

Revocable Street Privilege



August 18, 2025

INTRODUCTION

The Revocable Street Privilege (RSP) is a conditional contract that allows private entities to encroach upon the public right-of-way. Examples of encroachments include, but are not limited to, awnings, signs, planters, café seating, and decorative sidewalks. These encroachments are governed by the Cincinnati Municipal Code, Chapter 723, Street and Sidewalk Use Regulations and Sec. 718-7, Standard Conditions of Revocable Street Privilege Approval.

OVERVIEW OF APPLICATION PROCESS AND APPROVAL

The Revocable Street Privilege process is administered by the Law Department and managed by the Department of Transportation and Engineering (DOTE), in coordination with other City Departments. Applications are submitted and approved through the City's Open Counter portal found on the City of Cincinnati, DOTE website here: [DOTE Resource Center - Transportation & Engineering \(https://www.cincinnati-oh.gov/dote/permits-licenses/dote-resource-page/\)](https://www.cincinnati-oh.gov/dote/permits-licenses/dote-resource-page/)

To expedite the City's approval for complex applications, DOTE recommends discussing your plans with us before submission in order to address any issues in advance. Once approved, an applicant will be issued a Revocable Street Privilege permit for the encroachment (additional details provided below in the Encroachment Requirements by type and the Terms and Conditions sections). Depending on the type of encroachment, DOTE Street Opening permits and/or Buildings & Inspections permits may still be required.

ENCROACHMENT REQUIREMENTS (BY TYPE)

Removable Structure - Building Mounted

1. Awnings, canopies, building mounted signs, fire escapes (not required for egress), platforms, lights, flags, etc. extending into the public right-of-way must be:
 - a. approved by the Department of City Planning
 - b. vertically at least eight feet above the sidewalk (ten feet if energized)
 - c. horizontally no closer than two feet from the street curb line
 - d. fully supported from the building with no supports extending below the bottom of the canopy, awning, or building mounted sign
 - e. compliant with clearance requirements for overhead utility lines
 - f. horizontally no closer than five feet from a utility pole
2. The construction drawings for any building mounted structures (awnings, canopies, signs, fire escapes, balconies, platforms, lights, banners, flags, etc.) in the public right-of-way or extending into the public right-of-way, must be prepared and sealed by a professional engineer or architect registered in the State of Ohio. The design loads must be in accordance with the latest version of the Ohio Building Code or the American Association of State Highway and Transportation Officials' "Standard Specification for Structural Supports for Highway Signs, Luminaries, and Traffic Signals" for a 90-mph wind load and a 50-year recurrence interval and be stated on the sealed drawings. The

sealed drawings must identify all materials, be fully dimensioned, and identify all structural member sizes and thicknesses, weld sizes and lengths, bolt sizes, lengths, and embedment depths, mounting and framing details, and all other information necessary to fabricate, construct, and install the building mounted structure. The sealed construction drawings shall be submitted with the Revocable Street Permit application for approval.

3. Must also get Zoning, Historic (if applicable) and Building Department approval.
4. All metal for the proposed structure should be non-rusting so not to stain the sidewalk surface and building surface.
5. The sidewalk must remain open during installation. If installation is to take longer than two hours, a street use permit, obtained from DOTE is required. If travel or curb lanes in the roadway are impacted, a DOTE permit is required. Apply for permits in Room 425 at City Hall, 801 Plum Street.

Planters or Landscaping

1. Planters must be set back at least two (2) feet from the curb.
2. Planters must be placed so as not to interfere with access to bus stops, pull boxes, curb ramps, crosswalks, cellar doors, entrances to private property, etc. see attached guidelines.
3. Height to top of plant in planter shall not exceed 2.5'
4. Locate planters to avoid conflicts with bus stops. No planter shall be placed in the 20-foot distance from the bus front door to side door and enough room needs to be kept for egress from both doors.
5. Keep shrubs and plantings trimmed at least 2 feet from the curb and 6 inches from a public sidewalk. The height of a shrub or planting shall not exceed 2.5 feet. If trees are planted, mature limbs must be maintained at a minimum of 8 feet above the walk and 14' above the roadway pavement.
6. No ivy, vines or creeping plants may be planted in the right-of-way.
7. If unsafe pedestrian congestion results from the reduced walking space by planters, this privilege will be revoked.
8. Refer to Cincinnati Municipal Code Section 723-8 for additional information.

