

**Chapter 906 USE OF PUBLIC RIGHTS-OF-WAY FOR NON-COMMERCIAL EVENTS AND
TEMPORARY COMMERCIAL ZONES**

906.00 Right to enforce.

The Director, the Director of the Department of Public Safety, the Director of the Department of Development, the Health Commissioner and their designees shall have the authority to enforce applicable sections of the Ohio Revised Code and this chapter of the Columbus City Codes.

906.01 Purpose and scope of chapter.

- A. The purpose of this chapter is to provide for the regulation of the use or occupation of all rights-of-way in the city for activities other than those relating to construction, the issuance of right-of-way permits to persons for such use or occupancy, and to set forth the policies of the city related thereto.
- B. A right-of-way permit issued pursuant to this chapter does not take the place of any service permit, franchise, license, or permit which may additionally be required by law, including any required by Chapter 903.
- C. ~~As used in this chapter, "director" shall mean the director of the department of public service or the Director's authorized designee.~~
- D. ~~As used in this chapter, "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.~~

906.02 Director of Ppublic Sservice and/or their designee's approval ~~consent~~ required.

- A. All persons seeking to erect or maintain a structure on the right-of-way of any street, alley, or public way of the city for any non-commercial purpose shall obtain a permit from the Director. ~~the consent of the director.~~ All such permit requests shall be submitted, reviewed and approved by the Ddirector before it shall become effective.
- B. Strict liability is intended for this section.

906.03 Supervision of Ddirector of Ppublic Sservice and/ or designee.

The Ddirector of ~~public service~~ shall promulgate reasonable rules and regulations to carry out the provisions of this chapter. The Ddirector shall have the authority to supervise and control the occupancy of the right-of-way thereof, including the authority to establish permit fees. The time, place, and manner of such occupancy shall be set forth by the Ddirector.

906.04 Revocation.

- A. In addition to any other rights set out in this chapter, the city reserves the right to revoke a right-of-way permit in the event such permittee violates any provision of this chapter or the terms of a right-of-way permit in accordance with the procedures set forth in Section 906.04(B) of this chapter.
- B. In the event that the Director has reasonable cause to believe that a permittee is in violation of the provisions of this chapter, or of the permit, or both, the Director shall issue a written notice of revocation to permittee which shall state the reasons for such action. If permittee remedies all violations within twenty-four (24) hours, the Director may rescind said notice of revocation at the Director's discretion. If said violations create an immediate threat to the health, peace, safety, property, and/or welfare of the public, violations must be remedied within two (2) hours. If permittee does not cure the violations or undertake efforts satisfactory to the Director to remedy the violations, the Director may revoke said permit.
- C. Unless otherwise permitted by the Director or required by law, upon the revocation of a right-of-way permit, all facilities located in the rights-of-way or located upon public property pursuant to such permit shall be promptly removed at the sole expense of permittee.

906.07 Temporary commercial zone closures.

(A) No person shall use any public right of way to establish a temporary commercial zone, as defined in Section 900.082, without first obtaining a temporary commercial zone permit.

(B) In an area zoned residential, no temporary commercial zone permit shall be effective for more than one (1) day without approval from the Director.

(C) In areas not zoned residential, no temporary commercial zone permit shall be effective for more than three (3) consecutive days without approval from the Director.

(D) The Department shall issue a temporary commercial zone permit if the following requirements are met:

(1) The applicant has met the requirements of the temporary commercial zone application and paid the required fees;

(2) The applicant has submitted a petition bearing the signatures of eighty (80) percent of the property owners or tenants, or building managers whose property adjoins the side(s) of the public street affected by the permit. A petition with less than the required signatures may be accepted provided the applicant has demonstrated a good faith effort in attempting to contact the property owners or tenants or building managers who did not sign the petition;

(3) The applicant has executed the indemnity agreement required under Section 909.08;

(4) The applicant has presented proof of current and valid permits or licenses otherwise required for the type of commercial activity proposed to be conducted in the public right of way;

(5) The applicant has agreed to otherwise abide by the relevant rules and regulations regarding such commercial activity;

(6) The applicant is not delinquent on any taxes or other obligations to the city or county; and

(7) The department of public service has made a determination that the public health, safety or welfare will not be negatively impacted upon the granting or renewal of such a permit.

906.08 Indemnification and hold harmless agreement.

(A) The applicant for a temporary commercial zone permit shall agree in writing 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 for a temporary commercial zone permit shall agree in writing 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.

906.99 Penalties.

(a) ~~Whoever~~ Subject to the provisions of Section 908.02, a~~Any person who~~ violates any provision of this chapter shall be deemed guilty of a first degree misdemeanor ~~and fined not exceeding one thousand (\$1,000.00) dollars, or imprisoned for not more than six (6) months, or both. Any such violation shall constitute a separate offense, on each successive day continued.~~

(b) Strict liability is intended for violations of this chapter.

(c) Organizational criminal liability as provided for in City Code Section 2301.23 is intended for violations of this chapter.