

Chapter 840 - STREET TICKET SALES

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Sec. 840-1. - Definitions.

Sec. 840-1-E. - Eastern Riverfront Exclusion Area.

"Eastern Riverfront Exclusion Area" means the streets, sidewalks and publicly-owned plazas and all overhead walkway bridges, stairways, escalators, passageways and elevators connecting thereto within the bounds beginning at the northwest corner of the intersection of Walnut and Third Streets thence South along the westernmost line of the sidewalk adjoining the western side of Walnut Street and in a line continuing southward to the northern bank of the Ohio River; thence East along the northern bank of the Ohio River to the eastern end of the Public Landing, thence North to Mehring Way, thence East and North along the easternmost side the sidewalk of Mehring Way to the northeast corner of the intersection of Mehring Way and East Pete Rose Way; thence West along the North side of Pete Rose Way to the Northeast corner of the intersection of Pete Rose Way and Broadway Street; thence North along the East side of Broadway to the Northeast corner of the intersection of Broadway and Third Streets; thence West along the North side of Third Street to the place of beginning.

(Ordained by Ord. No. 075-2001, eff. Mar. 14, 2001; a. Ord. No. 63-2003, eff. March 19, 2003)

Sec. 840-1-W. - Western Riverfront Exclusion Area.

"Western Riverfront Exclusion Area" means the streets, sidewalks and publicly-owned plazas and all overhead walkway bridges, stairways, escalators, passageways and elevators connecting thereto within the bounds beginning at the intersection of the centerline of Mehring Way and west edge extended of the west sidewalk of Central Avenue, thence north along the west edge of the west sidewalk of Central Avenue to the north edge of the sidewalk on the north side of Pete Rose Way, thence east along the north edge of the sidewalk on the north side of Pete Rose Way to the west edge of the west sidewalk of Elm Street, thence north along the west edge of the west sidewalk of Elm Street to the centerline of Second Street, thence east along the centerline of Second Street to the east edge of the east sidewalk of Elm Street, thence south along the east edge of the east sidewalk of Elm Street and the east edge extended to the centerline of Mehring Way, thence west along the centerline of Mehring Way to the place of beginning.

(Ordained by Ord. No. 075-2001, eff. Mar. 14, 2001)

Sec. 840-3. - Street Ticket Sales Without License Unlawful; Failure to Display Identification Card Unlawful.

A person may not sell or offer for sale any ticket for admission to an event for more than face value on a public street, sidewalk, public right-of-way, or any other city-owned property within the city of Cincinnati without first obtaining a license and an identification card from the city treasurer. The street ticket sales identification card must be worn conspicuously and affixed to the outer garment of the ticket seller at all times while engaging in the business of street ticket sales. Each day's operation of such business without a license constitutes a separate offense.

(Ordained by Ord. No. 075-2001, eff. Mar. 14, 2001)

Sec. 840-5. - Street Ticket Sales License.

(a) Each applicant for a street ticket sales license shall file an application with the city treasurer for a quarterly or annual street ticket sales license in such form as prescribed by the city treasurer. Each applicant for a street ticket sales license shall furnish two photographs of the street ticket seller taken within 30 days preceding the date of application, of a size designated by the city treasurer, one of which shall be attached to a consecutively numbered identification card.

(b) In the case of loss of an identification card, the licensee shall file with the city treasurer a signed and sworn affidavit that the identification card was lost or in the case of theft, a copy of the theft report submitted to any law enforcement agency and upon payment of \$25 shall receive a replacement identification card. Each applicant for a replacement identification card shall furnish two photographs of the street ticket seller of a size designated by the city treasurer, which photographs shall have been taken within 30 days of the date of application. The replacement identification card shall expire on the same date as the original being replaced.

(c) The street ticket sales license and identification card are nontransferable.

(Ordained by Ord. No. 075-2001, eff. Mar. 14, 2001)

Sec. 840-7. - Street Ticket Sales—General.

A person may not sell or offer for sale a ticket for admission to an event on a public street, sidewalk, public right-of-way, or any other city-owned property within the city of Cincinnati except in accordance with all of the following provisions:

(a) Tickets may not be offered for sale or sold on Fountain Square, or on the overhead walkway system.

(b) Tickets may not be offered for sale or sold on sidewalks where passage is restricted by construction.

(c) Tickets may not be offered for sale or sold on the portion of a sidewalk, located close to a place of public assembly, that has been officially designated as a bus stop and is marked by an appropriate sign or signs.

(d) Tickets may not be offered for sale or sold on a street, sidewalk or publicly-owned plaza within the Eastern Riverfront or Western Riverfront exclusion area or an overhead walkway bridge, stairway, escalator, passageway and elevator connecting thereto. This prohibition does not apply to sales from a ticket booth operated by a place of public assembly or within a publicly-owned

garage located within the exclusion area, provided that the seller is in the garage with the permission of the garage owner or operator.

(e) Tickets may not be offered for sale or sold from a public right-of-way other than a public sidewalk. This prohibition does not apply to sales to or from a passenger vehicle provided that the buyer or seller is not in violation of any provision of Title V, Traffic Code, of the Cincinnati Municipal Code.

(f) Tickets may not be offered for sale or sold to the occupants of vehicles in traffic.

(g) Tickets may not be offered for sale or sold in a manner that blocks, obstructs or restricts the passage of pedestrians or vehicles in the lawful use of the sidewalks or highways, ingress or egress to the abutting property, or interferes with the operation of any display stand of a person licensed as a vendor under Chapter 839 or Chapter 845 of the Cincinnati Municipal Code.

