



CITY COUNCIL TRANSMITTAL


Lisa Shaffer, Chief Administrative Officer

Date Received: 01/26/2023
Date sent to Council: 01/26/2023

TO: Salt Lake City Council
Darrin Mano, Chair

DATE: January 26, 2023

FROM: Jorge Chamorro, Public Services Director

SUBJECT: Right of Way Permit Notification Fee

STAFF CONTACT: Mark Stephens, City Engineer, 801-535-6355

DOCUMENT TYPE: Ordinance Amendment to Consolidated Fee Schedule

RECOMMENDATION: The Administration recommends that, after a public hearing, the City Council adopt the following amendments to the City Ordinance and the Consolidated Fee Schedule.

BUDGET IMPACT: NA

BACKGROUND/DISCUSSION: Pursuant to the proposed ordinance amendment for Salt Lake City Code Section 14.32.036 to include clarifying language on pre-notification notices for work to take place in the Public Way, this transmittal addresses the associated proposed cost per notification that is to be passed along to the Public Way Permit applicant. The corresponding fee analysis for the cost associated for each pre-notification postcard mailed out by the City on the applicant's behalf has been performed by City Finance and is attached herewith. It is proposed that the fee associated with these pre-notification postcards be adopted into the existing Consolidated Fee Schedule so that the appropriate fees can be assessed to the Public Way permit applicant along with the other required Public Way permit fees prior to approval and issuance of the Public Way Permit.

PUBLIC PROCESS: Public Hearing

EXHIBITS:

- A. Red Lined Ordinance
- B. Clean Ordinance
- C. Red Lined Consolidated Fee Schedule
- D. Clean Consolidated Fee Schedule
- E. September 2022 Cost Analysis for ROW Permit Notification Fee

ATTACHMENT A
Red Lined Ordinance

SALT LAKE CITY ORDINANCE

No. ____ of 2023

(Amendment Related to Notice Requirements for Work in the Public Way Permits and Imposing
a Fee Related to Such Notices)

An ordinance amending Salt Lake City Code Section 14.32.036, and also amending those portions of the Salt Lake City Consolidated Fee Schedule related to notice regarding work in the public way permits.

WHEREAS, on May 17, 2011 the City Council adopted Ordinances 2011-23, 2011-24 and 2011-25 to authorize and create the Salt Lake City Consolidated Fee Schedule; and

WHEREAS, the City Council of Salt Lake City ("City Council") desires to update portions of the Salt Lake City Code related to notice regarding work in the public way permits, and to also update the corresponding portions of the Salt Lake City Consolidated Fee Schedule;

WHEREAS, it is now proposed that the Salt Lake City Consolidated Fee Schedule be amended to update fees related to notice regarding work in the public way permits as shown in the attached Exhibit A; and

WHEREAS, the City Council finds (i) the fees and fee information set forth in Exhibit A is necessary, reasonable, and equitable in relation to regulatory and service costs incurred by the City; and (ii) adoption of this ordinance reasonably furthers the health, safety, and general welfare of the citizens of Salt Lake City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Salt Lake City Code Section 14.32.036 shall be, and hereby is, amended to read as follows:

14.32.036: NOTICE REQUIREMENTS:

Prior to the City issuing a Work in the ROW permit, notice of the proposed work shall be delivered by the applicant to the adjacent properties, except as otherwise provided herein. Notice will be paid for by the applicant and delivered ~~by applicant unless otherwise as~~ determined by the City Engineer in the manner described in subsection 14.32.036B.1.b.

A. "Adjacent properties" means (a) the property(ies) with a boundary contiguous to the portion of the public way where the work is proposed, and (b) one property on each side of the contiguous property(ies).

1. With respect to proposed work located below ground and behind the curb and gutter, notice shall be delivered to the adjacent properties on the same side of the public way as the proposed work.

2. With respect to proposed work located below ground and in the paved section of the public way, notice shall be delivered to the adjacent properties on both sides of the public way.

3. With respect to proposed work located above ground, notice shall be delivered to the adjacent properties on both sides of the public way.

4. Notice shall be provided to every adjacent property contiguous to the work location, regardless of whether the work is below ground or above ground.