Outdoor Cafe Seating

1. The petitioner must follow the rules and regulations for Section 718-3 Revocable Street Privilege, Section 723-14 Outdoor Dining Areas, and Section 1419-21 Limited or Full Service Restaurant of the Cincinnati Municipal Code. No cooking facilities will be permitted in the right of way. Outdoor seating areas must follow the provisions for noise as outlined in Chapter 909 "Community Noise" of the C.M.C.
2. Outdoor -street dining areas shall be enclosed by a barrier, railing, or other separation to delineate the area. Railing post supports (feet), must be placed to provide at least 5 feet (4' minimum MAY be accepted at pinch points) of unobstructed (free from curb, poles, fire hydrants, pull boxes, news racks, tree grates, tree wells, etc.) clear pedestrian path; or the railing posts shall be placed 5 feet (4' minimum may be accepted at pinch points) from the edge of a paver collector strip; or 7 feet (min.) from the face of curb; whichever provides the greatest distance from the curb. In areas of high

pedestrian use, the minimum unobstructed width will be greater, typically a minimum of 8 -10 feet as determined by DOTE.

3. The tables and chairs and removable barriers must never restrict the clear path of egress from the main entrance or from egress paths of the adjacent properties to the sidewalk.
4. The petitioner must check with the Building & Inspections Department to see if a building permit is required and if the additional seating adds to the plumbing fixture requirements.
5. If unsafe pedestrian congestion results from the reduced walking space, this privilege will be revoked.
6. Furniture, fixtures, and barriers provided for use in an outdoor eating area shall consist only of movable items, such as: tables, chairs, umbrellas, planters, lights, railings, fences, etc. No drilling, adhesives, or attachments are permitted in the sidewalk without express written permission of the City Manager (or his/her designee). If directed by the City Manager (or his/her designee), all furniture and fixtures must be removed during the off-season (January-March). Furniture and fixtures may have to be removed during major events as directed by the Police.
7. Overhead covers (awning/canopies) proposed as part of outdoor dining areas may have mounted support posts that are within the approved dining area perimeter, however, an Alternative Engineered Design may be required if the structure has any side walls. Submit for Buildings & Inspections permit with Alternative Engineered Design. Structure must meet wind load requirements of 115 mph and have flame resistance certification. All proposed side walls must be seasonal, removable and have visual transparency. Overhead covers cannot be permitted through the RSP process without a Buildings & Inspections permit.
8. Buildings & Inspections will review and approve through separate permit, specific table/chair layout or any proposed freestanding overhead covers (awning/canopies) within the enclosed café seating area.
9. The petitioner is responsible for any damage to the right-of-way due to the existence of outdoor seating. The permittee is required to replace all damaged sidewalk to meet city standards, 5" concrete walk removed and replaced to the nearest construction joint.
10. Existing public infrastructure (lights, poles, traffic signal controller, pull boxes, etc.) shall remain undamaged and be always clear and accessible within the cafe seating perimeter when required by City staff or their agents for maintenance or repair. **No café seating object shall be placed within one foot on all sides of the electric infrastructure. All café seating objects within three feet shall be easily movable to allow for service personnel.**
11. No planters or heavy objects shall be placed over utility pull boxes or utility manholes preventing easy access. Liability for damaged public infrastructure repair and replacement is on the applicant as directed by DOTE.
12. The City, not the applicant, will manage any meter, meter post, sign/signpost modifications to existing conditions unless directed otherwise by DOTE.
13. Outdoor street dining areas shall be designed to comply with ADA requirements and guidelines.
14. Outdoor street dining areas shall be placed within parcel limits and not extend beyond the projected property lines impeding neighboring property frontage.

