

**GENERAL RULES AND REGULATIONS  
FOR  
CHAPTER 904, COLUMBUS CITY CODE (1959) REVISED  
DEPARTMENT OF PUBLIC SERVICE  
TRANSPORTATION DIVISION  
CITY OF COLUMBUS, OHIO  
PAGE 1 OF 6**

SUBJECT: Café Seating, Banners And Non-Permanent Amenities Installed Within Public Right-of-Way

EFFECTIVE DATE: January 16, 2003

**RULE:**

Any company, corporation, persons or individuals wishing to use or occupy public sidewalk or other real property within the public right-of-way for those purposes including but not limited to sidewalk seating and/or dining, placement of removable railing or other barricades in conjunction with said seating and/or dining, installation of removable awnings in conjunction with said seating and/or dining, installation of bike racks, flower boxes, movable planters, benches, banners, flags, placement of temporary signage, and any other uses authorized in these rules and regulations must apply for and obtain written consent from the Administrator of the Transportation Division or their designee. Such consent shall be given in the form of a lease or an agreement for use of public sidewalk or other real property within the public right-of-way, which shall be executed by the Administrator of the Transportation Division or their designee. Issuance of a Chapter 904 Lease/Permit will not relieve the applicant from the responsibility to obtain any permit required by the City for the actual installation of said non-permanent amenities.

**INDEX**

<b>SECTION/DESCRIPTION</b>	<b>PAGE</b>
1 General Provisions	2
1.1 Authority	2
1.2 When Required	2
1.3 Application and Review	2
1.4 Review and Approval	2
1.5 Liability	2
2 Form of Application	3
2.1 Sidewalk dining and ancillary uses	3
2.2 Banners and/or Flags	3
3 Plans	3
3.1 Sidewalk dining and ancillary uses	3
3.2 Banners and/or Flags	4
3.2.1 Design	4
3.2.2 Graphic Content	4
3.2.3 Placement	4
3.2.4 Installation	5
3.2.5 Maintenance	5
4 Restoration	5
5 Emergency Repairs	5
6 Inspection	5
7 Fees	6
7.1 Sidewalk dining and ancillary uses	6
7.2 Banners and/or Flags	6
8 Revocation/Termination, Notification and Removal	6
8.1 Revocation/Termination	6
8.2 Notification	6
8.3 Removal	6
9 Penalty	6

## 1 General Provisions:

**1.1 Authority:** Chapter 904 of the Columbus City Code, 1959 (Revised) regulates placement of non-permanent amenities in and the limited use and occupation of public sidewalk or other real property within the public right-of-way and authorizes the Administrator of the Transportation Division of the Public Service Department or their designee to grant permission for such uses through the execution of leases and agreements.

**1.2 When Required:** Any company, corporation, persons or individuals wishing to use or occupy public sidewalk or other real property within the public right-of-way for those purposes including but not limited to sidewalk seating and/or dining, placement of removable railing or other barricades in conjunction with said seating and/or dining, installation of removable awnings in conjunction with said seating and/or dining, installation of bike racks, flower boxes, movable planters, benches, placement of temporary signage, installation of banners and/or flags must apply for and obtain written consent from the Administrator of the Transportation Division or their designee. Nothing in these rules and regulations shall relive the applicant from the responsibility to obtain all other permits, including the Chapter 902, Chapter 903, Chapter 905 and Chapter 910 permits, required by Columbus City Code before proceeding with the installation of the proposed amenities.

**1.3 Application:** Applications for right-of-way lease agreements or banner/flag agreements shall be made through the Administrator of the Transportation Division. All requests shall be on forms approved by the Administrator and shall conform to Section 2 of these regulations. No use of public sidewalk or other real property within public right-of-way for the above referenced purposes shall be allowed prior to City execution of a lease agreement or execution of an agreement.

