

CITY OF CENTERVILLE, OHIO

06-03

SPONSORED BY COUNCILMEMBER Roger W. Krass ON THE 17<sup>th</sup> DAY OF February, 2003

AN ORDINANCE ENACTING SECTIONS 1020.03 THROUGH 1020.08 OF THE CENTERVILLE MUNICIPAL CODE TO PERMIT THE ISSUING AND CONTROL OF REVOCABLE STREET PRIVILEGES.

WHEREAS, the City receives requests from members of the public to carry on certain activities in the public right of way from time to time; and

WHEREAS, often the City has no objection to said activities but feels a procedure for controlling same should be adopted.

NOW THEREFORE IN CONSIDERATION OF THE ABOVE RECITATIONS:

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. That the following section additions to Chapter 1020 of the Centerville Municipal Code are hereby adopted:

§1020.03 REVOCABLE STREET PRIVILEGES

Except as otherwise provided by Ordinance, the City Manager shall have control of the supervision, inspection and revocable street privileges. When the public safety or welfare shall require the discontinuance or modification of a revocable street privilege, the City Manager shall take such action necessary for the public interest. The City Manager is authorized to prepare and enforce rules and regulations to carry out the provisions of this section.

A revocable street privilege means an authorized or permitted private right in the use of a special part of a City street, alley or way, separate and distinct from the use of City streets, alleys and ways by the general public as these are regulated by other sections of this ordinance.

§1020.04 PERMITTEE

Any owner of a lot or parcel of real estate for themselves, successors, heirs and assigns may make application for a revocable street privilege abutting the lot or parcel subject to the regulations of this Chapter.

§1020.05 STREET RESTORATION

The cost of all street and sidewalk restoration, adjustments with the utilities and other lawful users made necessary by the construction, maintenance, operation, relocation, discontinuance or abandonment of a revocable street privilege shall be paid by the Permittee in accordance with City specification.

§1020.06 REVOCATION OR MODIFICATION

Every revocable street privilege may be subject to revocation or modification upon 30 days written notice served upon the Permittee personally or mailed to the owner of record.

Whenever a revocable street privilege is terminated, the Permittee shall remove all private construction from the street area, make all required street and sidewalk restoration in accordance with City specifications. In the event there is failure to remove and restore within a reasonable time, the City Manager shall be authorized to cause the removal and restoration and to have the expense thereof charged to the Permittee.

If it is determined by the City Manager that existence of the private construction in the street, alley or way presents no difficulties, the City Manager may waive removal and all private equipment left in any street, alley or way shall thereupon become the property of the City.

A revocable street privilege is required to be modified at the Permittee's expense in connection with a street improvement or authorized or change of location of utility service lines, pipes, poles or other equipment.

§1020.07 LIABILITY OF PERMITTEE


It shall be a condition of the use or enjoyment of any street privilege that the Permittee shall save and hold the City harmless of any and all liability, claims or expenses of any kind caused by, or growing out of, the construction, maintenance, operation, relocation, discontinuance or abandonment of such street privilege. The City Manager is authorized to require a bond to protect against such damage or loss.

§1020.08 UNLAWFUL USE

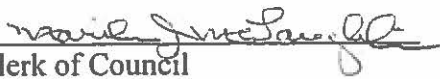
No person, firm or corporation shall establish or maintain an unauthorized private use of a public street, alley or way other than in accordance with this Chapter.

Section 2. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 17<sup>th</sup> day of February, 2003.

  
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Mayor of the City of  
Centerville, Ohio

ATTEST:

  
Clerk of Council  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 06-03, passed by the Council of the City of Centerville, Ohio on the 17<sup>th</sup> day of February, 2003.

  
Clerk of the Council

Approved as to form, consistency with the Charter and  
Constitutional Provisions.  
Department of Law  
Robert N. Farquhar  
Municipal Attorney

TRANSMISSION VERIFICATION REPORT

TIME : 09/21/2006 09:32  
NAME : CENTERVILLE  
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