

Ordinance No. 1028-18

AN EMERGENCY ORDINANCE

To authorize the Mayor to enter into one or more agreements with a local organizing committee and/or sponsor for the 2019 Major League Baseball All-Star Game and other major events; and to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 697A.01 to ~~679A.05~~ 697A.04 and 697A.99 relating to major qualifying events.

FOR FINANCE COMMITTEE PURPOSES ONLY

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 the Mayor is authorized to enter into one or more agreements with a local organizing committee and/or sponsor for the 2019 Major League Baseball All-Star Game, and for these following events if they occur within three (3) years from the passage of this ordinance:

National Football League Draft;
National Basketball Association All-Star Game;
NCAA Women's Final Four;
USA Triathlon National Championship

Section 2. (a) That the agreement or agreements shall include one or more of the following provisions notwithstanding any ordinance provision to the contrary:

(1) That City-owned facilities, including Public Hall, the public areas of City Hall, Malls A, B and C, the City-owned lakefront parking lots, Public Square, and the North Coast Marina, may be made available as needed as a venue for official activities associated with the event, as an in-kind contribution on terms acceptable to the Director of Public Works or such other director having management responsibility for the facility;

(2) That the City will expedite the review and approval process for all licenses, permits, approvals, reviews, variances and inspections required by the laws of the City as needed for the event and related activities;

(3) That the City will provide security, traffic control and related protective services as required by the event security and traffic plan;

(4) That the City will cooperate with the implementation of a comprehensive technology and telecommunications services plan for the event and provide access as determined appropriate by the directors of the affected departments;

(5) That the City may issue the necessary permits required for the hanging or display of banners and other signage related to event on City rights-of-way and City-owned property and expedite the review and permit approval process for a comprehensive general signage plan for the temporary display of signage in support of the event within the Central Business District, Hopkins Airport and the major routes into the City, in accordance with a plan proposed by

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the local organizing committee and/or sponsor of the event and approved by the directors of the affected departments;

(6) That the local organizing committee and/or the sponsor of the event agrees to secure all necessary permits and consents and pay the City's standard permitting fees as required for the event and related activities;

(7) That the local organizing committee and/or the sponsor of the event agrees to reimburse the City for reasonable, anticipated costs unrelated to the provision of the City's standard municipal services and not covered by grants, gifts or other sources of funds accepted in support of the City's hosting the event;

(8) That the local organizing committee and/or the sponsor of the event shall comply with all applicable laws governing the reporting and remitting of taxes to the City; and

(9) That the City will work in partnership with the local organizing committee and/or the sponsor of the event in all of its activities related to the event and related activities.

(b) Notwithstanding any Code provisions or ordinances to the contrary, the Director of Port Control is authorized to enter into one or more agreements with the local organizing committee and/or sponsor for the use of airport and lakefront property under the Director's management, including the Burke Lakefront Airport parking areas, as needed for the event related activities on terms acceptable to the director.

(c) The Director of Public Utilities is authorized to enter into one or more agreements with the local organizing committee and/or sponsor to provide utility services during the event and related activities in accordance with the standard terms and conditions of the City's utilities.

(d) The Directors of Public Works, Public Safety, Building and Housing, Capital Projects, and Finance as applicable to the duties of their respective departments, are authorized to apply for and accept any gifts or grants from public or private entities for the purpose of effectuating the City's responsibilities related to the hosting of the event. The appropriate director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance, and upon acceptance of the funds by the appropriate director, they shall be appropriated for the purposes set forth in this ordinance.

(e) The Directors of Public Works, Public Safety, Building and Housing, and Capital Projects, as applicable to the duties of their respective departments, are authorized to enter into one or more agreements with the State of Ohio, the Greater Cleveland Regional Transit Authority, Cuyahoga County, the Gateway Development Corporation, the Cleveland-Cuyahoga County Port Authority, and any other entity involved in the event as needed to effectuate the purposes of this ordinance.

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(f) Any agreements authorized by this ordinance shall be approved by the Director of Law and contain such terms and conditions as necessary to protect the public interest consistent with the purposes of this ordinance.

(g) The cost of any expenditures incurred under this ordinance, including the cost of all contracts, shall be paid from the fund or funds to which are credited any grant funds or gifts received under this ordinance, and from any other funds that are appropriated for this purpose as determined by the Director of Finance.

Section 4 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 697A.01 to ~~697A.05~~ 697A.04 and 697A.99 to read as follows:

**CHAPTER 697A
MAJOR QUALIFYING EVENTS**

Section 697A.01 Definitions

As used in this chapter, the following words, phrases and terms have the following meaning:

(a) “Local Organizing Committee” means an organization located in the Greater Cleveland area and responsible for performing and providing support, hospitality and local organizing functions in connection with the Major Qualifying Event.

