

Ordinance No. 210-11.

Council Member Cimperman

AN EMERGENCY ORDINANCE

To amend various sections of Chapters 241, 508, and 675 of the codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances relating to vendors; to supplement the codified ordinances by enacting new Sections 241.051, 241.36, 241.37, and 241.38, relating to mobile food shops; and to rename Chapter 675 to "Street Vendors."

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 following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 241.01, 241.02, and 241.03, as enacted by Ordinance No. 2163-01, passed May 20, 2002,

Section 241.05, as amended by Ordinance No. 2303-04, passed January 24, 2005,

Sections 241.06, 241.07, 241.32, and 241.99, as enacted by Ordinance No. 2163-01, passed May 20, 2002

Sections 508.01, 508.03, 508.05, and 508.07, as enacted by Ordinance No. 1611-83, passed June 27, 1983,

Section 508.08, as amended by Ordinance No. 1428-92, passed July 22, 1992,

Section 508.09, as enacted by Ordinance No. 1611-83, passed June 27, 1983,

Section 675.01, as amended by Ordinance No. 1158-09, passed October 5, 2009,

Section 675.02, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Section 675.03, as amended by Ordinance No. 1428-92, passed July 22, 1992,

Section 675.04, as amended by Ordinance No. 1158-09, passed October 5, 2009,

Section 675.041, as enacted by Ordinance No. 1612-83, passed June 27, 1983,

Sections 675.05, 675.06, 675.07, and 675.08, as amended by Ordinance No. 2393-02, passed February 3, 2003,

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Section 675.09, as amended by Ordinance No. 1203-10, passed November 29, 2010,

Section 675.10, as amended by Ordinance No. 1670-92, passed August 19, 1992, and

Section 675.99, as amended by Ordinance No. 137-A-91, passed June 17, 1991

are amended to read as follows:

Section 241.01 Rules and Regulations

The Directors of Public Health and Capital Projects are authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this chapter. Such rules and regulations upon adoption, shall be published in the City Record for two consecutive weeks and shall be in effect on and after fifteen days from the second publication therein. Such rules and regulations shall have the force and effect of this chapter and continue in effect until revoked by the respective Director or by ordinance of Council.

Section 241.02 Enforcement and Inspection

The Commissioner of Environment, and/or authorized employees who are registered sanitarians or sanitarians-in-training are charged with the enforcement of this chapter. Any such person shall have the right to enter and inspect any place where the business of food is engaged in. No person shall refuse or hinder inspection, or fail to answer all reasonable questions relative to handling food or fail to furnish upon request any records deemed necessary for the enforcement of this chapter. If the Commissioner and/or authorized employees find, or have cause to believe, that within a retail food establishment or food service operation in their jurisdiction food is adulterated, or so misbranded as to be dangerous or fraudulent, said food may be embargoed in accordance with OAC 901:3-4-15 and may be taken for examination, free of charge. Whenever the Commissioner and/or authorized employees find in any food shop, any meat, seafood, poultry, vegetable, fruit, or other perishable foods that are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the foods are declared to be a nuisance, and shall forthwith be condemned or destroyed, or in any other manner rendering the items unsalable as human food. The Director Capital Projects shall have concurrent authority to enforce the provisions of this chapter not specifically delegated to the Director of Public Health or Commissioner of Environment.

Section 241.03 Definitions

(a) As used in this chapter: The definitions contained in Revised Code Chapter 3715 and Chapter 3717 pertaining to the administration and enforcement of food safety programs are adopted and incorporated by the City of Cleveland as if set forth herein.

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(b) "Food shop" applies to "retail food establishment" and "food service operation," as those terms are defined in Revised Code Chapter 3717.

(c) "Mobile food shop" means a "mobile retail food establishment" or "mobile food service operation," as those terms are defined in Revised Code Chapter 3717.

(d) "Vendor" means a mobile food shop.

(e) "Food Item" mean a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption. Food includes ice, water or any other beverage, food ingredients, and chewing gum.

(f) "Street" means street, alley, highway, roadway, or avenue.

(g) "Vending device" means a container for the sale, display or transport of food items by a vendor.

Section 241.05 Food Shop Licenses and Fees

(a) No food shop shall be operated without the person, firm, association, or corporation conducting the business first applying for and obtaining an annual license issued by the Commissioner of Assessments and Licenses.

(b) Chapters 3715 and 3717 of the Revised Code pertaining to the licensing, administration and enforcement of food safety programs by the local licensing authority is adopted and incorporated herein by the City of Cleveland.

(c) The holder of a food service operation license as defined by state law shall not be required to obtain a retail food establishment license except when the activities of a retail food establishment and a food service operation are carried on within the same facility by the same person or entity, then the determination of what license applies shall be made according to the primary business of the person or entity as determined by the licensor, the City of Cleveland Director of Public Health, as described in Section 3717.44 of the Revised Code.

(d) For a mobile food service operation or mobile retail food establishment, the annual fee shall be two hundred sixty-three dollars and forty-four cents (\$263.44).

(e) For a vending food service operation, the annual fee shall be twenty-nine dollars and sixty-five cents (\$29.65).

(f) For a temporary commercial food service operation and temporary retail food establishments, the fee shall be forty dollars (\$40.00) per five-day event. For a temporary non-commercial food service operation and temporary retail food establishments, the fee shall be twenty dollars (\$20.00) per five-day event.

(g) The Commissioner of Assessments and Licenses may also collect fees for collection and bacteriological examination of samples taken from a food shop in an

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amount equal to the cost of such collection and examination as determined by the Commissioner of Environment.

(h) Except for plans pertaining to mobile or temporary food service operations or vending devices, the Commissioner of Assessments and Licenses shall collect fees in the amounts stated below, for plan reviews of food shops prior to submission of plans to the Division of Environment:

<u>Plan Review Fee</u>	<u>Commercial</u>	<u>Non-Commercial</u>
New Operations, less than 25,000 sq. feet	\$150.00	\$ 75.00
New Operations, greater than 25,000 sq. feet	\$300.00	\$150.00
Extensive Alteration, less than 25,000 sq. feet	\$ 75.00	\$ 37.50
Extensive Alteration, greater than 25,000 sq. feet	\$100.00	\$ 50.00

(i) The Commissioner of Assessments and Licenses shall submit all applications for a food shop license to the City of Cleveland Director of Public Health for approval or disapproval of the application.

