

**GENERAL RULES AND REGULATIONS
FOR
CITY CODE, CHAPTER 906

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

SUBJECT: NON-COMMERCIAL OCCUPANCY IN THE PUBLIC RIGHT-OF-WAY
EFFECTIVE DATE: 01/07/19

RULE:

All governmental agencies, companies, corporations, and individuals wishing to occupy any street, sidewalk, alley, or public right-of-way of the City of Columbus for any purpose other than construction activity shall obtain the consent of the Director of Department of Public Service. Such consent shall be in writing as set forth in the rules of this regulation.

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1. General Provisions:

1.1 Authority: Chapter 906 of the Columbus City Code requires any person or agency desiring to occupy public right-of-way for any non-commercial purpose to first obtain a permit. Such permits are issued by and through the Department of Public Service, Division of Planning and Operation’s Administrator in accordance with the provisions of this regulation.

2. Type of Permits: There are two types of permits for occupying the public right-of-way:

2.1 Street Occupancy Permits: This type of permit is needed when it is necessary to occupy the right-of-way of any public street or alley.

2.2 Sidewalk Occupancy Permits: This type of permit is needed when it is necessary to occupy the right-of-way of any sidewalk. Pedestrian access must be maintained at all times with a minimum of six (6) feet of clearance at all times.

3. Parking Meters: Whenever the event being performed restricts the use of City parking meters, the applicant shall be responsible for obtaining the parking meter numbers to be reserved and paying the total daily meter charge for each of the parking meters reserved. The permit application shall include the parking meter numbers affected. 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 are to be bagged, each vehicle using a meter must have a permit. The occupancy permit must be visible and displayed on the front dash of each vehicle.

4. Permits Not Issued For:

- Vehicle storage on City right-of-way within High Impact Areas (as defined by Section 8)
- Structures over 200 square feet
- Heating and/or cooling devices in the public right-of-way
- Any type of camping or cooking

5. Application and Review: Requests for occupancy permits shall be made through the Division of Planning and Operations Administrator. All requests shall be on forms approved by the Division of Planning and Operations Administrator and shall conform to Section 2 of these regulations. No occupancy may begin until a permit has been issued.

Requests to occupy the right-of-way of any improved or unimproved street, sidewalk, alley or public way shall be submitted at least five (5) working days prior to an event. When the applicant is requesting a full lane closure, the request shall be submitted at least ten (10) working days in advance.

6. Review and Approval: Each permit request shall be reviewed as indicated below and is subject to approval by the Division of Planning and Operations Administrator.

6.1 Review: All occupancy permit applications shall be reviewed by the Division of Planning and Operations and the Columbus Police Division, Traffic Bureau.

6.2 Application Approval or Denial; Appeal: Applications for permits shall be processed in order of receipt by the Division of Planning and Operations.

The Division shall decide whether to grant or deny a permit or a request for an extension of time within five (5) working days unless, by written notice to the applicant, it extends the period an additional five (5) working days.

If the Division denies an application, it must notify the applicant by email or in writing of the grounds for denial. Denial of an application or extension of time may be appealed in writing to the Director within ten (10) working days of the date of the denial. The Director shall decide any appeal within seven (7) working days of receipt of the appeal and shall notify the applicant of the decision by email or in writing.

The Division may deny an application for permit only on any one or more of the following grounds:

- 1) the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or size of the structure and/or associated use or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant;
- 2) the application for permit (including any required attachments and submissions) is not fully completed and executed;
- 3) the applicant has not tendered the required application fee with the application;
- 4) the application for permit contains a material falsehood or misrepresentation;
- 5) the applicant is legally incompetent to contract or to sue and be sued;
- 6) the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged City property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City;
- 7) a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing a structure associated with a use or activity which does not reasonably permit multiple occupancy of the place requested in the application;
- 8) any use or activity by the applicant associated with the proposed structure would conflict with a previously planned use or activity organized and conducted by the City and previously scheduled for the same time and place;
- 9) the proposed structure and/or associated use or activity would present an unreasonable danger to the health or safety of the public or would be otherwise prohibited by law, including but not limited to any applicable requirements of the Americans with Disabilities Act (ADA).

In no event may any application be denied or conditions placed on any permit issued based on the content of any speech or communicative activity associated with the proposed structure or occupancy.

