

Ordinance No. 991-2024

By Council Member McCormack

AN EMERGENCY ORDINANCE

To amend Section 514.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 243-11, passed May 9, 2011, and Sections 514.01, 514.02, and 514.07, enacted by Ordinance No. 884-10, passed August 18, 2010, relating to temporary occupancy permits for streetscape amenities in the public right-of-way and fees for bicycle rack permits.

WHEREAS, Chapter 514 of the Codified Ordinances of Cleveland, Ohio 1976, provides permit requirements and regulations for issuance of temporary public right-of-way occupancy permits for streetscape amenities, including bicycle racks;

WHEREAS, this Council and the City of Cleveland is striving to promote high level of bicycle use for transportation and recreations through the passage of the Complete and Green Streets Ordinance No 370-2022, passed June 6, 2022; and

WHEREAS, the City has adopted a Climate Action Plan that includes goals to increase bicycle ridership and improve safety; and

WHEREAS, the City wants to encourage more Clevelanders to ride bikes and businesses to provide bicycle racks for their use;

WHEREAS, in furtherance of these purposes, this Council wants to prospectively exempt from permit application and renewal fees the placement of only bicycle racks;

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

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

Section 1. That Section 514.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 243-11, passed May 9, 2011, and Sections 514.01, 514.02 and 514.07, as enacted by Ordinance No. 884-10, passed August 18, 2010, are amended to read as follows:

Section 514.04 Permit Fee, Issuance and Duration

(a) An application for a permit shall be accompanied by a fee of one hundred and fifty dollars (\$150.00), plus ten dollars (\$10.00) for each individual amenity for which a permit is desired.

(b) On approval of the application by the Director of Capital Projects, the Director of the City Planning Commission, the Secretary of the Landmarks Commission, and any other Director that the Director of Capital Projects deems applicable, and in compliance with the Council notification provision described below, the Director of Capital Projects shall issue a permit under this chapter.

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(c) No permit shall be issued until the members of Council of the wards affected have been provided with written notice by the Director of Capital Projects and until the expiration of thirty (30) days from the date of this notice, unless the period of thirty (30) days is expressly waived by the Council members in writing.

(d) Permits shall be valid for not more than a twelve (12) month period. No permit shall extend beyond March 31st of any year. Permits may be renewed, on a form provided by the Director, provided all the requirements of this chapter are met, and no changes have been made from the previous approved application. The permit renewal fee shall be one hundred dollars (\$100.00), plus ten dollars (\$10.00) for each individual amenity. If there are changes to the application, a new application must be made under this application and the appropriate permit fee shall accompany the application.

(e) No permit application fee or renewal fee shall be required under the provisions of this Section for placement of only bicycle racks.

Section 514.01 Definitions

When used in this chapter, the following words shall have the following meanings:

(a) “Director” means the Director of Capital Projects ~~Public Service~~, or the Director’s designee.

(b) “Permit” means a temporary public right-of-way occupancy permit authorized under this chapter.

(c) “Permittee” means the person authorized to occupy an area of the public right-of-way.

(d) “Right-of-way” means any sidewalk, court, alley, street or other area dedicated or otherwise designated for public use and held by the City.

(e) “Streetscape amenities” means any item placed within the public right-of-way, including but not limited to: banners, benches, planters, public art, directional signs, bicycle racks, trash containers, railings, decorative fencing, curbing, pavers, planting beds, planting bed irrigation, hanging baskets, special district signage, and seasonal decorations.

(f) “Unobstructed walk” means a clear, continuous paved surface free of tree grates, elevator grates and all vertical obstructions.

Section 514.02 Temporary Public Right-of-Way Occupancy Permits

Notwithstanding any codified ordinance to the contrary, the Director of Capital Projects ~~Public Service~~ is authorized to issue temporary public right-of-way occupancy permits revocable at the will of Council authorizing the placement of various streetscape amenities at permitted locations on sidewalks, courts, alleys, streets or other public rights-of-way in the City, subject to the provisions of this chapter. A separate encroachment permit for such items shall not be required.

No owner or operator of a business establishment shall occupy any portion of a public sidewalk, court, alley, street or other public right-of-way with streetscape amenities without first obtaining a permit under this chapter. Any business owner or operator occupying any portion of a public sidewalk, court, alley, street or other public right-of-way without a permit as required by this chapter shall be subject to the fines and penalties set forth in this chapter.

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Section 514.07 Requirements and Conditions of Permit

- (a) Permittees and their agents shall comply with all of the requirements of this chapter and any applicable state law, while engaged in business at permitted locations.
- (b) Permittees and their agents shall be responsible for maintaining all amenities and associated equipment in good repair, free of corrosion and in a safe, sound, and nonhazardous condition.
- (c) Permittees and their agents shall be responsible for keeping the general area around the permitted location free of litter. Permittees and their agents shall maintain at least six (6) feet of unobstructed walk as required by the Director of Capital Projects Public Service, which shall be free of snow at all times, as required by Section 507.13.
- (d) No permit shall be transferable in any manner.
- (e) A permit is valid only when used at the location designated in the permit.

Section 2. That existing Section 514.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 243-11, passed May 9, 2011, and Sections 514.01, 514.02 and 514.07, as enacted by Ordinance No. 884-10, passed August 18, 2010, 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
9/16/2024
For: Councilmember McCormack

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READ FIRST TIME on SEPTEMBER 16, 2024

**and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Transportation and Mobility,
Finance Diversity Equity and Inclusion**

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

REPORT after Second Reading

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

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**TRANSPORTATION and
MOBILITY**

FILED WITH COMMITTEE

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

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