

DEPARTMENT OF PUBLIC SERVICE
CITY OF COLUMBUS, OHIO

SUBJECT: Temporary Commercial Zone Permit Rules and Regulations (Chapter 922)

EFFECTIVE DATE: APRIL 6, 2016

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BY: Division of Infrastructure Management

I. PURPOSE

The City of Columbus recognizes that public on-street parking as well as private parking for mobile food vending businesses is limited in many commercial, residential, historic and mixed-use neighborhoods. In order to preserve the vitality for residents, and to balance it with the needs of businesses in areas of limited parking, it is necessary to establish a temporary commercial zone permit for mobile food vending. The purpose of these rules and regulations is to establish requirements and processes for application, review and issuance of permits for the temporary occupancy of on-street parking by a licensed mobile food vendor while maintaining vehicular traffic access on the street, road or alley.

II. AUTHORITY

- A. Pursuant to the authority granted under Chapter 922, Chapter 523, and Chapter 573 of the Columbus City Codes, 1959, the Director of Public Service hereby adopts, establishes, and publishes these rules and regulations to be effective at the earliest time allowed by law.
- B. These rules and regulations supersede all previously promulgated rules and regulations for temporary commercial zone permits, and are applicable to public right-of-way, and city-owned and operated public parking facilities.

III. DEFINITIONS

The following words, terms and phrases, when used in these rules and regulations, shall have the meanings ascribed to them, except when the context clearly indicates a different meaning:

- A. *Application* means a form created by the Department of Public Service, Division of Infrastructure Management.
- B. *Commercial zone* means a geographic area that has a combination of public right of way access, vehicular traffic patterns, pedestrian density, and mobility options, such that reasonable access for mobile food vending does not constitute an unreasonable threat to public health and safety.
- C. *Congestion Zone* means a geographic area that has a combination of public right of way parking limitations, meter restrictions, vehicular traffic patterns, pedestrian density, and mobility issues, such that unrestricted access for mobile food vending constitutes an unreasonable threat to public health and safety.
- D. *Department* means the City of Columbus Department of Public Service, Division of Infrastructure Management.
- E. *Director* means the Director of the Department of Public Service, or designee.
- F. *Mobile food vendor* means every corporation, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the heirs, executors, administrators, or personal representatives or assignees of any deceased

- owner, owning, controlling, operating or managing any mobile food vending unit.
- G. *Non-commercial zone* means all areas within the corporate limits of the city of Columbus that have not been designated a "congestion zone" or a "commercial zone." Non-commercial zone includes any public right of way where the city of Columbus requires, at all times, a permit for parking.
 - H. *Petition* means a form created by the Department which is developed from an application for a temporary commercial zone, which includes the requested parking area. There shall be an area on each petition for property owners or tenants, or building managers whose property adjoins the side(s) of the public street affected by the permit to sign as being in favor of the requested permit.
 - I. *Public Right of Way* means any property owned by the city of Columbus, including but not limited to, any street, road, alley, sidewalk, vacant lot, or other tract of land.
 - J. *Residential Zone* means a geographic area that is made up of predominately single-family and/or multi-family housing.
 - K. *Temporary Commercial Zone* means the closing of one (1) or more parking locations in the public right of way between one (1) or more intersections, while maintaining vehicular traffic access on the street, road, or alley, for the purpose of conducting commercial activity, including mobile food vending.
 - L. *Temporary Commercial Zone Permit (hereinafter referred to as "Permit")* means a permit issued by the Department to an Applicant for the temporary closure and occupancy of one or more on-street parking spaces, but not for temporary closure of the public right-of-way.

IV. GENERAL PERMIT RULES

- A. No person shall use any public right of way to establish a temporary commercial zone without first obtaining a temporary commercial zone permit.
- B. A permit is required in a residential zone anytime a mobile food vendor operates in the public right of way.
- C. A permit is required in a commercial zone anytime a mobile food vendor operates in any parking space that is not the first or last parking space adjacent to an intersection of any street, road or alley.
- D. A permit is required in a congestion zone anytime a mobile food vendor operates in any parking space between the hours of 6:00 AM and 3:00 AM that is not a designated mobile food vending parking space or the first or last parking space adjacent to an intersection of any street, road or alley after 10:00 PM.
- E. Each permit is the property of the City of Columbus. Improper use or forgery of a permit may result in the revocation of the current permit and/or non-renewal of any future permit application, as determined by the Department.
- F. No permit shall be issued to an Applicant with unpaid City of Columbus parking tickets, or who is delinquent on any taxes or other obligations to the City or County.