B. The notice shall meet the following requirements:

1. Notice shall be given by either:

a. If approved by the city, Placing a door hanger or flyer, based on a city-supplied example and containing the information described in subsection 14.32.036B.2 and 3, on the building on each adjacent property in a conspicuous location and affixed in a manner that it won't easily be dislodged by weather, or

b. The city Mmailing a postcard notice to the occupant and, if a separate address, the record owner of the adjacent property. The notice must be mailed if the adjacent property is a vacant lot. The city will include as part of the permit application fee, and the applicant shall pay to the city, the cost of mailing each postcard notice in the amount specified in the Salt Lake City consolidated fee schedule.

c. If a multi-unit building is located on an adjacent property, notice must be mailed to the owner of the building and occupant of each unit, and to the record owner of each unit if a separate address.

2. Each notice shall state that it is given pursuant to Salt Lake City Code section 14.32.036 and shall contain the name of the permit applicant and a local contact phone number and email address for the permit applicant.

3. Each notice shall describe the reason for the construction, the anticipated date(s) of construction, and whether the street will be closed due to construction.

C. If notice is delivered by the applicant, evidence of satisfactory notice means a construction drawing showing which properties were noticed, a copy of the provided notice, and any of the following: an affidavit from the permit applicant confirming delivery of notice and the date notice was delivered, a photo showing the notice on the building and property address, a certificate of mailing, or a signed receipt

for certified mail delivery. If the City provides the notice, it shall keep a record of how and where the notice was delivered.

D. No notice shall be required in the following situations:

1. Any work where a permit is not required.
2. Emergency situations.
3. Certain maintenance type activities where the street remains passable and unrestricted, such as snow plowing, street sweeping, street patching activities, and pothole repairs.
4. Replacement work where the work is replacing like for like (example: replacing a section of sidewalk with the same width sidewalk).
5. Placement of a dumpster, POD, or other obstruction for less than eight (8) days.

SECTION 2. That the Salt Lake City Consolidated Fee Schedule shall be, and hereby is, amended, in pertinent part, to reflect the fees set forth in the attached Exhibit A, and that a copy of the amended Salt Lake City Consolidated Fee Schedule shall be published on the official Salt Lake City website.

SECTION 3. That a revised copy of the Salt Lake City Consolidated Fee Schedule that reflects the amendments set forth in the attached Exhibit "A" shall be published on the official Salt Lake City website.

SECTION 4. That this ordinance shall become effective upon publication.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____ 2023.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

(SEAL)

Bill No. _____ of 2023.

Published: _____

Salt Lake City Attorney's Office
Approved As To Form

By: _____

Boyd Ferguson

Date: _____

EXHIBIT A

ATTACHMENT B
Clean Ordinance

SALT LAKE CITY ORDINANCE

No. ____ of 2023

(Amendment Related to Notice Requirements for Work in the Public Way Permits and Imposing
a Fee Related to Such Notices)

An ordinance amending Salt Lake City Code Section 14.32.036, and also amending those portions of the Salt Lake City Consolidated Fee Schedule related to notice regarding work in the public way permits.

WHEREAS, on May 17, 2011 the City Council adopted Ordinances 2011-23, 2011-24 and 2011-25 to authorize and create the Salt Lake City Consolidated Fee Schedule; and

WHEREAS, the City Council of Salt Lake City ("City Council") desires to update portions of the Salt Lake City Code related to notice regarding work in the public way permits, and to also update the corresponding portions of the Salt Lake City Consolidated Fee Schedule;

WHEREAS, it is now proposed that the Salt Lake City Consolidated Fee Schedule be amended to update fees related to notice regarding work in the public way permits as shown in the attached Exhibit A; and

WHEREAS, the City Council finds (i) the fees and fee information set forth in Exhibit A is necessary, reasonable, and equitable in relation to regulatory and service costs incurred by the City; and (ii) adoption of this ordinance reasonably furthers the health, safety, and general welfare of the citizens of Salt Lake City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Salt Lake City Code Section 14.32.036 shall be, and hereby is, amended to read as follows:

14.32.036: NOTICE REQUIREMENTS:

Prior to the City issuing a Work in the ROW permit, notice of the proposed work shall be delivered by the applicant to the adjacent properties, except as otherwise provided herein. Notice will be paid for by the applicant and delivered as determined by the City Engineer in the manner described in subsection 14.32.036B.1.b.

