

EMERGENCY

JRS

- 2023

MODIFYING Chapters 517, “Commercial and Heavy Vehicles,” 721, “Streets and Sidewalks, Establishment and Maintenance,” and 723, “Streets and Sidewalks, Use Regulations,” by **AMENDING** Sections 517-37, “Excess Load; Moving Permit,” 721-75, “Sidewalk Repair Permit Fees,” 721-87, “Bond and License Fee of Street Contractor,” and 723-89, “Permits for Barricading Public Rights-of-Way,” and **REPEALING** Sections 723-91, “Sidewalk Barricade Permit Fees,” 723-93, “Roadway Barricade Permit Fees,” and 723-95, “Other Barricade Permit Fees,” to authorize the City Manager to establish fees for recovering costs and expenses associated with permits and licenses issued for work in the public right-of-way.

WHEREAS, permit and license fees are an existing means the City uses to recover costs and expenses it directly incurs in connection with the permitting and licensing of work occurring in the public right-of-way; and

WHEREAS, the Cincinnati Municipal Code currently establishes specific fees for right of way permits and licenses and authorizes the City Manager to establish such fees, but the existing permit-fee framework has not proved flexible enough to enable the City to recover the full cost and expense of its right of way permitting and licensing programs; and

WHEREAS, Council wishes to establish a clear, dynamic, and effective framework for permit and licensing fees by authorizing the City Manager to establish fees that recover the costs and expenses associated with right of way permits and licenses; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That existing Section 517-37, “Excess Load; Moving Permit,” of Chapter 517, “Commercial and Heavy Vehicles,”; existing Sections 721-75, “Sidewalk Repair Permit Fees,” and 721-87, “Bond and License Fee of Street Contractor,” of Chapter 721, “Streets and Sidewalks, Establishment and Maintenance,”; and existing Section 723-89, “Permits for Barricading Public Rights-of-Way,” of Chapter 723,” Streets and Sidewalks, Use Regulations,” of the Cincinnati Municipal Code are hereby amended to read as follows:

Sec. 517-37. - Excess Load; Moving Permit.

It shall be within the discretion of the director of transportation and engineering or the person designated by the director of transportation and engineering, upon receipt of an application in writing and good cause being shown therefor, to issue a special permit in

writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Section 5577.01 to 5577.09, inclusive, of the Ohio Revised Code, or otherwise not in conformity with the provisions of the traffic code upon any highway. A permit may be issued for a single or round trip or in special instances for a certain period of time, or in the case of a vehicle in excess of 40 tons combined gross weight of vehicle or vehicle and load which is found by the director to be highly mobile and capable of moving at reasonable traffic speeds, a permit may be issued for a period of time not to exceed six months.

It shall be within the discretion of the director of transportation and engineering or the person designated by the director of transportation and engineering, to issue an annual permit for the safe operation of vehicles, exceeding the size and weight provisions of this section, by a business regularly engaged in operation of such vehicles on local streets immediately adjacent to the business to access state and federal highways for which the business has a valid permit issued by the State of Ohio. The director of transportation and engineering or the person designated by the director of transportation and engineering shall establish the terms and conditions necessary for the issuance of an annual permit. ~~The annual permit shall cost \$100.00 and expire no more than 12 months following the issue date.~~

The application for the permit shall be in such form and shall set forth the conditions for the issuance of the permit as prescribed by the director of transportation and engineering or the person designated by the director of transportation and engineering. The conditions precedent to the issuance of a permit may require a bond or other security or liability coverage.

Upon the issuance of a permit, the applicant shall pay a permit fee, established by the city manager or the city manager's designee, in an amount necessary to recover the costs and expenses incurred by the city or estimated to be incurred by the city in connection with its administration of the excess load moving program, including but not limited to, costs associated with the processing of applications, inspection and oversight of permittees, their vehicles, and equipment, and inspection and maintenance of affected rights of ways. Each such permit shall expire no more than 12 months following its issue date.

In the event a police escort is required for public safety, this determination, the fee schedule and the minimum charge for a police escort shall be promulgated by the Chief of the Cincinnati Police Department or the person designated by the Cincinnati Police Chief.

No permit shall cover more than one vehicle, contrivance, structure, or load, or more than one operation, except as allowed in accordance with an annual permit as described herein. ~~The grantee of every permit shall upon its issuance pay a fee according to the following schedule:~~

~~(a) Exceeding eight feet six inches in width, 13 feet 6 inches in height or 53 feet in length (except in case of trains of three or more units, not to exceed 70 feet in length), but not exceeding 40 tons combined gross weight of vehicle or vehicle and load, \$40.00.~~

~~(b) Over 40 tons combined gross weight of vehicle or vehicle and load, \$75.00 for a single, round trip or special instance permit and \$260.00 per month for permits issued for a period of time.~~

Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of the permit.

