

AN ORDINANCE to amend and reordain Sections 33-1, 33-2, 33-3, subparagraph (5) of subparagraph (b) of the first paragraph of Section 33-4, and subparagraph (e) of the second paragraph of Section 33-15, all of Article I; to repeal the fifth paragraph of Section 33-15, also of Article I; to amend and reordain Sections 33-80, 33-81, 33-91 and 33-94, all of Article V, all of the foregoing of Chapter 33 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 33 relates to STREETS AND SIDEWALKS; which Article I relates to IN GENERAL; which Article V relates to EXCAVATIONS; which Section 33-1 relates to CURB, GUTTER AND SIDEWALK CONSTRUCTION GENERALLY; EXCEPTIONS and formerly related to CURBS AND GUTTERS TO BE CONSTRUCTED BY OR UNDER CONTRACT WITH CITY; EXCEPTION IN CASE OF SUBDIVISIONS; which Section 33-2 relates to CONSTRUCTION OF CURB AND GUTTER UPON PETITION OF PROPERTY OWNER; which Section 33-3 relates to CONSTRUCTION OF SIDEWALKS UPON PETITION OF PROPERTY OWNER; which Section 33-4 relates to CONDITIONS PRECEDENT TO OPENING OR DEDICATING STREETS AND ALLEYS OR CONSTRUCTING SEWERS OR DRAINS IN FUTURE SUBDIVISIONS, which first paragraph thereof relates to CONDITIONS PRECEDENT, which subparagraph (b) thereof relates to ENUMERATION OF SPECIAL CONDITIONS PRECEDENT, and which subparagraph (5) thereof relates to ONE SPECIFIC CONDITION PRECEDENT; which Section 33-15 relates to SIDEWALK CROSSOVERS AND CURB CUTS GENERALLY, which second paragraph thereof relates to CONDITIONS PRECEDENT TO APPROVAL BY CITY MANAGER OF APPLICATION FOR PERMIT, and which subparagraph (e) thereof relates to ONE SPECIFIC CONDITION PRECEDENT; which fifth paragraph of Section 33-15 formerly related to CASES IN WHICH THE ACTUAL EXPENSE OF CONSTRUCTION OF CURB CUTS BY THE CITY AMOUNTED TO MORE OR LESS THAN THE ESTIMATED COST OF SUCH CONSTRUCTION; which Section 33-80 relates to STREET RESTORATION; EXCEPTION FOR UTILITY COMPANIES; CURB, GUTTER AND SIDEWALK RESTORATION and formerly related to CITY TO MAKE PERMANENT RESTORATIONS; EXCEPTION FOR UTILITY COMPANIES; which Section 33-81 relates to FEES--RESTORATION WORK PERFORMED BY CITY; which Section 33-91 relates to FEES, SURCHARGES AND INSPECTION COSTS--PAYMENT REQUIRED; and which Section 33-94 relates to SAME--BASIS FOR INSPECTION COSTS; PAYMENT.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 33-1, Article I, Chapter 33 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 33-1. * Curb, gutter and sidewalk construction generally; exceptions.

No curbs, gutters or sidewalks shall be constructed in the public streets of the city except by the city or under contract with the city; provided, however, that in any * subdivision or site plan development, or in cases in which the abutting owner bears the full cost of such construction, the owner may construct curbs, gutters and sidewalks in the public streets * of the city, upon

plans and specifications approved by and under the supervision of the director of public works.

Whenever the owner constructs curbs, gutters or sidewalks he or his representative shall be subject to and comply with the requirements of Article V of Chapter 33.

Section 2. That Section 33-2, Article I, Chapter 33 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 33-2. Construction of curb and gutter upon petition of property owner.

Upon petition by any property owner, the city shall, * subject to planning requirements and to the availability of funds, construct curbs and gutters at the proper lines and at grades to be determined by the director of public works in the streets in front of or on the sides of the property of the petitioner; provided, that before such construction is commenced, the property owner will pay to the city * fifty percent (50%) of the cost of such construction on front yard street frontage and twenty-five percent (25%) of the cost of such construction on side yard street frontage.