(j) The Commissioner of Assessments and Licenses is authorized to collect license fees for retail food establishments and food service operations and deposit the fees into a fund created under Sections 3717.25 and 3717.45 of the Revised Code.

(k) For purposes of this section, noncommercial organizations are defined as organizations such as churches, or non-profit organizations operated exclusively for charitable purposes as defined in division (B)(12) of Section 5739.02 of the Revised Code, provided that displayed foods are not displayed for more than seven (7) consecutive days or more than fifty-two (52) separate days per year.

(l) For a food service operation, a penalty of twenty five percent (25%) of any license fee required by this section must be paid before the issuance of the license if the required license fee is not paid on or before the date it is due.

Section 241.06 License or Permit Disapproval; Revocation; Suspension; Appeals

(a) The Commissioner of Environment, and/or authorized employees who are registered sanitarians or sanitarians-in-training, may suspend or revoke a food license upon determining that the license holder is in violation of any requirement of Revised Code 3717 or the rules adopted thereunder, which are applicable to retail food establishments and food service operations, including a violation evidenced by the documented failure to maintain sanitary conditions within the operation.

(b) Except in the case of a violation that presents an immediate danger to the public health, prior to initiating an action to suspend or revoke a food license, the Commissioner of Environment, and/or authorized employees, shall give the license holder written notice specifying each violation and a reasonable time within which each violation must be corrected to avoid suspension or revocation of the license. The Commissioner, and/or authorized employee, may extend the time specified in the notice for correcting a violation if the license holder, in the sole discretion and determination

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of the Commissioner, is making a good faith effort to correct the alleged violation. If the license holder fails to correct the violation in the time granted by the Commissioner, and/or authorized employee, the Commissioner, and/or authorized employee, may initiate an action to suspend or revoke the food license by giving the license holder written notice of the proposed suspension or revocation.

(c) In the case of a violation that presents an immediate danger to the public health, the Commissioner, and/or authorized employee, may issue an immediate order of suspension or revocation of a food license without giving written notice or affording the license holder the opportunity to correct the violation.

(d) The license holder may appeal the proposed suspension or revocation of food license or the immediate order of suspension or revocation of food license as provided in Revised Code Sections 3717.29 and 3717.49 and in conformance with the rules of procedure adopted there under. In such cases, the Commissioner of Environment is charged with presiding over the hearing and is authorized to render a decision denying, suspending or revoking a license, or rendering a decision to dissolve or continue an issued suspension. A food license can be suspended for a period up to thirty (30) days.

(e) If a food license has been revoked due to a violation of any of the laws set forth in this section, then such food shop may not reapply for a license or permit to operate such a business at the same location for a period of six (6) months after the date of revocation

Section 241.07 Display of License and Permit

Every license issued according to this chapter shall be displayed in a conspicuous place upon the wall and close to the entrance of the premises where such business is conducted. Food vehicles shall have displayed the name and address of the business on the side of such vehicle in letters at least two inches high and shall have displayed the vehicle permit plate issued by the Commissioner of Assessments and Licenses.

Section 241.32 Enforcement Requiring Extra Services; Costs

Whenever the enforcement of the provisions of this chapter requires extraordinary services, the person, firm or corporation requesting such extraordinary services shall pay the cost of such services as determined by the Department of Public Health.

Section 241.99 Penalty

(a) Whoever violates Section 241.05 is guilty of a misdemeanor of the third degree on a first offense; for a second offense or subsequent offense, such person is guilty of a misdemeanor of the second degree. Each Day the violation continues is a separate offense.

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(b) Whoever violates Sections 241.36, 241.37, or 241.38 is guilty of a minor misdemeanor, and shall be fined not less than one hundred dollars (\$100.00). The fine set forth herein is mandatory and shall not be suspended by the court in whole or in part. Each day upon which a violation occurs or continues shall constitute a separate offense and shall be punishable as such hereunder.

(1) In addition to any other method of enforcement provided for in this chapter, the provisions of division (b) of this section may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(2) If the offender persists in improper operations after reasonable warning or request to desist, improper operations is a misdemeanor of the first degree.

(c) Unless otherwise specified in this chapter, whoever violates any of the provisions of this chapter, or of any ordinance amending or supplementing such provisions, shall be guilty of a first degree misdemeanor and fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months, or both.

Section 508.01 Definitions

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

(a) "Central Business District" means the area defined in Section 325.10 of the Codified Ordinances.

(b) "Commissary" means a licensed food facility regulated by a governmental entity where food is stored, prepared, portioned, or packaged, or any combination thereof, and where such food is intended for consumption at another establishment or place.

(c) "Community event" means an event specifically approved granting use of street and sidewalk areas within a specifically defined area for a period of time not exceeding ten (10) days to a community based organization.

(d) "Director" means the Director of Capital Projects or his or her designee.

(e) "Permit" means a temporary sidewalk occupancy permit authorized by Section 508.02 of the Codified Ordinances.

(f) "Permittee" means the person who owns the vending device permitted to occupy a stationary location on a sidewalk.

(g) "Sidewalk" means that portion of the street between the curb lines or the lateral lines of a roadway and the adjacent property line.

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(h) "Vending device" means a container for the sale, display or transport of merchandise by a vendor, or food items by a mobile food shop, which has wheels and is capable of being moved by one person by muscular power.

(i) "Unobstructed Walk" means a clear, continuous paved surface free of tree grates, elevator grates and all vertical obstructions.

