



515 Clark Avenue, P.O. Box 811  
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January 6, 2009

The Honorable Ann Campbell, Mayor  
and Members of the Ames City Council  
Ames City Hall  
515 Clark Avenue  
Ames, Iowa 50010

Re: Proposed Ordinance Amendment Relating to Temporary Obstructions

Dear Mayor Campbell and City Council members:

On your agenda is a proposed amendment to the ordinance authorizing Temporary Obstruction permits. This letter is to provide some background information explaining why passage of this amendment is before you.

The Temporary Obstruction ordinance generally prohibits placing obstructions in streets, alleys, or other public places absent permission from the City. Since obstructions on public property are sometimes needed by private parties for such things as scaffolding or construction materials, the ordinance also has provisions allowing the City Manager to grant permission to allow temporary obstructions upon application and fulfillment by the applicant of certain conditions, including provision for liability insurance coverage to the City. The ordinance had also provided the City Manager with authority to withdraw that permission in certain situations prior to the expiration date of the permit.

Each calendar quarter, the City updates its Municipal Code to add to it all the new ordinances which have been adopted in the last quarter. In doing so, it is often necessary to print and provide replacement pages for several portions of the Code. In doing one of these quarterly updates, it appears that several sentences of the Temporary Obstruction ordinance had been omitted inadvertently from a replacement page. The missing provisions were those giving the City Manager authority to withdraw permission for Temporary Obstruction permits where conditions became hazardous. This omission was recently discovered. It is the purpose of the proposed ordinance before you to replace the sentences which had previously been part of this ordinance and restore the authority of the City Manager to withdraw permission for a Temporary Obstruction permit if the obstruction becomes hazardous.

Your favorable consideration of this proposal is requested.

Sincerely,

Judy K. Parks  
Assistant City Attorney

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTION 22.4(1), FOR THE PURPOSE OF ADDING AUTHORITY OF CITY MANAGER; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by amending Section 22.4(1) as follows:

**Sec. 22.4. TEMPORARY OBSTRUCTIONS.**

(1) It is unlawful for any person to place any building or other materials, or to erect barricades, false work, form work or place other temporary obstructions within the limits of streets, alleys, public parking lots or sidewalks in the city without first obtaining written permission from the city manager setting out the time to do the work. The permission given by the city manager shall specify the time, place and manner of placing the temporary obstructions and the precautions to be observed to protect the public during the time the obstructions are in place. The city manager may withdraw the permission at any time the obstructions become hazardous to the public or upon failure of the person failing or refusing to observe the instructions as set forth in the written permit.

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Diane R. Voss, City Clerk  
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Ann H. Campbell, Mayor