

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend and reordain Section 5-2-16 (PLACING MERCHANDISE ON OR OTHERWISE OBSTRUCTING SIDEWALKS AND OTHER PUBLIC RIGHTS-OF-WAY) and Section 5-2-29 (STREET ENCROACHMENTS) of Article A (GENERAL PROVISIONS) of Chapter 2 (STREETS AND SIDEWALKS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article A of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 5-2-16 - Placing merchandise on or otherwise obstructing sidewalks and other public rights-of-way.

(a) No person shall place any goods, wares, merchandise, foodstuffs or similar items on, or in any way obstruct, any street, sidewalk, walkway of the city or occupy or use any of such sidewalks or walkways or other public right-of-way or use any such public right-of-way for the display or sale of any goods, wares, merchandise, foodstuffs or similar items, except either pursuant to a permit issued in accordance with section 7-2400 of the zoning ordinance and section 5-2-29(g) of this code or when receiving or delivering such items, in which case the items may remain on the public right-of-way only so long as is reasonably necessary for the delivery of same.

(b) Enforcement

(1) Civil violation. Any person who has committed any violation of this section shall be liable for a civil violation as follows:

a. The first violation of this section by such person shall be punished by a civil penalty in the amount of \$200.00.

b. The second violation of this section committed by such person shall be punished by a civil penalty in the amount of \$500.00.

c. The third and any subsequent violation of this section committed by such person shall be punished by a civil penalty in the amount of \$1,000.00.

d. Each day that a violation exists or persists shall constitute a separate violation of this section.

1 (2) Nothing in this section shall prevent the director of the department of transportation  
2 and environmental services or designee from:

3  
4 a. Making efforts to obtain voluntary compliance through warning, conference or any  
5 other appropriate means, or

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7 b. In matters where at least one penalty has already been issued, waiving additional  
8 penalties if, in the director or designee's sole discretion, a person is actively in the  
9 process of abating their violation under this section.

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13 **Sec. 5-2-29 - Street encroachments.**

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17 (d) Enforcement

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19 (1) Civil violation. Any person who has committed any violation of this section shall be  
20 liable for a civil violation as follows:

21  
22 a. The first violation of this section by such person shall be punished by a civil penalty  
23 in the amount of \$200.00.

24  
25 b. The second violation of this section committed by such person shall be punished by a  
26 civil penalty in the amount of \$500.00.

27  
28 c. The third and any subsequent violation of this section committed by such person shall  
29 be punished by a civil penalty in the amount of \$1,000.00.

30  
31 d. Each day that a violation exists or persists shall constitute a separate violation of this  
32 section.

33  
34 (2) Nothing in this section shall prevent the director of the department of transportation  
35 and environmental services or designee from:

36  
37 a. Making efforts to obtain voluntary compliance through warning, conference or any  
38 other appropriate means, or

39  
40 b. In matters where at least one penalty has already been issued, waiving additional  
41 penalties if, in the director or designee's sole discretion, a person is actively in the  
42 process of abating their violation under this section.