Section 508.03 Application for Permits

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

- (a) Name and address of the applicant;
- (b) A description of the vending device to be located on the sidewalk;
- (c) The Ohio license number of the vending device, if applicable;
- (d) A signed statement that the applicant is the owner of the vending device;
- (e) The type of merchandise to be sold;
- (f) Evidence that all required health licenses have been obtained;
- (g) The location or alternative locations for which application for permit is made;
- (h) A signed statement that the permittee shall hold harmless the City of Cleveland, its officers and employees and shall indemnify the City of Cleveland, its officers and employees for any claims or damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee and the city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than fifty thousand dollars (\$50,000) for bodily injury for each person, one hundred thousand dollars (\$100,000) for each occurrence and not less than one hundred thousand dollars (\$100,000) for property damage per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured the City of Cleveland, its officers and employees, and shall further provide that the policy shall not terminate or be cancelled prior to the expiration date of the permit without thirty (30) days' written notice to the Director. Before conducting business at the location permitted by the Director, permittee shall name as an additional insured on the policies of insurance hereinabove required the owner of the property abutting the space between the prolongations of the boundary lines of the location which run perpendicular to the curblines to the property line of the same side of the street.

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

Section 508.05 Permitted Locations

(a) The Director shall compile a list of permitted locations where the presence of vending devices on the sidewalk would be compatible with the public interest in use of street and sidewalk areas as public right-of-way. The Director may modify the list from time to time as he or she deems necessary.

(b) In compiling the list of permitted location the Director may consider the width of the sidewalk; the proximity and location of existing street furniture, including but not limited to signposts, lamp posts, parking meters, bus shelters, benches, phone booths, and newspaper vending devices; the presence of bus stops, truck loading zones, and taxi stands; pedestrian and vehicular traffic patterns; and other factors he or she deems relevant.

(c) No permitted location shall be within ten (10) feet of another permitted location.

(d) No permitted location shall be designated where the clear, continuous, unobstructed sidewalk for the passageway of pedestrians is reduced to less than six (6) feet.

Section 508.07 Permitted Vending Devices

The Director shall issue a permit to the applicant only if the applicant's vending device meets all of the requirements of this section.

(a) The vending device does not occupy more than twenty-four (24) square feet of sidewalk space; and, as of the effective date of this section, a license has been approved by the Department of Public Health for the vending device.

(b) If the vending device has a heating apparatus, the vending device shall have been inspected and approved by the Fire Chief or his or her designee for compliance with provisions of the City's Fire Prevention Code and State of Ohio Fire Code.

Section 508.08 Requirements and Conditions of Permit

(a) Permittees and their agents shall comply with all of the requirements of this section while engaged in business at permitted locations:

(1) Each vending device shall be attended at all times by at least one individual, who shall be licensed pursuant to Chapter 675 and/or 241.

(2) The vending device shall be placed on the sidewalk only at the location set forth in the permit.

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(3) Except as otherwise provided by Chapter 241, no vending device shall remain in its permitted location between the hours of midnight and 6:00 a.m., and no business shall be conducted from any permitted location between those hours.

(4) Permittees and their agents shall obey any lawful order of a police officer to remove their vending devices from the sidewalk if necessary to avoid congestion or obstruction in an emergency.

(5) Permittees or their agents selling food items from vending devices are required to obtain a food shop license under Chapter 241.

(6) Vending devices shall not be serviced or cleaned at residences or any other unapproved premises.

(7) Permittees and their agents shall be responsible for keeping the sidewalk area within twenty-five (25) feet of the permitted location free of litter. Permittees and their agents shall provide a suitable container for the placement of paper, wrappers, and other similar items by customers and others.

(8) The permit, including a map of the permitted location, shall be affixed to the vending device at all times that the vending device is located on the sidewalk.

(9) No permittee shall place upon any sidewalk, street or highway any stand, booth, rack, platform, table, chair, vehicle, or device of any kind, other than a vending device which complies with the provisions of Section 508.07.

(10) Permittees and their agents shall conduct business in compliance with all applicable provisions of the Codified Ordinances.

(11) No permittee or agent thereof shall conduct business in violation of the provisions of any ordinance providing for a community event.

(b) Permits issued by the Director shall be subject to the following conditions:

(1) Each permit shall be personal only and shall not be transferrable in any manner.

(2) Each permit is valid only when used at the location designated in the permit.

(3) The permit as it applies to a given location may be suspended by the Council or the Director for up to ten (10) days during the holding of a community event.

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Section 508.09 Permit Suspension and Revocation

(a) The Director may suspend or revoke the permit of any permittee if the permittee or his or her agents fails to abide by the provisions of Section 508.08 or if any required health license has been suspended or revoked.

(b) The Director shall give written notice of suspension or revocation of the permit to the permittee or his or her agent stating the reasons therefor. If the reason for the suspension or revocation is that a required health license has been suspended or revoked or that the permittee does not have a currently effective insurance policy as required by division (h) of Section 508.03, the action shall be effective upon giving such notice to the permittee or to his or her agent. Otherwise, such notice shall contain the further provision that the action shall become final and effective ten (10) days thereafter unless, within five (5) days of receipt of the notice, the permittee requests a hearing before the Director. The Director shall forthwith hold the requested hearing, at which time the permittee shall be afforded the opportunity to give his or her version of the facts which gave rise to the Director's action. After the hearing the Director shall determine whether to proceed with the action or to rescind it.

The action of the Director may be appealed in accordance with the provisions of the Charter.

Section 675.01 Definitions; Chapter Scope

(a) For purposes of this chapter:

(1) "Commissioner" means the Commissioner of Assessments and Licenses.

(2) "Street Vending" or "Vending" means selling, offering or displaying for sale, or soliciting another to purchase, for present or future delivery, any goods, wares, merchandise, subscriptions, services, pre-packaged frozen desserts, or any combination thereof from, in, upon, along, or through the highways, streets, or sidewalks, door-to-door on residential property, or in the open air or from a temporary shelter or vending device upon private property.

(3) "Street Vendor" or "Vendor" means any person who engages in street vending. "Vendor" does not include itinerant vendors or itinerant wholesale produce dealers licensed under Chapter 682 or food shops or food vehicles licensed pursuant to Chapter 241, unless such food shop or food vehicle licensed under Chapter 241 vends pre-packaged frozen desserts.