**1.4 Review and Approval:** Each application shall be reviewed by the appropriate Departments and Divisions within the City which may include but are not limited to the Development Department, Downtown Development Office, the Public Service Department, Transportation Division, the Public Safety Department, the Public Utilities Department, Electricity Division, and the appropriate Area Commission or Downtown Commission to determine that a) the public health, safety and welfare of the City will not be negatively impacted upon the granting of a lease or the issuance of a permit; b) that the granting of the requested lease or permit will be consistent with the policy of the City as set fourth in Section 904.01 of Columbus City Codes (1959) Revised, and c) that the applicant is not delinquent on any taxes or other obligations to the City or County.

**1.5 Liability:** The applicant shall acknowledge acceptance of the premises in "as is" condition with absolutely no warranties, implied or expressed, by the City as to the condition or suitability of the premises for the intended use. The granting of a lease or execution of an agreement does not relieve the applicant from any liability for any damage that might occur to the public sidewalk or other real property within the public right-of-way as a result of their use or occupancy of said premises. Additionally the individuals obtaining the lease or agreement shall forever indemnify and hold harmless the City and all of its agents, employees and representatives from and against all claims, damages, losses, suits and actions, including attorney's fees, arising or resulting from the use of the premises by the them, their agents, representatives, employees, patrons, customers, business invitees and guests or any other person or persons who may use said premises. Further they shall obtain liability insurance in the amount of \$1,500,000.00 and shall name the City as an additional insured on said policy. A copy of the Certificate of Insurance shall be provided to the City and shall become a part of any lease or agreement issued by or on behalf of the City.

## 2 Form of Application:

**2.1 Sidewalk Dining and ancillary uses:** The request for a lease must be submitted in writing and must contain the following information:

- Name of applicant or agent making the lease request
- Address of the applicant or agent
- Phone and fax numbers of applicant or agent
- Name, phone and fax numbers of a 24-hour emergency contact if not the same as the applicant
- Name of business
- Site location; include property address and County Auditor Parcel number
- Area Commission contact name and phone number if applicable; include information on Special Improvement District status if applicable
- Certificate of Appropriateness from any Commission (Area Commission, Downtown Development Commission, Historical District Commission, etc.) having jurisdiction over site location
- Written explanation of proposed use of site (food service, food & liquor service, outdoor seating only, etc.)
- Proposed hours of operation
- Plans as required by Section 3

**2.2 Banner and/or Flag Installation:** For those banner and/or flag locations not within the Downtown Banner/Flag program boundaries or within an officially recognized Neighborhood Commercial Revitalization Area the request for an agreement to install banners and/or flags must be submitted in writing and must contain the following information:

- Name of applicant or agent making the banner/flag request
- Address of the applicant or agent
- Phone and Fax numbers of applicant or agent
- Name, phone and fax numbers of a 24-hour emergency contact if not the same as the applicant
- Name, phone and fax numbers of designer and/or manufacturer of banners/flags
- Number of banners/flags to be hung
- Type (vinyl, canvas, nylon, etc.) and size of banner/flag to be hung
- Pole locations; be specific
- Area Commission contact name and phone number if applicable
- Certificate of Appropriateness from any Commission (Area Commission, Downtown Development Commission, Historical District Commission, etc.) having jurisdiction over site location

## 3 Plans:

**3.1 Sidewalk dining and ancillary uses:** The written request for a lease shall be accompanied by a detailed description of the proposed use of the right-of-way and a sketch of the premises including, but not limited to the following information:

- Width of the sidewalk from back of curb to the face of the building
- Width of the sidewalk from back of curb to back of utility strip (include signs, parking meters, trees, news boxes, etc in the utility strip)
- Total length of area desired
- Distance to nearest cross walk
- Distance to nearest intersection
- Type, size and method of installation of fencing if desired
- Type, size and method of installation of awning if desired

- Location of all existing parking meters, bus stops, traffic signs, traffic lights, light poles, fire hydrants, trees, planters, newspaper boxes, mail boxes, phone booths, bike racks, advertising benches, trash receptacles, doorways, driveways, pedestrian ramps and all other decorative items within the public right-of-way