- G. Each permit issued by the Department shall display the motor vehicle's license number. The permit shall be displayed on the driver's side dashboard of the lower front window of the vehicle. A permit is valid only for the location and dates designated on the permit.
- H. Permits are non-transferrable.

V. LIMITATION ON PARKING CLOSURES

- A. In a residential zone, no temporary commercial zone permit shall be effective for more than three (3) consecutive days without written approval from the Director.
- B. In a commercial zone, no temporary commercial zone permit shall be effective for more than three (3) consecutive days without the written approval from the Director.
- C. In a congestion zone, no temporary commercial zones permit shall be effective for more than one (1) day without written approval from the Director.
- D. In a congestion zone, no more than three (3) total permits shall be issued for the same day without written approval from the Director.
- E. No individual or organization shall cause or allow the operation of a mobile food vending unit in the public right-of-way or in any city-owned and operated public parking facilities, as prohibited by Title 5 of Columbus City Codes, 1959, without first obtaining a Mobile Food Vending License and Right of Way Permit.
- F. The Department, the Columbus Division of Police and the Columbus Division of Fire may temporarily suspend permit parking if the public right-of-way is needed for an emergency or temporary use, including, but not limited to, the construction, maintenance, or repair of a street or utility or special event.
- G. Whenever an Applicant requests a Permit for a metered parking space, the applicant shall be responsible for obtaining the parking meter numbers to be reserved and pay the total daily meter charge for each of the parking meters reserved. The 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.
- H. When a Permit is issued where parking meters are to be bagged, each vehicle using a meter must have a permit. The temporary commercial zone permit must be visible and displayed on the front dash of each vehicle.
- I. No permit shall be issued on any street or area that is a no stopping zone.
- J. At no time shall the permitted vender be allowed to park on a sidewalk or drive over the curb.

VI. INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

- A. The applicant shall agree in writing on a form provided by the City to hold the city of Columbus, its employees, agents, servants, boards and commissions harmless from liability arising from the issuance of the temporary commercial zone permit and from the conduct of the participants or customers of the temporary commercial zone.
- B. The applicant shall agree in writing on a form provided by the City to indemnify the city of Columbus, its employees, agents, servants, boards and commissions against all claims of injury or damage to persons or property caused by the negligent acts of the applicant.

VII. PERMIT APPLICATION PROCESS

- A. Applications shall be submitted to the Department at the following address or by email:

ATTN: Permit Manager
City of Columbus
Division of Infrastructure Management
50 West Gay Street
Columbus, Ohio 43215
ColsPermits@columbus.gov

- B. 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.
- C. Applications for permits shall be processed in order of receipt by the Department.
- D. Applicants requesting a permit in a residential or commercial zone may include multiple dates over a three (3) month period for a specific location per application.
- E. Applicants requesting a permit in a congestion zone may include up to three (3) dates in a thirty (30) day period for a specific location per application.
- F. If the parking requested for a Permit is located within the boundaries of a civic association, business association, area commission and/or special improvement district that represents the area proposed for a Permit. The applicant is required to obtain a Certificate of Appropriateness or a letter of support from the appropriate commission or association. The Department shall consider the input from the applicable organization(s) as it reviews the Application.
- G. Following the review of the permit application and complete petition, the Director shall take one of the following actions:
 - 1. Approve the permit application as submitted; or
 - 2. Deny the permit application, with basis for denial; or
 - 3. Recommend to the Applicant approval of the petition with changes, with basis for recommendation.
- H. A Permit shall be issued if the following requirements are met:
 - 1. The Application is on the form provided by the Department; and

