

Ordinance No.

MAYOR JACKSON

AN EMERGENCY ORDINANCE

To create the Division of Special Events, Filming, and Tourism within the Department of Public Works; to repeal existing Sections 131.05 and 131.06 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to the Manager and Office of Special Events and Marketing; to supplement the Codified Ordinances by enacting new Sections of 131.05 and 131.06 relating to the new division and commissioner and new Section 131.091 relating to film permits; to amend Section 131.07 of the Codified Ordinances relating to special event permits; and to amend Sections 37 and 41 of Ordinance No. 194-2021, passed March 29, 2021, as amended, relating to compensation for various classifications.

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, upon concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the Office of Special Events and Marketing is discontinued within the Department of Public Works, and that existing Sections 131.05, Office of Special Events and Marketing, and 131.06, Manager of Special Events and Marketing, of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010 and amended by Ordinance No. 523-2020, passed November 18, 2020, are repealed.

Section 2. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the Division of Special Events, Filming, and Tourism is established within the Department of Public Works, and for such purposes the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 131.05 and 131.06, to read as follows:

Section 131.05 Division of Special Events, Filming, and Tourism

There is established in the Department of Public Works a Division of Special Events, Filming, and Tourism to be administered and controlled by a Commissioner of Special Events, Filming, and Tourism, subject to the provisions of the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, and to the supervision of the Director of Public Works.

Ordinance No.

Section 131.06 Duties of the Commissioner of Special Events, Filming, and Tourism

The Commissioner of Special Events, Filming, and Tourism shall:

- (a) Administer and supervise the affairs of the Division of Special Events, Filming, and Tourism as it relates to the issuance and conditions of issuance for all permits governing special events, including major qualifying events under Chapter 697A, and filming activities occurring within the corporate boundaries of the City;
- (b) Coordinate the permitting process of all City departments providing services to the events and filming activities, and assist in monitoring compliance with all applicable federal, state, and local laws, rules and regulations and executive orders;
- (c) Provide technical assistance and information to special event and filming applicants and, as necessary, determine and require the organizers to provide essential services, including but not limited to, adequate plans for technology, public health, on-site safety and traffic control, fire protection, first-aid services, sanitation and cleanup, except that the hiring of police officers or private security personnel shall not be required for any block party or any small neighborhood-based community event when the anticipated attendees will not exceed 100 persons;
- (d) Develop policy recommendations and standard procedures for special events, filming, and tourism activities and shall make recommendations on risk management measures to protect the City during each special event and filming activity;
- (e) Administer all special event concession agreements and all special event and film permits under this chapter excepting only those concession agreements which apply to property under the control of the Directors of Port Control and Public Utilities;
- (f) Preside over such special events steering committees of City personnel from more than one (1) City department as may be appointed by the directors of the affected City departments and record all actions taken by the committees;
- (g) Serve as liaison to any public or private person or entity to facilitate special events, filming activities, and tourism;
- (h) Promote and facilitate filming activities in the City by working with producers and location scouts to develop location opportunities on City owned and other public property; and
- (i) Perform such other duties as may from time to time be required by ordinance or the Director of Public Works.

Section 3. That the concurrences of the Board of Control shall be evidenced by a certified copy of the resolution(s) of the Board of Control duly filed with the Clerk of Council by the Secretary of the Board of Control immediately on the adoption of the

Ordinance No.

concurring resolution(s), which resolution(s) shall be attached by the Clerk of Council to this ordinance.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 131.091 to read as follows:

Section 131.091 Film Permits

(a) *Definitions.* For the purposes of this section,

(1) "Commissioner" means the Commissioner of Special Events, Filming, and Tourism.

(2) "Director" means the Director of Public Works.

(3) "Filming activity" and "filming activities" mean the staging, shooting, videotaping, photographing, or other similar processes for the making of motion pictures, documentary films, television programs, advertisements, commercials, webcasts, simulcasts, and specials; the taking of photography for catalog or magazine layouts or other similar publications, and other similar activities and programs.

