

DO NOT REMOVE FROM FILE

ORDINANCE 432

Sec. 23. Crossing Sidewalks; sidewalk cross-overs; curb cuts; obstructions, etc., in gutters.

(a) It shall be unlawful for any person to drive or drag or cause to be driven or dragged any motor vehicle, horse-drawn vehicle, tractor, trailer, roller, heavy object, or any similar thing, over the paved sidewalks of the City of Alexandria, except at a duly established cross-over, or except by special permit as hereinafter set forth.

Any responsible person may make application to the City Manager for a special permit to put in or provide for, at his own expense, a temporary crossing over a paved sidewalk of the city for the purpose of excavating, building or filling in on any private premises, or for the purpose of driving or dragging a vehicle or heavy object over a sidewalk. The City Manager shall grant such special permit only upon the condition that proper protection to the sidewalk from injury is provided and that proper protection to pedestrians and traffic is given. Any action under such special permit shall constitute an agreement by the recipient of the permit that he will save the city harmless from all claims for damages to persons or property by reason of any work or act pursuant thereto.

(b) An abutting property owner, or his lessee, may make application to the City Manager for the establishment of a sidewalk cross-over and/or curb cut to enter any private premises or private alley in the city. In considering the application, the City Manager shall give special attention to the public welfare and the public safety. The City Manager in his discretion may grant such application; provided, however, the same shall be first submitted to the City Engineer, who shall design the cross-over and/or curb cut and estimate the cost of construction thereof. The estimated cost of construction shall be paid to the City Manager before any work is commenced. The work shall be done by the city; but the City Manager is hereby authorized to let such work to any responsible person, in which event the construction shall be supervised and approved by the City Engineer. In case the expense of construction amounts to more than the estimated cost, the applicant shall pay the additional amount to the

City Manager. No such cross-over or curb cut shall be of a greater width than forty feet. Granting of an application under this paragraph shall be considered as vesting no property interests in the applicant. Use of any such cross-over and/or curb cut by the applicant or his successor or their patrons shall constitute an agreement by the applicant or his successor as the case may be to pay for the maintenance and repair thereof and to indemnify and save harmless the City of Alexandria from any claim for damages to persons or property by reason of the maintenance and use thereof.

It shall be unlawful for any person to establish or build a sidewalk cross-over or curb cut in the City of Alexandria except as herein provided.

(c) The City Manager is hereby empowered to close any existing or hereafter established sidewalk cross-over or cut in the curb 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. But should such menace be caused solely by disrepair or need for reconstruction, use of such cross-over and/or curb cut may be continued after repair or reconstruction by the city at the expense of the person for whose convenience and/or profit the same is permitted.

(d) It shall be unlawful for any person to place or cause to be placed any crossing, bridge or obstruction in the paved gutters of the City of Alexandria, unless a permit from the City Manager be first obtained.

(e) In the event the use of any curb and/or sidewalk cross-over heretofore installed or hereafter authorized should or shall be discontinued for a period exceeding twelve months, authority to maintain same shall be forfeited and the abutting property shall be liable for the cost of restoring said curb, gutter and sidewalk to a condition conforming with the curb, gutter and sidewalk on each side thereof.

(f) Any person violating the provisions of this section shall be punished by a fine of not more than \$100.00 or by confinement in jail not more than ten days, either or both at the discretion of the judge or jury trying the case.

## ORDINANCE 432

AN ORDINANCE to amend Chapter IX of The Code of the City of Alexandria, enacted as a whole July 2, 1940 and made effective August 5, 1940, by adding Sec. 23 relating to crossing sidewalks, sidewalk cross-overs, curb cuts, and obstructions in gutters.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA AS FOLLOWS:

Section 1, That Chapter IX of The Code of The City of Alexandria, enacted as a whole July 2, 1940 and made effective August 5, 1940, be and the same hereby is amended by adding a section to read as follows:

Sec. 23. Crossing Sidewalks, sidewalk cross-overs; curb cuts; obstructions, etc. in gutters

(a) It shall be unlawful for any person to drive or drag or cause to be driven or dragged any motor vehicle, horse-drawn vehicle, tractor, trailer, roller, heavy object, or any similar thing, over the paved sidewalks of the City of Alexandria, except at a duly established cross-over, or except by special permit as hereinafter set forth.

Any responsible person may make application to the City Manager for a special permit to put in or provide for, at his own expense, a temporary crossing over a paved sidewalk of the city for the purpose of excavating, building or filling in on any private premises, or for the purpose of driving or dragging a vehicle or heavy object over a sidewalk. The City Manager shall grant such special permit only upon the condition that proper protection to the sidewalk from injury is provided and that proper protection to pedestrians and traffic is given. Any action under such special permit shall constitute an agreement by the recipient of the permit that he will save the city harmless from all claims for damages to persons or property by reason of any work or act pursuant thereto.

(b) An abutting property owner, or his lessee, may make application to the City Manager for the establishment of a sidewalk cross-over and/or curb cut to enter any private premises or private alley in the city. In considering the application, the City Manager shall give special attention to the public welfare and the public safety. The City Manager in his discretion may grant such application; provided, however, the same shall be first submitted to the City Engineer, who shall design the cross-over and/or curb cut and estimate the cost of construction thereof. The estimated cost of construction shall be paid to the City Manager before any work is commenced. The work shall be done by the city; but the City Manager is hereby authorized to let such work to any responsible person, in which event the construction shall be supervised and approved by the City Engi-

neer. In case the expense of construction amounts to more than the estimated cost, the applicant shall pay the additional amount to the City Manager. No such cross-over or curb shall be of a greater width than forty feet. Granting of an application under this paragraph shall be considered as vesting no property interests in the applicant. Use of any such cross-over and/or curb cut 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 of Alexandria from any claim for damages to persons or property by reason of the maintenance and use thereof.

It shall be unlawful for any person to establish or build a sidewalk cross-over or curb cut in the City of Alexandria except as herein provided.

(c) The City Manager is hereby empowered to close any existing or hereafter established sidewalk cross-over or cut in the curb 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. But should such menace be caused solely by disrepair or need for reconstruction, use of such cross-over and/or curb cut may be continued after repair or reconstruction by the city at the expense of the person for whose convenience and/or profit the same is permitted.

(d) It shall be unlawful for any person to place or cause to be placed any crossing, bridge or obstruction in the paved gutters of the City of Alexandria, unless a permit from the City Manager be first obtained.

(e) In the event the use of any curb cut and/or sidewalk cross over heretofore installed or hereafter authorized should or shall be discontinued for a period exceeding twelve months, authority to maintain same shall be forfeited and the abutting property shall be liable for the cost of restoring said curb, gutter and sidewalk to a condition conforming with the curb, gutter and sidewalk on each side thereof.

(f) Any person violating the provisions of this section shall be punished by a fine of not more than \$100.00 or by confinement in jail not more than ten days, either or both at the discretion of the judge or jury trying the case.

Section 2. That this ordinance shall become effective on the day after its publication in the Alexandria Gazette.

William T. Wilkins  
Mayor.

February 13, 1945.