

**GENERAL RULES AND
REGULATIONS FOR
CITY CODE CHAPTER 905**

DEPARTMENT OF PUBLIC SERVICE
DIVISION OF PLANNING AND
OPERATIONS CITY OF COLUMBUS, OHIO

SUBJECT: EXCAVATION AND
OCCUPANCY PERMITS IN THE
PUBLIC RIGHT-OF-WAY

EFFECTIVE DATE: 07/10/13
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RULE:

The abutting private property owner(s) of record shall be responsible for the proper maintenance and repair of all sidewalk, shared-use path and driveway approach within the abutting right-of-way for any improved or unimproved street, alley, or other public way within the city, which provides access around, in, or to said private property in accordance with the requirements of Chapter 905 of Columbus City Code and these rules and regulations.

No person or business organization shall construct, reconstruct, repair, or level any sidewalk, curb, curb & gutter or driveway entrance in the public right-of-way, either by private or public agreement, until after having obtained a shared-use path, sidewalk, curb, and/or driveway approach permit from the Administrator of Division of Planning and Operations, and obtained all necessary inspection approvals, in accordance with the requirements of Chapter 905 of Columbus City Code and these rules and regulations.

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REGULATIONS:

1. GENERAL PROVISIONS

1.1 Authority: These rules and regulations were created under the authority provided within Chapter 905 of Columbus City Code.

1.2 Definitions: Terms contained within these rules and regulations shall have the meanings outlined within Section 905.02 of Columbus City Code.

1.3 General Permit Fees: There are general fees associated with the issuance of a sidewalk, shared-use path and/or driveway approach permit. Fees are as follows:

- Sidewalk, Shared-use Path and/or Driveway Approach Permit: \$80
- Sidewalk, Shared-use Path and/or Driveway Approach Permit and one inspection: \$110.00
- Hourly inspection fee (if needed): \$60

Projects of a duration requiring multiple inspections will be billed at the \$60 per hour rate. The need for additional inspection will be determined during the plan review process based on the complexity and duration of the project. When an inspector is required to work beyond their normal scheduled hours or weekends, the permittee shall be required to pay any additional inspection cost at an hourly rate.

Occupancy Permit (cc903) may also be required at no cost when a lane closure is needed to perform the work.

Parking Meter Head Removal Fee: \$60.00 per meter plus daily lost revenue for time meter is out of service.

Any parking meters to be hooded on a Sunday or holidays where the parking meters for that day are free, a \$4.00 per meter hooding fee is assessed up to 100 parking meters. Parking meters that require over 100 to be hooded will be charged a hourly rate for the actual cost of hooding each. City observed holidays are: New Year’s Day, Martin Luther King Jr. Day, President’s Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, and Christmas Day.

Parking Meter Charges: See Section 3.8

Projects of a duration requiring multiple inspections will be billed at the \$60 per hour rate. The need for additional inspection will be determined during the plan review process based on the complexity and duration of the project. When an inspector is required to work beyond their normal scheduled hours or weekends, the permittee shall be required to pay any additional inspection cost at an hourly rate. When a Department employee is required to respond to an emergency situation due to neglect of securing a steel plate or other hazardous situation, it will be the responsibility of the permittee to cover the cost of the employee and any material cost to rectify the situation in a safe manner. These costs shall be paid upon receipt of invoice or deducted from the permittee’s deposit. Failure to pay these costs may result in the forfeiture of deposit monies or a moratorium on obtaining future permits, or both.

1.4 Length of Permit Terms: All permits provided in conjunction with Chapter 905 of Columbus City Code and these rules and regulations shall become null and void ninety (90) days from the date of issuance, if the associated construction has not commenced by that time. All funds received for said permits shall in no case be refunded by the City.

1.5 Sidewalk and Driveway Approach Maintenance Criteria: Where sidewalks and/or driveway approaches within the public right-of-way are determined to violate the Code Maintenance Violation Criteria specified within Section 905.11 of Columbus City Code the Division of Planning and Operations shall issue either a Notice of Violation in accordance with Section 905.12 of Columbus City Code, or an Emergency Order in accordance with Section 905.13 of Columbus City Code.

1.6 Notice Appeal Procedure: Any persons affected by any notice issued in connection with these rules and regulations, and/or Chapter 905 of Columbus City Code may request, and shall be granted a hearing before the Property Maintenance Appeals Board on all matters set forth in such notice, provided that said request is made in accordance with the provisions of Section 905.14 of Columbus City Code.

