



## Legislation Details (With Text)

**File #:** 1386-2012      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 6/14/2012      **In control:** Rules & Reference Committee

**On agenda:** 7/16/2012      **Final action:** 7/18/2012

**Title:** To enact Chapter 906 of the Columbus City Code, 1959, to regulate the use of public rights-of-way for non commercial events. and to declare an emergency.

**Sponsors:** Eileen Paley

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/18/2012	2	CITY CLERK	Attest	
7/17/2012	2	MAYOR	Signed	
7/16/2012	2	COUNCIL PRESIDENT	Signed	
7/16/2012	2	Columbus City Council	Approved	Pass
7/9/2012	1	Columbus City Council	Amended to 30 day	Pass

### 1. BACKGROUND

The purpose of this legislation is provide for the enactment of Chapter 906 of the Columbus City Code, 1959, to regulate the use of the public rights-of-way for non-commercial events. The contents of Chapter 906 are necessary due to the need to regulate events for safety, cleanliness, and flow of pedestrian traffic.

The Director of Public Service shall promulgate rules and regulations in support of this code section.

### 2. FISCAL IMPACT

Fees will be collected for permits under this section which will offset the permitting and enforcement efforts. There is no net fiscal impact.

### 3. EMERGENCY DESIGNATION

Emergency action is requested for this ordinance to allow these changes in City Code to be made in order that for reimbursement can be made and be in place by the end of January, 2011.

To enact Chapter 906 of the Columbus City Code, 1959, to regulate the use of public rights-of-way for non commercial events. ~~and to declare an emergency.~~

**WHEREAS**, there is a need to establish a Chapter in the Columbus City Code, 1959 for the purpose of regulating the use of public rights-of-way for non commercial events; and

**WHEREAS**, this chapter of the City Code, 1959 is necessary for the safety, cleanliness, and flow of traffic at these events; and

**WHEREAS**, this ordinance establishes language and authorizes the enactment of Chapter 906 of the Columbus City Code, 1959 for the above-described purpose; **now therefore**;

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, in that these changes to the City Code should take place at the earliest possible time in order to enact rules and regulations to provide for the safety of the public, thereby preserving the public health, peace, property, and safety; now, therefore

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

**SECTION 1.** That Chapter 906 of the Columbus City Code, 1959 is hereby enacted to read as follows:

**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 public service and/or their designee's 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 purposes shall obtain the consent of the director. All such requests shall be submitted, reviewed and approved by the director before it shall become effective.

B. Strict liability is intended for this section.

**906.03 - Supervision of director of public service and/ or designee.**

The director of public service shall promulgate reasonable rules and regulations to carry out the provisions of this chapter. The director shall supervise and control the occupancy of the right-of-way thereof. The time, place, and manner of such occupancy shall be set forth by the director.

**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 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.

**906.05 - Non-enforcement and waivers by the city.**

No permittee shall be relieved of its obligation to comply with any of the provisions of its right-of-way permit or this chapter by reason of any failure of the city to enforce prompt compliance.

**906.06 - Severability.**

If any section, subsection, clause or provision or any part thereof of this chapter shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder shall be unaffected by such adjudication and all remaining provisions shall remain in full force and effect.

**906.99 - Penalties.**

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

**SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law. 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 day after passage if the Mayor neither approves nor vetoes the same.**