15. No proposed elements shall block any traffic control items (traffic lights, stop signs, crosswalk signs, street name signs, etc.) If unsafe conditions result, this permission will be revoked.
16. All liability for the safe and secure applications of the proposed items are the responsibility of the applicant.
17. Damage to existing street trees or tree grates due to café seating elements, as determined by Cincinnati Urban Forestry, shall be the responsibility of the applicant for repair and/or replacement as directed by Cincinnati Urban Forestry.
18. Accessory goods, equipment, and materials incidental to the use of the Permitted Improvements, including, but not limited to trash/recycling bins, propane tanks, outdoor heaters, etc., shall not be stored on the RSP property outside of the permitted hours of operation of the Permitted Improvements.
19. The petitioner must abide by all other regulations and obtain applicable permits from the Liquor Board, Health Department, Building Department, Historic Conservation etc.
20. OFC 1030.2 Reliability (Ohio Fire Code). Required exit access, exits, or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency when the areas served by such exits are occupied. Security devices affecting means of egress shall be subject to approval of the fire code official. Contact the Building Department.

Doors or Windows that swing into the ROW

1. Doors for emergency egress only shall have no hardware on the outside and shall be provided with alarms that sound when the doors are opened to alert pedestrians. This is used for egress only as required by building code, no access from the outside is intended.
2. All other proposed outward swinging doors that extend beyond the building frontage into the public right of way pedestrian zone must meet the following criteria:
 - a. The required pedestrian clear path width is measured from the door in the outswing position to all other items/obstructions in the sidewalk such as the curb, poles, fire hydrants, tree wells, garbage cans etc.
 - b. The pedestrian clear path shall be at least 5 feet wide of unobstructed sidewalk. In areas of high pedestrian use such as downtown or in business districts, the minimum unobstructed width will be greater, typically 8-10 feet as determined by DOTE.
 - c. In no cases shall the width be less than 48 inches per ADA requirements.
 - d. Door opacity is preferred to minimize pedestrian conflict in the walking path by the door operator.
 - e. In certain circumstances, DOTE may require the placement of planters adjacent to the building at the outswing doors.
 - f. Compliance with ADA in the public right of way is required in all instances.
 - g. DOTE shall retain the right to deny a RSP for an out-swing door if they determine that the door would unnecessarily restrict sidewalk access or increase risk to passing pedestrians.
3. All proposed non-emergency outward swinging doors that open into a public vehicular way such as an alley, shall require bollards to prevent vehicular parking/blocking of the door swing. A minimum

lane width of 10' for vehicles is required between the bollards and the opposite alley edge line, more distance may be required by DOTE depending on the circumstances. Doors swinging into a vehicular way may not be permitted in all locations and will be determined by DOTE. The bollard specification and installation details shall be provided to and approved by DOTE.

4. All proposed windows that open into the right of way must be vertically at least eight feet above the sidewalk when open. Windows that are less than eight feet above the sidewalk when open are not permitted.
5. All existing outward swing doors that are modified in any way shall comply with these restrictions.

Sidewalk Pavers, Decorative or Colored Concrete Sidewalk

1. Per the City Municipal Code Section 721-147, the property owner is responsible for maintenance of all abutting sidewalk. The property owner is forewarned that utilities or other City agencies that disturb the walk will not match colored or decorative concrete or pavers but will instead install 5" thick standard concrete. The owner will be responsible for replacement with colored or decorative concrete or pavers if so desired. Where pavers can be easily removed, Utilities and City agencies will be instructed to carefully remove and reset these pavers. Use the DOTE standard drawing for setting pavers in the right of way found on the DOTE website.
2. Pavers and decorative/colored sidewalk must be placed per City specifications and approved by DOTE.
3. Clay pavers require installation of a 5" thick concrete sub-base with a sand or mortar setting bed.
4. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.

