



DEAR VIRGINIA-HIGHLAND NEIGHBOR:

Virginia-Highland is one of the best, most popular neighborhoods in Atlanta. One of the things that have contributed to its popularity is the fact that it is a great walking neighborhood. Parents with strollers, dog walkers, joggers, restaurant and shop patrons, kids on the way to our parks or school, seniors on a stroll and folks doing errands can be seen all over the 'hood.

The Virginia-Highland Civic Association is committed to ensuring that pedestrians can safely enjoy this great aspect of our neighborhood. In addition to other community contributions, we have successfully lobbied for more and better crosswalk marking and signage, contribute to PEDS and even pay for an evening off duty police patrol. One of the ways we support pedestrians that most directly benefits the individual property owner/neighbors is our sidewalk repair replacement reimbursement program. The VaHi Assoc. will reimburse property owners for 50% of the cost of sidewalk repair up to \$500 per property. (details of the program and other VaHi news can be found on our website www.VaHi.org)

It is the responsibility of the property owner to maintain and repair the sidewalks that border their property. (this includes keeping them clear of obstructions such as over-grown foliage) We feel that our sidewalk reimbursement program is a much better way to encourage folks to keep up their sidewalks than asking the City to enforce the sidewalk regulations.

In the coming year the association will be focusing on the worst sidewalks in the neighborhood. We will encourage property owners to take advantage of our program. In some rare instances, where we believe the poor sidewalks are a serious detriment to the quality of life and safety of the neighborhood, we will undertake the repairs and work with the city on code enforcement.

Thank you for your support of this great neighborhood.

Virginia-Highland Civic Association Board of Directors

Sec. 138-14. Maintenance of sidewalk area.

(d) **Damaged sidewalk abutting the right-of-way.** When the sidewalk abutting the right-of-way is damaged, it is **the obligation of the abutting property owner to repair** such sidewalk upon notice from the department of public works. If after receiving such notice, the abutting property owner fails to repair the sidewalk within a reasonable time, the department of public works is authorized to make such repairs and assess the abutting property owner for costs incurred.

(Code 1977, §§ 9-3016, 9-3087, 9-3086; Ord. No. 2001-22, § 1, 3-14-01) Complete text available on website.

To request repair of your sidewalk contact:

Johnnie Moore, Public Works 404-330-6245 and ask to be transferred to his line. You may also ask to be connected to his cell phone.

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Sec. 138-14. Maintenance of sidewalk area.

(a) Removal of snow and ice from sidewalks. When there is an accumulation of ice, naturally or by artificial means, or snow sufficient to cover the sidewalks, the occupants or owners of the houses and other establishments fronting the sidewalks shall have the ice or snow cleared from the sidewalks in front of their establishments when an accumulation occurs, within a reasonable time after such accumulation.

(b) Maintenance of unpaved portion of sidewalk space. Whenever a sidewalk is paved and not all of the sidewalk space is covered by the pavement, but a space is left between the sidewalk and the curbs or between the sidewalk and property line or both or where there exist planted materials in the ground or in planters within such unpaved portion, the owner of the abutting property shall be responsible for maintenance of that space and for keeping it free of holes and weeds, level with the sidewalk and sodded with grass and for watering, pruning and maintaining the planted materials, whether such materials are planted in the ground or in planters placed in or alongside the sidewalk area. Upon the failure of that person to do so, the commissioner of public works may give written notice to the person to do so within ten days, and upon the failure of that person to comply, the person shall be cited to appear for a hearing to show cause for noncompliance, after which the commissioner shall have the property put in a condition complying with this section and shall notify the chief financial officer of the costs thereof. Execution shall issue against the owner of the property for the full amount of costs, which execution shall be collected by the chief financial officer as are all other executions issued by the city.

(c) Paving of grass plots upon repaving sidewalks. Whenever a sidewalk is repaved on a street which has a grass or dirt plot between the curb and the pavement, the commissioner of public works shall be authorized to extend the repavement to the curblines. If the extension to the curblines is repaved, the grass or dirt plot so paved shall be paved with the same material as the new pavement.

