

1 **BILL NO. R-13-02-19**

2 **RESOLUTION NO. R-29-13**

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4 **A RESOLUTION OF THE COMMON COUNCIL OF THE**  
5 **CITY OF FORT WAYNE APPROVING BOARD OF**  
6 **PUBLIC WORKS RULES AND REGULATIONS FOR**  
7 **RIGHT-OF-WAY OCCUPANCY AND BARRICADE**  
8 **PERMITS IN CONNECTION WITH PERSONS OR**  
9 **ORGANIZATIONS SEEKING A PERMIT.**

10 **WHEREAS**, the Common Council of the City of Fort Wayne  
11 previously adopted Resolution R-21-97 approving Board of Public Works  
12 Rules and Regulations Right-of-Way Occupancy; and

13 **WHEREAS**, said Resolution extended authority to the Board of Public  
14 Works to charge additional sums for other uses of its rights-of-way; and

15 **WHEREAS**, the Board of Public Works has revised and approved  
16 new Rules and Regulations for Right-of-Way Occupancy and Barricade  
17 Permits.

18 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF**  
19 **THE CITY OF FORT WAYNE, INDIANA:**

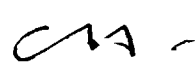
20 **SECTION 1.** That the Board of Public Works Rules and Regulations  
21 for Right-of-Way Occupancy and Barricade Permits are hereby approved  
22 and ratified. Two copies of said rules and regulations are available for  
23 inspection in the office of the Clerk of the City of Fort Wayne and are  
24 incorporated herein by reference.

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**SECTION 2.** That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

 Council Member

APPROVED AS FORM AND LEGALITY

  
Carol Helton, City Attorney

BOARD OF PUBLIC WORKS  
RULES AND REGULATIONS  
For  
RIGHT-OF-WAY OCCUPANCY  
And  
BARRICADE PERMITS

Pursuant to its rule making authority specified under Section 99.020(C) of the Municipal Code of the City of Fort Wayne, the Board of Public Works for the City of Fort Wayne hereby amends and alters in whole the rules and regulations previously adopted March 5, 1997 governing the use of City of Fort Wayne right-of-ways by those persons or organizations seeking a permit to do so, and adopts the following:

I. FOR COMMERCIAL, CONSTRUCTION, RECREATIONAL USE OF THE RIGHT-OF-WAY

1) APPLICATION REQUIRED

- a) Not less than forty-eight (48) hours prior to the anticipated occupancy of a portion of any city right-of-ways, and not less than seven (7) days prior to the anticipated full closure of city right-of-ways, those parties desiring to temporarily obstruct city right-of-ways shall make application to the City of Fort Wayne through its Right-of-Way Permit Office; however, said time limits may be waived for applications determined to be emergencies by the Director of Public Works.
- b) Said application shall contain an adequate description of the use to be made of the occupied portion of City right-of-way including the size, location, purpose and type of structure to be located thereupon.
- c) Applicant shall pay fees for use of right-of-ways as established in Section II, Paragraph 4 below whenever temporary obstructions to the right-of-ways exceed typical obstruction allowances that are inherent with construction activities for which permit fees were previously purchased for excavation permits and/or access permits. Typical allowances are understood to be five (5) days or less for the obstruction of a non-traffic lane or right-of-way, two (2) hours or less where traffic lanes are obstructed and traffic is maintained on a collector roadway, and one (1) hour or less where traffic lanes are obstructed and traffic is maintained on an arterial roadway. No consideration of previously paid permit fees will occur for road closures.

- d) Civil City-funded or City Utilities-funded public improvement construction projects shall not be subject to City barricade fees, however, the contractor or city department doing any such construction work must apply and receive approval for barricade permits as described in paragraph "a" of this section.

## 2) DEPARTMENTAL APPROVALS REQUIRED

- a) Approval of any barricade or temporary occupancy permit under this section is contingent upon the applicant securing any other permits applicable by City ordinance, including but not limited to excavation permits, access permits, over-size/overweight permits, public assembly permits, parade permits, or block party permits.
- b) Before any barricade or temporary occupancy permit shall be granted, the same shall be reviewed by and approved by the Police and Traffic Engineering departments. Right-of-way use requested by the applicant is subject to change as a result of this review.
- c) Once an applicant's right-of-way use is established and approved, it shall not be subject to change or modification by the applicant except with additional reviewing-agency approval. The City reserves the right to cause a change in location or date for reasons of public safety.

## II. CONDITIONS OF ANY BARRICADE PERMIT

### 1) INDEMNITY:

No permit shall be granted unless the applicant shall have undertaken to indemnify and save harmless the City of Fort Wayne of and from any and all losses or claims which may be asserted by anyone by reason of the granting of such permit and the occupancy of the right-of-way by the applicant.

### 2) RESTORATION:

The applicant shall covenant to restore the right-of-way to a like or better condition than existed prior to the permitted use upon conclusion of the approved occupancy.

### 3) BARRICADES AND SIGNS:

All barricades and signs shall conform to the latest revision of the Indiana Manual on Uniform Traffic Control Devices as well as any additional requirements deemed appropriate by the Traffic Engineering Department or Police Department when necessitated by special or additional safety

considerations. Permittees shall bear the expense of obtaining, erecting, maintaining and removing barricades and signs. Applicant shall also designate a representative and 24-hour phone number for notification by City when maintenance of barricading is required.