1.7 Sidewalk Assessment: Where after due notice a sidewalk and/or driveway approach is not repaired due to the inability, or unwillingness, of an abutting property owner, the Public Service Director may elect to have said work performed by City forces, and/or its contractual agent. Where the Public Service Director elects to pursue this option, as opposed to filing criminal complaint against the abutting property owner for non-compliance with Chapter 905 of Columbus City Code, said work shall proceed in accordance with the requirements of Chapter 905 of Columbus City Code, and the City Charter. The cost of said work shall either be collected through an assessment added to the abutting property owner's annual property taxes, or through civil court proceedings, as described within Section 905.16 of Columbus City Code.

Property owners that receive a Notice of Violation, but are unable to perform the associated repairs, may request the Public Service Director to perform the necessary work in accordance with the City's sidewalk/driveway approach assessment procedure by contacting the Division of Planning and Operations either in person, or by calling the telephone number included within their Notice of Violation. However, it shall remain the Public Service Director's discretion as to whether this request shall be granted or denied. Applicants shall receive timely notification of that decision.

2. CONDITIONS OF PERMIT

2.1 Permit Application: Only an abutting property owner, their authorized agent, or a contractor holding a valid City of Columbus Home Improvement, or General Contractor's License shall be permitted to apply for, and obtain, any sidewalk, curb replacement, and/or driveway approach permit from the Division of Planning and Operations Administrator.

2.2 Driveway Approach Site Plan Requirements:

2.2.1 Commercial and/or Multi-Family Property Driveway Approaches: Requests for a driveway entrance permit for all new commercial and/or multi-family development driveway entrance(s), on any City of Columbus public right-of-way, shall include the submission of a site plan previously approved by the Administrator of Division of Planning and Operations in accordance with the requirements of Section 3342 of Columbus City Code.

2.2.2 Single Family and Twin Single Family Property Driveway Approaches: Requests for a driveway entrance permit for new single family and twin single family driveway entrances shall require the concurrent submission of a site plan conforming to the requirements outlined within Section 3342.03 of Columbus City Code.

Unless previously approved by the Administrator of Division of Planning and Operations, the review and/or approval of said site plan may take up to 2 business days. No driveway entrance permit shall be issued until said site plan has received the Administrator of Division of Planning and Operation's approval.

This site plan requirement may, however, be waived if the Division of Planning and Operation's Permit Section is able to verify through a review of its existing record plat and street plan records that no violations or conflicts will be created with the Division's existing driveway entrance location policies, the Rules and Regulations for the Approval of Driveway Plans for Access to Public Right-of-Way.

2.2.3 Modifications to Existing Driveway Approach Locations and/or Widths: Requests for a Driveway Approach Permit for the purpose of modifying an existing driveway entrance's location and/or width shall require the submission of a site plan conforming to the requirements outlined within Section 3342.03 of Columbus City Code. Unless previously approved by the Administrator of Division of Planning and Operations, the review and/or approval of said site plan, for a single or twin single family driveway approaches may take up to 2 business days. The review of site plans proposing driveway approach changes on commercial properties may take up to five business days and/or may be determined to require re-submission through the City's Commercial Site Plan process. No driveway approach permit shall be issued until said site plan has received the Administrator of Division of Planning and Operation's approval.

3. OBLIGATION OF PERMITEES

3.1 Maintaining Pedestrian Safety and Access: No excavation area shall remain open for more than 14 calendar days before construction, or re-construction, of that area has been completed without the express written permission of the Administrator of Division of Planning & Operations.

In areas of high pedestrian volume, partial width sidewalk and/or driveway approach construction/re-construction shall be required whenever feasible for maintaining pedestrian access and safety. In these high pedestrian volume areas where partial width construction is not feasible, the permit applicant may be required to provide a plan for providing alternative pedestrian access. This plan shall include details of proposed signage and/or the construction of temporary pedestrian facilities. The Division of Planning and Operations shall provide notification of this necessity at the time of permit application, if at all possible, and provide conceptual guidance in this design.

Under all circumstances, it shall be the permittee's responsibility to provide construction site pedestrian and vehicular safety through the use of approved signs, barricades, and/or other safety devices.

3.2 Curb Ramp Construction: When existing curb ramps require reconstruction, or repair, at the intersection of two or more public roadways the City of Columbus should be advised of this necessity. We shall then schedule the necessary replacement or repair as soon as practical.

It is however, the policy of this Division and Department that developers responsible for the construction of new commercial and/or residential developments shall also be responsible for the construction of the original curb ramps required as a result of their development. This requirement should be reflected upon their original design plans, as approved by the City of Columbus, when applicable. Likewise, the replacement of curb ramps made necessary through the re-development of a property shall also be the developer's responsibility.

The construction, repair, and replacement of curb ramps at the intersection of private roadways and driveways with a public street shall be the abutting property owner's responsibility. All work shall be performed in accordance with the Americans with Disabilities Act of 1990, and all regulations and amendments promulgated thereto, the current Construction and Material Specifications of Columbus (CMSC), the City's current Standard Construction Drawings, Chapter 905 of Columbus City Code, and these rules and regulations.

