

(a) (1) No fee shall be charged for a public way use that is on or above the public way for the following: (i) In the case of a residential building, as that term is defined in Section 17-17-02146, constructed in or before 1922, a public way use that is part of the original construction and is a permanent structure of the building; provided that in the case of a mixed used building, any public way use that solely is for the use or benefit of any commercial or business activity in the building shall pay the fees as provided for in subsection (b); or (ii) in the case of a landmark building, any part of the building which is on or over the public way, including a clock or light fixture if the clock or light fixture is part of the landmark designation; or (iii) if the item placed in the public way, (for example; Trash Can, Bench, Security Camera, Bike Rack/ Corrals & associated structures, public art, & Landscaping and it's associated structures) is owned and maintained by a Special Service Area; where as tax monies pay for supplemental services in place of City Services that are not provided.

For purposes of this section, a landmark building shall also include any building, other than a non-contributing building in a landmark district.

(2) For any public way use which is below grade level or under the public way or other public place for any building specified in subsection (a)(1) of this section, the fee shall be as set forth in subsection (b).

Page 1 of 2

(Omitted text is not affected by this Ordinance)

SECTION 3. This ordinance shall take effect upon its passage and approval, and it shall be retroactive to September 13, 2021.

Alderman Michelle A. Harris 8th Ward

Page 2 of 2