

CITY OF OBERLIN, OHIO

ORDINANCE No. 22-34 AC CMS

AN ORDINANCE TO AMEND SECTIONS 795.02 AND 521.10 AND TO REPEAL SECTION 795.03 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN TO AUTHORIZE THE USE OF SIDEWALKS IN THE DOWNTOWN BUSINESS DISTRICT TO SUPPORT AND PROMOTE BUSINESSES LOCATED THEREIN AND TO RENUMBER CHAPTER 795 OF THE OBERLIN CODIFIED ORDINANCES ACCORDINGLY

WHEREAS, to facilitate commerce within the Downtown Business District, council desires to amend certain sections of the Oberlin Codified Ordinances to authorize certain business-related activities within the public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1. That Section 795.02 of the Oberlin Codified Ordinances be and is hereby amended to read as is set forth in **Exhibit A** attached hereto.

SECTION 2. That Section 521.10 of the Oberlin Codified Ordinances be and is hereby amended to read as is set forth on **Exhibit B** attached hereto.

SECTION 3: That Section 795.03 of the Oberlin Codified Ordinances be and is hereby repealed.

SECTION 4. That the Clerk of Council is hereby directed to renumber the sections of Chapter 795 of the Oberlin Codified Ordinances in accordance with the Ordinances.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That this ordinance shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: June 6, 2022

2nd Reading: June 21, 2022

3rd Reading: July 5, 2022

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 07/06/2022

EFFECTIVE DATE: 08/04/2022

EXHIBIT A

Ordinance No. 22-34 AC CMS

795.02 REGULATIONS FOR OUTDOOR BUSINESS ACTIVITY ON DOWNTOWN SIDEWALKS.

(A) Purpose.

(1) The City of Oberlin recognizes and desires to support the artistic and economic vitality within the "downtown business district, ("District"). The conduct of activities associated with downtown businesses within the public right-of-way requires regulation to ensure that such activities function in a manner that does not interfere with the other public activities within the District or other negative effects.

(2) The purpose of establishing these guidelines is to create a pleasant downtown environment for visitors and residents, to prevent obstructions on public sidewalks in areas characterized by high volumes of pedestrian traffic and the congregation of pedestrians on sidewalks associated with sidewalk business activity, and to ensure that adequate efforts are made to protect the health, safety and welfare of the public by requiring certain minimum levels access, sanitation and cleanliness.

(B) Definitions. The following definitions are provided to assist with the interpretation of these guidelines:

(1) Right-of-way. The public right-of-way is defined as an area of land over which the city has jurisdiction. For the purpose of these guidelines, the right-of-way refers the sidewalk area abutting a commercial business.

(2) Downtown Business District. The Downtown District refers to the Downtown District in the Downtown Revitalization and Development Plan, 2010 Update.

(3) Outdoor Business Activity. Outdoor Business Activity means activity upon a sidewalk that relates to or promotes the abutting business. Business Activity includes, but is not limited to the display and sale of products as part of the operation of the business, seating, decorations, art displays and musical performances.

(4) Litter. Litter for the purpose of these guidelines is defined as meaning any substance found within the right-of-way that is related to the business. Such items include, but are not limited to, discarded food, beverages, plates, wrappers, containers, bottles, cups, paper, cigars or cigarettes and butts.

(5) Business. A business is considered to be any permitted commercial operation with the Downtown Business District.

(6) Sidewalk sign. A sidewalk sign means a sign that is regulated under Chapter 798 of these Codified Ordinances.

(C) Conditions and Requirements. The following guidelines shall apply to the operation of an outdoor business activity:

(1) Any outdoor business activity shall be located immediately adjacent to and directly in front of the building housing the business and not extend beyond the limits of the property wherein the business is located;

(2) Except as is otherwise authorized by ordinance, rule or relegation, no sidewalk fence or barrier of any type shall be erected upon a public sidewalk.

(3) Any materials, goods, etc. shall be placed so as not to present a sight hazard to vehicular traffic or to present a sign hazard to pedestrians.

(4) No outdoor business activity shall operate in such a manner as to create any obstruction of pedestrian movements on the public sidewalk. A minimum clear width of 7.5 feet is required if the sidewalk is 15 feet or greater, and if the sidewalk width is less than 15 feet, 2/3rds of the sidewalk must remain available for unobstructed pedestrian travel and 1/3 may be utilized for the business activity, exclusive of areas occupied by trees, planters, benches, bike racks, pavers, utility poles or other existing structures.

(D) Sidewalk signs. Sidewalk signs shall comply with the sidewalk sign regulations contained within Chapter 798. Sidewalk signs shall only be placed subject to a permit issued by the City Manager.

(E) Penalty.

(1) Any person, firm or corporation that, after warning, continues or repeats a violation of the provisions of this Ordinance shall be assessed by written notice, an administrative penalty in the amount of \$100.00 for a first violation and thereafter, \$500.00 for each subsequent violation, each with legal interest thereon from the assessment of the penalty.

(2) Administrative penalties shall be paid within fourteen (14) days of receipt of notice. In the event such penalty shall not be paid as is required, the same shall be assessed against the property in which the business is located and the City Treasurer shall thereafter cause such penalty, with interest, to be certified to the County Auditor who shall enter the same upon the tax duplicate and shall be a lien upon such property from and after the date of entry thereon, to be collected in the same manner as taxes and other assessments.

EXHIBIT B
Ordinance No. 22-34 AC CMS

521.10 OUTDOOR MERCHANDISE DISPLAYS.

(a) Except as is provided in Section 795.02 of these Codified Ordinances, no person shall use any street or sidewalk area, including the lateral strip area between the street and sidewalk, for the display of merchandise or for any advertising display without the written permission of the City Manager.

(b) Whoever violates this section shall be guilty of a minor misdemeanor.