

## CHAPTER 23 – STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS

Sec. 23-65. Revocable Permits; authorization to issue.

(a) The Engineering Director or his designee is authorized to issue revocable right-of-way permits to persons, associations or corporations, for the purpose of temporarily making use of the public rights-of-way for "minor" encroachments within said public right-of-way. Minor encroachments are herein defined as those underground facilities whose cross sectional areas are less than two feet across; and those encroachments whose surface and aerial uses are easily removed from the right-of-way as determined by the Engineering Director including but not limited to the following:

(b) Revocable right-of-way permits shall not be issued where a franchise or license is required by state law or city charter for the requested use of the dedicated right-of-way.

(c) Revocable permits authorized pursuant to this section shall be subject to the following stipulations:

(1) Property zoning regulations are not to be violated; rather the intent of the zoning regulation is to be applied to uses in the public right of way.

(2) City codes are not to be violated unless permitted by law or variance.

(3) All minimum street right-of-ways have been dedicated to the public.

(4) The proposed use of the public right-of-way does not conflict with existing or proposed uses of the right-of-way.

(5) Right-of-way selected for federal funding must be clear of all encroachments.

(6) The use of the right-of-way will be further restricted by general and special conditions as determined upon review by the Engineering Director or designee.

(7) The revocable right-of-way permit will contain standard and special conditions and terms and will be kept on file in the Engineering Department.

(d) All revocable right-of-way permits authorized herein shall be evidenced by a separate written revocable right-of-way permit, that permit shall be subject to the general and special conditions as determined necessary by the Engineering Director or designee.

(e) The Engineering Director or designee may require special conditions deemed necessary due to a particular type of encroachment or otherwise necessary to control use of the public right-of-way.

## CHAPTER 23 – STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS

(f) Applicants for revocable permits shall pay all application fees and permit fees required by this code and shall secure all permits necessary to build their project.

(g) Revocable right-of-way permits authorized by the Engineering Director or designee are subject to revocation at any time in the discretion of the Engineering Director. Appeals may be made to the City Manager in the manner provided by section 23-80 of this code.

(Ord. No. 97-38, 7/15/97, enacted)

(Ord. No. 02-41, 6/7/02, amended) SUPP 2002-2