

**GENERAL RULES AND REGULATIONS
FOR
CHAPTER 904, COLUMBUS CITY CODE (1959) REVISED
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF INFRASTRUCTURE MANAGEMENT**

CITY OF COLUMBUS, OHIO

SUBJECT: Café Seating, and Non-Permanent Amenities Installed Within Public Right-of-Way

EFFECTIVE DATE: January 16, 2000

RULE:

Any company, corporation, persons or individuals wishing to use or occupy public sidewalk or other real property within the public right-of-way for those purposes including but not limited to sidewalk seating and/or dining, placement of removable railing or other barricades in conjunction with said seating and/or dining, installation of removable awnings in conjunction with said seating and/or dining, installation of bike racks, flower boxes, movable planters, benches, banners, flags, placement of temporary signage, and any other uses authorized in these rules and regulations must apply for and obtain written consent from the Director of Public Service or their designee. Such consent shall be given in the form of a lease or an agreement for use of public sidewalk or other real property within the public right-of-way, which shall be executed by the Director of Public Service or their designee. Issuance of a Chapter 904 Lease/Permit will not relieve the applicant from the responsibility to obtain any permit required by the City for the actual installation of said non-permanent amenities.

INDEX

Section/ Description	Page
1 General Provisions	
1.1 Authority	2
1.2 When Required.....	2
1.3 Application and Review	2
1.4 Review and Approval	2
1.5 Liability.....	2
2 Form of Application	
2.1 Sidewalk Dining and Ancillary uses	3
3 Plans	
3.1 Sidewalk dining and ancillary uses	3
4 Restoration	5
5 Emergency Repairs.....	5
6 Inspections	5
7 Fees.....	5
7.1 Sidewalk dining and ancillary uses.....	5
8 Revocation Termination, Notification and Removal	6
8.1 Revocation Termination	6
8.2 Notification	6
8.3 Removal	6
9 Penalty.....	6

1 General Provisions:

- 1.1 Authority:** Chapter 904 of the Columbus City Code, 1959 (Revised) regulates placement of non-permanent amenities in and the limited use and occupation of public sidewalk or other real property within the public right-of-way and authorizes the Director of Public Service or their designee to grant permission for such uses through the execution of leases and agreements.
- 1.2 When Required:** Any company, corporation, persons or individuals wishing to use or occupy public sidewalk or other real property within the public right-of-way for those purposes including but not limited to sidewalk seating and/or dining, placement of removable railing or other barricades in conjunction with said seating and/or dining, installation of removable awnings in conjunction with said seating and/or dining, installation of bike racks, flower boxes, movable planters, benches, placement of temporary signage, installation of banners and/or flags must apply for and obtain written consent from the Director of Public Service or their designee. Nothing in these rules and regulations shall relieve the applicant from the responsibility to obtain all other permits, including the Chapter 902, Chapter 903, Chapter 905 and Chapter 910 permits, required by Columbus City Code before proceeding with the installation of the proposed amenities.
- 1.3 Application:** Applications for right-of-way lease agreements shall be made through the Administrator of the Division of Infrastructure Management. All requests shall be on forms approved by the Director and shall conform to Section 2 of these regulations. No use of public sidewalk or other real property within public right-of-way for the above referenced purposes shall be allowed prior to City execution of a lease agreement or execution of an agreement.
- 1.4 Review and Approval:** Each application shall be reviewed by the appropriate Departments and Divisions within the City which may include but are not limited to the Development Department, Downtown Development Office, the Public Service Department, Building & Zoning Services, Public Safety Department, Public Utilities, Electricity Division, and the appropriate Area Commission or Downtown Commission to determine that a) the public health, safety and welfare of the City will not be negatively impacted upon the granting of a lease or the issuance of a permit; b) that the granting of the requested lease or permit will be consistent with the policy of the City as set forth in Section 904.01 of Columbus City Codes (1959) Revised, and c) that the applicant is not delinquent on any taxes or other obligations to the City or County.
- 1.5 Liability:** The applicant shall acknowledge acceptance of the premises in "as is" condition with absolutely no warranties, implied or expressed, by the City as to the condition or suitability of the premises for the intended use. The granting of a lease or execution of an agreement does not relieve the applicant from any liability for any damage that might occur to the public sidewalk or other real property within the public right-of-way as a result of their use or occupancy of said premises. Additionally the individuals obtaining the lease or agreement shall indemnify and hold harmless the City and all of its agents, employees and representatives from and against all claims, damages, losses, suits and actions, including attorney's fees, arising or resulting from the use of the premises by the them, their agents, representatives, employees, patrons, customers, business invitees and guests or any other person or persons who may use said premises. Further they shall obtain liability insurance in the amount of \$1,500,000.00 and shall name the City as an additional insured on said policy. A copy of the Certificate of Insurance shall be provided to the City and shall become a part of any lease or agreement issued by or on behalf of the City.

