

**Watertown City Council**June 11<sup>th</sup>, 2019**Agenda Item: Special Parking Provisions and Right of Way Obstruction Permitting****Request for Action: Adopt Resolution #2019-81, Amending the Fee Schedule****Department: Shane Fineran, City Administrator****Background:**

At the City Council meeting on May 28<sup>th</sup> the City Council discussed special parking needs of property owners within the community. The City Council directed staff to review policy and ordinance regarding this issue and develop a policy that could be administered by administrative staff in accommodating special parking needs on municipal streets within the community.

In a review of best practices and local ordinance, staff feel that this could be accommodated through the city's existing Right of Way permitting processes and ordinance. Currently the city has the ability to issue an obstruction permit to those who are using the right of way (i.e. boulevards, sidewalks, parking lanes, travel lanes, etc.) for work within the right of way. Typically, these are situations in which work is being performed within the right of way for private utilities, street or driveway work, etc. In a review of best practices from other municipalities, special circumstance or unique use of the right of way for longer periods, or for items not associated with utility work and normal use or general parking that is in conflict with parking ordinances, the obstruction permitting process is often used.

Staff recommends that the fee schedule be updated to reflect a graduated fee based on time of the use of the right of way rather than the flat \$250.00 permit fee currently adopted. This would allow permits to be issued for situations such as dumpster placements, moving storage, extended parking of commercial type vehicles, etc. Upon proper application and fees being paid a permit would be issued by city staff. If a permit request is denied, existing ordinance provides an appeal process for the applicant to appeal administrative decisions to the City Council.

The permit fee would be \$25 for 0 to 7 days of obstruction, \$75 for 8 to 30 days of obstruction, and \$150 for 31 days or more of obstruction. The Obstruction Permit for Containers, Dumpsters, Trailers, and Commercial Vehicles would be utilized to review and issue the permit. This application is similar in requirement for the general construction obstruction type permit as well as a utility permit.

The City's fee schedule is updated via ordinance amendment and publication annually, but is not codified. The ordinance states that fees can be updated from time to time by City Council action. The approving resolution is sufficient for City Council action and then will be fully adopted in December when the annual fee schedule is approved as part of the normal course of approvals for the annual budget.

**Funding Source:**

None

**Attachments:**

Right of Way&gt;Obstruction Permit Sections

Obstruction Permit Application

Fee Schedule Section for Right of Way

Resolution #2019-81

## ARTICLE II. - RIGHT-OF-WAY MANAGEMENT<sup>11</sup>

### Sec. 51-28. - Definitions.

The following definitions apply to this article of this Code. References to "subdivisions" are unless otherwise specified references to subdivisions in this section.

**Obstruct** means to place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way for a period of eight hours or more without the issuance of a right-of-way permit.

**Obstruction permit** means the permit which, pursuant to this article, must be obtained before a person may obstruct a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way, for the duration specified therein, including a blanket permit for a period of time and for types of work specified by the director, if deemed appropriate in her or his discretion.

**Obstruction permit fee** means money paid to the city by a permittee to cover the costs as provided in section 51-37.

### Sec. 51-34. - Permit requirements.

- (a) *Permit required.* Except as otherwise provided in this code, no right-of-way user may obstruct or excavate any right-of-way without first having obtained the appropriate right-of-way permit from the city to do so.
- (1) *Utility permit.* A utility permit is required by a registrant to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.
  - (2) **Obstruction permit.** An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of the right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid utility permit for the same project.
  - (3) *Other permits.* Other permits may be required for persons in accordance with the city Code.
  - (4) *Overhead facilities.* Permits for installation, repair or other work on above-ground facilities within the meaning of M.S.A. § 237.163, Subd. 6(b)(4) will be obstruction permits, notwithstanding the need for excavation, provided the excavation is angled or hand dug for the purpose of placing a pole type structure.
  - (5) *Small wireless facility .* A small wireless facility permit is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to otherwise install a small wireless facility in the specified portion of the public ground, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.

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PERMIT NO. \_\_\_\_\_



CITY OF WATERTOWN  
309 Lewis Avenue South  
PO Box 279  
Watertown, MN 55388  
Phone: 952-955-2681 . Fax: 952-955-2695

**RIGHT-OF-WAY OBSTRUCTION PERMIT FOR CONTAINERS, DUMPSTERS, TRAILERS,  
OR COMMERCIAL VEHICLES APPLICATION**

*\*Obstruction permits are available April 1<sup>st</sup> through November 1<sup>st</sup>\**

Name and Address of Permit Applicant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact: \_\_\_\_\_

Email: \_\_\_\_\_

24-Hour Emergency Phone: \_\_\_\_\_

Name and Address of Company Placing Item (*if not the applicant*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact: \_\_\_\_\_

Email: \_\_\_\_\_

24-Hour Emergency Phone: \_\_\_\_\_

1. Location (*House No., Street, & Submit sketch of placement location*):

\_\_\_\_\_

2. Type of Item to be placed:  Container  Dumpster  Trailer  Commercial Vehicle

3. Reason container, dumpster, trailer, or commercial vehicle cannot be placed on private property, driveway, or yard: \_\_\_\_\_

4. Length and width of container, dumpster, trailer, or commercial vehicle to be placed in the Right of Way:

\_\_\_\_\_

5. Make, Model, and License Plate of trailer or commercial vehicle: \_\_\_\_\_

6. Placement to start on or after \_\_\_\_\_ and to be removed on or before \_\_\_\_\_ .

For \_\_\_\_\_  
(Applicant)

Signed By \_\_\_\_\_

Dated \_\_\_\_\_

### 2019 Right-of-Way Fees

Type

Annual Registration Fee	\$ 25.00			
Extra Work Added Permit	\$ 50.00			
Installing utilities in an existing conduit	\$ 125.00			
<b>Obstruction Permit</b>	<b>0-7 days</b>	<b>8-30 days</b>	<b>31 or more</b>	
	<b>\$ 25.00</b>	<b>\$ 75.00</b>	<b>\$ 150.00</b>	
Residential Drop	\$ 125.00			
Utility Permit	\$ 400.00	Plus \$0.25 per foot over 300'		
Work without a permit fine		Double standard permit fee		

**CITY OF WATERTOWN  
RESOLUTION NO. 2019-81**

**RESOLUTION AMENDING THE ADOPTED FEE SCHEDULE**

**WHEREAS**, the City of Watertown (the “City”) adopts a uniform system of fees, charges, costs, and rates for city licenses, permits, applications, services and other matters via ordinance adoption; and

**WHEREAS**, the ordinance last adopted was via ordinance 410 on December 11, 2018 and effective January 1, 2019; and

**WHEREAS**, the City states within the ordinance that fees and charges may be changed from time to time by action of the City Council; and

**WHEREAS**, the City is amending the fees associated with the issuance of an obstruction permit; and

**WHEREAS**, the amendment to the fee schedule will be adopted via ordinance at the end of 2019; and this resolution will constitute effective City Council action until such time and that the amended changes are full and valid; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Watertown, Minnesota, hereby amends the adopted fee schedule to update the Obstruction Permit fees as attached.

Adopted by the City Council of the City of Watertown this 11<sup>th</sup> day of June, 2019.

\_\_\_\_\_  
Steve Washburn, Mayor

ATTEST: \_\_\_\_\_  
Lynn Tschudi, Clerk/Treasurer