~~————(b)——“Major Qualifying Event” means an event that meets all of the following conditions:~~

~~(1)——The event will be hosted by the City in conjunction with the Local Organizing Committee or Sponsor;~~

~~(2)——The event itself and a majority of the related activities for the event will occur within the City of Cleveland;~~

~~(3)——The event is expected to attract not less than five thousand (5,000) participants or attendees to the event and related activities; and~~

~~(4)——The event is scheduled to have duration of two (2) or more days.~~

(b) “Major Qualifying Event” means an event for which the City has entered into an agreement, authorized by Council, to host the event in conjunction with the Local Organizing Committee or Sponsor.

(c) “Major Qualifying Event Security and Traffic Plan” means the plan developed and implemented by the Director of Public Safety under ~~division (a) of Section 697A.04~~ this chapter.

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(d) "Sponsor" means the organization responsible for conducting the Major Qualifying Event.

~~Section 697A.02 — Section Major Qualifying Event Agreements and Grants~~

~~(a) The Mayor is authorized to enter into one or more agreements with the Local Organizing Committee and/or Sponsor of the Major Qualifying Event, which shall include one or more of the following provisions notwithstanding any ordinance provision to the contrary:~~

~~(1) That City-owned facilities, including Public Hall, the public areas of City Hall, Malls A, B & C, the City-owned lakefront parking lots, Public Square, and the North Coast Marina, may be made available as needed as a venue for official activities associated with the Major Qualifying Event, as an in-kind contribution on terms acceptable to the Director of Public Works or such other director having management responsibility for the facility;~~

~~(2) That the City will expedite the review and approval process for all licenses, permits, approvals, reviews, variances and inspections required by the laws of the City as needed for the Major Qualifying Event and related activities;~~

~~(3) That the City will provide security, traffic control and related protective services as required by the Major Qualifying Event Security and Traffic Plan;~~

~~(4) That the City will cooperate with the implementation of a comprehensive technology and telecommunications services plan for the Major Qualifying Event and provide access as determined appropriate by the Directors of the affected departments;~~

~~(5) That the City may issue the necessary permits required for the hanging or display of banners and other signage related to Major Qualifying Event on City rights-of-way and City-owned property and expedite the review and permit approval process for a comprehensive general signage plan for the temporary display of signage in support of the Major Qualifying Event within the Central Business District, Hopkins Airport and the major routes into the City, in accordance with a plan proposed by the Local Organizing Committee or Sponsor of the Major Qualifying Event and approved by the Directors of the affected departments;~~

~~(6) That the Local Organizing Committee or the Sponsor of the Major Qualifying Event agrees to secure all necessary permits and consents and pay the City's standard permitting fees as required for the Major Qualifying Event and related activities;~~

~~(7) That the Local Organizing Committee or the Sponsor of the Major Qualifying Event agrees to reimburse the City for reasonable, anticipated costs unrelated to the provision of the City's standard municipal services and not~~

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~~covered by grants, gifts or other sources of funds accepted in support of the City's hosting the Major Qualifying Event; and~~

~~————(8)—— That the City will work in partnership with the Local Organizing Committee and the Sponsor of the Major Qualifying Event in all of its activities related to the Major Qualifying Event and related activities.~~

~~————(b)—— Notwithstanding any Code provisions or ordinances to the contrary, the Director of Port Control is authorized to enter into one or more agreements with the Local Organizing Committee or Sponsor for the use of airport and lakefront property under the Director's management, including the Burke Lakefront Airport parking areas, as needed for Major Qualifying Event related activities on terms acceptable to the Director.~~

~~————(c)—— The Director of Public Utilities is authorized to enter into one or more agreements with the Local Organizing Committee and/or Sponsor to provide utility services during the Major Qualifying Event and related activities in accordance with the standard terms and conditions of the City's utilities.~~

~~————(d)—— The Directors of Public Works, Public Safety, Building and Housing, Capital Projects, and Finance as applicable to the duties of their respective departments, are authorized to apply for and accept any gifts or grants from public or private entities for the purpose of effectuating the City's responsibilities related to the hosting of the Major Qualifying Event. The appropriate director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance, and upon acceptance of the funds by the appropriate director, they shall be appropriated for the purposes set forth in this ordinance.~~

~~————(e)—— The Directors of Public Works, Public Safety, Building and Housing, and Capital Projects, as applicable to the duties of their respective departments, are authorized to enter into one or more agreements with the State of Ohio, the Greater Cleveland Regional Transit Authority, Cuyahoga County, the Gateway Development Corporation, the Cleveland-Cuyahoga County Port Authority, and any other entity involved in the Major Qualifying Event as needed to effectuate the purposes of this chapter.~~

