



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: September 2, 2008

SUBJECT: Introduce an Ordinance to amend Chapter 20 of the City of Woodland Municipal Code regarding Streets and Sidewalks

Report in Brief

Chapter 20 of the City of Woodland Municipal Code governs the streets, sidewalks, and public rights of way within the City. Included in this chapter are sections regarding encroachment permits for working or placing obstructions within the public right of way.

Staff recommends that the City Council introduce and read by title only an Ordinance to amend Chapter 20 of the City of Woodland Municipal Code regarding Streets and Sidewalks.

Background

Chapter 20 of the City of Woodland Municipal code regulates the operation, maintenance, use, construction of facilities and encroachments within the public right of way. Article 1 of this chapter also defines the (encroachment) permitting requirements for use of the right of way.

Recent City Council direction has requested that City staff ease restrictions on “A-frame” signs. In response to this direction, staff has reexamined applicable sections of the Municipal Code. During this review a second item came to light regarding the connection of City Utilities.

The proposed ordinance will modify two sections of municipal code. First to exempt A-frame signs, under Section 20-1-3 of the Municipal Code, from requiring an encroachment permit. Second, modify Section 20-1-5 to require that utility connections to the City utilities outside of a street right-of-way be completed under a City Encroachment Permit.

Discussion

A-frame Signs

Currently, A-frame signs require a sign permit and an encroachment permit to be placed within the City’s right of way (includes sidewalk). Staff already performs a planning review of signs under the sign ordinance for compliance with local codes. The cost of issuing an encroachment permit (and

therefore the fee for the permit – currently \$135) often exceeds the cost of the sign itself. Furthermore, the requirement for two permits for a single sign is considered business unfriendly.

Therefore, while A-frame signs will continue to be reviewed under the sign ordinance, staff recommends the following language be added to Section 20-1-3 of the City code in order to add A-frame signs as **exemptions** from encroachment permits

c) The placement of portable signs, advertisement, or displays that are not within the vehicular street cross section, and do not obstruct an accessible path for pedestrian traffic, and comply with all other City Codes and ordinances.

Utility Connections

Connection to City utility systems (water, sewer, storm drain) within the right-of-way requires an encroachment permit. However, if the connection is made on site to an existing stub, the connection must still be inspected and approved to ensure the connection performs to City standards. City inspection of the connection is necessary to protect the system from contamination or the intrusion of foreign materials or blockages to the City system.

By requiring the permit for utility connections outside of rights-of-way, the City will be better able to protect the public health, safety and welfare and recover costs. Therefore, staff recommends the following language be added to Section 20-1-5 of the City Code relating to when an encroachment permit is required:

An encroachment permit shall also be required by the City Engineer for the connection to City water, sewer, or storm drain systems when the connection is outside of the street right of way.

Fiscal Impact

It is estimated that encroachment permit revenues to recover costs for inspecting connections outside of City rights-of-way will increase slightly while revenues formerly generated by A-frame sign encroachment permits will cause an offsetting decrease. Therefore, there will be no net impact on the General Fund.

Public Contact

Posting of the City Council agenda.

Alternative Courses of Action

1. Introduce and read by title only an Ordinance to amend Chapter 20 of the City of Woodland Municipal Code regarding Streets and Sidewalks.
2. Direct staff to make further revisions to Chapter 20 of the City of Woodland Municipal Code regarding Streets and Sidewalks, and return at a future date.
3. Direct Staff to make no changes to the existing code.

Recommendation for Action

Staff recommends that the City Council approve Alternative No. 1.

Prepared by: Bruce Pollard
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Reviewed by: Dick Donnelly
City Engineer

Reviewed by: Barry Munowitch, AICP
Assistant City Manager

Mark G. Deven
City Manager

Attachment: Ordinance Amending Article 1 of Chapter 20 of the Woodland Municipal Code

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND
AMENDING ARTICLE I OF CHAPTER 20 OF THE WOODLAND MUNICIPAL CODE
RELATING TO STREETS AND SIDEWALKS**

The City Council of the City of Woodland, California, does hereby ordain as follows:

- 1. Purpose.** The purpose of this Ordinance is to amend Article I of Chapter 20, Sections 20-1-3 and 20-1-5 of the Woodland Municipal Code, to exempt certain permissible signs and displays from the requirement to obtain an encroachment permit, and to provide that an encroachment permit may be required for connection to City water, sewer, or storm drain systems under certain circumstances.
- 2. Authority.** The City Council enacts this Ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution.
- 3. Amendment.** Article I of Chapter 20, Sections 20-1-3 and 20-1-5 of the Woodland Municipal Code are hereby amended to read in full as follows:

Section 20-1-3. Exemptions from applicability of chapter.

This chapter shall not apply to officers or employees of the city lawfully discharging their official duties, and the following:

(a) Any resident or commercial customer who places a garbage, recycling, or yard waste container, provided by the city or the city's contract agent, in the roadway in front of the property in which the service is being provided the evening before a regularly scheduled collection day in a manner that does not restrict reasonable gutter drainage or obstruct traffic, and removes such container as soon as possible but no later than twenty-four hours after the garbage, recycling, or yard waste container collection.

(b) Any resident or commercial customer who places yard waste in the street in accordance with Section 23C-4-16, in a manner that does not restrict reasonable gutter drainage or obstruct traffic. (Ord. No. 1201, § 2 (part); Ord. No. 1488, § 3.)

(c) The placement of portable signs, advertisements, or displays that are not within the vehicular street cross-section, and do not obstruct an accessible path for pedestrian traffic, and comply with all other City Codes and Ordinances.

Section 20-1-5. Same—When required.

No person shall encroach or cause to be made any encroachment of any nature whatever within, upon, over or under the limits of any right-of-way or watercourse; or make or cause to be made any alteration of any nature within, upon, over or under such right-of-way or watercourse; or construct, put upon, maintain or leave thereon, or cause to be constructed, put upon, maintained or left thereon, any obstruction or impediment of any nature whatever; or remove, cut

or trim trees thereon, or set a fire line, conduit or other fixtures; or move over or cause to be moved over the surface of any right-of-way or over any bridge, viaduct or other structure maintained by the city, any vehicle or combination of vehicles or other object of dimension or weight prohibited by law or having other characteristics capable of damaging the right-of-way; or place any structure, wall, culvert or similar encroachment, or make any excavation or embankment in such a way as to endanger the normal usage of the right-of-way or watercourse without having first obtained a permit as required by this chapter. An encroachment permit will normally be used only for a single parcel development. An encroachment permit may also be required by the City Engineer for connection to the City water, sewer or storm drain systems when the connection is outside of the street right-of-way. (Ord. No. 1201, § 2 (part).)

4. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Woodland.

PASSED AND ADOPTED by the City Council of the City of Woodland this ____ day of _____, 2008, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Marlin H. "Skip" Davies, Mayor

ATTEST:

Susan L. Vannucci, City Clerk

APPROVED AS TO FORM:

Ann M. Siprelle, City Attorney