

INTRODUCED: March 12, 2018

A RESOLUTION No. 2018-R025

To request that the Chief Administrative Officer cause to be developed and implemented regulations requiring that temporary sidewalks be provided within the city of Richmond whenever a sidewalk is closed due to construction or demolition and propose such lawful changes to the City Code and to Appendix A of the City Code as may be necessary to implement fully such proposed regulations and to establish a new permit fee structure for encroachments or work in streets, sidewalks, and public ways.

Patrons – All Members of Council

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 26 2018 AT 6 P.M.

WHEREAS, the Council believes that ongoing construction and demolition projects within the city of Richmond frequently involve the closure of streets and sidewalks that result in unsafe conditions for pedestrians, cyclists, and motorists; and

WHEREAS, the Council is of the opinion that the City's permit fee structure for encroachments or work in streets, sidewalks, and public ways should be updated, as it sets forth fees that are lower than other cities and does not provide any incentive to timely return streets, sidewalks, and public ways to public use; and

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 26 2018 REJECTED: _____ STRICKEN: _____

WHEREAS, the Council believes that it is in the best interests of the citizens of the City of Richmond that the Council request that the Chief Administrative Officer cause to be developed and implemented regulations requiring that temporary sidewalks be provided within the city of Richmond whenever a sidewalk is closed due to construction or demolition and propose such lawful changes to the Code of the City of Richmond (2015), as amended, and to Appendix A of the Code of the City of Richmond (2015), as amended, as may be necessary to implement fully such proposed regulations and to establish a new permit fee structure for encroachments or work in streets, sidewalks, and public ways;

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the Council hereby requests that the Chief Administrative Officer cause to be developed and implemented regulations requiring that temporary sidewalks be provided within the city of Richmond whenever a sidewalk is closed due to construction or demolition and which include, at a minimum, the following components:

- (a) A requirement that temporary sidewalks be wide enough for safe passage.
- (b) A requirement that temporary sidewalks be accessible to persons with disabilities.
- (c) A requirement that temporary sidewalks be protected from construction debris and motor vehicle traffic.
- (d) A requirement that temporary sidewalks be clearly marked with appropriate and prominently visible signage.

BE IT FURTHER RESOLVED:

That the Council hereby requests that the Chief Administrative Officer propose such lawful changes to the Code of the City of Richmond (2015), as amended, and to Appendix A of

the Code of the City of Richmond (2015), as amended, as may be necessary to implement fully such proposed regulations and to establish a new permit fee structure for encroachments or work in streets, sidewalks, and public ways, based on the following considerations:

(a) The duration of any temporary closure of a street, sidewalk, or public way measured in days.

(b) The area to be closed to public use measured in square feet, square yards, or square meters.

(c) The amount of the permit fee necessary to cover the City's administrative costs to issue and enforce permits for encroachments or work in streets, sidewalks, and public ways.

(d) To the extent permitted by law, the permit fee structure that will provide permit holders with the greatest incentive to return the street, sidewalk, or public way to public use as soon as practicable.



Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Ordinance/Resolution Request

TO Allen Jackson, Richmond City Attorney
Richmond Office of the City Attorney

THROUGH Lou Brown Ali
Council Chief of Staff *LB*

FROM William E. Echelberger, Jr, Council Budget Analyst *[Signature]*

COPY Parker C. Agelasto, 5th District Representative *[Signature]*
Haskell Brown, Deputy City Attorney
Meghan K. Brown, Deputy Council Chief of Staff *MKB*
Amy E. Robins, 5th District Liaison

DATE March 2, 2018

PAGE/s 1 of 2

TITLE Sidewalks during Construction

RECEIVED

MAR 02 2018

OFFICE OF CITY ATTORNEY

This is a request for the drafting of an Ordinance Resolution

REQUESTING COUNCILMEMBER/PATRON

Parker C. Agelasto, 5th District Representative

SUGGESTED STANDING COMMITTEE

Governmental Operations

ORDINANCE/RESOLUTION SUMMARY

The Patron requests a resolution to require that the City of Richmond develop regulations that:

1. Require temporary sidewalks be provided any time a sidewalk is taken out of commission due to construction or demolition. Such temporary sidewalks must be:
 - a) Wide enough for safe passage,
 - b) Handicapped assessable,
 - c) Protected from construction debris and traffic, and
 - d) Clearly marked with appropriate, and prominently visible signage.
2. Establish a linkage between the fee charged for temporary closure of a sidewalk, or street, for the purpose of construction, or demolition, and 1) the duration of such temporary closure measured in days or weeks, and 2) the area to be closed to public use measured in square feet, square yards, or square meters, including the street area that is proposed to be utilized for any temporary sidewalk; and, therefore unavailable for vehicular traffic or parking.
 - a) Such fee is to be set at a level designed to incentivize the return of the street or sidewalk to public use at the earliest practical opportunity,

- b) Revenue from these fees is to be used to offset the cost of permit issuance costs; and inspecting the provision of temporary sidewalks, and compliance with other permit terms.

BACKGROUND

Summary:

- Ongoing construction, and demolition projects in the City of Richmond frequently result in the closure of streets and sidewalks.
- Closure of streets and sidewalks without adequate protection has resulted in unsafe conditions for pedestrians, cyclists, and vehicles.
- Currently, a street or sidewalk in the City of Richmond can be closed for an indefinite period of time for the payment of permit fee that ranges from \$20 to \$100.
 - A fee of \$80 allows closure of a street or sidewalk for more than 60 days. See attached fee schedule.
 - This fee structure has not been revised since 1982.
 - The City of Richmond's fee structure is lower than in many other Cities
 - Provides no incentive for the timely return of streets and sidewalks to unrestricted public use.

FISCAL IMPACT STATEMENT

Fiscal Impact Yes No

Budget Amendment Required Yes No

Estimated Cost or Revenue Impact

The proposed resolution has no fiscal impact; however, if adopted, the envisioned fees would generate additional revenue, and additional expenditures would likely be required for enforcement.

Attachment/s Yes No

Richmond City Council Ordinance/Resolution Request Form/updated 10.5.2012 /srt



Sidewalks on both sides of street closed in Richmond



Example of protected temporary sidewalk.

PART II - CITY CODE
- APPENDIX A FEE SCHEDULE*

CHAPTER 90. STREETS, SIDEWALKS AND PUBLIC WAYS

CHAPTER 90. STREETS, SIDEWALKS AND PUBLIC WAYS

Code Section	Description	Fee
90-70	Fees for permits for encroachments or other use of a street, sidewalk or public way issued in accordance with article III of chapter 90 which shall be classified under one of the following five classes:	
	Class I: all permits to occupy, encumber, or work in the streets, sidewalks, and public ways other than for uses listed in classes II, III, IV and V	\$ 20.00
	Class II: permits for work and associated obstructions of short duration (period not in excess of 60 days), including construction barricades, temporary walls or fences, scaffolds, covered walkways, swinging stages, trash dumpsters and storage or stockpiling of materials; permits for the construction of approved encroachments; and permits for new railroad crossings, alley entrance paving and commercial, industrial and institutional driveways	40.00
	Class III: permits for developer sewer connections, track-type cranes and for house moving activities	60.00
	Class IV: permits for work and associated obstructions of long duration (any period in excess of 60 days), including construction barricades, scaffolds, covered walkways, temporary walls or fences, lift elevators, construction offices and storage or stockpiling of materials	80.00
	Class V: permits for sheeting and shoring and related restoration of damaged areas, and developer street, sewer, water and alley construction and extensions	100.00
90-123	Application and processing fee for each administrative approval encroachment application	300.00
	Application and processing fee for each council approval encroachment request	1,000.00
90-293	Fee for review of each request for approval of street lines and grades	100.00
90-400	Charge for installing gaslights:	