~~————(f)—— Any agreements authorized by this section shall be approved by the Director of Law and contain such terms and conditions as necessary to protect the public interest consistent with the purposes of this chapter.~~

~~————(g)—— The cost of any expenditures incurred under this chapter, including the cost of all contracts, shall be paid from the fund or funds to which are credited any grant funds or gifts received under this ordinance, and from any other funds that are appropriated for this purpose as determined by the Director of Finance.~~

Section ~~697A.03~~ 697A.02 Major Qualifying Event Permits

(a) Notwithstanding any Code provision or ordinance to the contrary, the Directors of Public Works, Public Safety, Building and Housing, and ~~Capital Projects~~

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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 ~~Finance~~ Public Works or the Director's designee.

Section ~~697A.04~~ 697A.03 Major Qualifying Event Security and Traffic Plan

(a) Notwithstanding any Code provision or ordinance to the contrary, the Director of Public Safety is authorized to develop and implement a security and traffic control plan during the Major Qualifying Event in consultation with Local Organizing Committee and the Sponsor, including the development and implementation of a traffic plan that involves the closing of streets and rerouting of traffic to accommodate the increased traffic, buses and vehicles related to the event, and designation of passenger pick-up and drop-off areas during the event.

(b) As part of the Major Qualifying Event Security and Traffic Plan and notwithstanding any Code provision or ordinance to the contrary, the Director of Public Safety may promulgate regulations to be approved by the Board of Control that place reasonable time, place and manner restrictions on the use of the public rights-of-way and public property during the Major Qualifying Event, to allow appropriate access and operation of affected businesses and/or to protect public safety, person, property, and to accommodate the interests of person participating in the Major Qualifying Event and persons not participating in the Major Qualifying Event. The regulations may include the issuance of public gathering permits, demonstration permits, temporary use permits, parade permits, and business access permits during the Major Qualifying Event, may exclude public assemblies in certain areas defined in the regulations and as required by the Major Qualifying Event Security and Traffic Plan, and may prohibit materials and objects defined in the regulations in certain areas of the city around the Major Qualifying Event and related venues.

Section ~~697A.05~~ 697A.04 Major Qualifying Event Vending and Peddling Plan

(a) Notwithstanding any Code provisions or ordinances to the contrary, the Director of Capital Projects and/or the Commissioner of Assessments and Licenses, as

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appropriate to their respective duties, are authorized to promulgate and implement a vending and peddling plan during the Major Qualifying Event.

(b) As part of the Major Qualifying Event Vending and Peddling Plan and notwithstanding any Code provision or ordinance to the contrary, the Director of Capital Projects and/or the Commissioner of Assessments and Licenses, as appropriate to their respective duties, may promulgate regulations to be approved by the Board of Control that place reasonable restrictions on the sale of goods, wares and merchandise on public rights-of-way and public property during the Major Qualifying Event in areas identified in the regulations. The regulations may include the issuance of special vending permits, may limit the size of vendor signage in areas identified in the regulations, prohibit the sale of goods, wares or merchandise containing counterfeit trademarks, and may prohibit the distribution of free samples of commercial goods, ware, or merchandise in areas identified in the regulations.

Section 697A.99 Prohibitions and Penalties

(a) No person shall do any of the following:

(1) Fail to comply with the regulations promulgated under division (b) of Section ~~697A.04~~ 697A.03;

(2) Have in his or her possession any prohibited item identified in the regulations promulgated under division (b) of Section ~~697A.04~~ 697A.03 in any area identified in the regulations; or

(3) Sell, offer for sale, or distribute items in violation of the regulations promulgated under division (b) of Section ~~697A.05~~ 697A.04 in any area identified in the regulations.

~~(b) —Whoever violates any of the prohibitions in division (a) of this section is guilty of a misdemeanor of the first degree.~~

(b) (1) Whoever violates any of the prohibitions of division (a)(1) and (a)(2) of this section is guilty of a misdemeanor of the first degree.

(2) Except as provided in division (b)(3), whoever violates any prohibition of division (a)(3) is guilty of a minor misdemeanor. If the offender persists after reasonable warning or request to desist, a violation of division (a)(3) is a misdemeanor of the third degree.

(3) Whoever engages in the sale of goods, wares or merchandise containing counterfeit trademarks as prohibited under division (a)(3) of this section is guilty of a misdemeanor of the first degree.

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Section 2. 4. 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.

RFH:RC:nl
8-15-18

FOR: Director Langhenry

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REPORT
after second Reading

Mr.

AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 697A.01 to 697A.05 and 697A.99 relating to major qualifying events.

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

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