

Chapter 902 HEALTH AND SAFETY

902.00 Right to enforce.

The ~~Director~~ ~~director of the public service department~~, the director of the department of public safety, the director of the department of building and zoning services, the health commissioner, and their designees shall have the authority to enforce all relevant ~~healthy~~ health and safety related laws under the Ohio Revised Code and Columbus City ~~Code~~ Codes Chapter 902.

902.01 Littering.

- (a) No person, regardless of intent, shall deposit litter, cause litter to be deposited, or allow litter to accumulate in an unsightly, unsanitary, or unsafe manner on any public property, on any private property, or in or on waters of the city, or convey or carry through any street, square, court, lane, avenue, alley, or other public place, any liquid refuse matter or slops of any kind, unless such liquid refuse matter is conveyed in watertight wagons, carts, vehicles, or vessels.
- (b) Persons engaged in the repair or construction of any building in the city may occupy certain portions of a street or sidewalk as authorized by the ~~director of public service and/or their designee~~ Director as required by Chapter 903 of the Columbus City ~~Code~~ Codes.
- (c) In the event any person causes or permits the littering of streets or alleys with dirt, mud, debris or excavating or building materials, such person shall clean and/or remove such litter.
 - (1) Upon failure of any person to remove such dirt, mud, debris or excavating or building materials, then cleaning service shall be rendered by the ~~department of public service~~ Department and the person billed at the current hourly rates of the ~~department of public service's~~ Department's equipment and personnel.
 - (2) Failure to pay such bill within ten (10) days shall be grounds for revocation of any and all city permits, licenses, performance bonds, and letters of credit issued to or posted by such person and for refusal to issue any new permits or licenses for so long as the bill remains unpaid.
- (d) The littering of streets adjacent to any project for which a city permit or license was issued shall be deemed to have been caused or permitted by the permittee or licensee in the absence of proof to the contrary.
- ~~(e) As used in this section:~~
 - ~~(1) "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.~~

902.02 Obstructing sidewalks, bikeways or streets.

- (a) No person, regardless of intent, shall place, deposit, maintain, or use, or cause or permit to be placed, deposited, maintained, or used upon any street, alley, sidewalk, bikeway, ~~as defined in Section 900.03~~, highway, or right-of-way any materials, containers, vending equipment, structures, appliances, furniture, merchandise, bench, stand, sign, or advertising of any kind, or any other

similar device or obstruction except as authorized by the ~~Director~~ director public service and/or their designee, as required by pursuant to Chapter 903 of the Columbus City ~~Codes~~ Code.

- (1) Any person, regardless of intent, who places, deposits, maintains, or uses, or causes or permits to be placed, deposited, maintained, or used upon any street, alley, sidewalk, bikeway, highway, or right-of-way any obstructions as defined in Section 902.02(a), except as authorized by the ~~Director~~ director public service and/or their designee as required by pursuant to Chapter 903 of the Columbus City ~~Codes~~ Code, shall remove such obstructions.
 - (2) In addition to Section 908.02 and any civil and/or criminal penalties set forth in this chapter, upon failure of any person to remove such obstructions as defined in Section 902.02(a), then the removal service may be rendered by the appropriate city agency and the person billed at the current hourly rates of the agency's equipment and personnel.
 - (3) Failure to pay such bill within ten (10) days shall be grounds for revocation of any and all city permits, licenses, performance bonds, and letters of credit issued to or posted by such person and for refusal to issue any new permits or licenses for so long as the bill remains unpaid.
- (b) No person shall knowingly erect, or cause to be erected or permit to remain standing:
- (1) Any porch, portico, veranda, stairs, steps, cellar doors, area, or other projection, extending over or upon the sidewalk, or shared-use path ~~as defined in Section 900.03~~ of any street, alley, or public highway in the city, provided that, the city council may grant the right to construct areaways under sidewalks or shared-use paths upon the condition that they are constructed to the approval of the chief building ~~official~~ inspector;
 - (2) Any house, building, wall, fence, post, pole, rocks, blocks, timbers, curbs, landscaping materials, or other structure in such a manner that any part thereof shall stand or project beyond the line of any lot or parcel of ground into any street, alley, sidewalk, bikeway, highway, or right-of-way. Mailbox supports, street trees as defined in Chapter 912 of the Columbus City Codes and utility poles are not regulated by this section.
- (~~a~~c) No person being the owner of any lot abutting ~~on~~ a street or avenue of the city which is enclosed by a fence shall have the gate at the entrance of such lot from the street or avenue so constructed as to be allowed to swing outward over the street or avenue or the sidewalks or shared-use path unless such gates shall be so constructed and supplied with springs, chain, and weight or other appliances as to automatically close such gates and keep them closed when not in use.
- (~~b~~d) No person shall play at a game of ball upon any street or street park in the city.

