

PUBLIC WORKS AND UTILITIES COMMITTEE

13-082-0

REPLACEMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING TERMS FOR ISSUANCE OF YEARLY STREET OBSTRUCTION PERMITS, AMENDING SECTION 45-18.1 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That section 45-18.1 of the Duluth city code, 1959, as amended, is hereby amended to read as follows:

Sec. 45-18.1. ~~Limited~~ Yearly permit for certain types of vehicular obstructions.

(a) Notwithstanding any provision in this Article to the contrary, the city engineer may issue ~~limited~~ yearly vehicular obstruction permits allowing vehicles for which such permits have been issued to obstruct street, alleys or sidewalks subject to the restrictions set forth herein. Such permit shall authorize such obstructions only when the city engineer determines that such obstruction is reasonably necessary to allow the permit holder to construct, repair, improve or demolish a building or structure immediately adjacent to the affected street, alley or sidewalk. The fee for such permit shall be set in accordance with Section 31-6(a) of this Code. No ~~such~~ ~~limited~~ yearly permit shall be issued unless the applicant has first filed a bond and insurance required by Section 45-19 in this Article. ~~A limited yearly~~ Such permit shall authorize a vehicle displaying such permit to obstruct streets, alleys or sidewalks where such obstruction meets the permit holder to make an unlimited number of obstructions which meet the following criteria:

(1) No obstruction shall last longer than ~~824~~ hours, and the permittee shall not obstruct that area or the surrounding 100 feet for at least five days thereafter;

(2) No part of any street or alley shall be obstructed unless one unobstructed lane of traffic at least 12 feet wide is maintained in each direction, and, in the case of sidewalks, at least a five foot width of sidewalk or boulevard shall remain unobstructed for pedestrian passage;

(3) No excavations shall be involved;

(4) The area obstructed shall not exceed 350 square feet, at any location;

(5) No mobile machinery shall be moved onto an obstructed sidewalk;

(6) Only equipment and mobile machinery needed for maintenance purposes may be placed in a street or alley;

(7) All street and alley obstructions must be signed and/or protected by traffic control devices as set forth in the Minnesota manual on uniform traffic control devices and its appendices;

(8) Such permit shall not be valid to permit obstruction of any street, alley or sidewalk within 50 feet of any property owned or controlled by the permit holder or any entity legally related to the permit holder.

(9) The city engineer may impose any other conditions on the permit deemed necessary to protect public safety, including a requirement that the city be notified of street obstructions;

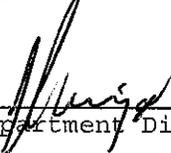
(b) In addition to the permit authorized by this section, ~~the~~ holder of ~~such a limited yearly~~ permit shall be required to take out ~~individual~~ permits pursuant to this Article for any obstruction or excavation not meeting the criteria set forth in Subdivision (a) of this Section;

(c) The holder of a ~~limited yearly~~ permit issued under this section shall post such permit or a copy thereof on each vehicle

~~using said permit to authorize any applicable obstruction job site where work is being done pursuant to such permit.~~

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved:



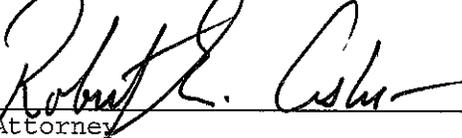
Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

ENG/ATTY REA:de 12/12/2013

STATEMENT OF PURPOSE: The purpose of this ordinance is to modify the conditions applicable to the issuance of yearly permits to obstruct streets, alleys and sidewalks.

Currently, the Code authorizes the City Engineer to issue a permit which allows the permit holder an unlimited number of obstructions throughout the entire city. This results in a situation where one permit holder will pay the same for many

hundreds of uses as compared to another permit holder who uses the permit for only a few uses. In addition, the current permit situation is subject to abuse such as being used to authorize uses in circumstances for which the permit was not intended, such as convenience parking.

This proposes authorizing the issuance of annual permits for specific vehicles. The present fee proposal would provide for issuance of permits for up to 30 vehicles for the initial fee and then would charge a modest additional fee for additional permits, thus bringing charges for the permits into line with the number of vehicles that will use the privilege associated with the permits.

In addition, it would limit use of the permit to obstructions related to the construction, repair, improvement or demolition of buildings, would limit the duration to 8 hours from the current 24 and would prohibit use adjacent to or near property owned or controlled by the permit holder.