#### 4) BARRICADE FEE SCHEDULE

Permit fees shall not be waived. The term "week" is defined as a period from 1 to 7 days.

Type Street	Complete Closure	Traffic Lane Restrictions	Non-Traffic Restrictions
Residential	\$75.00/week	\$35.00/week	\$35.00/week
Collector	\$50.00/day/lane	\$50.00/day/lane	\$35.00/week
Arterial	\$75.00/day/lane	\$75.00/day/lane	\$35.00/week

If a fee is paid to obstruct a portion of the roadway and the right-of-way adjacent the road will be obstructed for the same duration of time as the roadway, an additional charge will not be assessed for the area adjacent the roadway.

#### 5) PENALTY FOR VIOLATION

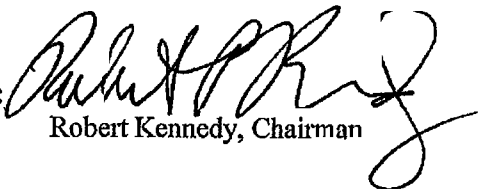
Any person who fails to obtain the necessary right-of-way occupancy permit is guilty of a violation and shall be penalized no less than one hundred dollars (\$100.00) per day, and no more than one thousand (\$1,000.00) per day, until such time as an approved permit is obtained, in addition to becoming liable for the appropriate fee from the date said occupancy begins. Enforcement proceedings may be initiated upon complaint by the Right-of-Way Permit Office or any affected individual.

6) EFFECTIVE DAY OF RULES AND REGULATIONS

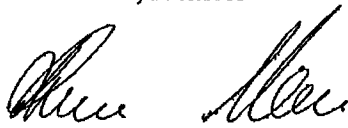
These right-of-way occupancy and barricade rules and regulations shall become effective upon the adoption of a Resolution ratifying the same by the Common Council of the City of Fort Wayne.

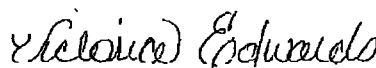
Approved and adopted this 13<sup>th</sup> day of February, 2013.

BOARD OF PUBLIC WORKS

BY:   
Robert Kennedy, Chairman

BY:   
Mike Avila, Member

BY:   
Kumar Menon, Member

ATTEST:   
Victoria Edwards, Clerk

Public Hearing Date, if applicable

Read the first time in full and on motion by Councilman *Glynn Hines*  
Read the second time by title and referred to the *Regulations Committee*  
Committee. Read the third time in full and on motion by Councilman  
*Hines*, placed on passage by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	9			
BENDER	✓			
CRAWFORD	✓			
DIDIER	✓			
HARPER	✓			
HINES	✓			
JEHL	✓			
PADDOCK	✓			
SHOAFF	✓			
SMITH	✓			

DATED: *3-12-13* *Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
(ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE  
(RESOLUTION) NO. *R-29-13* on the *12<sup>th</sup>* day of  
*March*, 2013

ATTEST: *Sandra E. Kennedy* *T. Thomas Didier*  
SANDRA E. KENNEDY, PRESIDING OFFICER  
CITY CLERK

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the *13<sup>th</sup>* day  
of *March*, 2013, at the hour of *2:30* o'clock *PM*. E.S.T.

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this *14<sup>th</sup>* day of *MARCH*  
2013, at the hour of *9:00* o'clock *AM* E.S.T.  
*Thomas C. Henry*  
THOMAS C. HENRY, MAYOR

BILL NO. R-13-02-19

**REPORT OF COMMITTEE ON REGULATIONS**

**MARCH 5, 2013**

**GLYNN HINES – CHAIR  
RUSSELL JEHL – CO-CHAIR  
ALL COUNCIL MEMBERS**

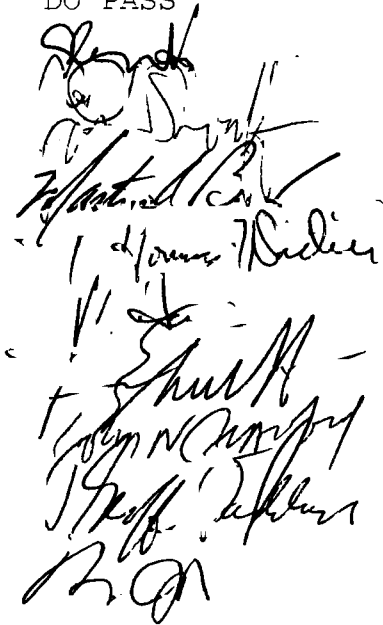
WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE APPROVING BOARD OF PUBLIC WORKS RULES AND REGULATIONS FOR RIGHT-OF-WAY OCCUPANCY AND BARRICADE PERMITS IN CONNECTION WITH PERSONS OR ORGANIZATIONS SEEKING A PERMIT. HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC



A collection of handwritten signatures in black ink, including names such as Glynn Hines, Russell Jehl, and others, indicating their approval of the ordinance.

SANDRA E. KENNEDY  
CITY CLERK