

# FRANCHISES

Part of Charter of the City of Columbus.

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# FRANCHISES

## **Cross References**

Franchise for use of streets - see Ohio R.C. 723.41 et seq.

Reports - see ADM. [121.03](#), [121.04](#)

# Sec. 192. - Grant.

The council may by ordinance grant permission to any individual, company or corporation to construct and operate a public utility in the streets and public grounds of the city; subject, however, to the provisions of the general law requiring consents of abutting owners. It shall prescribe in the ordinance the kind and quality of service or product to be furnished, and shall provide for fixing the rate or rates to be charged therefor, and prescribe the manner in which the streets and public grounds shall be used and occupied, and any other terms and conditions conducive to the public interest; provided, however, that except for mass transportation utilities, no original grant of any public utility franchise, or renewal thereof, or extension of the time of such original grant, or change in rates, shall become operative until it shall have been submitted to the vote of the electors of the city and approved by a majority of those voting thereon. Provided further, however, that the provision hereinabove contained concerning the change in rate or rates shall not apply to the rate or rates fixed by a formula contained in any such original grant.

(Adopted 11-3-53.)

Sec. 192-1. - Department of Public Utilities; appointment of director of public utilities; powers and duties of director.

(Repealed 11-5-74.)

# Sec. 193. - Period of grants.

No such grant shall be exclusive nor shall it be made for a longer period than twenty-five years. No such grant shall be renewed earlier than two years prior to its expiration unless the city council shall by a vote of at least six of its members first declare by ordinance its intention of considering a renewal thereof. All grants of the right to make extensions of any public utility shall be subject as far as practicable to the terms of the original grant and shall expire therewith.

([Ord. No. 0650-2018](#), § 2, 3-5-2018)

# Sec. 194. - Franchise terms, reports.

No ordinance making such grant, renewal or extension shall be valid unless it shall expressly provide therein, that the grantee shall make to the city at prescribed semi-annual periods, a statement of the assets, liabilities, receipts and disbursements of the public utility operating such grant, renewal or extension. Said statement shall be in detail adequate for determining the cost of the service rendered, and shall be signed and sworn to by the grantee or its proper officer or officers. Said ordinance shall also reserve to the city the right of verifying such statements by examination of the books and records of the grantee. No ordinance making such grant, renewal or extension shall be valid if such ordinance does not reserve to the city the right to prevent unjust discrimination in service or rates.

(Ord. No. 1747-2014, 7-21-2014)

**Editor's note—** Ord. No. 1747-2014, adopted June 21, 2014, amended the title of § 194 to read as set out herein. Previously § 194 was titled reports to city by grantee.

# Sec. 195. - Right of city to lease or purchase.

All such grants and renewals thereof shall reserve to the city the right to terminate the same and to purchase or lease all the property of the utility in streets and highways in the city and elsewhere, as may be provided in the ordinance making the grant or renewal, used in or useful for the operation of the utility, at a price either fixed in the ordinance, or to be fixed in the manner provided by the ordinance making the grant or renewal of the grant. Nothing in such ordinance shall prevent the city from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but all such methods of acquisition shall be alternative to the power to purchase, reserved in the grant or renewal as hereinbefore provided. Upon the acquisition by the city of the property of any utility, by purchase, condemnation or otherwise, all grants or renewals shall at once terminate.

# Sec. 196. - Exclusion of franchise value.

No ordinance making such grant or renewal shall be valid unless it shall expressly provide therein that the price to be paid by the city for the property that may be acquired by it from such utility by lease, purchase, condemnation or otherwise, shall exclude all value of such grant or renewal.

# Sec. 197. - Extension by annexation.

It shall be provided in every such grant that upon the annexation of any territory to the city the portion of any such utility that may be located within such annexed territory and upon the streets, alleys or public grounds thereof, shall thereafter be subject to all the terms of the grant as though it were an extension made hereunder.

# Sec. 198. - Regulations.

The council shall at all times control the distribution of space in, over or across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of [the] public utility shall be subject to the continuing right of the council to require such reconstruction, re-location, change or discontinuance of the appliances used by the utility in the streets, alleys, avenues and highways, of the city, as shall in the opinion of the council be necessary in the public interest. Provided, however, that the council may in the case of a grant, renewal, or extension to any privately-owned public utility by ordinance and in the franchise agreement, specifically reserve the powers referred to in this Section by including such reservations as may be deemed necessary by the council to regulate the use by any privately owned public utility of the public ways of the City.

(Adopted 11-3-53.)

# Sec. 199. - Forfeitures.

If any action shall be instituted and successfully prosecuted directly by the grantee of any such grant, or by any of its stockholders, to set aside or have declared void any of the terms of any such grant, the whole of such grant may be thereupon forfeited and annulled at the option of the city council to be expressed by ordinance. All such grants shall make provision for the declaration of a forfeiture by the city council for any material and/or substantial violation by the grantee of any of the terms thereof.

(Adopted 11-3-53.)