902.03 Maintaining improper or unsafe sidewalks, shared-use paths or streets.

- (a) Every owner, occupant, or person having charge of any lot or parcel of land in the city shall cause the paved sidewalk or shared-use path, or any part thereof, in front of and abutting, or to the side or rear of and abutting upon such lot or parcel of land, to be clear of snow and ice each day. If for any cause it shall be impossible to remove all the snow and ice which may adhere to such sidewalk or shared-use path, then every such owner, occupant, or person having charge shall cover such snow or ice as shall remain with such coating of sand or other substance as may be necessary to render travel safe and convenient.
- (b) No person shall do any of the following:
 - (1) Place or deposit snow or ice collected from parking lots, driveways, or any other private property onto a street, sidewalk, shared-use path, alley, or right-of-way; place or deposit snow

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- or ice collected from driveway entrances or any other location onto a street, shared-use path or sidewalk in such a manner as to impede safe travel.
- (2) Open any door constructed in and as a part of a public sidewalk, shared-use path or street and as a covering over an areaway under such sidewalk, shared-use path or over an entrance way to the basement of a building, or use such opening or entrance way, except between the hours of 6:00 p.m. and 8:00 a.m.
 - (3) Allow cellar doors or any other opening of a similar nature to remain open on any sidewalk or shared-use path of any street or alley unless a substantial railing surrounds the opening or unless there is stationed at such cellar door, trap door, or any other opening of a similar nature a guard or watchman during the time or period of its remaining open.
 - (4) Pave, repave, or repair any sidewalk or shared-use path in the public right-of-way, or cause the same to be done, without first obtaining a permit to do so from the Director ~~director of public service and/or their designee~~.
- (c) No person shall construct:
- (1) On any sidewalk, shared-use path, street, or alley any smooth iron doors or coverings of maintenance holes, coalholes, or gratings, or by whatever other name they may be called. When such doors or coverings of maintenance holes, coalholes, or gratings are constructed they shall be of rough corrugated iron on the level with such sidewalk, shared-use path, street, or alley neither higher nor lower than the sidewalk, shared-use path, street, or alley on which they are constructed;
 - (2) Any pipe, stopcock or valve on any sidewalk or shared-use path unless they are constructed so as to conform with the level of the sidewalk or shared-use path neither higher nor lower than the sidewalk or shared-use path on which they are constructed.
- (d) No person shall:
- (1) Remove, displace, destroy, or deface any barrier, marker, sign, obstruction, or light set placed by any person acting under the direction of the ~~director of public service~~ Director or the director of public safety, in or on any public street or alley for the purpose of temporarily closing such street or alley or for the purpose of temporarily prohibiting driving, parking, stopping, or standing of vehicles thereon in connection with the improvement, repair, maintenance, or cleaning of such street or alley, or for any other authorized reason;
 - (2) Drive, park, stop, or stand any vehicle in or upon any street or alley when said street or alley is so marked by any barrier, marker, sign, obstruction or light for the purposes stated in ~~subsection~~ division (d)(1);
 - (3) This ~~section~~ division shall not apply to any person requiring the use of such street or alley so temporarily regulated for access to any premises abutting on the portion of such street or alley so temporarily regulated, when such person shall have obtained a written consent to use the street or alley for such purpose from the ~~officer under whose authority the regulation was established~~ Director.
- (e) The ~~director of public service~~ Director and the director of public safety each is authorized, in their separate official capacity, to temporarily regulate the driving, parking, stopping or standing of vehicles upon any street or alley in the city, when such regulation is required for the purpose of improving, repairing, maintaining or cleaning such street or alley.

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- (f) No regulation under ~~subsection~~ division (e) shall be effective until and unless the street or alley to be regulated is properly posted by appropriate signs or markers.

902.04 Driveway and ditch pipe installation and maintenance.

- (a) It shall be the duty of every owner of any lot or parcel of land in the city having a driveway crossing a roadside ditch or area ditch, to provide and maintain a driveway pipe of the proper size, material, and at the proper grade to allow free flow of water in the roadside ditch. This responsibility includes, but is not limited to, installing, replacing, resetting, cleaning, and related maintenance of said driveway pipe.
- (b) Every owner, prior to performing said installation or maintenance work, or extending or installing any pipe or conduit for the purpose of enclosing a ditch, shall secure the consent of the ~~director~~ public service and/or their designee, as required by Director pursuant to Chapter 903 of the Columbus City CodesCode. All work involving sewer pipes must conform to all applicable requirements as provided for in of Title 11, Article 3 of the Columbus City Codes Code.

902.99 Penalties.

- (a) Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree ~~and may be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days or both~~ except whoever violates Section 902.03(a) is guilty of a minor misdemeanor ~~and may be fined not more than one hundred fifty dollars (\$100.00) (\$150.00).~~
- (b) Strict liability is intended to be imposed for a violation of this chapter. It is an affirmative defense to a charge under Section 902.03(a) that, at the time of the alleged offense, the person charged suffered from physical impairments which caused the person to be incapable of clearing or covering the snow and ice as required by that subsection and was unable to arrange to have another person clear or cover such snow and ice.
- (c) Organizational criminal liability as provided for in City Code Section 2301.23 is intended for violations of this chapter.