(4) "Filming activities for news purposes" means filming activities conducted for the purposes of reporting persons, events, or scenes in newspapers, television news, and other news media, and does not include advertising or publicity filming.

(5) "Permittee" means the person or entity issued a film permit under this section.

(6) "Photographs" and "Photography" include the taking of moving or still images.

(7) "Studio" means an established or fixed place of business in the City where filming activities are conducted on the premises.

(b) *Permit Requirement.* A film permit shall be required before any person or entity engages in a filming activity at any location or locations within the City, whether on public or private property, except as otherwise provided in division (c) below.

(c) *Exceptions to Permit Requirement.* A film permit shall not be required for any of the following:

(1) Filming activities occurring at a studio as defined in division (a)(9) above;

Ordinance No.

(2) Filming activities that neither involves the use of public streets or roads or on any other property owned by the City nor requires for its successful execution City services to a degree significantly over that which the City routinely provides under ordinary every day circumstances; and

(3) Filming activities conducted for news purposes as defined in division (a)(5) above.

(d) *Applications for Permits.* Applications for a film permit shall be made to the Director in a form deemed appropriate by the Director. Such application shall include, but not be limited to, the following information:

(1) The name, address, and telephone number of the applicant;

(2) The proposed location(s) of the filming activity;

(3) The dates and times that the filming activity will take place at each location;

(4) The total number of persons in the cast and crew;

(5) The total number of vehicles involved in the filming activity and the specific location or locations where the vehicles will be stationed or parked during the filming activity;

(6) The name and local or mobile telephone number of the person in charge on site;

(7) If the filming activity will require the closure or blockage of any sidewalk, street or road, a statement reflecting the dates and times of such anticipated closure or blockage, and the maximum time in minutes of any such closure or blockage;

(8) Identify and describe in detail if any of the following are planned to be used during the filming activity:

A. Intellectual property of the City;

B. Night-time outdoor lighting that is within 150 feet of a residential property;

C. Pyrotechnics or other explosives;

D. Smoke, water, or flames effects, or other similar effects;

E. Vehicle chases or crashes and any other dangerous stunts;

F. A temporary structure or large equipment that may require additional City permits.

Ordinance No.

(9) A signed statement that the permittee shall hold harmless the City, its officers and employees and shall indemnify the City, 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; and

(10) Any other information requested by the Director or the Commissioner.

(e) *Permit Fee and Issuance.*

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

(2) Upon approval of the application by the Director and any other director that the Director deems applicable, the Director shall issue a permit under this section.

(f) *Rules and Regulations.* The Director may establish rules and regulations, not inconsistent with the provisions of this section, governing the application and issuance of permits, including, but not limited to, reasonable time, place, manner, and duration restrictions; the use of property under his or her control; the conditions of permits, including, but not limited to, requirements for insurance, notifications to residences and businesses, and cleaning and restoring public property; and the suspension and/or revocation of permits when the City identifies a substantial public health or safety risk arising from or caused by the filming activity. Such rules and regulations shall become effective ten (10) days after publication in the City Record. The issuance of permits and all Permittees shall be subject to the rules and regulations established by the Director.

(g) *Payment of Taxes and City Services.*

(1) The Permittee shall be responsible for all charges and all federal, state, or local taxes which may now or hereafter be imposed or levied upon the activities and services provided in connection with the film permit.

(2) The Permittee shall pay, or cause to be paid, all costs for City services above those normally provided under normal everyday circumstances at the scheduled rates determined from time to time by the Board of Control unless the parties have entered into agreement providing otherwise.

(h) *Compliance with Law.* Notwithstanding the issuance of a film permit, all filming activities in the City shall be conducted in accordance with all applicable ordinances, rules and regulations, and executive orders of the City and applicable state and federal laws and executive orders.

(i) *Denial of Application.* The Director may deny an application for a film permit whenever he or she finds:

Ordinance No.