(4) "Person" means an individual, corporation, partnership or association; provided, however, that for purposes of Section 675.02, "person" shall mean a natural person only.

(5) "Sell" or "selling" includes barter or bartering.

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(6) "Sidewalk" means that portion of the street between the curb lines or the lateral lines of a roadway and the adjacent property line.

(7) "Street" means street, alley, highway, roadway or avenue, including all curbs along such streets.

(8) "Vending device" means a container for the sale, display or transport of goods, wares, merchandise, or equipment used for menial tasks by a vendor, which has wheels and is capable of being moved by one person by muscular power.

(b) *Scope of Chapter.* The provisions of this chapter shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, to bona fide sales of goods, wares, or merchandise by samples for future delivery, to sales at trade shows or conventions, or to sales by charitable organizations in conjunction with solicitations for charity.

(c) Nothing in this chapter shall be construed to prohibit the distribution of non-commercial handbills, cards, leaflets, or other literature upon the sidewalks of the City.

Section 675.02 Street Vendor's License Required; Application

(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, 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 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.

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Section 675.03 Street Vendor's License: Issuance and Replacement

(a) Upon receipt of a completed application and all other materials required by Section 675.02, the Commissioner shall issue to the applicant a vendor's license and a laminated identification card containing the applicant's photograph. The identification card shall be worn by and the license shall be kept upon the person of the vendor at all times during which the vendor is engaged in vending.

(b) The license issued pursuant to division (a) of this section shall contain the following information:

(1) The vendor 's name and address;

(2) a detailed description of the goods, wares, or merchandise which the vendor is authorized to sell;

(3) the license number and the license expiration date.

(c) In the event that a licensed vendor loses the laminated identification card issued pursuant to division (a) of this section, the Commissioner shall issue a replacement identification card upon payment by the vendor of a fee of ten dollars (\$10.00).

Section 675.04 Permits Required

A permit is required in each of the following circumstances when vending is occurring upon the highways, streets, or sidewalks, or to business invitees upon or from private property:

(a) No person shall engage in vending upon or from private property anywhere in the City without a permit issued in accordance with Section 675.05.

(b) No person shall engage in vending on the highways, streets or sidewalks within the Central Business District without a permit issued in accordance with Chapter 508 or without a permit issued in accordance with Section 675.06.

(c) No person shall engage in vending while moving continuously from place to place on the highways, streets or sidewalks of the Central Business District without a permit issued in accordance with Section 675.06.

(d) No person shall engage in vending upon or from a fixed location on a sidewalk outside of the Central Business District without a permit issued in accordance with Section 675.07.

(e) No person shall engage in vending while moving continuously from place to place on the highways, streets, or sidewalks outside of the Central Business District without a permit issued in accordance with Section 675.08.

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Section 675.041 Street Vendors Advisory Committee

There is established a Street Vendors Advisory Committee consisting of three members of Council, one of whom shall be designated as chairman, appointed by the President of Council; one member of the Division of Police, appointed by the Chief of Police; and one Assistant Director of Law, appointed by the Director of Law. The Committee shall assist vendors licensed under Section 675.03 to resolve problems relating to street sales and may communicate to the Council recommendations for the amendment of this chapter.

Section 675.05 Permit; Vending on Private Property

(a) *Application.* The application for the permit required by division (a) of Section 675.04 shall be made to the Commissioner. The application shall contain the following:

- (1) the vendor's name, address and vendor's license number;
- (2) the name and address of the owner of the private property upon which the vendor intends to vend;
- (3) if the vendor is the owner of the private property, documentation of the vendor's ownership, and if the vendor is not the owner of the private property, documentation, signed by the property owner, of the vendor's right to vend on the property;
- (4) the address of the private property on which the vendor intends to vend;
- (5) a statement of the duration of the proposed vending activity and whether the applicant is seeking an annual permit or a short-term permit;
- (6) a description of the vending device, if any, from which the vendor intends to vend, including its size and the distance from the vending device to public sidewalks, parking lots, driveways and other areas used or usable for vehicular travel or parking;
- (7) a description of proposed trash storage and waste disposal methods, and a description of any electrical and water connections and any fuels or electrical generators to be used on the premises;
- (8) unless the application is for a short-term vendor permit, a certification that the location of the vending device will meet all building setback requirements of the Zoning Code and will not interfere with the safe movement of vehicles or pedestrians on the subject property; and

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(9) unless the application is for a short-term vending permit, if the applicant proposes to vend on a property located in a Design Review District or a Landmark District, the applicant shall also submit color photographs showing all sides of the vending device, if any, and a scaled drawing showing all proposed signs and decorative elements, including their placement, material, and color.

(b) *Council Notification.* On receipt of a permit application, the Commissioner shall notify the Council member in whose ward the proposed permit location lies that the application has been received.

(c) *Location of Vending Devices.* No person shall locate a vending device on private property so as to violate building setback requirements of the Zoning code or so as to interfere with the safe movement of vehicles or pedestrians on the subject property.

(d) *Building and Housing Referral.* The Commissioner shall refer all permit applications to the Director of Building and Housing for review and approval. As part of the review, the Director of Building and Housing shall determine whether or not the property on which the proposed vending is to be conducted is in a Design Review District, or a Landmark District, and shall report that determination to the Commissioner of Assessments and Licenses. The Director of Building and Housing shall not approve the application unless he or she finds that no provisions of the City's Building Code or Zoning Code will be violated by issuance of the permit, including without limitation, the following:

- (1) set back requirements;
- (2) use restrictions;
- (3) if the vendor intends to operate from a "structure" within the meaning of the Building Code, those provisions of the Building Code applicable to "structures"; and
- (4) if the vendor intends to operate from private property that is a parking lot, those portions of the Zoning Code that require that a specified number of parking spaces be available for the use of particular business.

