

City of Alexandria, Virginia

28
6-11-02

MEMORANDUM

DATE: MAY 30, 2002

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*

SUBJECT: CONSIDERATION OF AN ORDINANCE AMENDING PROCESSING FEES FOR ENCROACHMENTS

ISSUE: City Council consideration of an ordinance to amend the fee charged by the Department of Planning & Zoning for processing encroachment requests.

RECOMMENDATION: That City Council approve the proposed ordinance (Attachment 1) on first reading and schedule it for public hearing, second reading and final passage in Saturday, June 15, 2002.

DISCUSSION: Included in the proposed changes to the Planning & Zoning fee structure presented to Council as part of the FY 2003 budget process was a fee increase for the review of requests for encroachments upon public rights of way. The fee for encroachments is limited by State law, and requires an amendment to the City Code. This is the only Planning & Zoning fee which requires a Code amendment.

In the original Planning & Zoning fee proposal, the fee for encroachments was proposed to increase to \$250 from the current \$100 rate. Because State law limits the fee to \$150 the recommendation has been changed to conform with the State limitation making the new proposed fee for encroachments \$150. Both the Northern Virginia Building Industry Association (NVBIA) and The Alexandria Chamber of Commerce have been notified of this minor change in the Planning and Zoning fee proposal. The proposed increase would be effective on July 1, 2002.

FISCAL IMPACT: The estimated increase in revenue resulting from this fee change is \$500.

ATTACHMENTS:
Attachment 1: Proposed Ordinance

STAFF:
Barbara Ross, Deputy Director, Planning & Zoning
Gene Swearingen, Director, Office of Management and Budget

Introduction and first reading: 6/11/2002
Public hearing: 6/15/2002
Second reading and enactment: 6/15/2002

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain section 3-2-82 (PROCESSING FEE FOR ENCROACHMENTS) of Article G (FEE FOR PROCESSING REQUESTS FOR VACATION OF PUBLIC RIGHTS AND REQUESTS FOR ENCROACHMENTS AND CHARGE FOR COMMERCIAL ENCROACHMENTS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT), of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance increases the fee for processing requests for encroachments from \$100 to \$150.

Sponsor

Department of Finance
Department of Planning and Zoning

Staff

Dan Neckel, Director of Finance
Eileen Fogarty, Director of Planning and Zoning
Steven L. Rosenberg, Senior Assistant City Attorney

Authority

§ 15.2-2012, Code of Virginia, 1950, as amended

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain section 3-2-82 (PROCESSING FEE FOR ENCROACHMENTS) of Article G (FEE FOR PROCESSING REQUESTS FOR VACATION OF PUBLIC RIGHTS AND REQUESTS FOR ENCROACHMENTS AND CHARGE FOR COMMERCIAL ENCROACHMENTS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT), of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That section 3-2-82 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is, amended and reordained to read as follows:

Sec. 3-2-82 Processing fee for encroachments.

A fee of ~~\$100~~150 shall be charged to process each request to be allowed to encroach upon any public way or right including, but not limited to, streets, alleys, sidewalks and public places; provided, however, that no fee shall be charged to process a request received after January 1, 1987, which involves an encroachment by residential property that existed as of December 31, 1986, and which seeks permission for the same or a lesser encroachment to continue to encroach upon a public way or right. Notwithstanding the first sentence of this section, the city manager or ~~her~~the manager's designee is authorized to grant a waiver of the ~~\$100~~150 fee when it is determined that the fee constitutes an undue hardship to the person requesting the encroachment or is disproportionate to the value of the requested encroachment or that a waiver of the fee is otherwise in the public interest.

Section 2. That this ordinance shall become effective on July 1, 2002.

KERRY J. DONLEY
Mayor

Introduction: 6/11/2002
First Reading: 6/11/2002
Publication:
Public Hearing:
Second Reading:
Final Passage:

N.B. Underlining is not part of the ordinance but denotes language that is new or amended. Strike-outs or dashes are not part of the ordinance, but denote material that is being deleted.

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- CITY SEAL -

Public Hearing will be held by the City Council of the City of Alexandria, Virginia, in the Council Chamber, City Hall, City of Alexandria, Virginia, on Saturday, June 15, 2002, at 9:30 a.m., or as soon thereafter as may be heard on the hereinafter described ordinances.

TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain section 3-2-82 (PROCESSING FEE FOR ENCROACHMENTS) of Article G (FEE FOR PROCESSING REQUESTS FOR VACATION OF PUBLIC RIGHTS AND REQUESTS FOR ENCROACHMENTS AND CHARGE FOR COMMERCIAL ENCROACHMENTS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT), of The Code of the City of Alexandria, Virginia, 1981, as amended.
The proposed ordinance increases the fee for processing requests for encroachments from \$100 to \$150.