- (1) The applicant has previously violated the provisions of another permit issued by the City or has submitted materially false or incomplete information on the film permit application; or
- (2) The filming activity poses an unreasonable interference with the movement of or service capability of police vehicles, firefighting equipment or ambulance service; or
- (3) The filming activity presents an unreasonable interference with the historic nature or use of the City property; or
- (4) The date and time requested for a particular filming activity conflicts with previously issued permit(s) for another activity, outdoor events, or other activities; or
- (5) The filming activity presents an unreasonable interference with City activities that occur on or at the property; or
- (6) The filming activity presents a substantial risk of injury to persons or damage to property to people or property not associated with the filming activity or a significant degradation of the environment; or
- (7) The applicant owes an outstanding debt to the City; or
- (8) The applicant previously caused significant damage to public property, and, at the time of submitting the application for consideration, failed to adequately repair the damage or to pay in full the City's invoice for damage repair and restoration services; or
- (9) The applicant previously violated provisions of this Section 131.091, including without limitation, by violating a material condition or restriction of a film permit; or
- (10) The filming activity violates any federal, state, or local law.

Section 5. That Section 131.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 523-2020, passed November 18, 2020, is amended to read as follows:

Section 131.07 Special Event Permits

For purposes of this chapter, "special event" means a preplanned event or series of events of less than a week's duration, including block parties or any small neighborhood-based community events and excluding filming activities as defined in Section 131.091, sponsored by a public or private person or entity, which is: (1) located

Ordinance No.

wholly or partially on property which is owned or maintained by the City of Cleveland; or (2) located on any other property and requires for its successful execution, the provision and coordination of municipal services to a degree significantly over and above that which the City of Cleveland routinely provides under ordinary everyday circumstances.

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

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

(a) The Director may establish rules and regulations for the use of public property under his or her control. Such rules and regulations shall become effective ten (10) days after publication in the City Record and shall be enforced as ordinances of the City. The Director of Public Works shall have the authority to make, amend, alter or rescind rules and regulations governing use of the facilities of the Public Auditorium Building and Cleveland Browns Stadium not in conflict with the ordinances or laws regulating such conduct. The Director may require in any rental agreement that the event be required to pay for or provide security personnel within and without the rental premises. The Director or designee shall not require any permit applicant to hire police officers or private security personnel for any block party or any small neighborhood-based community event when the anticipated attendees will not exceed one hundred (100) persons.

(b) The Director may place reasonable time restrictions on the issuance of special event permits, including without limitation a prior notice requirement, first-come, first-served scheduling, limitations on frequency of use, and limitation of permits to normal operating hours for City property. Use of the City Hall Rotunda for events other than City-sponsored events shall be limited to after normal business hours and weekends. The Director's prior notice requirement may not exceed five (5) days for special event permits not subject to the requirements of Section 131.08.

(c) The Director may place reasonable place restrictions on the issuance of special event permits, which restrictions may consider the historic use of the property, recreational use policies adopted in the Director's rules and regulations, the size of the property and the degree to which the special event would interfere with the historic use and adopted recreational use policies for the property.

(d) The Director may deny or revoke a special event permit whenever he or she finds:

Ordinance No.

- (1) The applicant person or entity has previously violated the provisions of a special event permit or has submitted materially false or incomplete information on any special event permit application; or
- (2) The special event would unreasonably interfere with the movement of or service capability of police vehicles, firefighting equipment or ambulance service; or
- (3) The special event would unreasonably interfere with the historic recreational use and the adopted recreational use policies for a neighborhood park; or
- (4) The special event would unreasonably interfere with another special event for which a permit has been issued; or
- (5) The special event would unreasonably interfere with the City activities that occur on or at the property.
- (6) The applicant person or entity has failed to keep detailed records of all vendors, as defined in Section 675.0 (a)(3) of the Codified Ordinances, associated with a special event in accordance with divisions (e) and (f) of this section.

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

- (e) The applicant, person, or entity shall do the following:
 - (1) maintain records of all vendors associated with the event, including the name, address, phone number, and description of all items to be sold; and
 - (2) maintain records that demonstrate compliance with Section 675.09 (n) and (o) by vendors of prepackaged frozen desserts associated with the event.
- (f) All special events and vendors associated with special events shall comply with applicable vendor regulations in Section 675.09 of the Codified Ordinances.