(e) *Design Review.* If the vendor proposes to operate on a property which is located in a Design Review District, the Commissioner of Assessments and Licenses shall refer the permit application to the City Planning Commission for design review and approval. In the case of a property located in a Landmark District, the referral shall be made to the Landmarks Commission. Design review shall not be required if the vendor is proposing to vend under a short-term vending permit.

(1) In reviewing the application, the City Planning Commission or Landmarks Commission, as applicable, shall determine the appropriateness of any vending devices proposed to be used with respect to the following factors:

- A. physical condition and state of repair;

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- B. compatibility with nearby structures in terms of color, placement, heights, and general design;
- C. obstructions to or conflicts with vehicular or pedestrian traffic;
- D. availability of electrical connections, and procedures for garbage and waste disposal; and
- E. impacts on scenic views.

(2) The Director of the City Planning Commission or Secretary of the Landmarks Commission shall transmit the Commission's determination to the Commissioner of Assessments and Licenses within thirty (30) days of the referral of the application unless the Commission conducting the review has granted the applicant an extension in order to allow for submission of additional materials or revisions. The Commissions may seek advice from any designated local design review advisory committee.

(f) *Short-Term Permits.* If the vending activity is proposed to be conducted for a period of seven (7) days or less, the Commissioner may issue a short-term vending permit, except that if any person or persons have obtained a short-term vending permit for a particular location on four prior occasions in a given permit year, which shall commence August 1 and end July 31 of the following year, then no person shall be issued a fifth or subsequent short-term vending permit for the same location in that permit year. As used in this division, a "particular location" shall mean a property or group of contiguous or noncontiguous properties, whether or not under common ownership, which are under a common street address, both as to house or building number and street name.

(g) *Permit Issuance and Fee.* On receipt of a completed application approved by the Director of Building and Housing and approved, if required, by the City Planning Commission or the Landmarks Commission, and on receipt of the applicable permit fee established by this division, the Commissioner of Assessments and Licenses shall issue a permit which shall cover either a period of seven (7) days or a period of one year, commencing August 1 and ending July 31 of the following year. The fee shall be seventy five dollars (\$75.00) for a seven-day permit and three hundred seventy five dollars (\$375.00) for a one-year permit.

(h) *Display of Permit.* The permit shall be kept on the vending device, truck, or structure at all times during which the vendor is engaged in vending, and shall contain the following information:

- (1) the vendor's name and address;
- (2) the address of the private property on which the vendor is authorized to vend;
- (3) the name and address of the owner of the private property;

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(4) a description of the vending device, truck, or temporary structure, if any, from which vending is authorized including its size; and

(5) the permit number and permit expiration date.

(i) *"Vending Device" Defined.* As used in this section, "vending device" has the same meaning as in Section 675.01, and shall also include temporary structures, trailers, and other vehicles, carts, stands, and other devices from which vending can be conducted, or which can be used to display goods.

Section 675.06 Permit: Zones Within the Central Business District

(a) In addition to the temporary sidewalk occupancy permits issued under Chapter 508, the Director of Capital Projects is authorized to issue permits to vend in zones in the Central Business District established by the Director in which the holders of the permits may vend on such days, at such times of day, and under the conditions that the Director determines. The zones shall be created by regulation taking into account the following factors:

(1) pedestrian and vehicular traffic patterns, including possible congestion during special events and sporting events;

(2) proximity to special events and sporting events occurring in the Central Business District and at the lakefront;

(3) proximity to retail establishments; and

(4) other factors deemed relevant by the Director of Capital Projects.

(b) The application for the permit authorized by division (a) of this section shall be made to the Director of Capital Projects on forms prescribed by the Director. The application shall contain the following:

(1) the vendor's name, address, and vendor's license number;

(2) a description of the vending device, truck, or temporary structure, if any, from which the applicant intends to vend, including its size;

(3) the zone or zones for which a permit is sought; and

(4) a description of the items to be offered for sale.

(c) On receipt of a completed application and an annual permit fee of one hundred twenty-five dollars (\$125.00) per zone or a daily permit fee of thirty dollars (\$30.00), the Director of Capital Projects shall issue the appropriate permit. An annual permit shall cover the period commencing August 1 and ending July 31 of the following year.

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(d) The permit shall be kept on the vending device, truck, or structure at all times during the time the vendor is engaged in vending and shall contain the following information:

- (1) the vendor's name and address;
- (2) a statement of the zone or zones in the Central Business District to which the vendor is restricted;
- (3) a description of the vending device, truck, or temporary structure, if any, from which vending is authorized, including its size; and
- (4) the permit number and permit expiration date.

(e) The Director of Capital Projects may issue rules and regulations to carry out the purposes of this section.

Section 675.07 Permit; Temporary Sidewalk Occupancy Outside the Central Business District

(a) The application for the permit required by division (d) of Section 675.04 shall be made to the Director of Capital Projects on forms prescribed by the Director. On receipt of a permit application, the Director of Capital Projects shall notify the Council member in whose ward the proposed permit location lies that the application has been received. The application shall contain the following:

- (1) the vendor's name, address, and vendor's license number;
- (2) a sketch and narrative indicating the location for which the permit application is being made, with sufficient detail to enable the Director of Capital Projects to verify the placement of the temporary vending device in accordance with the criteria contained in Section 675.09;
- (3) a description of the vending device, truck, or temporary structure, if any, from which the applicant intends to vend, including its size; and
- (4) a copy of an ordinance of Council specifying the location described in division (a) (2) of this section and authorizing the vendor to vend from that location.

(b) On receipt of a completed application and a permit fee of one hundred dollars (\$100.00), the Director of Capital Projects shall issue a permit which shall cover the period beginning August 1 and ending July 31 of the following year.

(c) The permit shall be kept upon the vending device, truck, or structure at all times during which the vendor is engaged in vending, and shall contain the following information:

- (1) the vendor's name and address;

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- (2) the address or description of the location that the vendor intends to vend;
- (3) the number and passage date of the ordinance described in division (a) (4) of this section;
- (4) a description of the vending device, truck, or temporary structure, if any, from which vending is authorized including its size; and
- (5) the permit number and permit expiration date.

