

The summary of the September 2021 changes Proposed for the ordinance are as follows:

Section	Recommended Change	Purpose
Article I, Sec 26-2	Change “Public Works Director” to “City Engineer.” (p.1)	Update Ordinance to match current practice, policies, and sections of ordinances that designate the City Engineer as primary position for managing right of way.
Article I, Sec 26-5	Change “Public Works Director” to “City Engineer.” (p. 2)	Update Ordinance to match current practice, policies, and sections of ordinances that designate the City Engineer as primary position for managing right of way.
	Change cross reference of “City Tree Board” to “Beautification Commission.” (p. 3)	Update ROW Ordinance to match title used current ordinance Section 19-214.
Article I, Sec 26-9	Updated UDO reference from Article 13 to Article 9. (p. 3)	UDO updated and restructured, so change Article Numbers to refer to correct section.
	Change “Public Works Director” to “City Engineer.” (p. 3)	Update Ordinance to match current practice, policies, and sections of ordinances that designate the City Engineer as primary position for managing right of way.
Article III, Sec 26-101	Add definition for Director of Public Works. (p. 2)	Identify role DPW.
	Add “landscaping, furnishings” to definition of items that may require a license. (p. 3)	Include terminology used in the encroachment policy that would be added as part of licensing requirement in the new Central Business District encroachment policies.
	Add “furnishings, signs” and items overhanding the ROW to definition of work in the ROW by ROW User. Add phrase that licensee is a ROW User. (p. 4)	Adding common uses of ROW not previously included in the definition, and clearly explain that anyone entering into a license agreement is a ROW User.
Article III, Sec 26-101	Added “re-directs” to definition of Temporary Traffic Control. (p. 5)	Clarify that detours, lanes shift, or other movement of traffic requires a Traffic Control Permit.
Article III, Sec 26-111	Add “licensing” to responsibilities of City Engineer. (p. 7)	Authorizes City Engineer to Administratively Approve License Agreements. Does not affect License agreements that are part of development projects subject to Planning Commission and Council Approval.

Section	Recommended Change	Purpose
Article III, Sec 26-121	Add "license" to applicable item that must be obtained by ROW user. (p.8)	Codify requirement that ROW User may be required to obtain a license agreement when necessary (as required by Encroachment Policy).
Article III, Sec 26-131	Add "license," "Encroachment Policy, this Code, and all applicable laws and regulations "to items that must be obtained to acquire a ROW permit, when applicable. (p.10)	Codify requirement that license agreements may be required to obtain a ROW permit; incorporate Encroachment Policy, UDO, laws and regulations, by reference, into items required to receive and maintain a ROW permit.
Article III, Sec 26-131	Add Paragraph K. (p. 11)	<p>Codify requirement to obtain Conditional Use Waiver and/or License Agreements in accordance with the Encroachment Policy.</p> <p>If work requires ROW permit, codifies requirement to obtain a waiver or license before permit can be issued.</p> <p>Prescribes time limits for City Staff to review and respond to applications to set customer service expectations consistent with Small Wireless Facilities applications from telecom companies.</p>
Article III, Sec 26-133	Delete "with approval of the City Council." (p. 13)	Authorize City Engineer to establish the systems for receiving payment from both individuals and bulk ROW Users. Does not authorize City Engineer to set rates and fees. Those are still subject to Council approval through the annual revisions to the Schedule of Fees.
Article III, Sec 26-134	Add Encroachment Policy, UDO, and applicable laws and/or regulations to permit conditions. (p. 13)	Codify the requirement for ROW Users to comply with the Encroachment Policy, UDO, and other applicable laws upon issuance of a ROW Permit.
	Change "Director of Public Works" to "City Engineer." (p. 15)	Authorizes City Engineer to designate alternate locations for poles, facilities or supporting equipment.
	Add compatible with roadside design guidance. (p. 15)	Codify requirement for placement of poles, facilities and supporting equipment to roadside safety requirement, generally in accordance with the AASHTO Roadside Design Guide, the MUTCD, or other applicable design criteria.

Section	Recommended Change	Purpose
Article III, Sec 26-136	Delete the one-time extension and require application for new permit if work extends beyond 60 day. (p.18)	Reduce the impact to public allowed under a single permit. Shortening permits will encourage phasing projects to reduce impacts ROW. Re-application allows City to review conditions of permit in context of seasonal changes in traffic or ROW activities.
Article III, Sec 26-140	Add "license" in several locations. (p. 19)	Authorize the City Engineer to administratively deny a License Agreement.
	Add "Encroachment Policy." (p.19)	Include the Encroachment Policy as one of the items that may be used evaluate the merits of approving or denying ROW Permit.
Article III, Sec 26-151	Add "furnishings" as types of items that can be placed in the ROW. (p. 21) Add the limit of 20 days to review and appeal. (p. 21)	Codify the term used in the Encroachment Policy to allow owners or tenant within CBD to place items, such as tables, chairs, planter, etc., in the ROW. The types of furnishings and locations are described in Exhibit B of the September 2021 Encroachment Policy proposal.
Article III, Sec 26-153	Add "Throughway Zones, Frontage Zones, or Furnishing Zones." (p.22)	Authorize the City Engineer to designate, define, and delineate specific zones in the ROW, that are not specifically related to Utility Corridors. These zones would be added to the September 2021 Encroachment Policy
Article III, Sec 26-156	Add "furnishing" in several locations. (p. 23)	Codify City Engineer authority to direct the removal or relocation of Furnishings to mitigate risks to public health, welfare and safety.
Article III, Sec 26-177	Add "Encroachment Policy." (p.27)	Codify ROW User requirement to maintain items in the ROW in accordance with the Encroachment Policy.
	Add "license or conditional use waiver." (p. 27)	Requires ROW User to obtain a Conditional Use Waiver or license when required by the Encroachment Policy or ordinances, and then comply with those terms and conditions.