Section 6. That Section 131.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 523-2020, passed November 18, 2020, is repealed.

Section 7 That Sections 37 and 41 of Ordinance No. 194-2021, passed March 29, 2021, are amended to read as follows:

Section 37. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in

Ordinance No.

accordance with the schedule appearing after each classification:

		<u>Minimum</u>	<u>Maximum</u>
1	Accountant Supervisor	31,200.00	80,096.82
2	Assistant Chief of Water Distribution	31,200.00	95,698.26
3	Assistant Commissioner of Assessments and Licenses	31,200.00	93,401.98
4	Assistant Commissioner, Division of Printing and Reproduction	31,200.00	93,401.98
<u>5</u>	<u>Assistant Commissioner, Division of Special Events, Filming, and</u>	<u>31,200.00</u>	<u>93,401.98</u>
<u>Tourism</u>			
5 <u>6</u>	Building Manager	31,200.00	86,215.32
6 <u>7</u>	Business Process Analyst	55,000.00	108,044.90
7 <u>8</u>	Chief Architect	31,200.00	112,409.91
8 <u>9</u>	Chief Auditor – Utilities	31,200.00	93,401.98
9 <u>10</u>	Chief City Planner	31,200.00	91,405.96
10 <u>11</u>	Chief, Computer Operations	31,200.00	93,401.98
12	Chief Engineer – Civil	31,200.00	93,401.98
13	Chief Engineer – Mechanical	31,200.00	93,401.98
14	Chief Epidemiologist	58,236.00	92,916.00
15	Chief Legal Investigator - Civil Branch	31,200.00	74,000.47
16	Chief of Street Lighting and Electrical Services	31,200.00	107,738.40
17	Chief of Laboratories	31,200.00	88,725.73
18	Chief of Pumping	31,200.00	107,738.40
19	Chief of Purification	31,200.00	95,723.84
20	Convention Manager	31,200.00	86,215.32
21	Development Finance Analyst I	34,000.00	66,489.84
22	Development Finance Analyst II	51,043.20	93,856.07
23	Financial Systems Coordinator	31,200.00	74,000.47
24	Fiscal Grants Administrator	40,000.00	95,063.30
25	Fiscal Manager	31,200.00	98,137.58
26	Health Promotion Coordinator	31,200.00	85,312.08
27	Investment Manager	31,200.00	93,401.98
28	Manager of Enterprise Unit	31,200.00	86,215.32
29	Manager of Events	31,200.00	86,215.32
<u>30</u>	<u>Manager of Special Events, Filming, and Tourism</u>	<u>31,200.00</u>	<u>86,215.32</u>
30 <u>31</u>	Manager of General Maintenance	31,200.00	86,215.32
31 <u>32</u>	Manager of Markets	31,200.00	86,215.32
32 <u>33</u>	Manager of Parking	31,200.00	86,215.32
33 <u>34</u>	Manager of Recreation	40,000.00	86,215.32
34 <u>35</u>	Master Plan Examiner	31,200.00	112,409.91
35 <u>36</u>	Purchasing Supervisor - Division of Purchases and Supplies	31,200.00	77,285.64
36 <u>37</u>	Secretary to the Board of Building Standards and Appeals	31,200.00	91,405.96
37 <u>38</u>	Secretary to the Board of Zoning Appeals	31,200.00	91,405.96
38 <u>39</u>	Security Manager	31,200.00	100,133.34
39 <u>40</u>	Senior Internal Auditor	31,200.00	74,000.47
40 <u>41</u>	Senior Programmer Analyst	31,200.00	76,592.09
41 <u>42</u>	Supervisor - Information Control	31,200.00	74,000.47
42 <u>43</u>	Theatrical Manager	31,200.00	74,000.47
43 <u>44</u>	Water Plant Manager	31,200.00	107,738.40

Section 41. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

		<u>Minimum</u>	<u>Maximum</u>
1	Assistant Building Official	42,758.15	152,224.32
2	City Comptroller	42,758.15	152,224.32
3	City Treasurer	42,758.15	140,514.00
4	Chief Technology Officer	80,000.00	220,837.81
5	Commissioner of Accounts	40,314.82	145,820.32
6	Commissioner of Administrative Services - Community Development	40,314.82	145,820.32
7	Commissioner of Air Quality	42,758.15	152,224.32

Ordinance No.