(d) **Damaged sidewalk abutting the right-of-way.** When the sidewalk abutting the right-of-way is damaged, it is **the obligation of the abutting property owner to repair** such sidewalk upon notice from the department of public works. If after receiving such notice, the abutting property owner fails to repair the sidewalk within a reasonable time, the department of public works is authorized to make such repairs and assess the abutting property owner for costs incurred.

(Code 1977, §§ 9-3016, 9-3087, 9-3086; Ord. No. 2001-22, § 1, 3-14-01)

Sec. 138-65. Permits for construction or excavation.

(a) Permit required. Any person desiring to conduct construction activities within the public right-of-way or to have an excavation or opening made within a public street, sidewalk, or right-of-way shall make application for a permit to the commissioner of public works. The commissioner of public works shall have the authority to impose such permit terms and conditions necessary to protect the public health and safety, and the permittee shall comply with all terms and conditions imposed by the commissioner of public works including the right to maintain a register of authorized contractors. Only authorized contractors shall engage in permitted activities in the rights-of-way. Applications for all permits for construction and excavation pursuant to this section shall be reviewed, and if the application is complete and the permittee is in compliance with all requirements of this article, to the extent practicable, the city shall issue a permit within 60 days of receipt of the last application and notice to all parties; provided that all joint application permits for excavation by two or more persons shall be

expedited and if in compliance with all requirements of this article shall, if practicable, be approved by the commissioner of public works within 30 days of receipt of such applications.

- (1) Scheduled maintenance permits—There shall be a standing permit for the routine maintenance and repair by the franchisees to existing facilities in the public rights-of-way.
 - (2) Construction permits—Persons desiring to conduct excavation work in the streets or public rights-of-way including, but not limited to, any street cuts boring activity and the placement or removal of conduits, manholes, cable, shall apply for a construction permit. Such permits shall be issued for a fee of \$200.00 per permit. The permit fee shall include one hour of inspection by a department of public work's inspector upon the completion construction activity. In addition, the city may charge an inspection fee of \$50.00 per hour. However, where the Georgia Department of Transportation has primary permitting authority over a particular construction activity, the permittee may show a copy of the GDOT permit upon application for a city permit and the city permit fee and inspection fees shall be waived for that permit. To the extent that a person pays or remits payment to the city pursuant to section 138-127(h)(1). Such payment shall be in lieu of permit fees and inspection fees.
 - (3) Emergency repair permit—Persons conducting excavation work in the public rights-of-way pursuant to an emergency shall comply with the provisions set forth in section 138-74.
- (b) Permit maintained on site. The permit granted by the commissioner of public works to conduct construction activities within the public right-of-way, maintenance activities, or to open any street or sidewalk shall be maintained on site and displayed to any official of the department of public works, police, or other city official upon request. A scheduled maintenance permit shall be exhibited for scheduled maintenance. A construction permit shall be exhibited for excavation activities. Emergency repair permits shall be exhibited for emergency repairs. Failure to exhibit the appropriate permit shall not only be a violation of this article but shall also be cause for revocation of the permit by the commissioner of public works.
- (c) Working without a permit. It shall be unlawful, and a violation of the City Code to perform any regulated activity within the public right-of-way without complying with the permit requirements of the department of public works in this chapter.
- (d) Denial of a permit. The commissioner of public works shall grant no permit where the applicant has failed to comply with the terms of a prior permit. It shall be within the reasonable discretion of the commissioner of public works to decline a permit to any person who shall have failed to carry out any prior order or instruction of the commissioner of public works in connection with the opening of a street or sidewalk at any time. The commissioner of public works may in the commissioner's discretion decline to grant a permit if the commissioner determines that the permit will not be in the public interest. A person may appeal the denial of a permit to the commissioner of public works. The responsibility shall be upon the commissioner of public works to see that no permit is granted to any person to open any street or sidewalk where the results to be accomplished under the permit will unreasonably interfere with the use of the street or sidewalk. Time length for allowing excavations to remain shall be determined by the commissioner of public works.
- (e) Signed petition required. The commissioner of public works shall not grant any permit to conduct construction activities within the public right-of-way or for an excavation underneath sidewalks or streets for any purpose, unless the petition for that use in each instance is signed by the owner of the proposed facility, who shall enter into an agreement with the city binding the owner and the owner's successor in title. The owner shall agree to indemnify the city against any and all damages to either persons or property caused by the construction or maintenance of the excavation or opening and agree that the commissioner of public works shall have the right to have said excavations closed and filled at any time the commissioner of public works determines and the owner shall vacate the area beneath the sidewalk when requested to do so by the city without cost to the city. The work in each instance shall be done under the supervision and to the satisfaction of the commissioner of public works. Any person violating this section shall be required to close the excavation and remove any obstructions upon the direction of the commissioner of public works. If such notice is not complied with, such encroachment shall be removed by the commissioner of public works at the owner's expense.

