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ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 5-2-29 (STREET ENCROACHMENTS) 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 Section 5-2-29 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. 5-2-29 - Street encroachments.

(a) *Encroachment requirements.* Encroachments into a public right-of-way are subject to the following:

(1) *Permits.* A permit for an encroachment must be obtained from the director of the department of transportation and environmental services or designee. The director may establish rules and procedures for processing permits and administering this section. After a permit has been granted, it may be revoked, and the encroachment removed from the right-of-way whenever the applicant fails to comply with any permit conditions. An encroachment permit application will be reviewed by the director to determine compliance with the following:

a. The location of the encroachment shall not unduly obstruct the public right-of-way and shall not interfere with access and safety.

b. The encroachment shall be of such design and construction, so as not to constitute a nuisance or public hazard.

c. The encroachment shall be of a design, material and color which is generally recognized as intended for and suitable for the public right-of-way in an urban environment, the character is compatible with the character of the surrounding area, and, if located in an historic district, is compatible with the streetscape in the district and is consistent with the applicable design guidelines adopted by the board of architectural review.

d. The owner of any nonpermanent encroachment must move the encroachment whenever the city requires access to the encroachment location or as set out in subsection (a)(4) below.

(2) *Fees.* Fees for encroachments shall be established pursuant to sections 3-2-82 and 3-2-85 of this code.

(3) *Insurance.* The permit holder shall be required to maintain, in force, insurance as required and approved by the city for the duration of the encroachment.

(4) *Removal.* The permit holder shall remove the encroachment if the director determines that the encroachment interferes with public access or is otherwise inconsistent with the public welfare. In such case, the director shall provide the permit holder with written notice of the need to remove the encroachment at least 10 days prior to the date on which the removal must be completed. If the permit holder cannot be found or fails to remove the encroachment within the time specified, the director shall have the right to remove the

1 encroachment, at the expense of the permit holder, and shall not be liable for any loss or
2 damage to the encroaching structure that may occur as a result of the removal.

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4 (b) Encroachments in substantial conformance with the following may be authorized by permit
5 as set out in subsection (a) above:

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7 (1) *Non-permanent encroachments upon public sidewalks or rights-of-way.* Non-
8 permanent, moveable encroachments upon public spaces may be approved subject to the
9 following:

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12 (2) *Stationary encroachments upon public sidewalks or rights-of-way.* Stationary
13 encroachments upon public sidewalks and rights-of-way must be compliant with the
14 following guidelines and measurements:

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16 (3) Publicly accessible electrical vehicle (EV) charging equipment encroachments into
17 public rights-of-way. Publicly Accessible EV Charging Equipment, as that term is defined
18 in this section, may be approved by the director of transportation and environmental
19 services, or their designee, and installed within the public right-of-way subject to
20 encroachment permitting requirements described in this chapter as well as the following
21 additional conditions:

22 a. Publicly Accessible Electric Vehicle (EV) Charging Equipment (“EV
23 Charging Equipment”) shall mean electric vehicle charging infrastructure that is
24 available for use by the general public, without restriction to a particular property
25 owner, individual, or entity.

26 b. The EV Charging Equipment shall be installed and operated in a manner
27 consistent with a license agreement between the owner and the City.

28 c. The EV Charging Equipment shall be installed and operated in a manner
29 consistent with the “City of Alexandria EV Charging Requirements,” which are
30 hereby incorporated by reference and adopted into this section, and to which
31 amendments may be made by the director of the department of transportation and
32 environmental services, or their designee, as necessary.

33
34 (c) Except as authorized under subsection (b) above, any encroachment into a public street,
35 alley, sidewalk or other right-of-way may be authorized only by special ordinance adopted
36 by city council and is subject to the requirements under subsection (a) above.

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38 Section 2. That Section 5-2-29 as amended pursuant to Section 1 of this ordinance,
39 be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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41 Section 3. That this ordinance shall become effective upon the date and at the time of
42 its final passage.

ALYIA GASKINS
Mayor

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5 Introduction:
6 First Reading:
7 Publication:
8 Public Hearing:
9 Second Reading:
10 Final Passage:
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