Structures with foundations

1. Exact location of pole shall be laid out in field and approved by DOTE. Edge of sign shall be placed a minimum of 2 feet from the face of curb. Bottom of sign shall be a minimum of 7 feet above the sidewalk. If placed in a landscaped area, this vertical clearance may not apply.
2. The construction drawings for poles, signs, markers, and similar structures installed in the ground in the public right-of-way shall be prepared and sealed by a professional engineer registered in the State of Ohio. The design loads shall be in accordance with American Association of State Highway and Transportation Officials' "Standard Specifications for Structural Supports for Highway Signs, Luminaries, and Traffic signals" for a 90-mph wind load and a fifty-year recurrence interval. These design loads must be stated on the sealed drawings. The sealed drawings must identify all materials, be fully dimensioned, and identify all structural member sizes and thicknesses, weld size and lengths, bolt sizes, lengths and embedment depths, foundation details, and all other information necessary to fabricate, construct, and install the ground mounted sign or marker. The sealed construction drawings shall be submitted with the Revocable Street Permit for approval.
3. Field investigation may be necessary to avoid underground encroachments such as basements, utility vaults, etc.

4. For Historical Marker:

- a. Historical Marker must be approved by the City of Cincinnati Historic Conservation Board before a RSP can be issued. Contact the Office of the Urban Conservator at 513-352-4848.
- b. The sign must not contain any text or symbols that purports to be or is an imitation of or resembles a traffic control device, along with all other requirements and limitations in Cincinnati Municipal Code Section 502-22.
- c. If the sign is to be placed on a structure, such as a bridge, structural slab, retaining wall, or hillside stairways, the design of the attachment to the structure shall be fully detailed and signed and sealed by a professional engineer registered in the State of Ohio. If the sign will be flush mounted (i.e. flat mounted) directly to the face of a structure, (e.g. the face of a wall, bridge abutment, bridge pier, etc.) that is more than two feet beyond the back of a sidewalk, or the back of curb/travel lane if no sidewalk, the applicant shall provide details of the attachment to the structure but a professional engineer's seal is not typically required; however, the City reserves the right to require an engineer's seal for any attachment/mounting type at its discretion.
- d. Historical Marker may require Planning Commission approval.

5. For Parking Pylons:

- a. Parking pylon must meet the conditions Cincinnati Municipal Code Section 723-15.
- b. No other signs will be allowed - i.e., sandwich boards with any parking information.
- c. The pylon shall be owned and maintained by the petitioner.
- d. Any existing sidewalk in the right of way damaged during construction must be replaced from joint to joint.
- e. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.

Transit Stop Shelters

1. Transit Shelters, with advertising (if applicable) shall comply with Public Right-of-Way Outdoor Furniture Design Guidelines authorized under C.M.C. Sec. 723-13, Transit Stop Structures. Transit shelters may only be applied for by a Transit Agency. Contact DOTE's Director's Office at 513-352-2366 for more information.

Park Bench

1. Benches shall comply with Public Right-of-Way [Outdoor Furniture Design Guidelines](https://www.cincinnati-oh.gov/dote/permits-licenses/dote-resource-page/) (<https://www.cincinnati-oh.gov/dote/permits-licenses/dote-resource-page/>) authorized under C.M.C. Sec. 723-13 and per Sec. 723-7. -
2. All park benches shall adhere to the following regulations per C.M.C, Sec. 723-7:
 - a. Park benches may be placed only at transit stops or in recognized Neighborhood Business Districts or in Planned Developments Districts as defined in Chapter 1429 of

the C.M.C., at locations where seating would serve the convenience of the public as determined by the city manager or his designee.

- b. Park benches shall be permanently secured to the sidewalk or paved surface.
- c. Park benches shall be placed in a manner such that the open area available for pedestrian traffic is not less than six (6) feet in front of or behind the bench in those areas established as business districts as shown on the building zone map ("Neighborhood Business Area"), or in any area designated by the Department of Transportation and Engineering as having a high volume of pedestrian traffic ("High Pedestrian Area"), or less than five feet in all other areas of the city. In no cases shall the width be less than 48 inches per ADA requirements
- c. Reference the C.M.C. Sec. 723-13 and Sec. 723-7 for requirements on where Park benches shall be placed.

