Legislation Details (With Text)

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Title: Amending Chapter 121 of the Legislative Code, pertaining to permits for driveways, sidewalks, curbs, and etc. to permit surfacing of boulevards for sidewalk cafes under certain conditions.

Sponsors: Chris Tolbert

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/19/2018	1	Mayor's Office	Signed	
3/14/2018	1	City Council	Adopted	Pass
3/7/2018	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
2/21/2018	1	City Council	Laid Over to Third Reading/Public Hearing	
2/14/2018	1	City Council	Laid Over to Second Reading	

Amending Chapter 121 of the Legislative Code, pertaining to permits for driveways, sidewalks, curbs, and etc. to permit surfacing of boulevards for sidewalk cafes under certain conditions.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Section 1.

Chapter 121 of the Saint Paul Legislative Code is hereby amended to read as follows:

Chapter 121. - Permits for Driveways, Sidewalks, Curbs, etc.

Sec. 121.01. - Driveway, sidewalk, curb or surfacing of boulevards.

No person shall construct or repair any driveway, sidewalk, curb or other impervious surfacing within the public right-of-way outside the normal vehicle traveled area, on or within any public street, alley or other public property except with the written permission of the director of the department of public works.

Sec. 121.02. - Power of public works director.

The director is authorized to grant permission to owners of abutting property to perform the work described in section 121.01 subject to the following conditions, restrictions and payment of fees as set forth in this chapter.

Sec. 121.03. - Regulations and general conditions.

The director is authorized to enact reasonable rules and regulations, which shall include the following:

(a) All work shall be performed by a licensed sidewalk contractor and in accordance with plans and specifications approved by the director.

(b) Payment of permit fees, as determined by council resolution, and payment of all additional costs of inspection incurred by the department.

(c) During construction, the work area shall be guarded by day with suitable barriers and by night with flashing yellow lights to prevent injury or damage to persons or property.

(d) The contractor shall assume full responsibility for all damages to persons or property arising out of the construction, reconstruction or repair of the improvements.

(e) All work shall be performed in accordance with all applicable laws or regulations.

(f) Materials, methods of construction, minimum and maximum width of driveways and sidewalks, shall be subject to the approval of the director.

(g) Driveways that lead to new or altered parking areas on private property must comply with zoning requirements contained in sections 62.103 through 62.107.

Sec. 121.04. - Special conditions for surfacing between curb and sidewalks.

All of ~~T~~the following special conditions shall apply to permits issued for the construction or repair of surfacing between a curb and a sidewalk:

(a) Surfacing may be allowed only where the abutting property is lawfully used for nonresidential purposes and only on the following streets:

1. P~~p~~rincipal, intermediate or minor arterial streets as designated in the city's comprehensive plan; ~~and~~
2. Streets in the congested district as defined in Chapter 151, or
3. In order to provide for a surface for a sidewalk café licensed under Chapter 106, on a street adjacent to a state trunk highway if the state does not permit a sidewalk café on the trunk highway. ~~and only where the abutting property is lawfully used for nonresidential purposes.~~

(b) ~~Configuration of the adjacent property creates an extraordinary hardship in the maintenance of grass and trees on the boulevard.~~ Surfacing shall be done according to a plan submitted by or on behalf of the owner of the abutting property ("owner") to the department of public works, and approved by the department of public works in advance of any work. Owner's plan shall provide that the surfacing be done in a manner that will best protect and maintain the health of the trees in the boulevard.

(c) Paving or surfacing the boulevard ~~will~~ shall not permit the owner or occupants to allow illegal parking of vehicles or the storage of unpermitted materials on the boulevard.

(d) Paving or surfacing of the boulevard ~~will~~ shall not conflict with the urban design and aesthetics of the surrounding area, the district plan or redevelopment plans.

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(e) The owner shall hold the city, its officers, agents and employees ~~shall be held~~ harmless, and provide that the same be indemnified and defended by the owners, its successors or assigns, from any and all claims, actions or suits of any character brought as a result of injuries or damages received or sustained by any person, persons or property on account of the construction or maintenance of the surfacing.

(f) The ~~abutting property~~ owner shall be solely responsible for the continued maintenance and repair of the surfacing.

Sec. 121.05. - Permit application and fees.

Application for permits shall be submitted on forms approved by the director and shall include the following:

(a) The location, nature, size and purpose of the proposed improvement.

(b) Plans and specifications as required by the director.

(c) The appropriate fees as established by council resolution.

(d) The application shall be signed by the owner of the abutting property in the case of surfacing between the curb and sidewalk.

Sec. 121.06. - Permit revocation or termination.

Any permit may be revoked by the director upon reasonable written notice, for failure to comply with any applicable law or the conditions of the permit, or may be terminated if the use of the property ceases to require surfacing. In the case of revocation or termination of a permit, the improvements shall be removed at the expense of the ~~abutting property~~ owner and the property restored to its original prior condition.

Sec. 121.07. - Violation; penalty.

Violation of any provision of this chapter shall be deemed a misdemeanor punishable in accordance with the provisions of section 1.05 of this Code.

Section 2.

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.

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