Heights, Lakewood, Cincinnati, Columbus, Dayton and Toledo do not require permit applicants to hire police officers for neighborhood block parties; and

WHEREAS, for these reasons, this Council desires to eliminate the administrative requirement for permit applicants to hire police officers for block parties and similar small neighborhood-based community events; and

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:

Ordinance No. 523-2020

Section 1. That Sections 131.06, Duties of Special Event Manager, of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1516-11, passed December 5, 2011, and Section 131.07, Special Event Permits, as amended by Ordinance No. 164-18, passed March 5, 2018, and 131.30, as amended by Ordinance No. 1330-A-10, passed December 6, 2010, are amended to read as follows:
164-18, passed March 5, 2018, are amended to read as follows:

Section 131.06 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 clean up, ~~except no hiring of police officers or private security personnel shall be required for any block party or any small neighborhood-based community event, with anticipated attendees up to 100 persons at one time, that does not sell food or hire vendors; and~~ 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.

Ordinance No. 523-2020

Section 131.07 Special Event Permits

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

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

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

(a) The Director may establish rules and regulations for the use of public property under his or her control. Such rules and regulations shall become effective ten (10) days after publication in the City Record and shall be enforced as ordinances of the City. The Director of Public Works 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, with up to 100 anticipated attendees at one time, that does not sell food or hire vendors.
community event when the anticipated attendees will not exceed 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 131.08.

(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:

Ordinance No. 523-2020

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

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

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

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

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

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

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

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

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

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

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

~~Section 131.30 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 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 131.06 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 131.06 and 131.07, except no hiring of police officers or private security personnel shall be required for block party permit applicants for a Permit to Conduct Recreational Activity on the Street. 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.~~

Ordinance No. 523-2020

Section 2. That existing Codified Ordinance Sections 131.06, Duties of Special Event Manager, as amended by Ordinance No. 1516-11, passed December 5, 2011, and Section 131.07, Special Event Permits, as amended by Ordinance No. 164-18, passed March 5, 2018, ~~and Section 131.30, as amended by Ordinance No. 1330-A-10, passed December 6, 2010, are repealed.~~

2018, are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

jho

7-1-2020

FOR: Councilmembers McCormack, Brancatelli, Zone

Ord. No. 523-2020

REPORT after second Reading

By Council Members McCormack, Brancatelli, Zone and B. Jones

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READ FIRST TIME on JULY 1, 2020

REPORTS

and referred to DIRECTORS of Public Works, Public Safety, City Planning Commission, Finance, Law; COMMITTEES on Municipal Services and Properties, Safety, Development Planning and Sustainability, Finance

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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COMMITTEE ON
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AND PROPERTIES**

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SUSTAINABILITY**

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