



### APPLICATION FOR OBJECTS IN PUBLIC RIGHT OF WAY

Permit Type: -Dumpster/Pod -Tables and Chairs -No Parking Signs -Other

Address of Project: \_\_\_\_\_

Business Name/Applicant Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

#### Dumpster/POD:

#### Tables and Chairs:

Size: \_\_\_\_\_

Number of Tables: \_\_\_\_\_

Start Date: \_\_\_\_\_

Number of Chairs: \_\_\_\_\_

End Date: \_\_\_\_\_

#### Temporary No Parking Signs:

#### Other Objects, please describe below:

Purpose of Request: \_\_\_\_\_

\_\_\_\_\_

Start Date: \_\_\_\_\_

\_\_\_\_\_

End Date: \_\_\_\_\_

\_\_\_\_\_

Street Requested: \_\_\_\_\_

\_\_\_\_\_

**Only if leaving out overnight** - Certificate of Liability Insurance, showing that the public Right-of-way requested is insured, with a limit of \$1,000,000 per occurrence. On these coverages the following verbiage should be listed as Additional-Insureds: "The City of Troy, Ohio, its elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board member, including employees and volunteers thereof. Coverage shall be primary to the Additional Insureds and not contributing with any other insurance or similar protection available to the Additional Insureds whether other coverage be primary, contributing or excess."

By signing this application, I acknowledge that I am authorized by the owner to make this application. I agree to allow City of Troy employees to complete necessary inspections. I agree to conform to all applicable laws of the City.

I understand that the sidewalk in front of my property is public right-of-way and not owned by me. If I place items in the right-of-way, I understand it is at my risk and it is my responsibility to properly insure any items and the liability for placing them.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Checklist:  - Site Plan  - Picture of Requested Objects  - Certificate of Insurance  Fee - N/A



### **717.05 TABLES AND CHAIRS.**

Tables and chairs may be located on public sidewalks in downtown Troy subject to the following provisions:

- (a) There shall be a minimum of six feet (6') of unobstructed walkway maintained at all times.
- (b) The tables and chairs shall be extended no more than four feet (4') from the building face.
- (c) The tables and chairs shall be maintained in good condition, made of a durable material such as metal, wood or durable plastic, and kept in a clean condition and free of debris.
- (d) The color of the tables and chairs shall be black, white or a dark blue similar to the color of the existing street furniture in downtown Troy.
- (e) The tables and chairs shall not be left on the public sidewalks overnight unless approved by the Director of Public Service and Safety.
- (f) The tables and chairs shall only be placed on the public sidewalks between April 1 and October 31 of any calendar year, with a maximum daily time period of between 6:00 a.m. and 10:30 p.m.
- (g) The table and chairs shall be in front of the business they are intended to serve and shall not overflow onto other business fronts.
- (h) Permission to place tables and chairs on public sidewalks in downtown Troy does not include permission for alcoholic beverages to be sold, served, or consumed in such area.
- (i) All tables and chairs placed on the public sidewalks must be approved in writing by the Director of Public Service and Safety.

(Ord. 21-2020. Passed 3-20-20.)

### **717.06 EASEL BOARD SIGNS.**

Easel board signs may be permitted on public sidewalks in downtown Troy subject to the following provisions:

- (a) The easel board sign shall only be one specifically prescribed by the City of Troy or its designated agent.
- (b) The easel board sign shall be placed perpendicular to the building front and be within one foot (1') of the building front, and shall provide a minimum of six feet (6') of unobstructed walkway at all times.
- (c) The easel board sign shall not contain the name of the business.
- (d) The easel board sign shall not exceed thirty-six inches (36") in width or forty-two inches (42") in height.
- (e) The easel board sign shall be maintained in good condition.
- (f) The easel board sign shall only be placed on the public sidewalks in downtown Troy between 6:00 a.m. and 10:30 p.m., and shall not remain on the public sidewalks in downtown Troy overnight.
- (g) The easel board sign shall be positioned in front of the business it is intended to serve.
- (h) All easel board signs placed on the public sidewalks must be approved in writing by the Director of Public Service and Safety.

(Ord. 21-2020. Passed 3-20-20.)

### **717.07 PERMANENT OR SEASONAL SEATING ENCLOSURES.**

Permanent or seasonal seating enclosures on the public sidewalks of downtown Troy may be permitted by the Director of Public Service and Safety after receiving a Certificate of Appropriateness from the Troy Planning Commission after Historic District Review. Permanent or seasonal seating enclosures may be permitted subject to the following provisions:

- (a) There shall be a minimum of six feet (6') of unobstructed walkway maintained at all times.
- (b) The tables and chairs shall be maintained in good condition, made of a durable material such as metal, wood, or durable plastic, and kept in a clean condition and free of debris.



