

99108012005001, 99108012005005, 99108012005004

Heruntergeladen am 28.06.2025

<https://fimportal.de/xzufi-services/1811/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99108012005001, 99108012005005, 99108012005004
Leistungsbezeichnung I	
Leistungsbezeichnung II	Road use; application for a special use permit for district, municipal or local thoroughfares
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

Modul	Sachverhalt
Fachlich freigegeben am	23.01.2025
Fachlich freigegeben durch	Bayerisches Staatsministerium für Wohnen, Bau und Verkehr (Bavarian State Ministry of Housing, Building and Transport)
Handlungsgrundlage	https://www.gesetze-bayern.de/Content/Document/BayStrWG https://www.gesetze-bayern.de/Content/Document/BayStrWG https://www.gesetze-bayern.de/Content/Document/BayStrWG-18b https://www.gesetze-bayern.de/Content/Document/BayStrWG-18b https://www.gesetze-im-internet.de/fstrg/_8.html https://www.gesetze-im-internet.de/fstrg/_8.html
Teaser	If you wish to use municipal or local thoroughfares of district, state or federal roads not only for traffic purposes, but also for your own interests or commercial activities, you require a special use permit.
Volltext	<p>In principle, everyone is permitted to use public roads and their components within the scope of their dedication for traffic (public use). Public use primarily includes traffic in the narrower sense, i.e. in the sense of movement, relocation and transportation. In the case of certain public roads, especially pedestrian zones, this is supplemented by so-called "communicative public use".</p> <p>Any use that goes beyond public use constitutes special use. A special use permit under public law is required for special uses that are likely to impair public use.</p> <p>Special uses on public roads are extremely diverse:</p> <ul style="list-style-type: none"> • A special use permit is required, for example, for setting up stalls, sales stands, vending machines or tables and chairs or bicycle stands, e.g. in front of restaurants. • The same applies to the use of the street for other commercial purposes, e.g. the distribution of advertising material, holding sales talks, conducting

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sales transactions - even without the use of fixed sales and advertising stands as well as music performances or so-called street art.

- Mere expressions of opinion by distributing leaflets or flyers, through discussions etc. without technical aids such as information stands or poster stands, on the other hand, generally fall under public use. This is particularly important for political activities.
- Depending on the local circumstances, the installation of advertising signs or vending machines that protrude into the airspace above the street may also be assessed as special use requiring a permit.
- The decisive factor is always the assessment of the specific individual case. It is therefore advisable to contact the responsible road construction authority in good time.

Access roads to district and municipal roads outside the built-up area are also considered special use under public law. The granting of a special use permit is a discretionary decision; it may only be granted for a limited period or revoked, may be subject to conditions and is usually associated with the payment of special use fees.

Sporting events such as rallies and cycle races or town festivals also constitute special uses, although no special use permit is required if they already require a permit or exemption under road traffic law. The same applies to special uses for which a building permit is required under building regulations (e.g. outdoor bar areas, fixed sales stands).

Erforderliche Unterlagen

Voraussetzungen

You do not wish to use a district road, municipal road or a through road of a district road, state road or federal road for traffic purposes, but for your own interests or commercial activities.

Kosten

The fees are based on the fee statutes of the district or municipality.

Verfahrensablauf

The application for a special use permit must be submitted to the relevant road construction authority. The district or independent city is responsible for

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	<p>district roads and the municipality is responsible for municipal roads. The municipality is also generally responsible for special uses within the local thoroughfares of district, state and federal roads.</p> <p>The documents to be submitted depend on the type of intended use and can range from a simple description to the submission of construction plans. In cases of doubt, please contact the relevant authority.</p>
Bearbeitungsdauer	
Frist	<p>The special use permit must be issued prior to the start of use; it is therefore necessary to submit the application in good time (between 2 and 4 weeks in advance, depending on the type of intended use).</p>
weiterführende Informationen	
Hinweise	<p>A permit under private law is required for special uses that do not impair public use. This includes, for example, the laying of public utility lines, cables or pipes. The relevant road construction authority is also responsible for concluding the relevant contracts. The laying of telecommunications lines is regulated by the Telecommunications Act (TKG).</p>
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal