

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 14.29 of the Lincoln Municipal Code relating  
 2 to Use of Streets for Private Construction Purposes by amending Sections 14.29.020 and 14.29.030  
 3 to increase street use and meterhood permit costs for private construction purposes; and repealing  
 4 Sections 14.29.020 and 14.29.030 of the Lincoln Municipal Code as hitherto existing.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That Section 14.29.020 of the Lincoln Municipal Code be amended to  
 7 read as follows:

8 **14.29.020 Storage in Streets During Private Construction.**

9 Any person engaged in the erection, construction, reconstruction, wrecking or repairing of  
 10 any building, or the construction or repair of any sidewalk along any street, may occupy the public  
 11 space, whether street, sidewalk space, or alley, in the manner hereinafter provided. Such person  
 12 shall make an application to the building official. Such application shall include a drawing showing  
 13 the dimensions of the proposed walkway locations and street use area to be occupied. The  
 14 application will be submitted to the Sidewalk Inspector for his review and recommendation. Upon  
 15 receipt of such recommendations, the Building Official may grant the applicant a permit to occupy  
 16 public space for such period of time and for such portion of the public space as is in the best interests  
 17 of the city, provided that the public space must be adjacent to the real estate on which the building  
 18 is to be erected, constructed, reconstructed, wrecked or repaired, or along which a sidewalk is to be  
 19 constructed or repaired. On streets occupied by railway tracks, the space to be occupied shall not  
 20 extend nearer to the outer rails of railway tracks than fifteen feet. The city may require the

1 permittee to provide (a) an eight-foot wide protected or covered walkway in the area bounded by  
2 the west line of 9th Street, the east line of 16th Street, the south line of "K" Street, and the north line  
3 of "Q" Street; and (b) a six-foot wide protected or covered walkway in other congested business  
4 districts. Covered walkways shall have an inside clear height of seven feet. When a protected or  
5 covered walkway is required, it shall be lighted in a manner prescribed by the Building Official as  
6 adopted in the Lincoln Electrical Code. Any fence or walkway erected in the street shall be free  
7 standing unless otherwise authorized in writing by the building official or his authorized representa-  
8 tives. All fences, buildings and materials erected in the public space included in the permit shall be  
9 safely guarded by approved lights which shall be kept lit from sunset until sunrise. The space herein  
10 occupied shall be used only for the purpose of erection, construction, reconstruction, wrecking or  
11 repair of such building. Upon issuance of the permit, the Building Official and the permittee shall  
12 inspect the public space to be occupied to determine the existing condition of the street and side-  
13 walk. A final inspection will be made by the Building Official upon expiration of the permit to  
14 determine if the street or sidewalk incurred any damages during the construction. The permittee  
15 shall be responsible to correct or pay for such damages. If the work can be completed by a sidewalk  
16 permit only, the work shall be classified as a public improvement and not be subject to the  
17 requirements of this section.

18 The applicant for a permit as hereinbefore provided shall pay to the Building Official a fee  
19 as follows: ~~Five~~ Six cents a square foot for each month, or prorated for each fraction thereof;  
20 provided that the minimum fee will be ~~fifteen dollars~~ \$25.00 for any one permit.

21 If the permit is granted for a location within an area where parking meters are installed, a fee  
22 of ~~three dollars~~ \$10.00 per day excluding Sundays and specific holidays for each meter required to

1 be hooded shall be paid to the Building Official by the applicant. Upon approval by the Director  
2 of Public Works and Utilities, a meter head may be removed for the period of the time required by  
3 the permit and subsequently reinstalled by the Director of Public Works and Utilities for a fee of ~~ten~~  
4 ~~dollars~~ \$50.00, in which case the space utilized shall be subject to a square foot cost in lieu of the  
5 cost of hooding the meter and the per day cost for that portion of the area served by the parking  
6 meter.

7 Section 2. That Section 14.29.030 of the Lincoln Municipal Code be amended to  
8 read as follows:

9 **14.29.030 Parking in Streets During Private Construction.**

10 Any person engaged in the erection, construction, reconstruction, wrecking or repairing of  
11 any building, or the construction or repair of any sidewalk along any street desiring use of the public  
12 space for the parking of commercially licensed service or delivery cars or trucks, or commercially  
13 licensed cars or trucks used by mechanics of the building trade used for the delivery of merchandise,  
14 materials, equipment, fixtures, or tools in connection with the construction, reconstruction,  
15 wrecking, or repair of such building, or in connection with the construction or repair of such  
16 sidewalk, shall make application to the Building Official for the use of the public space for parking  
17 said commercially licensed vehicles. The parking of all other vehicles in the public space is  
18 prohibited. Before such a permit is issued, it shall be approved by the Director of Public Works and  
19 Utilities, and the applicant shall pay to the Building Official the sum of ~~three dollars~~ \$10.00 per day  
20 excluding Sundays and the specific holidays listed in Section 10.34.030 of the Lincoln Municipal  
21 Code for each parking space to be occupied; and in addition, if in a parking meter area, a deposit in  
22 a sum to be determined by the Building Official based upon replacement costs shall be paid for the

1 parking meter hood, which hood shall be furnished by the Building Official. Upon the expiration of  
2 the time for which the permit was granted, the meter hood shall be picked up by the Building  
3 Official, and the applicant may be refunded the deposit if the hood is in good condition. The deposit  
4 on all meter hoods damaged or stolen while issued to the applicant shall be forfeited and the  
5 Building Official shall utilize the deposit forfeited to purchase new meter hoods. No permit will be  
6 issued to allow vehicles on the sidewalk weighing in excess of 4,500 pounds.

7 Section 3. That Sections 14.29.020 and 14.29.030 of the Lincoln Municipal Code  
8 as hitherto existing be and the same are hereby repealed.

9 Section 4. That this ordinance shall take effect and be in force from and after its  
10 passage and publication in one issue of a daily or weekly newspaper of general circulation in the  
11 City according to law.

Introduced by:  
  
\_\_\_\_\_

Approved as to Form & Legality:  
  
\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2009:  _____ Mayor
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