

Ordinance No. 1225

AN EMERGENCY ORDINANCE to amend and reordain Section 28-15, Article I, Chapter 28 of The Code of the City of Alexandria, Virginia, 1953, as amended, which said Section 28-15 relates to SIDEWALK CROSSOVERS AND CURB CUTS GENERALLY, which said Article I relates to STREETS AND SIDEWALKS IN GENERAL, and which said Chapter 28 relates to STREETS AND SIDEWALKS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 28-15, Article I, Chapter 28 of The Code of the City of Alexandria, Virginia, 1953, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 28-15. SIDEWALK CROSSOVERS AND CURB CUTS GENERALLY.

No person shall establish, build, construct, reconstruct, repair or alter any curb cut or sidewalk crossover, either temporary or otherwise, within the public right of way or on the public streets in the City without first having obtained a written permit from the City as provided in this section.

Persons seeking a permit for a curb cut or sidewalk crossover, which is other than temporary, shall make application to the Director of Public Works, who shall forward a copy of such application to the Director of Traffic. As soon as reasonably possible thereafter, the Director of Public Works and the Director of Traffic shall study the proposed curb cut or sidewalk crossover and forward their findings and recommendations to the City Manager. The City Manager shall approve the application and issue a written permit only when he finds:

- A. That the location and operation will not interfere unreasonably with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and means of ingress and egress to and from adjacent properties.
- B. That the health, welfare and safety of the public will not be impaired unreasonably.
- C. That such curb cut or sidewalk crossover is of adequate width under existing conditions and circumstances.
- D. That the plans submitted comply with the standard specifications of the City for public work of like character, and that the design of such curb cut or sidewalk crossover has been approved by the Director of Public Works, and
- E. That the costs of construction as estimated by the Director of Public Works have been paid for by the applicant.

If the curb cut or sidewalk crossover is one which is temporary in nature, the application shall be made to the Director of Public Works who, after consultation with the Director of Traffic, and after giving due regard to the considerations enumerated A, B, C, D, and E in the preceding paragraph, may issue such temporary permit, and if such permit is issued, he shall prescribe the type of construction to be used, the time such permit shall be in effect, and shall require a reasonable bond or contract of insurance to save the City harmless from any claim of whatsoever nature which may arise as a result of the use of such temporary curb cut or sidewalk crossover.

No curb cut or sidewalk crossover, either temporary or otherwise, shall be of a greater width than forty feet at the property line, except in those instances in which, in the opinion of the City Manager and upon recommendation of the Director of Public Works and the Director of Traffic, the maximum safety and convenience of the general public demand a greater width.

All work on any curb cut or sidewalk crossover shall be done by the City or a contractor employed by the City and shall be under the direction, supervision, and inspection of the Director of Public Works. In case the expense of construction amounts to more than the estimated cost, the applicant shall pay the additional amount to the City, and in case the expense of construction amounts to less than the estimated cost, the City shall refund the excess to the applicant.

Granting of an application under this section shall be considered as vesting no property interests in the applicant. Use of any such curb cut or sidewalk crossover, either or both, by the applicant or his successor or their patrons shall constitute an agreement by the applicant or his successors, as the case may be, to pay for the maintenance and repair thereof and to indemnify and save harmless the City from any claim for damages to persons or property by reason of the maintenance and use thereof.

In the event the use of any curb cut or sidewalk crossover should or shall be discontinued for a period exceeding twelve months, authority to maintain the same may, at the discretion of the City Manager, be forfeited and the abutting property shall be liable for the cost of restoring the curb, gutter and sidewalk to a condition conforming with the curb, gutter and sidewalk on each side thereof.

The City Manager is hereby empowered to close any curb cut or sidewalk crossover when the continued use of either or both would constitute a serious menace to the safety of the public by reason of want of repair or for any other reason. If such menace be caused solely by disrepair or need for reconstruction, use of such curb cut or sidewalk cross over may be continued after repair or reconstruction by the City at the expense of the person for whose convenience or profit the same was permitted.

Section 2. That in the opinion of Council an emergency exists and this ordinance is hereby declared "AN EMERGENCY ORDINANCE," for the reason that amendments herein contained are necessary immediately if certain large construction projects currently under way are to be concluded with maximum safety to the public.

Section 3. The Clerk of the Council shall note the date of introduction and passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

FRANK E. MANN

Mayor

Final Passage: June 25, 1963