Private Utility including Electric, Irrigation System and Private Street Lights

1. The petitioner/property owner must become a member and maintain membership of OHIO811 , by calling 1-800-362-2764, if not already a member. Membership is required before a permit will be issued. Failure to maintain membership will result in the property owner being responsible for repairs due to damage caused by excavations performed by utility companies, the city, or a permitted contractor.
2. Petitioner must provide a name and phone number of a 24-hour contact for emergency repair and/or maintenance work.
3. If the City cannot reach the 24-hour contact and must perform work of an emergency nature on the privately owned utility, the City reserves the right to bill the Petitioner for all associated costs with this repair work.
4. Irrigation Systems must adhere to the following additional conditions:
 - a. Place sprinkler heads at least one inch below grade level so as not to create a tripping hazard. Use only "pop-up" type heads. Place sprinkler heads no closer than one foot from the public walk and point spray away from pedestrian paths.
 - b. Petitioner is responsible for maintenance of entire privately owned water system.
 - c. Water system plan must be approved by Greater Cincinnati Water Works (GCWW).
5. Any proposed installation of electrical infrastructure to connect to existing electrical service must be permitted through the City's Department of Buildings and Inspections and approved by DOTE.
6. No private utility shall be permitted to cross the public street.
7. Private utilities shall be contained within your private property frontage.
8. Any proposed electric outlet and uplighting in tree wells shall be placed flush, so as not to be a tripping hazard, and in a location approved by Urban Forestry and DOTE.
9. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.

Other Encroachments

1. Provide detailed descriptions and drawings of the proposed facility to be installed in the right of way. Depending on the nature of the proposed facility, sealed engineering may be required. Any digging may require underground utility coordination.
2. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.
3. For Fence:
 - a. Generally, fences in the right-of-way are not permissible per CMC 718-31
 - b. The fence shall meet the requirements of the Cincinnati Zoning Code in the Department of Building and Inspections.
4. For Tree Well Grates:
 - a. Tree grates must be installed per DOTE standard drawing. Grate frame shall not attach to the adjacent curb.
 - b. Tree grates must be ADA compliant, cast iron and natural in color.
 - c. Tree grates are owned and maintained by the petitioner. This includes, but is not limited to, upkeep as the tree grows, cutting the center trunk rings larger for the increase in tree trunk size, and keeping the grate level and flush with the sidewalk to avoid tripping hazards for pedestrians.
 - d. If the condition becomes such that the grate is not being maintained by the petitioner, it is broken, uneven or becomes a tripping hazard, it is the sole responsibility of the petitioner to remove the grate and fill the tree well flush with the sidewalk so as not to create a hazard for pedestrians. The City of Cincinnati has the authority to direct the petitioner to remove or replace based on condition.
5. For Tie-Backs in the Right of Way:
 - a. After shoring walls in the right of way are no longer required, they must be removed to six feet below the sidewalk and street surfaces and all tendons are to be mechanically de-tensioned.
 - b. All existing utilities must be field located prior to installation. Call Ohio Utility Protection Service and supplement with private utility location services as warranted. Tie-backs must be placed a minimum of 3' from any existing utility.
 - c. To prevent post construction settlement next to the building, the contractor has the option to use CLSM-CDF backfill in accordance with the HAMCIN: CLSM-CDF specification or Structural Backfill (ODOT CMS 703.11). Structural backfill may only be used if geotechnical engineering and materials testing firm verifies that the lifts do not exceed 8" and the compaction is greater than 96% of the maximum dry density when tested per ODOT Supplement 1015.
 - d. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-

way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.

6. For Driveways on Paper Streets:

- a. Paper Street is defined as dedicated City right of way without a City accepted roadway.
- b. A site plan must be included that shows the proposed dimensions and elevations of the driveway. Driveway width will be dependent on the number of residents it serves and fire access. Proposed driveway must not cause drainage problems that will impact the surrounding properties.
- c. Driveway apron within the portion of the adjacent improved roadway Right of Way must be 7" thick concrete in accordance with City Standard Drawing Acc. No. 21436. Remainder of driveway in the paper street must be constructed with a hard surface such as concrete, asphalt or pavers.
- d. The property owner will be responsible for maintenance of the driveway.
- e. Access must be granted to all existing and future users that abut the paper street. Maintenance agreements must be negotiated with all driveway users. This is not an exclusive right to the driveway.
- f. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.