**3.2 Banners and/or Flags:** The written request for an agreement to install banners and/or flags shall be accompanied by a detailed description of the proposed installation including, but not limited to the following information:

**3.2.1 Design Size and Materials:**

- For banners mounted on aluminum cobra head style streetlights a minimum stock size of 31" X 60" (2.5' X 5'), designed so the longer dimension is mounted vertically, is required. A customized size of not greater than 24" X 36" (2' X 3') is required for banners mounted on pedestrian scale streetlights. Flags shall not exceed 24" X 48" (2' X 4')
- Banners shall be constructed of a high quality flame retardant canvas fabric or other awning material that is a) non-shrinking and will retain the original size of fabrication; b) resistant to fading and ultra violet rays; c) water resistant and will dry quickly with no rotting or mildew; and d) has colors that do not bleed through when hung in direct sunlight. Flags shall be 100% nylon.

**3.2.2 Graphic content:** It is recommended that a graphic consultant be used to design all banners and flags. Graphic designs must be reviewed and approved by any Architectural Review Commission with jurisdiction over the proposed display areas. In addition, applicants are strongly advised to present the proposed designs to any Area Commission with jurisdiction over the proposed display areas before submitting to the City for review. The graphic content of banners and flags shall be generic in nature while graphically or verbally representing or depicting the City of Columbus, the local community or the business district. They may graphically or symbolically celebrate holidays or promote cultural and civic events, activities, or facilities of general public interest. They shall not include commercial messages, slogans, telephone numbers, or similar forms of advertising. They shall not include corporate names unless a corporate name is an established part of an event title and the event is popularly recognized by such title; in this case special consideration will be given by the City to logos and type styles that are appropriately scaled to banner and flag design. Banners and flags may not be used for commercial advertising, to promote political candidates, parties, or issue or to identify any religion. Upon approval of the City a commercial institution or public interest may be given corporate sponsorship credit on banners and flags. The name and logo of any contributing sponsors shall be positioned in the lower 10% of the banner or flag area.

**3.2.3 Placement:** Subject to review and approval of the Public Utilities Department, Division of Electricity, and the Public Service Department, Transportation Division, banners and flags may be installed upon aluminum cobra head style streetlights or pedestrian scale streetlights under the control of the City. Banners and flags mounted on pedestrian scale streetlights must be installed over the sidewalk and may not be installed over the street. Banners and flags mounted on aluminum cobra head style streetlights shall be limited to not more than two (2) banners per pole and not more than three (3) flags per pole. For banners mounted on aluminum cobra head style streetlights the lower banner arm must be a minimum of 13'5" above grade. For those banners mounted on pedestrian scale streetlights the lower banner arm must be a minimum of 8'5" above grade level with the banner mounted over the sidewalk not the street. For flags mounted on aluminum cobra head style streetlights the lowest edge of the flag

must be at least 13.5' above grade. For flags mounted on pedestrian scale streetlights the lowest edge of the flag must be at least 8.5' above grade. Placement is further restricted by the following criteria:

- Wooden poles, with supporting wires, which are accessed from the ground, may not be used.
- Poles must be able to adequately manage wind loads generated by the banners/flags. (This will be determined by the City)
- Poles must be at least 50 feet from an intersection.
- Banners and flags must not block view of traffic control signage.

**3.2.4 Installation:** Banners and flags are vulnerable to wind damage that could result in damage to the pole's foundation. **The most important safety aspect of a banner and flag program is the mounting hardware. The Division of Electricity and the Transportation Division, through the application process, must approve the brackets and mounting hardware before installation will be permitted. To eliminate compatibility problems the same company must supply both banners or flags and all mounting hardware.** A licensed sign contractor must install the brackets, banners and flags. Brackets shall be constructed of a high quality rust resistant material that does not discolor or cause damage to the pole. The brackets must meet the following criteria:

- They must absorb and deflect heavy wind loads
- They must be maintenance free
- They must have a weather resistant coating
- They must utilize stainless steel banding
- They must have removable fiberglass or fiberglass like material arms

**3.2.5 Maintenance:** A maintenance schedule is crucial to a banner/flag program and special attention must be devoted to the development of this schedule. The applicant is responsible for the development of a maintenance program and must submit details about the maintenance program to the City as a part of the application. A licensed sign contractor must provide all installation or removal of banners and flags. The maintenance program must include provisions for regular field checks of the flags/banners and the mounting hardware along with both routine service and emergency service. All installation, removal, and maintenance of the banners/flags shall be at the sole expense of the applicant. The maintenance agreement must be approved and fully executed by the City prior to installation of banners or flags.