A. "Adjacent properties" means (a) the property(ies) with a boundary contiguous to the portion of the public way where the work is proposed, and (b) one property on each side of the contiguous property(ies).

1. With respect to proposed work located below ground and behind the curb and gutter, notice shall be delivered to the adjacent properties on the same side of the public way as the proposed work.

2. With respect to proposed work located below ground and in the paved section of the public way, notice shall be delivered to the adjacent properties on both sides of the public way.

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4. Notice shall be provided to every adjacent property contiguous to the work location, regardless of whether the work is below ground or above ground.

B. The notice shall meet the following requirements:

1. Notice shall be given by either:

a. If approved by the city, placing a door hanger or flyer, based on a city-supplied example and containing the information described in subsection 14.32.036B.2 and 3, on the building on each adjacent property in a conspicuous location and affixed in a manner that it won't easily be dislodged by weather, or

b. The city mailing a postcard notice to the occupant and, if a separate address, the record owner of the adjacent property. The notice must be mailed if the adjacent property is a vacant lot. The city will include as part of the permit application fee, and the applicant shall pay to the city, the cost of mailing each postcard notice in the amount specified in the Salt Lake City consolidated fee schedule.

c. If a multi-unit building is located on an adjacent property, notice must be mailed to the owner of the building and occupant of each unit, and to the record owner of each unit if a separate address.

2. Each notice shall state that it is given pursuant to Salt Lake City Code section 14.32.036 and shall contain the name of the permit applicant and a local contact phone number and email address for the permit applicant.

3. Each notice shall describe the reason for the construction, the anticipated date(s) of construction, and whether the street will be closed due to construction.

C. If notice is delivered by the applicant, evidence of satisfactory notice means a construction drawing showing which properties were noticed, a copy of the provided notice, and any of the following: an affidavit from the permit applicant confirming delivery of notice and the date notice was delivered, a photo showing the notice on the building and property address, a certificate of mailing, or a signed receipt

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3. Certain maintenance type activities where the street remains passable and unrestricted, such as snow plowing, street sweeping, street patching activities, and pothole repairs.
4. Replacement work where the work is replacing like for like (example: replacing a section of sidewalk with the same width sidewalk).
5. Placement of a dumpster, POD, or other obstruction for less than eight (8) days.

SECTION 2. That the Salt Lake City Consolidated Fee Schedule shall be, and hereby is, amended, in pertinent part, to reflect the fees set forth in the attached Exhibit A, and that a copy of the amended Salt Lake City Consolidated Fee Schedule shall be published on the official Salt Lake City website.

SECTION 3. That a revised copy of the Salt Lake City Consolidated Fee Schedule that reflects the amendments set forth in the attached Exhibit "A" shall be published on the official Salt Lake City website.

SECTION 4. That this ordinance shall become effective upon publication.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____ 2023.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

(SEAL)

Bill No. _____ of 2023.

Published: _____

Salt Lake City Attorney's Office
Approved As To Form

By: Boyd Ferguson
Boyd Ferguson

Date: 1-26-2023

EXHIBIT A

ATTACHMENT C
Red Lined Consolidated Fee Schedule

ENGINEERING

For questions regarding Engineering Fees Contact: 801.535.6159

Service	Fee	Additional Information	Section
Excavation Permits			
Shallow Trenching	\$0.29	Per linear foot	14.32.400
Minimum charge	\$2,900		14.32.400
Hard surfaced	\$0.39	Per sq. foot	14.32.400
Minimum charge	\$225	April 1 - November 15	14.32.400
Minimum charge	\$300	November 16 - March 31	14.32.400
Soft Surfaced	\$0.26	Per sq. foot	14.32.400
Minimum charge	\$150	April 1 - November 15	14.32.400
Minimum charge	\$175	November 16 - March 31	14.32.400
Permit within a restricted area	Fees double	See Section 14.32.400 A3	14.32.400
Landscaping Permit for Public Right of Way	\$19	Per job, or \$80.66 Per year	2.26.210
Multiple Utility Excavation Permits			
Hard surfaced			
Per multiple	\$157	April 1 - November 15	14.32.400
Per multiple	\$232	November 16 - March 31	14.32.400
Pothole/excavation < 10 sq. ft. (per each)	\$37	April 1 - November 15	14.32.400
Pothole/excavation < 10 sq. ft. (per each)	\$47	November 16 - March 31	14.32.400
Test holes (per each)	\$2		14.32.400
Soft Surface			
Per multiple	\$96	April 1 - November 15	14.32.400
Per multiple	\$106	November 16 - March 31	14.32.400
Pothole/excavation < 10 sq. ft. (per each)	\$19	April 1 - November 15	14.32.400
Pothole/excavation < 10 sq. ft. (per each)	\$28	November 16 - March 31	14.32.400
Test holes (per each)	\$1		14.32.400
Poles and Anchors	\$54	Each pole, concrete pedestal or anchor	14.32.400
Public Survey Monuments			
Monument (per each)	\$77		14.10.040
Pre-Notification Mailer	To be determined upon adoption	See section 14.32.036	14.32.036
Public Way Improvements			
Curb and gutter	\$2	Per linear foot	14.32.405
Sidewalk, driveway approach	\$0.39	Per sq. foot	14.32.405
Minimum charge	\$212	April 1 - November 15	14.32.405
Minimum charge	\$266	November 16 - March 31	14.32.405
In-kind	No charge	See section 14.32.405 D	14.32.405
Public Way Obstruction Permits			
Short term (One Week)			
Sidewalk Canopy	\$18	Per Week (Construction barricades)	14.32.410
Dumpster/pod	\$47	Each, per Week (Construction barricades)	14.32.410
Lane or sidewalk closure	\$92	Per Week (Construction barricades)	14.32.410
Long term: (1 Month Increments)			
Sidewalk Canopy	\$74	Each, per month (Construction barricades)	14.32.410
Dumpster/pod	\$186	(Construction barricades)	14.32.410
Lane or sidewalk closure	\$371	Each, per month (Construction barricades)	14.32.410
Small Wireless Facility Fees			
Application fees			14.56.060
Small cell facility to collocate a small wireless facility on an existing or replacement utility pole	\$100	Per wireless facility	14.56.060
Install, modify or replace a utility pole associated with a small wireless facility, where permitted under Utah Code Section 54-21-204, or its successor	\$250	Per wireless facility	14.56.060
Install, modify or replace a utility pole associated with a small wireless facility, where NOT permitted under Utah Code Section 54-21-204, or its successor	\$1,000	Per wireless facility	14.56.060
Collation Rate	As set forth in Utah Code Section 54-21-504		14.56.070
Street Banners on Utility Poles	\$53	Application outside of boundaries of a coordinated street banner program	21A.46.170

ATTACHMENT D
Clean Consolidated Fee Schedule

ENGINEERING

For questions regarding Engineering Fees Contact: 801.535.6159

Service	Fee	Additional Information	Section
Excavation Permits			
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Minimum charge	\$2,900		14.32.400
Hard surfaced	\$0.39	Per sq. foot	14.32.400
Minimum charge	\$225	April 1 - November 15	14.32.400
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Minimum charge	\$150	April 1 - November 15	14.32.400
Minimum charge	\$175	November 16 - March 31	14.32.400
Permit within a restricted area	Fees double	See Section 14.32.400 A3	14.32.400
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Public Way Obstruction Permits			
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Install, modify or replace a utility pole associated with a small wireless facility, where NOT permitted under Utah Code Section 54-21-204, or its successor	\$1,000	Per wireless facility	14.56.060
Collation Rate	As set forth in Utah Code Section 54-21-504		14.56.070
Street Banners on Utility Poles	\$53	Application outside of boundaries of a coordinated street banner program	21A.46.170

ATTACHMENT E
September 2022 Cost Analysis for ROW Permit Notification Fee

SALT LAKE CITY CORPORATION
Public Services Department/Engineering Division
Right of Way Permit Notification Fee
COST ANALYSIS
September 2022



Summary			
Note 1:	Direct Labor and Unbilled Building Costs	\$	8.49
Note 2:	Direct Materials		0.57
	Direct Cost	\$	9.06
Note 3:	Unbilled Engineering Division Administrative Costs		10,797
Note 4:	Unbilled Department Public Services Administrative Costs		5,346
			16,143
	Per Postcard - Unbilled Div/Dept Overhead Costs	\$	10.67
Note 5:	Unbilled City Administrative Fees		9,092
	Per Postcard - Fully Loaded Cost	\$	11.58

Note 1:

Direct Labor and Unbilled Building Costs				
Job Title	FTE	Annual Cost	pro rated share	Costs
Engineering Information and Records Specialist	1.0	\$ 78,638	100%	\$ 78,638
Total Direct Salaries				\$ 78,638
Unbilled Building Costs				
est. 260 square feet per employee				
\$24 per square feet costs (per Prop Mgt)	\$6,240			
	1.0			6,240
Total Direct Labor and Unbilled Building Costs				\$ 84,878
Estimated annual notifications			10,000	
Cost per notification				\$ 8.49

Note 2:

Direct Materials				
Materials Costs per Notification		\$ to be allocated	# /year	\$
Postage		\$ 0.44		\$ 0.44
Post card		0.06		0.06
Labels		0.05		0.05
				0.55
Materials Costs - annual				
Printer	250.00		10,000	0.03
Ink cartridges	80.00	6,000	10,000	0.00000133
				0.03
				\$ 0.57

Note 3:

Unbilled Engineering Division Administrative Costs				
FY2022 NonPersonal Services Operating Costs		\$ to be allocated	Derived Percentage	\$
Cost Center 0312400 Engineering		\$ 263,738	2%	\$ 5,382
Deputy City Engineer		171,608	1.60%	2,747
Engineer VII		166,600	1.60%	2,667
				\$ 10,797

SALT LAKE CITY CORPORATION
Public Services Department/Engineering Division
Right of Way Permit Notification Fee
COST ANALYSIS
September 2022



Note 4:

Unbilled Department Public Services Administrative Costs				
	\$ Allocated to Departments	Derived Percentage		\$\$
Public Services Administrative Costs - FY2022	\$ 1,641,260	0.33%	\$	5,346
Total Administrative Costs	<u>\$ 1,641,260</u>			<u>\$ 5,346</u>

Note 5:

Unbilled City Administrative Fees				
	\$ Allocated to Departments	Derived Percentage		\$\$
GF Admin Fees - All City Depts (FY19 allocation)	\$ 1,051,857	0.38%	\$	4,030
IMS Admin (FY19 allocation)	1,321,196	0.38%		5,062
Risk Management (FY22)	-	0.38%		-
Claims Paid (FC 85)	-	0.38%		-
Total Admin Fees	<u>\$ 2,373,053</u>			<u>\$ 9,092</u>

Note 6:

Depreciation Expense on Fleet Vehicles				
Vehicle Count	Est. Cost	Depreciation Period (years)		Annual Depreciation Costs
0 vehicles	\$0	4		-
Annual maintenance costs				-
				<u>\$ -</u>

(Cost data per Denise Sorenson - Fleet)

Note 7:

Full Time Equivalent (FTE) Information	
Public Services FTE's (FY2023 MRB Staffing Document)	307.00
Public Services General Fund FTE's (FY2023 MRB Staffing Document)	261.00
Engineering FTE's (per FY2023 MRB Staffing Document)	49.00

Note 8:

Hours: 1,624 annual base hours was computed as follows:	
Total Hours Available Annually (40 hours x 52 weeks)	2,080
Less: Vacation (2.77 hours X 52 weeks or 3 weeks per year)	144
Less: Sick (0.77 hours x 52 weeks or 1 week per year)	40
Less: Breaks (260 days per year x 0.50 hours)	130
Less: Holidays (8.0 hours x 12 days per year)	96
Less: Meetings/ Training (estimate)	46
Annual Work Hours	<u>1,624</u>

Note 9:

Estimated Notifications	
Estimated Annual Right of Way Permits issued	2,500
Anticipated notifications per permit issued	4
Total Anticipated Notifications	<u>10,000</u>