

029.069
9/27/16
changes

ARTICLE II – ENCROACHMENTS AND EXCAVATIONS

Sec. 214-14. - Obstructions prohibited; street and sidewalk closures; safe passage.

No person shall place, or cause to be placed, any obstruction to public travel in any street or sidewalk, and no person shall close any street or sidewalk, for an entire block or any portion thereof, unless such person shall have obtained a permit for such obstruction or closure granted as provided in Section 214-19.

In the case of obstruction of a sidewalk, any person granted such a permit under Section 214-19 shall, when possible, provide at all times a safe and convenient passage over or around such obstruction.

Sec. 214-19. - Permit for placing building materials and/or construction equipment on streets and sidewalks; permits for street and sidewalk obstructions and closures.

- A. Any person intending to undertake construction, alteration or repair of any building or other structure upon or adjacent to any public highway and/or sidewalk may be granted a permit by the Director of Operations, or the designee of said director, to occupy a portion of such highway and/or sidewalk for building materials, construction equipment, accessories or any other needs specifically related to construction under such terms and conditions as the City Engineer may specify with regard to building construction requirements, and the Office of Operations may specify with regard to the needs of traffic and parking.

B. Sidewalks:

1. If the construction activities set forth in Paragraph A above cause a sidewalk, or any portion of a sidewalk to be closed or partially obstructed, as described below in paragraph 4, the fee for such permit shall be ~~one hundred (\$100)~~two hundred dollars (\$200) plus any additional fees required in paragraphs 2 and 3 below.
2. For each calendar day, including the initial day, of construction the permit holder shall be obligated to pay the City an additional ~~twenty five (\$25)~~fifty dollars (\$50) upon which a sidewalk, or any portion of a sidewalk is closed.
3. If the construction activities set forth in Paragraph A cause a sidewalk to be partially obstructed but nevertheless permit public travel on the sidewalk, as in the case of sidewalk sheds or scaffolding above a sidewalk, in lieu of the fee set forth in Subparagraph 2, there shall be an additional fee of fifty dollars (\$50)~~twenty five (\$25)~~, for each week that such permit shall be valid, for a period not to exceed 13 weeks. Upon the expiration of thirteen (13) weeks, said permit may be renewed upon the payment of another fee in the amount of two hundred dollars (\$200)~~one hundred dollars (\$100)~~.

C. Streets:

1. If the construction activities set forth in Paragraph A above cause a City street, or any portion of a City street to be closed or partially obstructed, the fee for such permit shall be two hundred dollars (\$200)~~\$100~~ plus any additional fees as required below. Upon the expiration of thirteen (13)

weeks, said permit may be renewed upon the payment of another fee in the amount of one hundred dollars (\$100).

2. For each calendar day that each lane of street, including any lane reserved for parking, is closed the daily fee shall be as follows:

Street Designation (as provided by the Director of Operations)	Daily Fee per lane per day
Local	\$50 <u>\$100</u>
Collector	\$100 <u>\$200</u>
Minor Arterial	\$150 <u>\$300</u>
Major Arterial	\$200 <u>\$400</u>

- D. If the entity requesting a sidewalk or street closure or causing an obstruction is a public utility regulated by the State of Connecticut Public Utilities Authority (PURA), the permit fee charged shall be two hundred dollars (\$200) for thirteen weeks (13) for a sidewalk closure or obstruction with no additional fees. The permit fee for a street closure shall be two hundred dollars (\$200) per lane closed. Upon the expiration of thirteen (13) weeks, said permit may be renewed upon the payment of an additional fee in the amount of two hundred dollars (\$200) for sidewalk closure or obstruction or per street lane closed.
- E. The permittee shall indicate on the application for the permit the date or dates upon when such construction activity is to take place. Notwithstanding the foregoing, the Director of Operations, or his/her designee, may make reasonable accommodations to the permittee to provide flexibility regarding the scheduled date(s) of construction

activity, particularly if the dates of construction activity are impacted by weather, public emergencies, or other factors beyond the control of the permittee.

- F. At the time the permit is issued, the permittee shall pay the City a fee based upon the permittee's estimate of the duration of construction activity. At the conclusion of the construction activity, the permittee shall pay any additional fees that may be due, or shall be entitled to a refund, or credit, if the fee paid at the time of issuance of the permit exceeds the amount due.

G. Should the Stamford Police or other authorized government agent require additional street lanes to be closed, beyond those specified in the permit, in order to ensure public safety, then the Director of Operations, or the designee of said director, may increase the permit fee, at a rate double the rates described above, to reflect the additional closures. However, no additional fee shall be required if the reason for the additional street lane closure was due to factors beyond the control of the permit holder, in the sole discretion of the Director of Operations or his/her designee.

G.H. If the permittee is required to make material improvements in the sidewalk or street lane as a zoning or governmental condition than the Director of Operations or his/her designee may waive up to 15 days of daily permit fees.

I. The Board of Representatives at any time may adjust the fees contained in this ordinance by resolution of the Board of Representatives. The Mayor may adjust the fees set forth in this ordinance provided that the maximum adjustment of any fee shall be no more than the Consumer Price Index for Northeast Urban Consumers prepared by the United States Department of Labor, Bureau of Labor Statistics, using July 1, 2016 as the base period. The Board of Representatives shall be

informed of any such adjustment at least sixty (60) days prior to the adjustment going into effect. Furthermore, within sixty (60) days of notification the Board of Representatives may reject the proposed adjustments by simple majority vote; otherwise the fees shall take effect. This provision for adjustments shall not restrict the Mayor from proposing other fees provided herein.