3.3 Inspection of Form Work and Base Material Required: The placement of concrete, or other pre-approved materials, for any sidewalk, curb, curb and gutter, or driveway entrance in the public right-of-way may not commence until Division of Planning and Operations personnel have inspected and approved the proposed base materials and form work, and authorized said concrete, or other materials, placement to proceed.

3.4 Procedure for Requesting Inspection: The permit holder shall notify the Permit Section at the number indicated on the permit when base materials and form work are ready for the placement of concrete, or other pre-approved surface materials. The Division of Planning and Operations shall then make every attempt to complete the associated inspection by the close of the following business day.

3.5 Inspection: If no one is present at the work site when the inspector arrives, a signed copy of an inspection report, with the date and name of the inspector, shall be left on site. It shall be placed at a conspicuous location, attached to the form work if possible. This report shall advise whether the work has, or has not been approved for concrete or other surface material placement. If the work has not approved, a rejection notice shall be left with details as to the areas of insufficiency, or instructions to contact this office.

We strongly recommend the placement of concrete, or other surface materials, not be scheduled until our inspector has authorized such placement. Under no circumstances should concrete or other surface materials be placed without the consent of the Division of Planning and Operations. Should unauthorized placement occur, said materials shall be subject to being ordered removed and replaced in accordance with Section 905.05 of Columbus City Code, at the permittee's expense.

3.6 Inspection of Finished Curb Ramp Required: In addition to the base and form work inspection specified previously within these rules and regulations, those parties holding a permit for the construction of a curb ramp within the public rights of way of the City of Columbus shall also notify the Division of Mobility Option's ADA Section within 72 hours after they have completed said construction. The Division of Mobility Options shall then verify that all work was performed in accordance with the requirements outlined within Section 3.2 of these rules and regulations.

If the curb ramp is determined to be non-compliant with these requirements it shall be ordered removed and replaced at the permittee's expense in accordance with Section 905.05 of Columbus City Code.

Detectable Warning Devices shall be installed on all approved curb ramps within thirty (30) days after concrete, or other approved surface materials are originally placed. The current City of Columbus specifications and standard drawings shall apply for detectable warning devices.

3.7 Requests to Provide Alternative Methods for Sidewalk and/or Driveway Approach Repair: Under certain limited circumstances alternative methods of temporary sidewalk and/or driveway approach repair shall be considered upon request of the Administrator of Division of Planning and Operations. As example:

- a) Where an offset may be eliminated through the minor grinding of existing concrete without other code violation criteria remaining, the Administrator of Division of Planning and Operations may upon request grant permission for said grinding to be attempted.
- b) Where a minor crack, or separation, exists in an existing sidewalk, or driveway approach, without an associated offset, the Administrator of Division of Planning and Operations may upon request grant permission for the crack or separation to be sealed with an approved material designed for that purpose.

c) During inclement weather, which is non-conducive to traditional construction and repair methodologies, the Administrator of Division of Planning and Operations may upon request grant permission for the permittee to utilize temporary repair materials, such as hot or cold mix asphalt, to temporarily fill and level an unsafe depression, or offset. Said materials shall then require removal and proper replacement, in accordance with the requirements of Chapter 905 of Columbus City Code and these rules and regulations, as soon as inclement weather had passed.

3.8 Parking Meters: Whenever the work being performed restricts the use of City parking meters, the agency requesting the permit shall be responsible for paying the daily meter charge for each meter involved. The permit application shall include the meter numbers affected. When the activities require the removal of the meter heads or it is determined by the City that they need to be removed, a meter head removal fee shall also be charged. These fees shall be paid at the time the permit is issued. Parking meter fees charged will be the total daily fee, as if the meter is to be occupied for all enforcement hours.

When an occupancy permit is issued where parking meters have been requested to be bagged, each vehicle using a bagged meter location must have a permit. The original occupancy permit must be visible and in the vehicle using the bagged meter location. All other vehicles within the closure limits will be subject to parking restrictions identical to those of loading zones, which allows 15-minute parking unless actively loading or unloading. Permittee shall comply with the City's On-Street Parking Out of Service Policy.

Please note that all alternative methods of repair must be applied for at the time of permit application and/or prior to their use. It must also subsequently be demonstrated, by Division of Planning and Operations follow-up inspection to have temporarily or permanently eliminated all associated Chapter 905 City Code violations.

The City may limit the approved use of the right of way at any time due to unforeseen operational circumstances, but shall make every reasonable effort to alleviate the effects of any such limitation.

Mark Kelsey, Director
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