(f) Supervision of work. All such openings, except as provided in this subsection, shall be made and refilled and permanent improvements removed shall be replaced by or under the supervision of the commissioner of public works.

(g) Cost of work. The cost of conducting construction activities within the public right-of-way or making and refilling any opening and of replacing any permanent improvement removed shall be paid by the person at whose request such opening is made. If work is performed by the city on behalf of or at the request of an applicant, charges therefore shall be in such amounts as may be fixed by the commissioner of public works, subject to the approval of the council. The commissioner of public works shall likewise in each case estimate the cost of replacing permanent improvements and shall have authority to replace or require the replacement of all of a sidewalk or street when it is necessary to put the sidewalk in as good condition using materials of equal or better quality as before the opening. All such cost, whether computed from a schedule fixed by the commissioner of public works or embodied in an estimate made under this subsection by the commissioner of public works, shall be paid before the work is done by the city or the permit is granted.

ARTICLE IV. IMPROVEMENTS WITHIN THE RIGHT-OF-WAY*

DIVISION 1. GENERALLY

Sec. 138-76. Cost and fees of street paving and the improvement of unimproved right-of-way by city assessed against abutting property owners.

Whenever any street or sidewalk or part thereof in the city is originally paved, or the improvement of unimproved right-of-way is accomplished by the city, the cost and fees of street paving and the improvement of unimproved right-of-way shall be assessed against abutting property owners unless other method of payment is authorized by city council. Whenever such work is by direction of the council, there shall be added to the total assessable cost of the work a fee for inspection and engineering services furnished by the city, and the total of cost and fee shall be assessed against the abutting property owner. The fee shall be retained by the chief financial officer to cover the cost of inspection and engineering services. The fee shall be established by ordinance and may be found in the city's rules and regulations.

(Code 1977, § 9-3052; Ord. No. 2001-22, § 1, 3-14-01)

DIVISION 3. SIDEWALKS, CURBS, CURBS AND GUTTERS AND DRIVEWAYS

Sec. 138-96. Schedule of charges for construction or repair.

The commissioner of public works shall maintain a schedule of charges for sidewalks, curbing or driveway aprons constructed or repaired by the city which may be revised from time to time by the commissioner of public works, subject to council approval, and which shall be available for public inspection during normal business hours.

(Code 1977, § 9-3091; Ord. No. 2001-22, § 1, 3-14-01)

Sec. 138-97. Construction of sidewalks, driveways and curbs in multifamily residential, commercial and industrial zoning districts.

(a) Before any building permit shall be issued for the construction of any structure on property within any planned development-housing (PD-H) district or any zoning district which permits multifamily residential, commercial or industrial uses, the owner shall agree to construct or have constructed sidewalks, driveways and curbs on all public streets within and abutting the property. This subsection does not apply to property already having such improvements in a condition satisfactory to the commissioner of public works. Failure to construct these improvements shall be grounds for denial of occupancy or use of the improvements constructed on the property. The director, bureau of buildings shall not issue an occupancy permit until the improvements are made. The plans and specifications for the sidewalks, driveways and curbs shall be submitted to and approved by the commissioner of public works prior to the issuance of the building permit.

- (b) The requirements of subsection (a) of this section may be waived by the commissioner of public works upon a showing by the applicant of sufficient evidence that the proposed work includes only site improvements and no new construction of new occupiable space.
- (c) The commissioner of public works may, in the commissioner's discretion, require the installation of curbs on property exempted pursuant to subsection (b) of this section in conformance with city standards if such is required for proper storm drainage on the abutting or adjacent properties.
- (Code