Sec. 721-75. - Sidewalk Repair Permit Fees.

The permit fees for construction, reconstruction or repair of sidewalks shall be as follows:

~~Sidewalk, 50 lineal feet or less — \$22.00~~

~~Minimum fee includes one driveway with a width at the street pavement of 20 lineal feet or less.~~

~~Sidewalk, 50 lineal feet or less — \$24.00~~

~~Minimum fee includes one driveway with a width at the street pavement of over 20 lineal feet.~~

~~Add \$7 to the initial or minimum fee for each additional 50 lineal feet of sidewalk or fraction thereof, plus \$9.50 for each additional driveway with a width at the street pavement of 20 lineal feet or less, \$12 for each additional driveway with a width at the street pavement over 20 lineal feet.~~

A permit may be issued to property owners to do sidewalk work in the street right-of-way abutting their property provided such work is less than 65 square feet in area and does not involve any driveway construction.

Upon the issuance of a permit, the applicant shall pay a permit fee, established by the city manager or the city manager's designee, in an amount necessary to recover the costs and expenses incurred by the city or estimated to be incurred by the city in connection with its administration of sidewalk-repair permits, including but not limited to, costs associated with the processing of applications, inspection and oversight of permittees, their vehicles, and equipment, and inspection and maintenance of affected rights of ways.

Sec. 721-87. - Bond and License Fee of Street Contractor.

Upon receipt of the city manager's certificate and the filing of a sufficient bond in the sum of at least \$10,000.00, conditioned to require the contractor to at once repair any part of a street not repaired in accordance with city specifications, the city treasurer shall issue a license authorizing the applicant to engage in the business of street contractor. Said bond shall guarantee work by the contractor for a period of one year from the date of the final

city inspection. A fee of \$120.00 shall be charged for each license for the first year, or a fee of \$60.00 for the last six months of such year, beginning October 1, and a fee of \$85.00 for each consecutive yearly renewal thereof.

Upon the issuance of a license, the applicant shall pay an annual license fee, established by the city manager or the city manager's designee, in an amount necessary to recover the costs and expenses incurred by the city or estimated to be incurred by the city in connection with its administration of the street-contractor-licensing program, including but not limited to, costs associated with the processing of applications, inspection and oversight of licensees, their vehicles, and equipment, and inspection and maintenance of affected rights of ways. Each annual license fee must be paid no more than 12 months following the issue date of the affected license.

Sec. 723-89. - Permits for Barricading Public Rights-of-Way.

A person may not erect or maintain a barricade or walkway within a public right of way without first applying for and obtaining a barricade permit from the Director of Transportation and Engineering.

Upon the issuance of a permit, the applicant shall pay a permit fee, established by the city manager or the city manager's designee, in an amount necessary to recover the costs and expenses incurred by the city or estimated to be incurred by the city in connection with its administration of sidewalk-repair permits, including but not limited to, costs associated with the processing of applications, inspection and oversight of permittees, their vehicles, and equipment, and inspection and maintenance of affected rights of ways.

~~The permit fees for the temporary barricading or use of sidewalks, streets or alleys or for the purpose of depositing materials or placing equipment thereon or for other purposes, are as specified in §§ 723-91 and 723-93 for Districts A, B, and C.~~

The applicant must give written notice of the intended barricade to all owners of property whose access will be affected by the barricade and provide proof of this notification to the Director. Walkways must be of adequate widths to allow the passage of pedestrian traffic, as determined by the Director.

- ~~(a) District A is the area bounded on the north by the north property line of Twelfth Street, on the east by the east property line of Broadway, on the south by the Ohio River, and on the west by the property line of Central Avenue.~~
- ~~(b) District B is all those portions of the city within the boundaries established as business districts as shown on the building zone map.~~
- ~~(c) District C is all those portions of the city not included in Districts A or B.~~

Section 2. That existing Sections 723-91, "Sidewalk Barricade Permit Fees," 723-93, "Roadway Barricade Permit Fees," and 723-95, "Other Barricade Permit Fees," of Chapter 723, "Streets and Sidewalks, Use Regulations," of Chapter 723, "Streets and Sidewalks, Use Regulations," of the Cincinnati Municipal Code are hereby repealed.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the City Manager to establish and promulgate permit fees so that the City may begin to recover the full cost and expense of its right of way permitting and licensing programs at the earliest possible date.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Additions indicated by underline; Deletions indicated by strikethrough.