This section shall not apply when curb and gutter construction is required by any other law of the city.

Section 3. That Section 33-3, Article I, Chapter 33 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 33-3. Construction of sidewalks upon petition of property owner.

Upon petition of any property owner, the city shall, * subject to planning requirements and to the availability of funds, construct four-foot concrete sidewalks, at proper grades to be determined by the director of public works, in the street in front of or on the sides of the property of the petitioner; provided, that before such construction is commenced, the property owner will pay to the city * fifty percent (50%) of the cost of such construction on the front yard street frontage and twenty-five percent (25%) of the cost of such construction on side yard street frontage. If brick sidewalks are requested, the city will pay the same respective percentages of the cost for front and side yard street frontages of the concrete base for the brick sidewalk, after the owner has paid for the remainder of the cost of the base and all of the cost of the brick construction.

This section shall not apply when sidewalk construction is required by any other law of the city.

Section 4. That subparagraph 5 of subparagraph (b) of the first paragraph of Section 33-4, Article I, Chapter 33 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

(5) Inspection and testing charges. The owner or developer of property involving the installation of public improvements shall pay to the city, prior to commencing such improvement, a fee for inspection and tests on the following: For curb and gutter, sidewalk, storm sewers and sanitary sewers, two and one-half percent of the estimated cost of such improvement; for street and alleys, three percent of the estimated cost of such improvement. Estimates of cost shall be made by the director of public works, based on contract prices then in effect on city contracts, or in the absence of such contracts, on comparable prices current in the construction industry in the area.

Notwithstanding the above, for public improvements covered by this section costing less than two hundred and fifty dollars (\$250.00), a minimum inspection fee of ten dollars (\$10.00) will be imposed, and for such improvements costing two hundred and fifty dollars or more, the minimum inspection fee will be twenty-five dollars (\$25.00).

Section 5. That subparagraph (e) of the second paragraph of Section 33-15, Article I, Chapter 33 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

(e) That the costs of construction, as estimated by the director of public works, have been paid for the applicant if the work on the curb cut of sidewalk crossover is to be done by the city or a contractor employed by the city; however, if the applicant for a permit under this section elects to do the work himself or through his own contractor, he or his contractor shall comply with the requirements of Article V of Chapter 33.

If the applicant elects to have the city do the work on the curb cut or sidewalk crossover covered by the permit and the expense of construction amounts to more than the estimated cost, the applicant shall pay the additional amount to the city; in cases where the expense of construction amounts to less than the estimated cost, the city shall refund the excess to the applicant.

Section 6. That the fifth paragraph of Section 33-15, Article I, Chapter 33 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is repealed. (The fifth paragraph begins with the words "All work on any curb cut or sidewalk crossover shall be")

Section 7. That Section 33-80, Article V, Chapter 33 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as

follows:

Sec. 33-80. * Street restoration; exception for utility companies; curb, gutter and sidewalk restoration.

The work of permanent street restoration, including both paving surface and paving base, shall be performed by the city or its authorized contractor under the supervision of the director of public works except that public utility companies operating under city franchise * shall perform * any street restoration * for which it is responsible by virtue of any excavation it made pursuant to permit issued under section 33-86, under the supervision of the director of public works, except where the director of public works determines that the city shall do such street restoration.

However, restoration of curbs, gutters and sidewalks may be made, at his own expense, by the property owner, or his representative, responsible therefor by virtue of any excavation he made pursuant to permit issued under section 33-86, upon compliance with the requirements of Article V of Chapter 33 of this Code. If the property owner or his representative elects to do such restoration work himself, he will not be required to pay the fees established by section 33-81, except for any inspection fee therein required for curb, gutter and sidewalk restoration.

Section 8. That Section 33-81, Article V, Chapter 33 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 33-81. Fees--Restoration work performed by city.