8	Commissioner of Airports	40,314.92	163,046.16
9	Commissioner of Assessments and Licenses	40,314.82	134,602.24
10	Commissioner of Cleveland Public Power	45,201.46	190,126.56
11	Commissioner of Code Enforcement	42,758.15	152,224.32
12	Commissioner of Construction Permitting	42,758.15	152,224.32
13	Commissioner of Emergency Medical Services	42,758.15	152,224.32
14	Commissioner of Environment	42,758.15	152,224.32
15	Commissioner of Health	45,021.46	161,827.66
16	Commissioner of Health Equity and Social Justice	42,758.15	152,224.32
17	Commissioner of House of Corrections	40,314.82	134,466.88
18	Commissioner of Information Technology & Services	52,734.82	161,827.86
19	Commissioner of Motor Vehicle Maintenance	40,314.82	145,820.32
20	Commissioner of Neighborhood Development	40,314.82	134,602.24
21	Commissioner of Real Estate	40,314.82	134,602.24
22	Commissioner of Neighborhood Services	42,758.15	140,514.00
23	Commissioner of Park Maintenance and Properties	42,758.15	163,046.16
24	Commissioner of Parking Facilities	40,314.82	145,820.32
25	Commissioner of Printing and Reproduction	40,314.82	145,820.32
26	Commissioner of Property Management	45,201.46	161,827.86
27	Commissioner of Purchases and Supplies	42,758.15	140,514.00
28	Commissioner of Recreation	42,758.15	163,046.16
29	<u>Commissioner of Special Events, Filming, and Tourism</u>	<u>42,758.15</u>	<u>140,514.00</u>
29 30	Commissioner of Streets	40,314.82	145,820.32
30 31	Commissioner of Traffic Engineering	42,758.15	140,514.00
31 32	Commissioner of Utilities Fiscal Control	40,314.82	134,602.24
32 33	Commissioner of Waste Collection and Disposal	40,314.82	145,820.32
33 34	Commissioner of Water	45,201.46	227,462.95
34 35	Commissioner of Water Pollution Control	40,314.82	145,820.32
35 36	Deputy City Treasurer	31,200.00	94,755.63
36 37	Deputy Director Department of Building and Housing	36,590.39	152,224.32
37 38	Director of Workforce Development	70,000.00	181,970.36
38 39	Public Safety Medical Director	80,000.00	267,955.02
39 40	Income Tax Administrator	42,758.15	152,224.32
40 41	Manager of Administration – Public Works	40,314.82	134,602.24
41 42	Manager of Internal Audit	40,314.82	134,602.24

Section 8. That existing Sections 37 and 41 of Ordinance No. 194-2021, passed March 29, 2021, are repealed.

Section 9. 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.

SM:nl
4-26-21

FOR: Mayor Jackson

Ord. No.

REPORT
after second Reading

MAYOR JACKSON
An Emergency Ordinance to create the Division of Special Events, Filming, and Tourism within the Department of Public Works; to repeal existing Sections 131.05 and 131.06 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to the Manager and Office of Special Events and Marketing; to supplement the Codified Ordinances by enacting new Sections of 131.05 and 131.06 relating to the new division and commissioner and new Section 131.091 relating to film permits; to amend Section 131.07 of the Codified Ordinances relating to special event permits; and to amend Sections 37 and 41 of Ordinance No. 194-2021, passed March 29, 2021, as amended, relating to compensation for various classifications.

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

Recorded Vol. _____ Page _____