6.3 Permit Expiration: Permits shall be issued for the time period necessary to conduct the activity in accordance with these regulations. No permit shall be issued for a period longer than five (5) consecutive days. No permit will be issued back to back or consecutively. An applicant who is issued an initial permit may receive a subsequent permit for the same area one (1) day after the date of expiration of a previous permit, provided the applicant meets all other rules and regulations. Applicants for subsequent permits will be subject to a priority given to a new applicant for the same area. The five day time limit for permits may be extended by the Administrator of the Division of Planning and Operations upon request of the permit holder and for good cause shown.

7. Liability: The issuance of an Occupancy Permit does not relieve the permit holder from liability for any damage that might occur to the Public right-of-way, street, sidewalk, the public, or personal property while engaging in activities authorized by the permit.

8. High Impact Areas: For purposes of this regulation, High Impact Areas are defined below:

- Downtown Business District
- Construction Areas
- Arterial Streets (Arterial streets are those listed on the current City of Columbus Thoroughfare Plan).

9. Form of Application or Request for Permit: Occupancy Permit requests shall contain but not be limited to the following information:

- Name of applicant making request
- Address of applicant
- Contact name and phone number (24-hour emergency number is needed)
- Location of event or activity - street address number if applicable (permits issued per location, not per structure)
- Days needed (3 days maximum)
- Proposed hours for event
- Purpose of request
- Start date
- Traffic control needs
- Parking meter numbers (see Section 3)

10. Inspection: Inspection of occupancy shall be completed by personnel of the Division of Planning and Operations. Any additional inspections required by other city agencies will be determined at the time of processing an application. Upon a successful final inspection, any deposits will be processed and returned to the permit holder.

11. Fees: All applicants shall pay a fee as set forth below to cover the administrative costs of issuing the permit and performing an inspection of the site. All fees are to be paid at the time the permit is obtained. These fees are non-refundable.

- Application Fee: \$50.00
- Parking Meter Charges: various, depending on meter
- Emergency No Parking Signs: \$.50 each

12. Obligations of the Permit Holder:

12.1 Traffic Control: Traffic control devices shall be furnished, erected, maintained, and removed by the permit holder in accordance with guidelines published in the manual of “Traffic Control for Construction and Maintenance Operations” current revision. Copies are available at the Ohio Department of Transportation, located at 1980 West Broad Street. Any specific condition attached to the permit by the Division of Planning and Operation’s Construction Coordinator shall take precedence over the manual.

12.2 Monitoring of Site: No structure or personal property used for an event or activity, to include shelter tents, chairs and tables, may remain in the public right-of-way unattended, and in no case may remain in the public right-of-way between the hours of 9:00 p.m. and 8:00 a.m. unless the street is closed under the authority of a block party permit. These hours may be extended by the Administrator of the Division of Planning and Operations upon request of the permit holder and for good cause shown.

12.3 Maintenance of Site: It shall be the responsibility of the permit holder to provide all materials and services necessary to maintain the permit area in a clean, safe and sanitary condition. These materials include but are not limited to: trash receptacles, portable restroom facilities, and snow and ice removal with pre-approved materials. The permit holder shall be responsible for any actual costs or damages incurred by the City as a result of the use of the right-of-way, including but not limited to, reimbursement, at the employees' regular hourly rates, for time spent by city employees removing debris or repairing damage resulting from the event.

12.4 Special Duty Police Officers: When required by the permit, or if required by the City Service or Safety Director, the permit holder shall be responsible for hiring and paying for the services of Uniformed Special Duty Police Officers. Police officers shall be required at all times when event activities are at or near street intersections. The City of Columbus will determine the number of officers required. The determination as to the need and number of any special duty officers shall be made solely on the basis of traffic control, which basis shall be specified and communicated by email or in writing to the applicant by the City official making the determination. An officer may be obtained by calling (614) 645-4795.

13. Penalty: Whoever violates any provision of Chapter 906 of the Columbus City Code shall be deemed guilty of a first degree misdemeanor and fined not exceeding one thousand dollars (\$1,000.00), or imprisoned for not more than six months, or both. Any such violation shall constitute a separate offense on each successive day continued, in accordance with Columbus City Code, Section 906.99.

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.

JENNIFER GALLAGHER, DIRECTOR
DEPARTMENT OF PUBLIC SERVICE