- (c) The color of the tables and chairs shall be black, white or a dark blue similar to the color of the existing street furniture in downtown Troy.
- (d) Permission to create permanent or seasonal seating enclosures on public sidewalks in downtown Troy does not include permission for alcoholic beverages to be sold, served or consumed in such areas. The sale, serving and consumption of alcoholic beverages can only take place if a business complies with all requirements of the Ohio Department of Liquor Control.
- (e) Any other reasonable conditions placed upon the business by the Planning Commission and/or Director of Public Service and Safety.
- (f) No additional tables and chairs shall be permitted outside of the permanent or seasonal seating enclosures.  
(Ord. 21-2020. Passed 3-20-20.)

#### **717.08 AWNINGS/CANOPIES.**

Awnings and/or canopies installed above doorways and windows that overhang public sidewalks in downtown Troy may be permitted after receiving a Certificate of Appropriateness from the Troy Planning Commission after Historic District Review, subject to the following conditions:

- (a) The awning/canopy shall have a minimum clearance of nine feet (9') above sidewalk grade nearest the sign.
- (b) The awning/canopy shall not project more than five feet (5') from the building face over a public right-of-way, but shall not be located closer than two feet (2') from the curb of any roadway.
- (c) Awnings/Canopies shall be limited to single-story buildings or to the first level only of multi-story buildings.
- (d) Signs on awnings and canopies shall be permitted subject to the requirements and restrictions of the Troy Sign Code.  
(Ord. 21-2020. Passed 3-20-20.)

#### **717.13 INSURANCE.**

Each business using public sidewalks for merchandise display and/or sales shall maintain insurance against claims arising out of the use of public sidewalks and annually furnish to the City of Troy an insurance certificate and other evidence of coverage as requested by the City. Annually, the evidence of coverage must be delivered to the City prior to any item being placed on public sidewalks. The insurance coverage shall meet all the following requirements.

(a) Liability Insurance. Commercial General Liability coverage at least as broad as insurance Services Office Form CG 00 01, on an occurrence basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits of insurance no less than one million dollars (\$1,000,000) per occurrence. If Commercial General Liability Insurance or other form with a general aggregate limit is used, the general aggregate limit shall be twice the required occurrence limit.

(b) The insurance company must have an AM BEST rating of no less than A:VII unless otherwise acceptable to the City. The business shall provide the City with proof of that rating.

(c) The insurance policy(ices) shall cover, or be endorsed to cover, the City of Troy, its elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof as Additional Insureds. Coverage shall be primary to the Additional Insureds and not contributing with any other insurance or similar protection available to the Additional Insureds whether other coverage be primary, contributing or excess. The certificate of insurance shall evidence compliance with these specifications by including, the following wording only:

“On these coverages the following are listed as Additional-Insureds: The City of Troy, Ohio, its elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board member, including employees and volunteers thereof. Coverage shall be primary to the Additional Insureds and



not contributing with any other insurance or similar protection available to the Additional Insureds whether other coverage be primary, contributing or excess.”

(d) Cancellation Notice. Each insurance policy required above shall provide that coverage shall not be canceled except with notice to the City of Troy delivered to: Director of Public Service and Safety, City Hall, 100 S. Market Street, Troy, Ohio, 45373. If the business receives a non-renewal or cancellation notice from an insurance carrier providing coverage required herein, or receives a notice that coverage no longer complies with the requirements herein, the business agrees to notify the City by fax, or email within five (5) business days with a copy of the non-renewal or cancellation notice, or by written explanation of how coverage is no longer in compliance. The business shall cease operations on public sidewalks on the occurrence of any such non-renewal, cancellation, or material change and shall not resume such operations until insurance is in force that complies with these requirements.

(e) Coverage Expiration. If any of the above coverage expire during the time frame covered by this chapter, the business owner shall deliver renewal certificates and/or policies to the City of Troy, Ohio, at least ten days prior to said expiration date.

(f) The City of Troy reserves the right to request facsimile or certified copies of all insurance policies, including endorsements, required by these specifications, at any time.

(g) The business owner/insurance company shall respond promptly to any and all complaints or claims arising from the use of the public sidewalks.

(h) The City of Troy reserves the right to modify these requirements, including limits, based on the nature of the risk, insurer, coverage or other special circumstances.

(Ord. 21-2020. Passed 3-20-20.)

