

Mayor and Council Communication

DATE: 11/10/20

M&C FILE NUMBER: M&C 20-0820

LOG NAME: 06PERMANENT ENCROACHMENT PROCESS REVISIONS

SUBJECT

(ALL) Adopt Ordinance Amending the City of Fort Worth Building Code to Establish a Tiered Categorization of Permanent Encroachments and to Revise the Insurance and Fee Requirements for Permanent Encroachments

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the adoption of the attached ordinance amending the City of Fort Worth Building Code, Section 3209 and Section 3210; and
 2. Include a reference to Section 119, Table 1-F of the Building Administrative Code for all fees related to permanent encroachments.
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DISCUSSION:

Development Services is recommending amendments to the encroachment ordinance to establish a tiered structure that categorizes encroachment types based on complexity. Insurance requirements and fees will be aligned with the complexity of each encroachment tier. Encroachments that are simple in nature, that may be removed from the public property in a short period of time, and that have only a minor impact on public property will be defined as minor.

The following is a summary of recommended changes to Section 3209 and Section 3210 of the City of Fort Worth Building Code:

- Encroachment types will be tiered based on complexity
 - Tier I - Minor Encroachments
 - Tier II - Standard Encroachments
 - Tier III - Major Encroachments
- Encroachments that fall under Tier I will not be assessed an annual right-of-way fee and will not be required to provide annual proof of insurance. The impact of these waived fees are insignificant as the administrative cost to assess and collect these fees outweigh any revenue. Examples of Tier I encroachments include bike racks, awnings, stoops, and eaves.
- Encroachments that fall under Tier II will be assessed annual right-of-way fees but will not be required to provide annual proof of insurance and examples of this encroachment type include private sewer lines, private storm drains, retaining walls, and fences.
- Requirements will not change for encroachments that fall under Tier III and they will continue to be assessed annual right-of-way fees and will be required to provide annual proof of insurance. Examples of Tier III encroachments include tunnels, sky bridges, basements, and underground walkways.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of these recommendations will have no material effect on City funds.

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