

AMENDMENT NO. 3
TO
ORDINANCE NO. BL2025-1063

Madam President,

I move to amend Ordinance No. BL2025-1063 as follows:

- I. By amending Section 6, proposed Metropolitan Code of Laws subsection 13.02.020.A as follows:

13.02.020 - Determination of fees.

A. All fees required by this Title, except for those set forth in Section 13.02.010 of this chapter, shall be in the following amounts:

	1/1/2026 through 9/30/2026	10/1/2026 through 6/30/2027	7/1/2027 through 7/31/2028	After 7/31/2028
Encroachment Permit 13.08.030	\$250	\$250	\$250	\$250
Excavation Permit (High Impact Area) 13.20.030(D)	\$535	\$965	\$1,400	See (B) below
Excavation Permit (Non-High Impact Area) 13.20.030(D)	\$315	\$535	\$750	See (B) below
Multimodal Access Closure Exception 13.20.030(A)	\$865	\$1,235	\$1,600	See (B) below
Parklet Permit 13.32.166	\$150	\$150	\$150	\$150
Right-of-Way Abandonment 13.08.010(C)	\$600	\$900	\$1,200	See (B) below
Sidewalk & Right-of-Way Obstruction Permit (High Impact Area) 13.20.030(E)	\$285	\$520	\$750	See (B) below
Sidewalk & Right-of-Way Obstruction Permit (Non-High Impact Area) 13.20.030(E)	\$160	\$270	\$375	See (B) below

Sidewalk Cafe Permit 13.32.165	\$250	\$250	\$250	\$250
<u>Sidewalk Café Annual Right-of-Way Use (<500 sf)</u> <u>13.32.165</u>	<u>\$200</u>	<u>\$200</u>	<u>\$200</u>	<u>See (B) below</u>
<u>Sidewalk Café Annual Right-of-Way Use (500-1000 sf)</u> <u>13.32.165</u>	<u>\$300</u>	<u>\$300</u>	<u>\$300</u>	<u>See (B) below</u>
<u>Sidewalk Café Annual Right-of-Way Use (>1000 sf)</u> <u>13.32.165</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>See (B) below</u>
<u>Streatery Permit (see also (D) below)</u> 13.32.166	\$150	\$150	\$150	<u>See (B) below</u> \$150
Street and Alley Map Amendment 13.08.010(D)	\$285	\$365	\$450	See (B) below
Temporary Street Closure Permit (High Impact Area) 13.20.030(G)	\$285	\$520	\$750	See (B) below
Temporary Street Closure Permit (Non High Impact Area) 13.20.030(G)	\$160	\$270	\$375	See (B) below

II. By amending Section 6, proposed Metropolitan Code of Laws subsection 13.02.020.D as follows:

D. Fees that shall be set in a manner other than those described in Subsections A through C above are:

1. The pavement assessment fee described in Subsection D of Section 13.20.030 of this code shall equal five hundred dollars plus the cost to restore the excavation per existing pavement restoration specifications of the department of transportation and multimodal infrastructure (NDOT). The cost shall be based on the average cost of similar work performed by metropolitan government in the previous year and shall be updated annually by the director of NDOT on August 1 of each year.

~~2. The annual per square foot fee for sidewalk cafe dining facilities described in Subsection C of Section 13.32.165 of this code shall be based on downtown commercial real estate rates.~~

3. The annual fee for streatory facilities described in Subsection D of Section 13.32.166 of this code shall be a) the lost revenue for metered parking spaces occupied by the streatory plus b) a rate lower than the average metered parking space for the time and number of non-metered parking spaces occupied by a streatory, as determined by the director of NDOT.

3. The fee for excavation permits shall be fifty-five dollars each, except within the right-of-way permit high impact area, where the fee shall be one hundred dollars for each permit (up to fifty linear feet).

4. Except as hereinafter provided, the fee for a sidewalk & right of way obstruction permit shall be fifty-five dollars per day per location. The fee to place a trailer or dumpster in the public right-of-way shall be set by the director of NDOT, as derived from the actual internal operating costs of administering related services, as determined by the department.

5. In addition to any other fees required by this chapter, permits requiring the temporary closure of the metropolitan government's rights-of-way shall be subject to fees set by the director of NDOT, as derived from the actual internal operating costs of administering related services, as determined by the department based upon the scale and duration of the closure.

SPONSORED BY:

Courtney Johnston
Member of Council