**4 Restoration:** At such time as any right-of-way lease or the banner/flag agreement is terminated, irregardless of which party initiates the termination, any facilities installed within those premises occupied pursuant to Chapter 904 shall be removed and the premises shall be restored as nearly as possible to the pre-occupied condition by the party having the lease or agreement with the City.

**5 Emergency Repairs:** When any public agency, or any private utility company or corporation must make emergency repairs to any utilities located in, over, across, under or through the occupied premises the appropriate party shall immediately upon notification of such need remove or cause to be removed any facilities located within the occupied premises. Upon completion of any emergency repairs those facilities removed to allow such repairs may be reinstalled by the party having a lease or an agreement with the city. Failure by the appropriate party to immediately remove facilities when notified of the need to do so may result in the City removing said facilities with the cost of such removal being assessed to the appropriate party. Additionally such failure may result in the termination of the lease or agreement.

**6 Inspections:** The City shall have the right to inspect the occupied premises at any time without serving advanced notice of such inspection.

**7 Fees:**

**7.1 Sidewalk dining and ancillary uses:** For uses deemed by the city to be private amenities to the public right-of-way including but not limited to flower boxes, planters and benches a one time fee of \$250.00 per application will be required. For uses deemed by the City to be commercial in nature including but not limited to sidewalk dining, kiosks, and shoeshine stands an initial fee of \$500.00, due at the time the original application is submitted and a fee of \$50.00 for any subsequent annual renewal will be required. Any material change in the scope or purpose for which the original lease was issued will require a \$500.00 fee to process the modification. For those holding current, valid, fully executed leases on the effective date of Columbus City Code Chapter 904 the initial \$500.00 fee shall be waived.

**7.2 Banners and Flags:** No application or Chapter 904 permit fees shall be required for the installation of banners and flags within the public right-of-way. Possession of a 904 Permit does not relieve the Permit Holder from the responsibility to obtain any other city permit required for the actual physical installation, maintenance and removal of said banners and flags.

**8 Revocation/Termination, Notification and Removal:**


**8.1 Revocation/Termination:** The City reserves the right to revoke or terminate any right-of-way lease or banner/flag agreement granted pursuant to Chapter 904 in the event a) the party having the lease or agreement violates any material provision of said chapter; b) the City determines the occupied premises are necessary for any public purpose inconsistent with or antagonistic to the purpose for which said lease or agreement was granted; c) a material change in the public use of the right-of-way occurs.

**8.2 Notification:** Notification of the requirement to remove facilities installed pursuant to a lease or agreement shall take the form of a written notice to the appropriate party sent certified mail, return receipt requested.

**8.3 Removal:** If such lease or agreement is revoked or terminated for any reason other than an emergency those facilities installed pursuant to Chapter 904 shall be removed at the sole expense of the appropriate party within 15 days of receipt of a written notice to remove. Failure to remove such facilities shall result in the City removing the facilities with the cost of such removal being assessed to the appropriate party.

**9 Penalty:** Whoever violates any provision of Chapter 904 shall be deemed guilty of a misdemeanor of the third degree and fined not more than five hundred dollars (\$500.00), or imprisoned for not more than sixty (60) days or both. Any such violation shall constitute a separate offense on each successive day continued.

Reviewed and approved by the Administrator, Transportation Division:

  
\_\_\_\_\_  
Pamela A. Clawson, P.E., Administrator

12-22-03  
Date