Section 675.08 Permit: Mobile Vending Outside the Central Business District

(a) The application for the permit required by division (e) of Section 675.04 shall be made to the Director of Capital Projects on forms prescribed by the Director. On receipt of a permit application, the Director of Capital Projects shall notify the Council member or members in whose ward or wards the vendor intends to vend that the application has been received. The application shall contain the following:

- (1) the vendor's name, address, and vendor's license number;
- (2) a statement that the vendor intends to move continuously from place to place upon those highways, streets, or sidewalks that are located outside of the Central Business District. The statement shall specify the ward or wards in which the vendor intends to vend;
- (3) a copy of the ordinance of Council specifying the ward or wards in which the vendor is authorized to vend; and
- (4) a description of the vending device, truck, or temporary structure, if any, from which the applicant intends to vend, including its size.

(b) On receipt of a completed application and a permit fee of one hundred dollars (\$100.00), the Director of Capital Projects shall issue a permit which shall cover the period beginning August 1 and ending July 31 of the following year.

(c) The permit shall be kept upon the vending device, truck, or structure at all times during which the vendor is engaged in vending and shall contain the following information:

- (1) the vendor's name and address;
- (2) the ward or wards in which the vendor is authorized to vend;
- (3) the number and passage date of the ordinance described in division (a) (3) of this section;

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(4) a description of the vending device, truck, or temporary structure, if any, from which vending is authorized including its size; and

(5) the permit number and permit expiration date.

Section 675.09 Regulations Governing Vendors

(a) For purposes of this section:

(1) "Merchandise" means goods or wares, and does not include food or beverages other than pre-packaged frozen desserts.

(2) "Street" means street, alley, highway, roadway, or avenue.

(b) No vendor shall sell or display merchandise:

(1) to the occupants of vehicles stopped in traffic;

(2) from any vehicle, structure, or device that is situated in any portion of a street which is designed or ordinarily used for vehicular travel; or

(3) at a location or in a manner that hinders or restricts access to a telephone booth, mail box, parking meter, police or fire call box, traffic control box, fire hydrant, or sidewalk elevator, or that blocks, obstructs, or restricts the free passage of pedestrians or vehicles in the lawful use of the sidewalks or streets.

(c) Unless the Director of Capital Projects makes a determination to the contrary, which determination is reflected in the location specified on a permit issued in accordance with this chapter, no vendor shall sell or display merchandise:

(1) at any location where the sidewalk is less than ten (10) feet in width;

(2) within ten (10) feet of a crosswalk;

(3) within that portion of a sidewalk bounded by the prolongation of each intersecting abutting property line to the respective curblines or within ten (10) feet thereof;

(4) within ten (10) feet of any doorway or the prolongation of any doorway width to the curblines; or

(5) within twenty (20) feet of another permitted location, provided however, that the distance between locations permitted pursuant to Section 675.06 shall be in accordance with the rules and regulations promulgated by the Director of Capital Projects under division (e) of Section 675.06.

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(d) No vendor shall display merchandise or place lines or other devices for the display of merchandise on any building or on any utility pole, planter, tree, trash container, or other sidewalk fixture.

(e) A vendor who has received a permit to vend upon private property shall not encroach into any street or sidewalk in any way.

(f) No vendor shall place any merchandise in or upon any street or sidewalk, and all vendors shall exercise reasonable care to ensure that their merchandise, packaging, display equipment or other paraphernalia does not create a health or safety hazard to customers, other users of the sidewalks and streets, or persons on abutting property.

(g) No vendor shall engage in vending door-to-door on residential property between the hours of 7:00 p.m. and 9:00 a.m.

(h) No vendor shall leave a vending device unattended at any time. leave a vending device on a sidewalk between the hours of midnight and 6:00 a.m., or conduct business on a sidewalk between those hours.

(i) A vendor who has received a permit to vend on public property shall obey any lawful order of a police officer to remove himself or herself and his or her vending device entirely from the sidewalk to avoid congestion or obstruction during an emergency.

(j) A vendor who is required to move continuously from place to place shall locate any vending device, equipment and merchandise adjacent and parallel to a curb when stopped for a sale.

(k) No vendor shall make any loud or unreasonable noise for the purpose of advertising or drawing attention to merchandise or for any other purpose.

(l) All vendors shall comply with all requirements of applicable state and local law, including, without limitation, the City's Fire Prevention Code and State of Ohio Fire Code.

(m) No person shall vend pre-packaged frozen desserts within the City who has been convicted of or pled guilty to any of the following criminal offenses:

(1) any offense involving a minor;

(2) any sexually oriented offense, including, but not limited to, corruption of a minor, sexual imposition, importuning, voyeurism, public indecency, procuring, soliciting, prostitution, loitering for the purpose of engaging in prostitution, disseminating material harmful to juveniles, deception to obtain material harmful to juveniles, possession of obscene material involving a minor, possession of sexually oriented material involving a minor, possession of nudity-oriented material involving a minor, and displaying matter harmful to juveniles;

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(3) any assault within seven years after service of sentence after conviction or guilty plea; and

(4) unlawful possession of weapons within five years after conviction or guilty plea; and

(5) any homicide offense in Ohio Revised Code Chapter 2903 or any substantially similar homicide offense under any municipal or state law.

(n) Any applicant for a license or permit under this Chapter to vend pre-packaged frozen desserts shall list on the application their name, address, date of birth, and social security number, and shall provide an affidavit stating that the applicant has not been convicted of or pled guilty to any of the criminal offenses listed in subdivision (m). Any employer applying for a permit to vend pre-packaged frozen desserts shall list the name, address, date of birth, and social security number of each employee or person who will be vending pre-packaged frozen desserts.

(o) The Commissioner of Assessments and Licenses shall refuse to grant a license or permit under this Chapter to vend pre-packaged frozen desserts or shall revoke a license or permit under this Chapter to vend pre-packaged frozen desserts, for any one or more of the following reasons:

(1) the applicant has been convicted of or pled guilty to any criminal offense involving a minor or any other criminal offense listed in division (m);

(2) the applicant fails to provide the information required by division (n);

(3) the applicant makes or made a false statement in the license or permit application; or

(4) the applicant fails to report a conviction that occurs during the license or permit period.

