



Legislation Details (With Text)

File #: 0388-2018 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 1/29/2018 **In control:** Rules & Reference Committee

On agenda: 2/5/2018 **Final action:** 2/5/2018

Title: To enact new Chapter 599 of the Columbus City Codes, creating provisions for the designation, licensing, and monitoring of Clean Zones; and to declare an emergency.

Sponsors: Mitchell Brown, Jaiza Page

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/8/2018	1	CITY CLERK	Attest	
2/5/2018	1	MAYOR	Signed	
2/5/2018	1	COUNCIL PRESIDENT	Signed	
2/5/2018	1	Columbus City Council	Approved	Pass

The purpose of this ordinance is to enact new Chapter 599 of the Columbus City Codes, pertaining to the enacting of temporary clean zones and the licensing of clean zone vendors.

The City of Columbus will continue to be host to major licensed events. In the past, these have included the NCAA Men's Basketball Tournament and the NHL All-Star Game. These events will require commercial activity in areas surrounding the respective venues to be monitored during the duration of the events. This code will govern when, where, and how these events should be monitored including the procedure for enacting such an area, the licensing procedure and penalties for violation.

Building on Council's past work to update the City's licensing process, these additional safeguards further Council's efforts to consider innovative new industries and modernize the City Code, ensuring the health, safety and welfare of Columbus residents.

To enact new Chapter 599 of the Columbus City Codes, creating provisions for the designation, licensing, and monitoring of Clean Zones; and to declare an emergency.

WHEREAS, the City of Columbus, in conjunction with various sponsors and promoters, plans to host licensed events within the Columbus area; and

WHEREAS, such Special Events may attract thousands of visitors to the Columbus area; and

WHEREAS, it is in the best interest of the City to regulate these future Special Events to preserve the health and safety of all citizens, visitors, and participants, as well as preserve the aesthetic qualities of the city, and therefore, the City has determined it necessary to be able to designate Clean Zones for periods of time and space to be enacted by future ordinances; and

WHEREAS, currently, the Columbus City Codes account for the regulations governed by the City to administer and monitor licenses; and

WHEREAS, this ordinance builds on Council's past work to update and modernize the licensing sections in the City Code, ensuring the health, safety and welfare of Columbus residents; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Safety in that it is immediately necessary to enact the city code governing Clean Zones in order to be in effect for an upcoming special event and for the preservation of public peace, property, health, safety, and welfare; now, therefore,

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

SECTION 1. That new Chapter 599 of the Columbus City Codes, entitled "Clean Zone License", is hereby enacted, reading as follows:

Chapter 599 - CLEAN ZONE LICENSE

599.01 - Definitions

For the purpose of this chapter the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.

(a) "License Section" the License Section of the Division of Support Services under the Department of Public Safety and is further defined in Sections 501.02 and 501.03.

(b) "Special event" shall mean any activity or gathering or assemblage of people upon public property or in the public right of way for which a block party, street closure, race event, parade, community market, or other like permit has been issued by the city of Columbus. At Council's discretion, a special event can also include a large conference, sports event, or like thereof for which a city issued permit is not required.

(c) "Public right of way" shall mean any property owned by the city of Columbus, including but not limited to, any street, road, alley, sidewalk, vacant lot, or other tract of land.

(d) "Privately Owned Property" as used in this chapter means any property that is not owned by the city

(e) "Person" means an individual, firm, corporation, association or partnership

(f) "Regulated business" means any person who is required to acquire a license or permit under Title 5 before commencing operation in the public right of way.

(g) "Clean Zone" shall mean a geographically defined area within the public right of way that is designated by ordinance of City Council in which all regulated businesses must apply for and obtain a Clean Zone license in order to lawfully sell, distribute, or offering for sale or free of charge, any special event-related services or goods, including but not limited to, food, beverages, flowers, plants, tickets, merchandise, souvenirs, or paraphernalia.

(h) "Clean Zone license" shall mean the license issued by the License Section that authorizes the sale, distribution, or offering for sale or free of charge, any special event-related services or goods for the duration of the Clean Zone designation.

(i) "Ambush marketing" shall mean any regulated business engaging in commercial activity in the designated Clean Zone without a clean zone license that misleads consumers into believing such regulated businesses are officially associated with the special event (including the fraudulent use of official names and trademarks), or performs marketing activities in

the dsignated Clean Zone to dilute the presence of sponsors or regulated businesses that have obtained a Clean Zone license.

599.02 -- Clean Zone designation and applicability of chapter

The provisions of this chapter shall only apply when a Clean Zone within the public right of way with specified geographic boundaries and event duration has been designated by ordinance of City Council for a particular special event. A regulated business not engaging in special event related commercial sales or marketing within the designated clean zone is not required to obtain a clean zone license.

599.03 -- License required for operation in Clean Zone; fixed location

No regulated business shall engage in any commercial activity or marketing in a designated Clean Zone in the public right of way that associates itself with a special event through the use of official names and trademarks without first obtaining a Clean Zone license. Engaging in such activity without a Clean Zone license shall be considered ambush marketing and is prohibited by this chapter.

Such license shall permit a person to operate in a fixed location predetermined by the License Section in consultation with the special event organizer. No mobile commercial sales or marketing shall be permitted in the Clean Zone for the duration of the special event.

599.04 - License application

In addition to other provisions of this chapter and in addition to the general licensing requirements contained in Chapter 501, a person applying for a Clean Zone license shall file an application on forms provided by the License Section. Applications shall be made under oath and shall contain the following information and or material:

(a) Name, address, telephone number, date of birth.

(b) Business name or (DBA), address and telephone number if different from above.

(c) Proof of Ohio Department of Taxation Itinerant Vendors License if required.

(d) Any change in information required to be submitted by this chapter, must be provided by application within ten (10) calendar days of any such change.

(e) Any other information required or requested by the License Section.

599.05 - Duration of license

The issuance of a Clean Zone license shall authorize a regulated business to engage in commercial activity and/or marketing that is associated with a special event through the use of official names and trademarks in the designated clean zone for the event period identified in the enabling ordinance approved by City Council pursuant to Section 599.02. After the expiration of this period, the Clean Zone license shall be null and void.

599.06 - Display of identification card

All regulated businesses licensed under this chapter shall display their identification card in a prominent manner so it is visible to the public while conducting activities permitted by this chapter and shall be subject to inspection upon demand by any license officer or law enforcement officer.

599.07 - Transfer of license prohibited

No regulated business issued a Clean Zone license shall be permitted to transfer said license to another regulated business.

599.08 - Severability clause

If any particular portion of this chapter is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that particular portion declared invalid. This declaration of invalidity shall not affect or impair the remainder of this chapter, and to this end, the provisions are severable.

599.99 -- Criminal penalties

Any person who violates the provisions of this chapter is guilty of failing to obtain a Clean Zone license, a misdemeanor of the third degree. All tangible property associated with the unauthorized commercial activity or marketing shall be subject to impoundment.

SECTION 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.