



Legislation Text

File #: 2113-2004, Version: 1

Background: Section 903.01(b) of the Columbus City Codes, 1959, requires the consent of the Transportation Division Administrator before installing any structure that would occupy the City's right-of-way. The Transportation Division is a Division within the Public Service Department. The Transportation Division has recently received several requests from vendors seeking approval to install pay telephones within the City's right-of-way. Presently, no regulations have been issued by the Department of Public Service that specifically address the circumstances under which pay telephones would be authorized to be installed in the City's right-of-way. In the interests of public safety and to further responsible use of the City's rights-of-way, the Public Service Department finds it is necessary to study the potential impact of such structures upon such rights-of way and to provide objective standards by which such applications can be processed taking into account safety and aesthetic considerations.

The Department of Public Service is therefore requesting authorization to impose a 6 month moratorium on the consideration of applications for the installation of pay telephones in the right-of-way to avoid conflicts that will result from the City's lack of regulations pertaining to this issue. This legislation authorize the Director of the Public Service Department to impose such a moratorium and instructs the Public Service Director to research the safety, aesthetics, and other considerations that would affect the circumstances under which such devises would be authorized and also to promulgate regulations, as necessary, that will specifically address the installation, maintenance, and removal of pay telephones within the City's right-of-way.

To authorize the Director of the Public Service Department to impose a six (6) month moratorium on the acceptance, consideration, or approval of applications seeking to install pay telephones in the City's right-of-way, to instruct the Public Service Director to thoroughly research the safety, aesthetics, and other considerations affecting the circumstances under which such devices would be authorized and to promulgate regulations, as necessary, that specifically address the installation, maintenance, and removal of pay telephones in the City's right-of-way, and to declare an emergency.

WHEREAS, Section 903.01(b) of the Columbus City Codes, 1959, requires the consent of the Transportation Division Administrator before installing any structure that would occupy the City's right-of-way; and

WHEREAS, the Transportation Division is part of the Public Service Department, and

WHEREAS, no regulations currently promulgated by the Department of Public Service specifically address the circumstances under which pay telephones would be authorized to be installed in the City's right-of-way; and

WHEREAS, vendors are seeking approval to place such structures in the City's right-of-way which has significantly increased the volume of applications filed pursuant to Section 903.01(b); and

WHEREAS, in the interests of public safety and to further responsible use of the City's rights-of-way, it is necessary to study the potential impact of such structures upon such rights-of way and to articulate objective standards by which such applications can be processed that take into account safety and aesthetic considerations; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department in that it is immediately necessary to impose a 6 month moratorium on the consideration of applications for the installation of pay telephones in the City's right-of-way to avoid conflicts that will result from the City's lack of regulations pertaining to this issue, thereby preserving the public health, peace, property, safety, and welfare; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of Public Service is hereby authorized to impose a 6 month moratorium on the acceptance, consideration, or approval of applications seeking to install pay telephones in the City's right-of-way.

Section 2. That during this moratorium period, the Public Service Director is hereby instructed to thoroughly research the safety, aesthetic, and other considerations that would affect the circumstances under which such devices would be authorized and promulgate regulations, as necessary, that specifically address the installation, maintenance, and removal of pay telephones in the City's right-of-way.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.