(h) Ticket sellers may not use a display stand, table, booth, chair or sign other than a hand-held sign for the sale or offering for sale of tickets.

(Ordained by Ord. No. 075-2001, eff. Mar. 14, 2001)

Sec. 840-9. - Ticket Sales for Face Value or Less Exempt.

This Chapter does not apply to the sale of tickets for admission to an event for face value or less, provided that the tickets are not:

(a) Offered for sale or sold to the occupants of vehicles in traffic;

(b) Offered for sale or sold in a manner that blocks, obstructs or restricts the passage of pedestrians or vehicles in the lawful use of the sidewalks or highways or ingress or egress to the abutting property; nor

(c) Offered for sale or sold within the Eastern Riverfront or Western Riverfront exclusion areas.

(Ordained by Ord. No. 075-2001, eff. Mar. 14, 2001)

Sec. 840-11. - Street Ticket Sales License Fees.

(a) The license fees for engaging in the trade or business of street ticket sales are \$200.00 for a quarterly license and \$400.00 for an annual license. A quarterly license is valid for three months from the date of issuance of the license, and an annual license is valid for one year from the date of issuance of the license. License fees are payable to the city treasurer at the time of application.

(b) Persons having a license issued under Chapter 839 or 845 of the Cincinnati Municipal Code in effect as of September 7, 2000 may tender that license to the city treasurer for cancellation and receive without charge a street ticket sales license with the same expiration date as the license tendered for cancellation.

(Ordained by Ord. No. 075-2001, eff. Mar. 14, 2001; Emer. Ord. 463-2010, § 37, eff. Dec. 30, 2010)

Sec. 840-13. - Revocation of Street Ticket Sales License.

(a) The office of administrative hearings has the duty to keep records of violations of Section 840-7 of the Cincinnati Municipal Code. Whenever a person is found to have committed a third offense in

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violation of Section 840-7 of the Cincinnati Municipal Code, whether by admission, finding by the hearing examiner, or default, within a one-year period, or a person fails to pay a civil fine for a violation of Section 840-7 and the fine has been sent for collection, the office of administrative hearings shall notify the city treasurer, who shall send a notice of revocation of a street ticket sales license to the person to whom the license was issued by ordinary U.S. Mail to the address shown on the application for the license.

(b) A person may request a hearing before the city treasurer to contest the revocation of a street ticket sales license. The request shall be filed in writing with the city treasurer within ten days of the date of notice of revocation. The city treasurer shall set a date for the hearing and notify the person, in writing, of the date, time and location of the hearing. The city treasurer shall conduct a public hearing on the revocation of a street ticket sales license whenever the person whose license is subject to revocation requests a hearing. The hearing shall be held within ten days after the filing of the request, unless the delay is agreed to by the person whose license is subject to revocation and is necessary in the interest of justice.

(c) The office of administrative hearings shall submit to the city treasurer all notices of civil offense and civil fines, the civil fine due, payments, delinquency and collection charges, and other relevant information pertaining to the person whose license is subject to revocation. The city treasurer shall provide a copy to the person whose license is subject to revocation and enter the information into the record.

(d) At the hearing, all testimony shall be under oath. The person whose license is subject to revocation may:

- (1) Present positions, arguments, and contentions;
- (2) Offer and examine witnesses and present evidence in support;
- (3) Cross-examine witnesses;
- (4) Offer evidence to refute evidence and testimony offered in opposition; and
- (5) Proffer any such evidence into the record, if the admission of it is denied by the city treasurer.

(e) The city treasurer has the duty to issue a decision and make findings of fact from the record and conclusions of law in support of the decision within ten days from the close of the hearing. The findings and conclusions must demonstrate that the decision is consistent with applicable laws, ordinances and regulations and the interests of justice.

(f) If the city treasurer determines that the person has committed a third offense in violation of Section 840-7 of the Cincinnati Municipal Code within a one-year period, or has failed to pay a civil fine for a violation of Section 840-7 and the fine has been sent for collection and remains unpaid, the city treasurer has the duty to revoke the license and declare the person be ineligible to obtain a street ticket sales license for a period of 30 days from the date of the revocation.

(g) The decision of the city treasurer on a license revocation is final, subject to appeal as may be provided by law.

(h) If a person who has been sent a notice of revocation of a street ticket sales license fails to request a hearing before the city treasurer to contest the revocation within the ten-day period allowed for the request of a hearing, the revocation of the street ticket sales license shall take effect at the expiration of

the ten days, and that person shall be ineligible to obtain a street ticket sales license for one year from the date of the revocation.

(Ordained by Ord. No. 075-2001, eff. Mar. 14, 2001)

Sec. 840-99. - Penalties.

- (a) Any violation of § 840-3 of the Cincinnati Municipal Code is a misdemeanor of the fourth degree.
- (b) Any person holding a street ticket sales license who violates any provision of § 840-7 of the Cincinnati Municipal Code is liable for the civil fine specified in § 1501-99 for a Class C civil offense, and is subject to the procedures set forth in Title XV of the Cincinnati Municipal Code for code compliance and hearings. The penalty is not subject to reduction under § 1501-19
- (c) Any person other than a person holding a street ticket sales license who sells or offers for sale a ticket for face value or less and violates any provision of § 840-9 of the Cincinnati Municipal Code is liable for the civil fine specified in § 1501-99 for a Class A civil offense.

(Ordained by Ord. No. 075-2001, eff. Mar. 14, 2001)