

Sec. 53-195. - Procedures for occupancy of public right-of-way (covering of parking meters and rendering of curb space unusable) and establishing charges during construction or repair of buildings.

- (a) When coverage of parking meters is required or public right-of-way is rendered unusable for the express use of contractors for the erection, construction, repair, or remodeling of buildings, or for the temporary placement of a dumpster on those arterial and collector through streets as defined in section 53-251 of the City Code and upon all streets in the central business district, the following procedure and charges shall apply:
- (1) There shall be a permit fee/service charge of eighty-five dollars (\$85.00) for use of parking lanes and loading zones and ninety-five dollars (\$95.00) for use of traffic lanes, sidewalks and alleys levied against the contractor. Such charge will be used to offset the cost in preparation of street closure or meter rental permits, the covering of parking meters, preparation of a traffic handling plan, and secretarial time for processing of billings.
 - (2) For occupancy of parking lanes and curbside loading zones, assessment of charges of one and one-half cents (\$0.015) a square foot per day (minimum charge of two dollars and twenty-five cents (\$2.25) per day) for occupancy of metered parking spaces, one and one-half cents (\$0.015) a square foot per day (minimum charge of one dollar (\$1.00) per day) for occupancy of unmetered parking spaces, and two and nine-tenths cents (\$0.029) a square foot per day (minimum charge of two dollars and twenty-five cents (\$2.25) per day) for occupancy of commercial loading zones. Charges would be based on the width of right-of-way occupied from the barricading equipment or barriers in the roadway to the face of curb or edge of pavement (in the case of curbside streets). For temporary restrictions and reservation of parking at meter spaces which are to be hooded, no more than five (5) metered spaces would be permitted to be hooded at any one (1) time by an applicant. Such parking reservation would be expressly limited to bulk loading/unloading activities and parking of construction vehicles integral to the construction activities. "Parking lane" as used in this section shall be defined as any portion of the paved street totally dedicated for curbside parking, measured from the face of curb to a point eight (8) feet into the street from the face of the curb.
 - (3) For occupancy of traffic lane and sidewalk/alley space, there would be an assessed charge of three and two-tenths cents (\$0.032) a square foot per day (minimum charge of five dollars and twenty-five cents (\$5.25) per day) and three and two-tenths cents (\$0.032) a square foot per day (minimum charge of two dollars and twenty-five cents (\$2.25) a day), respectively. Charges would be based on the width of right-of-way occupied in the traffic lane or between the face of the curb (or edge of pavement) and right-of-way line (property line). In the case of alley space, if all or part of the alleyway is blocked such as to prevent any vehicle access, the contractor would be assessed for the full right-of-way of the alleyway. "Sidewalk" as used in this section shall be defined as any portion of the street between the curb or the lateral line of the roadway and the adjacent property line, all or a part of which is intended for the use of pedestrians.
 - (4) A contractor shall be limited to no greater than one-third (1/3) of the paved width of any street adjacent to the building for which a construction permit has been issued, in accordance with the provisions of section 2101.1 of the building code. Requests for full closure of the street for any period of time exceeding eight (8) continuous hours of occupancy of the street in excess of the one-third (1/3) width maximum limit shall be directed to the city council for consideration of approval.
 - (5) Charges for metered parking space occupancy are applicable to weekdays only. Assessments applicable to occupancy of unmetered parking spaces will be assessed for construction occupancy of metered parking spaces on weekends. Any fraction of a day shall be charged as a full day.
 - (6) Whenever parking meters and their support pipe must be removed, there will be a charge of twenty-six dollars and twenty-five cents (\$26.25) for the first meter removed and six dollars and seventy-five cents (\$6.75) for each additional meter.

- (7) All of the above charges shall be collected by the department designated by the city manager and paid in full before the permit is issued or amended, based upon the planned duration of the construction project. At the discretion of the city manager, or such officers or employees of the city designated by the city manager, monthly payments may be paid by the contractor if the construction project is planned for duration beyond one (1) month. When the right-of-way space covered under the permit is not occupied for the full period of time for which the permit is issued and for which the fees have been paid, the city will refund a portion of the fees paid to cover the unoccupied period of time on the following basis:
 - a. The city will refund to the applicant on a daily basis for the number of days the space covered by the permit was not occupied; provided the charge for the unoccupied days was paid in advance when the permit was issued or amended and that there are no other payments due the city.
 - b. No refunds shall be made until the occupied space is totally cleared in full compliance with the conditions set in the permit.
- (b) During the construction, demolition, remodeling, or repair of a structure, if there is insufficient space on the premises for a dumpster, the weight of a full dumpster will exceed the carrying capacity of the driveway, or the placement a dumpster on the adjoining property is impractical and the parking of vehicles is allowed in the street right-of-way adjoining the property, a property owner or contractor may obtain a dumpster parking permit that will allow a permitted solid waste hauler, who has a permit issued by the director, solid waste Management under Article VIII of Chapter 21, Code of Ordinances ("permitted hauler") under contract with the owner or contractor to place a dumpster upon local streets and neighborhood collectors in residential districts subject to the following procedures and charges:
 - (1) The traffic engineer must determine, based on the standards used under subsection (c) of this section, if the size and location of the dumpster, in relation to any nearby intersections or driveways, will create an unreasonable visual obstruction or an unsafe condition. If the placement of a dumpster at a specific location will create an unreasonable visual obstruction or unsafe condition that cannot be mitigated by the use of barricades, installation of warning signage, channelization of traffic, installation of warning lights, the use of other traffic control procedures, or the use of other traffic control equipment, the traffic engineer may deny the applicant the right to place a dumpster in the right-of-way.
 - (2) The dumpster shall be marked with red and white reflective high-intensity grade sheeting, with a minimum eight-inch width, placed along the full length of both ends' right and left edges, and along the full length of both sides' right and left edges, so as to be clearly visible from an approaching motorist. The alternating red/white stripes shall be oriented on the respective ends to guide traffic to the appropriate direction of travel. In addition, at least two (2) traffic cones (twenty-eight (28) inches height) with two (2) bands of reflective sheeting shall be placed in front of each end of the dumpster while on the street.
 - (3) The dumpster may not be larger than twenty (20) cubic yards based on the external measurement of the dumpster.
 - (4) The property owner or contractor must submit a statement from the owner of the adjoining property that consents to the placement of the dumpster in front of the owner's property and affirmatively states that the placement of the dumpster in the city right-of-way is required because there is insufficient space for the dumpster on the premises, the weight of a full dumpster will exceed the carrying capacity of the driveway, or the placement a dumpster on the adjoining property is impractical and why it is impractical.
 - (5) The property owner, contractor, or permitted hauler must agree to indemnify and forever save harmless the city from any claims relating to the placement of the dumpster in the street right-of-way using a form approved by the city attorney.
 - (6) The property owner, contractor, or permitted hauler, who agrees to indemnify the city under subsection (b)(5) of this section, must obtain insurance policies, which name the city as an additional insured, in an amount the director of safety and risk management determines is needed

