

Ordinance 1141-2023

Right of Way Ordinance Updates

Amend Sections 411, 439 503, 505, 507,
513.99, 514 and creating 502

November 2023



CITY OF CLEVELAND
Mayor Justin M. Bibb

Why The Need For Updates

- Not Updated in 20-30 years
 - Director of Public Service to Director of Capital Projects
 - ROW Contractor Registration
- Not Aligned with Federal Guidelines
 - PROWAG (Public Right of Way Access Guidelines)
- Performed in Practice, Not in the Ordinance
 - Sidewalk Materials
- Permit Fees Set By Board of Control for All Permits
 - Uniform Current Practice

Street Obstruction Permit (Section 411)

- Street Obstruction Permit - Perform Work or Create an Obstruction within the Right of Way.
 - Current: Obstruction Permit is the Street Opening Permit
 - Change: Separate Street Obstruction Permit
- Remove Exemptions
 - Parades
 - Special Events

Permit for Overweight and/or Oversize Vehicles, Objects and Structures (Section 439)

- Applicant Provides Travel Route by State Law
Current: City Provides Route
Change: Applicant Provides Route, City Verifies

Street Opening Permit; Right of Way Registration; Costs (Section 503)

- **Create Right of Way Contractor Registration**
Current: Contractor Registration through Building and Housing
Change: Authority to Remove Contractors Who Violate Ordinances and Enforce Penalties.
- **City to Perform and Bill for Work that Was Neglected by a ROW Contractor**
- **Authorization to Issue a Stop Work Order**
- **Authorization to Revoke or Suspend an Issued Street Opening Permit**

Sidewalk Construction (Section 505)

- Define Sidewalk and Tree Lawn
- Adopt PROWAG (Public Right of Way Accessibility Guidelines)
Current: Not in Compliance with Federal Law
- Allow Different Construction Materials
- Authority to Remove a Curb Cut Not Leading to a Place of Parking
- Address Compliance
 - Major Construction Meets Sidewalk, Curbs, and Apron Compliance
 - Maintenance Criteria for Curbs Defined
- 50/50 Sidewalk Repair Program to Non-Compliant Sidewalk Repair Program
 - Include Certain Commercial Businesses
 - Paid by Another Entity or Person
- Authority to Work on Sidewalk, Curb, and/or Apron and Bill the Property Owner
- Require a Street Opening Permit for All Sidewalk Work

Patio and Parklet Permits (Section 513.99)

- Made the Board of Right of Way appeals the appealing body in lieu of the Board of Sidewalk Appeals

Issuance of Streetscape Amenity Permits (Section 514)

- Require a Street Opening Permit for the Construction of an Amenity
- Permit Expiration Changes for Some Amenities
 - Benches, Bike Racks - 5 years

Board of Right of Way Appeals (Section 502)

- Creating the Board of Right of Way Appeals
 - No Due Process to Appeal a Violation or Citation in the Street
 - Board of Zoning Appeals is Current Appeals Board
 - ROW Contractor Renewal

Thank You