(p) No person shall vend pre-packaged frozen desserts without posting the permit in a conspicuous location in each vehicle used to vend pre-packaged frozen desserts.

(q) On every permit to vend pre-packaged frozen desserts, the Commissioner of Assessments and Licenses shall list the name of each employee or individual authorized to vend pre-packaged frozen desserts on behalf of the applicant.

(r) There shall be no vending of pre-packaged frozen desserts after 9:00 p.m.

Section 675.10 Revocation or Suspension of License or Permit; Appeals

(a) The Commissioner may at any time revoke or suspend any license or permit granted by the Commissioner under the authority of this chapter for failure to

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comply with the terms of this chapter or with any law, rule or regulation relating to vendors or the conduct of their business.

(b) The Director of Capital Projects may at any time revoke or suspend any permit granted by said director under the authority of this chapter for failure to comply with the terms of this chapter or with any law, rule or regulation relating to vendors or encroachments in the rights-of-way of the City.

(c) In case of the refusal to issue a license or permit or the revocation or suspension of a license or permit by the Commissioner or by the Director of Capital Projects, the applicant or licensee may appeal the Commissioner's or Director's action to the Board of Zoning Appeals, established under Charter Section 76-6. Notice of such appeal shall be in writing and shall be filed with the Board within ten (10) days from the date of the Commissioner's or Director's action. Within ten (10) days after the filing of such notice, the Board shall proceed to hear such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard. The Board shall render a decision within ten (10) days of the conclusion of the hearing. The Board may sustain, disapprove or modify the Commissioner's or Director's action, and the Board's decision shall be final.

Section 675.99 Penalty

(a) Whoever violates any of the provisions of this chapter is guilty of improper vending, a minor misdemeanor, and shall be fined one hundred dollars (\$100.00). The fine set forth herein is mandatory and shall not be suspended by the court in whole or in part. Each day upon which a violation occurs or continues shall constitute a separate offense and shall be punishable as such hereunder.

(b) In addition to any other method of enforcement provided for in this chapter, the provisions of division (a) of this section may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(c) If the offender persists in improper vending after reasonable warning or request to desist, improper vending is a misdemeanor of the first degree.

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 241.01, 241.02, and 241.03, as enacted by Ordinance No. 2163-01, passed May 20, 2002,

Section 241.05, as amended by Ordinance No. 2303-04, passed January 24, 2005,

Sections 241.06, 241.07, 241.32, and 241.99, as enacted by Ordinance No. 2163-01, passed May 20, 2002

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Sections 508.01, 508.03, 508.05, and 508.07, as enacted by Ordinance No. 1611-83, passed June 27, 1983,

Section 508.08, as amended by Ordinance No. 1428-92, passed July 22, 1992,

Section 508.09, as enacted by Ordinance No. 1611-83, passed June 27, 1983,

Section 675.01, as amended by Ordinance No. 1158-09, passed October 5, 2009,

Section 675.02, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Section 675.03, as amended by Ordinance No. 1428-92, passed July 22, 1992,

Section 675.04, as amended by Ordinance No. 1158-09, passed October 5, 2009,

Section 675.041, as enacted by Ordinance No. 1612-83, passed June 27, 1983,

Sections 675.05, 675.06, 675.07, and 675.08, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Section 675.09, as amended by Ordinance No. 1203-10, passed November 29, 2010,

Section 675.10, as amended by Ordinance No. 1670-92, passed August 19, 1992, and

Section 675.99, as amended by Ordinance No. 137-A-91, passed June 17, 1991

are repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 241.051, 241.36, 241.37, and 241.38 to read as follows:

Section 241.051 **Food Vehicle Permit; Fee**

(a) No business vehicle used regularly for the transportation or delivery of food, except a commercial carrier transporting food incidental to other deliveries, shall transport or deliver food in the City without the owner or leasee first obtaining an annual food vehicle permit for the vehicle.

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(b) For a food vehicle permit the annual fee shall be twenty-five dollars (\$25.00).

(c) Food vehicle permits shall expire not later than the last day of February of the next ensuing year after issuance, and they shall not be transferable except upon the sale or disposition of the food vehicle. A permit shall not be transferred more than once in a licensing period.

(d) The Commissioner of Assessments and Licenses shall submit all applications for a food vehicle permit to the City of Cleveland Director of Public Health for approval or disapproval of the application.

Section 241.36 Mobile Food Shops – Area Restrictions and Regulations

(a) No mobile food shop may operate outside an organized vending zone in contravention of the regulations provided by Section 241.38 of this Chapter and other rules and regulations promulgated under Section 241.01.

(b) No mobile food shop may operate inside an organized vending zone in contravention of the regulations provided by Section 241.38 and other rules and regulations promulgated under Section 241.01, except as such regulations are modified by the Director of Capital Projects in establishing the organized vending zone.

Section 241.37 Mobile Food Shops – Organized Vending Zones

(a) The Director of Capital Projects, in consultation with the Director of Planning, is authorized to establish organized vending zones, upon written approval of the council person representing the ward in which the organized vending zone shall be located, wherein the holders of a food shop license may operate on such days, at such times of day, and under the conditions that the Director determines. The zones shall be created by regulation taking into account the following factors:

- (1) pedestrian and vehicular traffic patterns, including possible congestion during special events and sporting events;
- (2) proximity to special events and sporting events;
- (3) proximity to permanent food establishments; and
- (4) other factors deemed relevant by the Director of Capital Projects.

(b) The regulations establishing organized mobile food shop vending zones shall first be published in The City Record with the effective date and may be rescinded in the same manner.

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(c) In establishing organized vending zones, the Director of Capital Projects may provide additional or contrary regulations that may be in variance with those provided for by section 241.38(b) of this chapter.

(d) An established organized vending zone may be dissolved in the same manner as it is created or by a vote of Council.