to protect the interest of the city and its residents, as required by section 17-15 of the Code of Ordinances.

- (7) The property owner or contractor must agree to pay the costs of repairing any damages to any public or private improvements in the right-of-way caused by the placement of the dumpster, including, but not limited to, damage to the street pavement, curbs and gutters, sidewalks, irrigation systems, ground cover, or utility piping located within the right-of-way, using a form approved by the city attorney.
 - (8) The property owner or contractor must post a bond in an amount determined by the director of finance to cover the cost of any repairs to the city's rights-of-way, including, but not limited to, damage to the street pavement, curbs and gutters, sidewalks, irrigation systems, ground cover, or utility piping located within the right-of-way.
 - (9) The property owner or contractor pays the required fees based on the following schedule:
 - a. Application fee of forty dollars (\$40.00), which includes the first seven (7) days parking at a specific address. The application fee must be paid with the permit application.
 - b. Parking fee of ten dollars (\$10.00) for each additional day or part of a day a parking space is occupied by a dumpster over the first seven (7) days. Parking fees must be paid in advance.
 - (10) A property owner or contractor may deposit moneys with the city's utility billing office from which application and parking fees may be automatically deducted.
 - (11) At the end of each business day, the property owner or contractor must remove any dirt, debris, or other substances that may have fallen into the street, sidewalk, gutter, or curb as the result of filling the container or removing materials from the container or that may wash out of the container due to the accumulation of water in the container.
- (c) The city manager, or such officers or employees of the city designated by the city manager, shall publish standards that will be used to determine if the size and location of the dumpster, in relation to any nearby intersections or driveways, will create an unreasonable visual obstruction or an unsafe condition.
- (1) The following factors must be considered in establishing the standards for the placement of dumpsters in the right-of-way:
 - a. The speed limit on the street where the dumpster will be placed.
 - b. The speed limit on any intersecting streets if the dumpster will be placed within two hundred thirty (230) feet of the intersection.
 - c. The outside dimensions of the dumpsters, particularly the height and length of the dumpster.
 - d. Whether any special rules apply to the location, such as whether:
 1. There is one-way traffic,
 2. It is within or near a school zone, or
 3. It is located on a curve or in the circle of a cul-de-sac.
 - e. The distance from the nearest intersection.
 - f. The distance from the nearest driveway.
 - g. Whether it will limit access to a driveway on the opposite side of a street
 - h. Whether the location has curbs and gutters or open drainage ditches.
 - (2) The standards may require under appropriate circumstances barricading, signing, channelization, warning, or the use of other traffic control procedures or traffic control equipment.

- (3) A copy of the standards and any amendments to the standards must be filed with the city secretary, and provided to the members of the city council at least two (2) weeks before they go into effect.
- (d) The city manager, or such officers or employees of the city designated by the city manager, may revoke a permit issued hereunder if any of the permit holder's barricading, signing, channelization, warning or other traffic control procedures or the traffic control equipment used at the construction site do not comply with the requirements of the city's "Manual on Uniform Barricading Standards or Practices" or with those special requirements imposed by the city manager, or such officers or employees of the city designated by the city manager; provided, that the permit holder, or person named as responsible for the activity in the permit, shall first be notified of the failure or defect and be given a reasonable time, such length of time to be determined by the city manager, or such officers or employees of the city designated by the city manager, and not to exceed twenty-four (24) hours; to correct same before such permit is revoked.
- (e) At least forty-eight (48) hours advance notice shall be provided to the department designated by the city manager before issuance of permit.

(Ord. No. 18573A, § 1, 11-29-1984; Ord. No. 20465, 1, 9-20-1988; Ord. No. 21480, § 1(a), (b), 9-15-1992; Ord. No. 22301, § 1, 7-25-1995; Ord. No. 23015, § 1, 7-29-1997; Ord. No. 24526, § 2, 7-24-2001)