

BILL # 218-22**AN ORDINANCE AMENDING SECTION 29-374 TITLED RIGHT-OF-WAY PERMIT FEES OF CHAPTER 29 "UTILITIES" OF THE CODE OF ORDINANCES TO UPDATE PERMIT FEES AND CHANGE THE NAME OF THE SECTION.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ST. JOSEPH, MISSOURI, AS FOLLOWS:

SECTION 1. That Chapter 29 of the Code of Ordinances of the City of St. Joseph, Missouri, be, and hereby is, amended by repealing Section 29-374 entitled "Right-of-way permit fees" and enacting in lieu thereof a new Section 29-374 to be entitled and read as follows:

Sec. 29-374. Permit fees **for work in the** right-of-way.

(a) Each applicant shall pay to the city a right-of-way permit fee for each application for a right-of-way permit as follows:

- (1) **Utility permits (for areas less than 300 lineal feet):**
 - a. **For excavations of 100 square feet or less, a permit fee of \$38.00, and a fee of \$19.00 for each subsequent 100 square feet; and**
 - b. **For horizontal direct drilling installations, a permit fee of \$88.00 per project.**

(2) **Right-of-way permits (for areas greater than 300 lineal feet), a permit fee of \$50.00, plus \$0.15 per foot of installed/repared/rehabbed/maintained infrastructure.**

(3) Bulk permits, pursuant to administrative rules promulgated under the authority of Chapter 25 for issuance, a permit fee of **\$50.00**.

(4) Any fee required pursuant to this section shall be doubled for each activity requiring a permit under this section but not obtained, in violation of this section.

Such right-of-way permit fee shall be based upon all of the city's costs in issuing, processing and verifying applications and inspections of the project site and restoration work up to two hours. Such right-of-way permit fee shall be paid by each applicant to the city at the time the applicant submits its application for a right-of-way permit.

(b) Each right-of-way user shall pay to the city a supplemental right-of-way permit fee in the amount of all of the city's costs associated with the following:

- (1) Inspecting the project site and the restoration work in excess of two hours; and
- (2) Protecting or moving the right-of-way user's equipment or facilities after reasonable notification to the right-of-way user doing the right-of-way work; and
- (3) Determining the adequacy of right-of-way restoration; and

(4) Inspecting and/or testing restoration work after rejection of improper or defective restoration work;

(5) Restoring work inadequately performed after the city has provided notice and five working days for the right-of-way user to correct such inadequate work; and

(6) Revoking the right-of-way permit.

(c) Fees paid for a right-of-way permit, which is subsequently revoked by the public works and transportation director, are not refundable.

(d) In the event the scope of the project is revised during the course of the project, the public works and transportation director may reevaluate the fee based on the actual size of the excavation and may require an additional fee.

(e) The amount of the right-of-way permit fee set forth in Section 29-374(a) shall be reviewed annually by the public works and transportation director and adjusted based upon the costs to the city as set forth in Subsection 29-374(a) as approved by the city council.

SECTION 2. That any ordinances or parts of ordinances in conflict with this ordinance be, and hereby are, repealed.

SECTION 3. That if any provision of this ordinance is found to be invalid, such provision shall be considered to be severable from the other parts of this ordinance and shall not affect the validity of the remaining parts of this ordinance.

SECTION 4. That this ordinance shall be in full force and effect from and after date of passage.

Approved as to form:

City Attorney

Passed: _____, 20____

City Clerk

Mayor