7. For Access Ramps:

- a. If the proposed access ramp is, concrete, has a foundation, or in any way considered "permanent," then the ramp will require an easement.
- b. Reference the C.M.C. Sec. 723-27 for requirements on access ramps.
- c. The pedestrian clear path shall be at least 5 feet wide of unobstructed sidewalk. In areas of high pedestrian use such as downtown or in business districts, the minimum unobstructed width will be greater, typically 8-10 feet as determined by DOTE.
- d. In no cases shall the width be less than 48 inches per ADA requirements.

TERMS AND CONDITIONS

Each person receiving a revocable privilege issued pursuant to Cincinnati Municipal Code ("CMC") Chapters 718 and 723 ("Permittee") agrees to abide by the following standard terms and conditions of approval:

Standard Conditions of Revocable Street Privilege Approval (CMC 718-7).

1. Expenses. All costs and expenses associated with the use of the revocable street privilege and the construction, maintenance, modification, use, operation, repair, removal, and abandonment of all building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege shall be the sole responsibility of the holder. The city shall have no responsibility for any costs or expenses associated with the use of the revocable street

privilege and the construction, maintenance, modification, use, operation, repair, removal, and abandonment of any building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege.

2. Maintenance of Building Encroachment. The holder shall maintain all building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege in a good, clean, and safe condition and repair and in accordance with applicable city standards, which may be established by the city manager or his or her designee in his or her sole discretion.
3. City's Right to Enter the Area. The holder acknowledges that the city and its authorized representatives have the unlimited right to enter upon the revocable street privilege area at any time for any purpose, including without limitation to inspect the area and any building encroachments, fixtures, equipment, personalty, or other improvements located in the area, provided that the city shall have no duty to inspect.
4. Rights of Utility Companies. The revocable street privilege granted to a holder is subject and subordinate to the rights of any and all utility companies that may now or hereafter have utility lines and other utility installations located in, under, over, or within the vicinity of the revocable street privilege area.
5. Insurance; Bond. For so long as the revocable street privilege remains in effect, the holder shall maintain a policy of general liability insurance for the revocable street privilege area and any building encroachments, fixtures, equipment, personalty, or other improvements located in the area in an amount not less than \$1,000,000 per occurrence, combined single limit/\$2,000,000 aggregate. The city shall be named as an additional insured. The holder shall furnish a certificate of insurance to the city evidencing such insurance prior to commencing use of the revocable street privilege area or the construction of any building encroachments or improvements in the area. The holder shall furnish a new certificate of insurance annually by the anniversary of the date of the issuance of the revocable street privilege upon the request of the city. In addition, whenever, in the opinion of the city manager, the construction or maintenance of building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege presents the possibility of substantial damage or loss to the city, to other property owners, or to members of the public, the city manager shall be authorized to require a reasonable bond to protect against such damage or loss.
6. Waiver of Claims for Damage. The city shall have no responsibility or liability for loss or damage related to the use of the revocable street privilege, the construction, maintenance, operation, repair, removal, or abandonment of building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege, or the loss, theft, or damage of equipment, fixtures, or personalty that may at any time be placed within the revocable street privilege area.
7. Indemnification. The holder shall indemnify, defend, and save the city, its officials, employees, agents, contractors, guests, and invitees harmless from and against any and all claims, liens, demands, obligations, actions, proceedings, causes of action, losses, damages, settlements, costs, charges, professional fees, and other expenses and liabilities of every kind and character

(including without limitation attorney fees) arising out of, or related to, the use, maintenance, or abandonment of the revocable street privilege, the construction, maintenance, use, operation, repair, removal, or abandonment of building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege, or the loss, theft, or damage of equipment, fixtures, or personalty that may at any time be placed within the revocable street privilege area.