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TITLE OF ORDINANCE

AN ORDINANCE to amend Division 1 (GENERAL PROVISION) of Article B (SEWAGE DISPOSAL AND DRAINS), Chapter 6 (WATER AND SEWER), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 5-6-25.1 (SEWER CONNECTION PERMITS AND SERVICE FEES; CONSTRUCTION COSTS; CONSTRUCTING SEWERS BY OWNERS RATHER THAN CITY; ADDITIONAL CONNECTIONS).
The proposed ordinance increases the sanitary sewer connection fees charged for new construction.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain Section 5-7-31 (DEFINITIONS), Section 5-7-33.1 (RUNNING AT LARGE PROHIBITED IN PUBLIC PARKS OR PLAYGROUNDS; OWNERS NOT TO LET DOGS RUN AT LARGE IN PUBLIC PARKS OR PLAYGROUNDS; KEEPING DOGS UNDER PHYSICAL RESTRAINT IN PUBLIC PARKS OR PLAYGROUNDS), and Section 5-7-35 (KEEPING DOGS UNDER PHYSICAL RESTRAINT) of Article C (DOGS AND OTHER ANIMALS), Chapter 7 (ANIMALS AND FOWL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), and to amend and reordain Section 6-1-2.2 (SAME--DOG EXERCISE AREAS; DESIGNATION BY CITY MANAGER; PROHIBITED CONDUCT) of Chapter 1 (GENERAL PROVISIONS) of Title 6 (PARKS, RECREATION AND CULTURAL ACTIVITIES), all of The Code of the City of Alexandria, Virginia, 1981, as amended.

The proposed ordinance clarifies the city's animal control regulations to provide that, except in a dog exercise area, or on private property with the consent of the owner, a dog must be kept on a leash held by a responsible person physically capable of restraining the dog.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain Section 9-12-95 (INFORMATION TO BE DISPLAYED ON OUTSIDE OF VEHICLE) of Division 4 (EQUIPMENT, MAINTENANCE AND USE OF VEHICLES), and subsection (a)(2) of Section 9-12-132 (AMOUNT OF FARE TO BE CHARGED) of Division 6 (FARES), all of Article A (TAXICABS AND FOR-HIRE VEHICLES), Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE), Title 9 (LICENSING AND REGULATION) of The Code of the City of Alexandria, Virginia, 1981, as amended. The proposed ordinance eliminates the requirement that the name of the owner/driver of a taxicab be displayed on the exterior of the vehicle, and provides that children under 5 years of age ride without additional charge. Current law is 12 years.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain Section 12-1-4 (ELECTION OF SCHOOL BOARD MEMBERS; DATE AND MANNER OF ELECTION), of Chapter 1 (SCHOOL DISTRICT AND SCHOOL BOARD), Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of The Code of the City of Alexandria, Virginia, 1981, as amended. The proposed ordinance implements School Board Redistricting Option No. 1, which was selected as the preferred option by City Council on May 28, 2002. This Option shifts the James K. Polk Precinct from Election District C into Election District B, and makes no additional changes to the current school board electoral scheme. In addition, the proposed ordinance specifies: (1) that the established election district boundaries will not be altered by subsequent changes to voting precincts unless expressly stated in the ordinance making those changes, (2) that the new districts will apply in any special election which may be required prior to the next general election in May 2003, and (3) that this change in the district boundaries will not affect the term of the incumbent members of the school board. The proposed ordinance will be implemented only after approval by the Attorney General of the United States, as required by Section 5 of the Voting Rights Act of 1965.

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TITLE OF ORDINANCE

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia, and for the payment of municipal expenditures by providing supplemental appropriations of amounts required to defray certain expenditures and liabilities of the city for fiscal year 2002, which began on the first day of July 2001 and ends on the thirtieth day of June 2002.

The proposed ordinance appropriates supplemental funds for the operation of city government in fiscal year 2002.

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TITLE OF ORDINANCE

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia, for the payment of interest and principal on the city debt and other municipal expenditures and expenses, and for other purposes, for the fiscal year beginning on the first day of July 2002 and ending on the thirtieth day of June 2003.

The proposed ordinance appropriates funds for the operation of the city government in fiscal year 2003.

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THE PUBLIC IS ADVISED THAT AMENDMENTS OR ADDITIONS MAY BE MADE TO PROPOSED ORDINANCES WITHOUT FURTHER PUBLICATION. IT IS RECOMMENDED THAT PERSONS INTERESTED IN ANY OF THESE ORDINANCES OBTAIN FREE FULL-TEXT COPIES FROM THE CITY CLERK AT CITY HALL. BEVERLY I. JETT, CMC, CITY CLERK

To be published in the:

Northern Virginia Journal on Thursday, June 13, 2002
Alexandria Gazette Packet on Thursday, June 13, 2002