

## Chapter 900 DEFINITIONS

### 900.01 Meaning of words and phrases.

The following words and phrases when used in Chapters 900-908 of this Streets, Parks and Public Properties Code except as otherwise provided, shall have the meaning respectively ascribed to them in this chapter. Words not defined shall be given their common and ordinary meaning.

### 900.021 Authorized agent.

"Authorized agent" for the abutting property owner shall mean a contractor having an active valid home improvement contractor's (HIC) license on file with the Department of Building and Zoning Services.

### 900.022 Bike lane.

"Bike lane" (Class II Bikeway) is a marked lane contiguous to a travel lane within a roadway for the exclusive or semi-exclusive operation of bicycles in the same direction as the adjacent travel lane. The bike lane is physically separated from motor vehicle traffic by painted lines, pavement coloration, curbing, parked vehicles or other barriers.

### 900.023 Bike route.

"Bike route" (Class III Bikeway) utilizes existing streets and roads. No separation of motor vehicle and bicycle traffic is provided as only signs are present to indicate the course of the bike route.

### 900.03 Bikeway.

"Bikeway" means a facility that explicitly provides for bicycle travel. A bikeway may vary from a completely separated facility to simple signed streets as follows: (a) "Shared-use path"; ~~(Class I Bikeway) is a facility for the exclusive use of bicycles, pedestrians and children's non-motorized vehicles separated from motor vehicle traffic except at bike crossings-~~(b) "Bike lane"; ~~and (Class II Bikeway) is a marked lane contiguous to a travel lane within a roadway for the exclusive or semi-exclusive operation of bicycles in the same direction as the adjacent travel lane. The bike lane is physically separated from motor vehicle traffic by painted lines, pavement coloration, curbing, parked vehicles or other barriers.~~ (c) "Bike route"; ~~(Class III Bikeway) utilizes existing streets and roads. No separation of motor vehicle and bicycle traffic is provided as only signs are present to indicate the course of the bike route.~~

**900.031 Commercial activity.**

"Commercial activity" means the ordinary activities of trade and commerce where the profit motive is the primary purpose of the temporary commercial zone. This terminology does not apply to sales of materials which are intended to convey information and ideas, or which espouse causes or beliefs protected by the First Amendment to the U.S. Constitution, whether in the form of books, pamphlets, buttons, bumper stickers t-shirts, or the like.

**900.04 Crosswalk.**

"Crosswalk" means:

- (a) (1) That part of a roadway or alley at intersections, ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;
  - (2) If the service director authorizes curb ramps which are outside the crosswalk established by subsection (a)(1) but within fifteen (15) feet of that crosswalk, the crosswalk shall be extended to encompass the pathway between two (2) opposed ramps; and
  - (3) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;
- (b) Notwithstanding subsections (a)(1), (2~~b~~) and (3~~e~~) of this section, there shall not be a crosswalk where authorized signs have been placed indicating no crossing.

**900.041 Department.**

"Department" when used without clarification means the Department of Public Service.

**900.042 Director.**

"Director" when used without clarification shall mean the Director of Public Service or designee.

**900.051 Litter.**

"Litter" means garbage, trash, waste, rubbish, ashes, cigarette butts, cigar butts, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, debris, leaves, dead and decaying material, human excreta or any refuse of any description or any other thing, matter, or substance which may accumulate in an unsightly, unsanitary, or unsafe manner.

**900.052 Owner.**

"Owner" means any of the following:

- (a) The owner of record as shown on the current tax list of the county auditor in which the property is located;
- (b) The mortgage holder of record, if any, as shown in the mortgage records of the county recorder in which the property is located;

- (c) Any person who has a freehold or lesser estate in the premises;
- (d) A mortgagee or vendee in possession. "In possession" means someone who evidences charge, care or control of the premises, and includes someone to whom the county sheriff in which the property is located has issued a deed for the premises whether or not the deed has been recorded;
- (e) Any person who has charge, care or control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee; or
- (f) Any person who holds themselves out to be in charge, care or control of the premises as evidenced by negotiating written or oral lease agreements relative to the premises, collecting rents for the premises, performing maintenance or repairs on the premises or authorizing others to perform maintenance or repairs on the premises.

#### **900.053 Person.**

"Person" means, without limitation, an individual natural person, the person's beneficiaries, executors, administrators, or assigns, a corporation, partnership, unincorporated society or association, public service agency, or any other type of business or association, including respective successors or assigns, that is recognized under the laws of the State of Ohio or the City of Columbus, or anyone acting on behalf of any of the aforementioned, and who is working in or occupying the right-of-way with or without a valid permit issued by the Department.

#### **900.06 Right of way.**

"Right of way" means either of the following, as the context requires:

- (a) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle or pedestrian approaching from a different direction into its or the individual's path;
- (b) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right of way includes the roadway, shoulders or berm, ditch and slopes extending to the right-of-way limits under the control of the state or local authority. This includes the surface of and the space above and below the paved or unpaved portion of any public street, road, highway, shared-use path, sidewalk, drive or any other land dedicated or otherwise designated for the same now or hereafter held by the City

#### **900.061 Shared-use path.**

"Shared-Use Path" (Class I Bikeway), means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use.

**900.081 Structure**

"Structure" shall mean any object which is assembled, built, constructed, or erected in a stationary location on the ground that, while not permanently affixed to the ground, is not easily movable including, but not limited to, bandstands, platforms, podiums, tables, and tents.

**900.082 Temporary commercial zone.**

"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.

**900.09 Vehicle.**

"Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device as defined in section 4511.513 of the Revised Code, ~~or~~ any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.