(e) The Director of Capital Projects may issue rules and regulations to carry out the purposes of this section. Such rules and regulations shall be published in The City Record and become effective seven (7) days after publication.

Section 241.38 Mobile Food Shops – Regulations

(a) No mobile food shop shall sell food items, display food items, or conduct vending operations:

(1) to the occupants of vehicles stopped in traffic;

(2) from any vehicle, structure, or device that is situated in any portion of a street which is designed or ordinarily used for vehicular travel;

(3) at a location or in a manner that hinders or restricts access to a telephone booth, mail box, parking meter, police or fire call box, traffic control box, fire hydrant, or sidewalk elevator, or that blocks, obstructs, or restricts the free passage of pedestrians or vehicles in the lawful use of the sidewalks or streets;

(4) from any portion of the sidewalk within the Central Business District without a proper permit pursuant to Chapter 508; or

(5) from any vending device that does not comply with Code 58: Liquefied Petroleum Gas, as promulgated by the National Fire Protection Association.

(b) Unless the Director of Capital Projects makes a determination to the contrary, which determination is reflected in the scope of a zone established in accordance with this chapter, no vendor shall sell or display food items:

(1) at any location where the sidewalk is less than ten (10) feet in width;

(2) within ten (10) feet of a crosswalk;

(3) within that portion of a sidewalk bounded by the prolongation of each intersecting abutting property line to the respective curblines or within ten (10) feet thereof;

(4) within ten (10) feet of any doorway or the prolongation of any doorway width to the curblines;

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(5) within ten (10) feet of another mobile food shop;

(6) within one hundred (100) adjacent linear feet of a food service operation operating from a fixed and permanent location existing at the time of license issuance or renewal; or

(7) notwithstanding any provision to the contrary contained in chapter 508, on a sidewalk between the hours of 3:00 a.m. and 6:00 a.m.

(c) No vendor shall:

(1) display food items or place lines or other devices for the display of food items on any building or on any utility pole, planter, tree, trash container, or other sidewalk fixture;

(2) place any food items in or upon any street or sidewalk;

(3) use liquefied petroleum gas, or other flammable substances, without a required permit pursuant to Section 385.18;

(4) leave a vending device unattended at any time;

(5) make any loud or unreasonable noise for the purpose of advertising or drawing attention to its food shop operations or for any other purpose; or

(6) conduct business without making available a container suitable for the placement of litter;

(7) throw or deposit any merchandise, packaging, containers, fat, grease, paper or other litter on any streets or sidewalk or in any sewer; or

(8) place or affix any advertising material and signage to any location other than flat upon the vending device being used in its operations.

(d) All vendors:

(1) shall obey any lawful order of a police officer to remove himself or herself and his or her vending device entirely from the sidewalk to avoid congestion or obstruction during an emergency;

(2) comply with all requirements of applicable state and local law, including, without limitation, the City's Fire Prevention Code, the State of Ohio Fire Code, and the City's Traffic Code;

(3) selling or offering frozen desserts shall first be licensed as otherwise required by this Code in addition to the license and/or permits required by this Chapter;

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(4) selling merchandise or non-food items shall first obtain a license and permit pursuant to Chapter 675 in addition to the license and/or permits required by this Chapter; and

(5) shall exercise reasonable care to ensure that their operations do not create a health or safety hazard to customers, other users of the sidewalks and streets, or persons on abutting property.

(e) No mobile food shop shall operate on private property contrary to the requirements of this division.

(1) Any mobile food shop operating on private property must be the owner of the private property, and maintain documentation of the operator's ownership, or if the operator is not the owner of the private property, documentation, signed by the property owner, of the operator's right to operate on the property. Such documentation must be notarized and be readily available and produced upon demand by any City official.

(2) Except as provided in this division, no mobile food shop shall be located on private property closer than ten (10) feet from any public sidewalk, as measured from the sidewalk to the closest point on the mobile food shop. The mobile food shop, however, may be located closer than ten (10) feet to a public sidewalk if the vending device is set back at least twenty (20) feet from the inside edge of the tree lawn or, if no tree lawn exists, at least twenty (20) feet from the outside edge of the curb.

(3) No mobile food shop shall be located to impede ingress to or egress from any structure, nor be located within ten (10) feet of a fire exit or escape.

(4) A vendor who is operating upon private property shall not encroach into any street or sidewalk in any way.

(5) A mobile food operating on lands owned by the City must first obtain written permission from the Department of Parks, Recreation and Properties or the Department of Port Control, as applicable. Such use shall be conditioned upon compliance with this chapter and additional restrictions that may be imposed by the City.

(f) The Director of Capital Projects may issue additional rules and regulations to carry out the purposes of this section. Such rules and regulations shall be published in The City Record and become effective seven (7) days after publication.

Section 4. That Chapter 675 of the Codified Ordinances of Cleveland, Ohio, 1976, is renamed to "Street Vendors."

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Section 5. 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.

LD:nl

February 14, 2011

Council Member Joseph D. Cimperman

**Directors of Public Health, Capital Projects, Public Safety, Economic Development, City Planning, Commission, Finance, Law;
Committees on Health and Human Services, Public Service, Public Safety, Community and Economic Development, City Planning, Legislation, Finance.**

Ord. No. 210-11.

**REPORT
after second Reading**

Council Member Cimperman

AN EMERGENCY ORDINANCE

To amend various sections of Chapters 241, 508, and 675 of the codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances relating to vendors; to supplement the codified ordinances by enacting new Sections 241.051, 241.36, 241.37, and 241.38; and to rename Chapter 675 to "Street Vendors."

READ FIRST TIME

REPORTS

and referred to **Directors of Public Health, Capital Projects, Public Safety, Economic Development, City Planning, Commission, Finance, Law;**
Committees on Health and Human Services, Public Service, Public Safety, Community and Economic Development, City Planning, Legislation, Finance.

by the council **February 14, 2011.**

CITY CLERK

READ SECOND TIME

by the council

CITY CLERK

READ THIRD TIME

by the council

PRESIDENT

CITY CLERK

APPROVED

MAYOR