8. Personal to Holder. Each revocable street privilege is personal to its holder and cannot be transferred. If a holder sells or transfers any interest in the privileged premises associated with the street privilege, the revocable street privilege shall automatically terminate and all applicable termination provisions in this chapter shall apply.
9. Use for Advertising Purposes Prohibited. Unless expressly authorized by the Cincinnati Municipal Code, no structure placed upon any sidewalk, city street, alley or way pursuant to a revocable street privilege shall be used for advertising purposes.
10. Revocation or Modification. Each revocable street privilege shall be subject to revocation or modification by the city manager or his or her designee at any time and for any reason. Except for instances in which a different time is specified by the code, the revocation or modification of a revocable street privilege shall be effective 30 days after notice of the revocation or modification is served on the holder; provided, however, that the revocation or modification of a revocable street privilege on the basis of public health or safety concerns shall be immediately effective.
11. Notice. Notice from the city or any of its authorized officers, employees, agents of the provisions of this section shall be valid if served on the holder or on any local agent of the holder either personally, by mail addressed to the last known place of residence, or by publication in the manner required for ordinances of the City of Cincinnati.
12. Restoration and Required Changes. Upon the revocation or modification of a revocable street privilege, the holder shall take immediate steps to remove or modify all building encroachments, improvements, equipment, fixtures, and personal property from or in the revocable street privilege area and shall repair and restore any and all public improvements within the area to their original condition as they existed immediately prior to the issuance of the revocable street privilege, unless otherwise authorized by the city manager or his or her designee. All repairs, modifications, and restorations shall be subject to the supervision and approval of the city manager or his or her designee.
13. Failure to Restore or Modify. In case of a holder's failure to remove or modify all building encroachments, fixtures, equipment, personalty, and other improvements from the revocable street privilege area, or to repair and restore any and all public improvements within the area within a reasonable time, the city manager shall be authorized to make the necessary removal, modify, repair, and restoration, and to charge the expense thereof to the holder; provided, however, in the case of underground pipes, equipment, or construction that may be effectively sealed without interfering with the use and maintenance of public streets, the city manager may authorize the sealing of the pipes, equipment, or construction in lieu of their removal and, upon their sealing, all pipes, equipment, or construction shall become the property of the city. In the case of modifications required by a privately owned public utility company, the city manager shall

authorize such company to make the change and the holder shall be liable for the reasonable cost thereof.

14. Additional Conditions. In addition to the above conditions, the City Manager or his or her designee may impose to a revocable street privileges issued pursuant to CMC Chapters 718 and 723 whatever additional conditions to the extent necessary to carry out the intent and purpose of the applicable sections authorizing the revocable street privilege, to ensure the public health, safety, and welfare, to maintain the use and function of public streets, or to protect the fiscal interests of the City.
15. Legal Requirements. Prior to the construction, installation, placement, operation, or use of any building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege, Permittee shall obtain all necessary licenses and permits in compliance with all applicable federal, state and local laws, codes, ordinances and other governmental requirements applicable to the construction, installation, placement, operation, or use of such building encroachments, fixtures, equipment, personalty, or other improvements, including, without limitation to, all applicable building and zoning permits or approvals issued by the City's Department of Buildings and Inspections.
16. No Vested Rights. Grantee acknowledges and accepts that any privilege granted to Permittee pursuant to CMC Chapters 718 and 723 is subject and subordinate to any prospective adoption, enactment, amendment, or repeal of such legislation, including any rules, policies, procedures pertaining to the private use of the public rights-of-way promulgated thereunder.
17. Grantee acknowledges and accepts that the rights and privileges herein granted are subject and subordinate to the following (i) any existing and future legislative enactments by Cincinnati City Council, and (ii) any existing and future rules or regulations promulgated or amended from time to time by the City Manager, Department of Transportation and Engineering, or City department, board, commission, or other applicable governmental agency having jurisdiction over matters related to arising out of the Grantee's intended use or occupancy of the public right-of-way.