2. The Applicant has met the requirements of the Application and paid the required fees; and
 3. The Applicant has submitted a petition bearing the signatures of all property owners or business owners whose property is within twenty-five (25) feet of the parking space(s) affected by the permit. A petition with less than the required signatures may be accepted provided the applicant has demonstrated and documented, in person and in writing, a good faith effort to contact the business owners or property owners who did not sign the petition; and
 4. The Applicant has executed the indemnity agreement; and
 5. The Applicant has presented proof of a current and valid Mobile Food Vending License and a MFV Right of Way Permit; and
 6. The Applicant has agreed to otherwise abide by the relevant rules and regulations regarding such mobile food vending activity;
 7. The Applicant is not delinquent on any taxes or other obligations to the city or county; and
 8. The Applicant has no unpaid parking citations; and
 9. In consideration of the input from an applicable civic association, business association, area commission or special improvement district, the Department has made a determination that the public health, safety or welfare will not be negatively impacted upon the granting or renewal of a Permit.
- I. The decision of the Director shall be final.

VIII. PERMIT APPLICATION

The Application for a Permit shall be on a form provided by the Department, and shall require, at a minimum, the following information:

- A. Name and mailing address of the Applicant
- B. Name of vendor(s), if not the Applicant
- C. Motor vehicle year, make and current year motor vehicle registration
- D. Mobile Food Vending License Number or decal number
- E. Contact name and phone number (24-hour emergency number is needed)
- F. Location of event or activity – street address number if applicable (permits issued per location, not per structure)
- G. Days requested for permit activity
- H. Proposed hours for permit activity
- I. Purpose of request
- J. Start date
- K. Traffic control needs
- L. Parking meter numbers
- M. Valid government photo ID at the time of purchase.

IX. PERMIT FEES

- A. 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.
- B. All fees are to be paid at the time the permit is obtained.
- C. The fee for a Permit shall be \$80.00.
- D. Parking meter out of service fees will vary, depending on meter duration, location and hours of operation, and shall be imposed as if the meter requested for a Permit is fully occupied for the duration of the Permit. Please contact the Permit Office at (614) 645-7497 for more information.

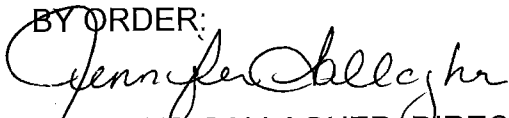
X. REFUNDS, TRANSFERS AND EXPIRATION

- A. Permit fees shall not be refunded.
- B. A Permit is specific to a specific location, and shall not be transferred to another location or vehicle.

XI. ENFORCEMENT, DENIAL, REVOCATION, SUSPENSION AND TERMINATION

- A. The Director, the Director of the Department of Public Safety, the Director of the Department of Development, the Health Commissioner, and his/her designees shall have the authority to inspect and enforce the provisions of these Rules and Regulations.
- B. The use of a Permit is subject to the enforcement of applicable local and state traffic, parking, general offenses, and right-of-way occupancy codes and regulations. Enforcement of these rules and regulations may include parking citation and/or impoundment, suspension, revocation, termination or denial of a Permit, or in egregious circumstances up to and including criminal prosecution pursuant to Section 922.99 of Columbus City Code.
- C. The Department may deny issuing a Permit or revoke or suspend without refund any portion of any fees for a Permit if:
 - 1. The permit holder fails to comply with the requirements of these rules and regulations or other applicable law;
 - 2. The permit holder makes a false statement of material fact on an application for a Permit; or
 - 3. The permit holder misuses, copies or transfers a Permit without written approval from the Department.

BY ORDER:



JENNIFER GALLAGHER, DIRECTOR
DEPARTMENT OF PUBLIC SERVICE

INDEMNITY RELEASE FORM

CITY OF COLUMBUS

STATE OF OHIO

COUNTY OF FRANKLIN

For and in consideration of the granting of a Temporary Commercial Zone Permit by the City of Columbus, the undersigned does agree to indemnify and hold harmless the City of Columbus, its employees, agents, servants, boards and commissions from liability arising from the issuance of the Temporary Commercial Zone Permit and from the conduct of the participants or customers of the Temporary Commercial Zone and against any and all claims of injury or damages to persons or property caused by the negligent acts of the applicant.

INDEMINITOR

Signature of Authorized Representative

Print Name

Title

Permit Location (street address)

Business receiving Permit

This _____ day of _____ 20____

(NOTARY PUBLIC)