2 Form of Application:

2.1 Sidewalk Dining and Ancillary uses: The request for a lease must be submitted in writing and must contain the following information:

- Name of applicant or agent making the lease request
- Address of the applicant or agent
- Phone and fax numbers of applicant or agent
- Name, phone and fax numbers of a 24-hour emergency contact if not the same as the applicant
- Name of business
- Site location; include property address and County Auditor Parcel number
- Area Commission contact name and phone number if applicable; include information on Special Improvement District status if applicable
- Certificate of Appropriateness from any Commission (Area Commission, Downtown Development Commission, Historical District Commission, etc.) having jurisdiction over site location
- Written explanation of proposed use of site (food service, food & liquor service, outdoor seating only, etc.)
- Proposed hours of operation
- Plans as required by Section 3

3 Plans:

3.1 Sidewalk dining and ancillary uses: The written request for a lease shall be accompanied by a detailed description of the proposed use of the right-of-way and a sketch of the premises including, but not limited to the following information:

- Width of the sidewalk from back of curb to the face of the building
Width of the sidewalk from back of curb to back of utility strip (include signs, parking meters, trees, news boxes, etc in the utility strip)
- Total length of area desired
- Distance to nearest cross walk
- Distance to nearest intersection
- Type, size and method of installation of fencing if desired
- Type, size and method of installation of awning if desired
- Location of all existing parking meters, bus stops, traffic signs, traffic lights, light poles, fire hydrants, trees, planters, newspaper boxes, mail boxes, phone booths, bike racks, advertising benches, trash receptacles, doorways, driveways, pedestrian ramps and all other decorative items within the public right-of-way

4 Restoration: At such time as any right-of-way lease agreement is terminated, irregardless of which party initiates the termination, any facilities installed within those premises occupied pursuant to Chapter 904 shall be removed and the premises shall be restored as nearly as possible to the pre-occupied condition by the party having the lease or agreement with the City.

5 Emergency Repairs: When any public agency, or any private utility company or corporation must make emergency repairs to any utilities located in, over, across, under or through the occupied premises the appropriate party shall immediately upon notification of such need remove or cause to be removed any facilities located within the occupied premises. Upon completion of any emergency repairs those facilities removed to allow such repairs may be reinstalled by the party having a lease or an agreement with the city. Failure by the appropriate party to immediately remove facilities when notified of the need to do so may result in the City removing said facilities with the cost of such removal being assessed to the appropriate party. Additionally such failure may result in the termination of the lease or agreement.

6 Inspections: The City shall have the right to inspect the occupied premises at any time without serving advanced notice of such inspection.

7 Fees:

7.1 Sidewalk dining and ancillary uses: For uses deemed by the city to be private amenities to the public right-of-way including but not limited to flower boxes, planters and benches a onetime fee of \$250.00 per application will be required. For uses deemed by the City to be commercial in nature including but not limited to sidewalk dining, kiosks, and shoeshine stands an initial fee of \$500.00, due at the time the lease is issued and a fee of \$50.00 for any subsequent annual renewal will be required. Any material change in the scope or purpose for which the original lease was issued will require a \$500.00 fee to process the modification. For those holding current, valid, fully executed leases on the effective date of Columbus City Code Chapter 904 the initial \$500.00 fee shall be waived.

8 Revocation/Termination, Notification and Removal:

8.1 Revocation Termination: The City reserves the right to revoke or terminate any right-of-way lease agreement granted pursuant to Chapter 904 in the event a) the party having the lease or agreement violates any material provision of said chapter; b) the City determines the occupied premises are necessary for any public purpose inconsistent with or antagonistic to the purpose for which said lease or agreement was granted; c) a material change in the public use of the right-of-way occurs.

8.2 Notification: Notification of the requirement to remove facilities installed pursuant to a lease or agreement shall take the form of a written notice to the appropriate party sent certified mail, return receipt requested.

8.3 Removal: If such lease or agreement is revoked or terminated for any reason other than an emergency those facilities installed pursuant to Chapter 904 shall be removed at the sole expense of the appropriate party within 15 days of receipt of a written notice to remove. Failure to remove such facilities shall result in the City removing the facilities with the cost of such removal being assessed to the appropriate party.

9 Penalty: Whoever violates any provision of Chapter 904 shall be deemed guilty of a misdemeanor of the third degree and fined not more than five hundred dollars (\$500.00), or imprisoned for not more than sixty (60) days or both. Any such violation shall constitute a separate offense on each successive day continued.