

MODIFYING Title VII, "General Regulations," of the Cincinnati Municipal Code by AMENDING Section 723-41, "Regulations," of Chapter 723, "Streets and Sidewalks, Use Regulations," to authorize the issuance of revocable street privileges for minor right-of-way uses and the promulgation of related rules and regulations in order to promote the safe, orderly, efficient, and flexible management of the City's right-of-way.

WHEREAS, revocable street privileges are the primary tool the City's uses to authorize and manage private use and occupancy of the public right-of-way; and

WHEREAS, the Cincinnati Municipal Code specifically authorizes the issuance of revocable street privileges for certain enumerated uses, e.g., outdoor dining, but it does not address the universe of requests for right-of-way uses and occupancies that the City Administration regularly fields in connection with its management of the City's right-of-way; and

WHEREAS, the City Council desires to authorize the issuance of minor revocable street privileges not otherwise regulated by the Cincinnati Municipal Code and the establishment of rules and regulations for said revocable street privileges in order to promote the safe, orderly, efficient, and flexible management of the City's right-of-way; and

WHEREAS, in so doing, the Council seeks to promote and foster an active, accessible, and aesthetically pleasing urban environment for the benefit of the City and its citizens; now, therefore,

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

Section 1. That Section 723-41, "Regulations," of Chapter 723, "Streets and Sidewalks, Use Regulations," of the Cincinnati Municipal Code is hereby amended to read as follows:

Sec. 723-41. – Unenumerated RSPs and Regulations.

(a) The city manager or his or her designee is authorized to grant revocable street privileges to persons for the use of streets, sidewalks, and public rights-of-way not otherwise specifically provided for in this chapter, and for the placement of structures upon said street, sidewalks, and public rights-of-way not otherwise specifically provided for in this chapter, upon the city manager's adoption of rules and regulations governing the establishment and maintenance of the class of uses or structures concerned. All revocable street privileges issued pursuant to this section shall be subject to the provisions of Cincinnati Municipal Code Chapter 718.

(b) All rules and regulations, including design guidelines, adopted pursuant to subsection (a) shall be designed to ensure safe, equal, and nondiscriminatory access

to the public right-of-way for persons seeking to establish the class of uses or structures that the rules and regulations govern. In addition, the rules and regulations shall promote the orderly, efficient, and flexible management of the public right-of-way.

- (c)All rules and regulations established pursuant to subsection (a) and modifications thereto shall be published and made available for public review on the City's website for a period of no less than 14 days prior to their effective date.
- (d)No rules and regulations established pursuant to subsection (a), or modifications thereto, shall be effective until approved as to form by the city solicitor and signed by the city manager and the director of the department of transportation and engineering.
- (e)In addition to the authorizations provided for in subsection (a), the city manager or his or her designee is authorized to adopt written rules and regulations for the protection of the public safety and for the orderly and efficient administration of this chapter.

Section 2. That existing Section 723-41, "Regulations," of Chapter 723, "Streets and Sidewalks, Use Regulations," of the Cincinnati Municipal Code is hereby repealed.

Section 3. That the City Manager and the proper City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including by updating applicable rules and regulations and policies and procedures in accordance with the modifications to the Cincinnati Municipal Code provided for herein.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Additions indicated by underline; Deletions indicated by strikethrough.