The fees for restoration work done by the city shall be as follows:

(a) Asphalt base or top. For each square yard or fraction thereof of asphalt base and asphalt top in accordance with the following table:

NUMBER OF SQUARE YARDS	COST PER SQUARE YARD
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(One-half inch to, but not including two inches in depth)

<u>The first five yards</u>	\$17.00
<u>The next five yards</u>	5.50
<u>The next five yards</u>	5.00
<u>The next ten yards</u>	4.50
<u>For all yards over 25 yards</u>	4.00

(Two inches to, but not including four inches in depth)

<u>The first five yards</u>	\$18.00
<u>The next five yards</u>	6.50
<u>The next five yards</u>	6.00
<u>The next ten yards</u>	5.50
<u>For all yards over 25 yards</u>	5.00

(Four inches to, but not including six inches in depth)

<u>The first five yards</u>	<u>\$19.00</u>
<u>The next five yards</u>	<u>7.50</u>
<u>The next five yards</u>	<u>7.00</u>
<u>The next ten yards</u>	<u>6.50</u>
<u>For all yards over 25 yards</u>	<u>6.00</u>

(Six inches and over in depth)

<u>The first five yards</u>	<u>\$20.00</u>
<u>The next five yards</u>	<u>8.50</u>
<u>The next five yards</u>	<u>8.00</u>
<u>The next ten yards</u>	<u>7.50</u>
<u>For all yards over 25 yards</u>	<u>7.00</u>

(b) Finished concrete pavement, concrete base and asphalt top, soil concrete base and asphalt top, or cobblestone pavement. For each square yard or fraction thereof of finished concrete pavement, concrete base and asphalt top, soil cement base and asphalt top, or cobblestone pavement in accordance with the following table:

NUMBER OF SQUARE YARDS	COST PER SQUARE YARD
<u>The first five yards</u>	<u>\$25.00</u>
<u>The next five yards</u>	<u>15.00</u>
<u>The next five yards</u>	<u>14.00</u>
<u>The next ten yards</u>	<u>13.00</u>
<u>For all yards over 25 yards</u>	<u>12.00</u>

(c) Concrete sidewalk. For each square yard or fraction thereof of concrete sidewalk, * the current unit price per square yard where established by city contract, otherwise \$6.50 per square yard, with a minimum charge of \$25.00.

(d) Concrete curb and gutter. For each linear foot or fraction thereof of concrete curb and gutter, * the current unit price per linear foot where established by city contract, otherwise \$3.60 per linear foot, with a minimum charge of \$25.00.

(e) Brick pavement or sidewalk on sand base. For each square yard or fraction thereof of brick pavement on sand base or brick sidewalk on a sand base, \$10.00 per square yard.

(f) Brick pavement or sidewalk on concrete base; brick sidewalk on asphalt base. For each square yard or fraction thereof of brick pavement on a concrete base, brick sidewalk on a concrete base or brick sidewalk on an asphalt base, \$15.00 per square yard.

(g) Brick driveway on concrete base. For each square yard or fraction thereof of brick driveway pavement on a concrete base \$18.00 per square yard.

(h) Opening in unsurfaced stabilized or unimproved area. For any opening made in an unsurfaced stabilized or unimproved area, a sum of \$10.00 to cover cost of inspection.

Section 9. That Section 33-91, Article V, Chapter 33 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 33-91. Fees, surcharges and inspection costs--Payment required.

It shall be the duty and responsibility of any person to pay the applicable fee as set forth in this article and any surcharge and inspection costs prior to the issuance of a permit pursuant to section 33-86.

Notwithstanding the provisions of any other section of this article, the minimum inspection fee for any work covered by this article costing less than two hundred and fifty dollars (\$250.00) will be ten dollars (\$10.00); for any work covered by this article costing two hundred and fifty dollars or more, the minimum inspection fee will be twenty-five dollars (\$25.00).

Section 10. That Section 33-94, Article V, Chapter 33 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 33-94. Same--Basis for inspection costs; payment.

Full-time inspection costs, when required, shall be paid by the permittee, and such costs shall be based on the actual cost of inspection, except in those cases where the minimum fee schedule for inspections required by section 33-91 of this Code would apply.

Section 11. That this ordinance shall be published in a newspaper of general circulation in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The clerk of the council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

Charles E. Beatley, Jr.
Mayor

FINAL PASSAGE: APRIL 14, 1970

N.B. Underlining is not part of the ordinance but merely denotes new or changed material; asterisks denote deletions.