

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Kajara Anderson

Contact Number: (404) 330-6596

Originating Department: Department of Public Works

Committee(s) of Purview: CITY UTILITIES COMMITTEE

Chief of Staff Deadline: July 8, 2016

Anticipated Committee Meeting Date(s): July 27, 2016

Anticipated Full Council Date: September 6, 2016

Legislative Counsel's Signature: 

for Commissioner's Signature: 

Chief Financial Officer: n/a

Chief Information Officer Signature (for IT Procurements) n/a

Chief Procurement Officer Signature: n/a

CAPTION

AN ORDINANCE TO AMEND CHAPTER 138 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE III "CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY," SECTION 138-72, "BUILDING ADJOINING VIADUCT, BRIDGE OR TUNNEL." OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO INCREASE THE MINIMUM SPACE TO BE LEFT OPEN BETWEEN A SIDEWALK AND BRIDGES, VIADUCTS, AND OTHER STRUCTURES FROM ONE (1) INCH TO TWENTY (20) FEET FOR MAINTENANCE ACTIVITIES, DEMOLITION AND CONSTRUCTION OF NEW OR REPLACEMENT STRUCTURES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: \$

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: _____
(date)

Reviewed by: _____
(date)

Submitted to Council: _____ (date)

**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 138 “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”, ARTICLE III “CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY,” SECTION 138-72, “BUILDING ADJOINING VIADUCT, BRIDGE OR TUNNEL.” OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO INCREASE THE MINIMUM SPACE TO BE LEFT OPEN BETWEEN A SIDEWALK AND BRIDGES, VIADUCTS, AND OTHER STRUCTURES FROM ONE (1) INCH TO TWENTY (20) FEET FOR MAINTENANCE ACTIVITIES, DEMOLITION AND CONSTRUCTION OF NEW OR REPLACEMENT STRUCTURES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AND FOR OTHER PURPOSES.

WHEREAS, it is the stated policy of the City of Atlanta (“City”) to protect the health, safety and welfare of its residents; and

WHEREAS, the Atlanta City Council (“Council”) unanimously adopted Resolution 14-R-4374 on January 5, 2015, and on January 6, 2015 the Mayor approved the Resolution, which called for a Special Election on March 17, 2015 asking voters to authorize the issuance of a \$250,000,000.00 General Obligation Bond (“Renew Atlanta Bond Program”); and

WHEREAS, the Renew Atlanta Bond Program was subsequently authorized by the voters with projects that include maintenance activities, demolition and construction of new or replacement structures and bridges; and

WHEREAS, the structural integrity of bridges, viaducts, and other structures in the City is important to the safety of the public; and

WHEREAS, the Council has determined that it is in the best interest of the City to acquire, construct, reconstruct, renovate, repair, improve, and provide critical capital maintenance and equipment for public streets, traffic control infrastructure and equipment, bridges, viaducts and related public improvements; and

WHEREAS, Chapter 138 of the City of Atlanta Code of Ordinances (“Code”) provides only one inch clearance between the sidewalk and structures; and

WHEREAS, it is necessary for Chapter 138 of the Code to be revised in order to bring the Code in line with the Department of Public Works standards for the construction and maintenance of bridges, viaducts, and other structures in the City of Atlanta.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: That Chapter 138, Article III, Section 138-72, of the City of Atlanta Code of Ordinances shall be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Chapter 138 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Article III - CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY

Section 138-72. - Building adjoining viaduct, bridge or tunnel.

(a) Bearing upon or against viaduct, bridge or tunnel. No portion of a building adjoining a viaduct, bridge or tunnel shall bear upon or against the viaduct, bridge or tunnel structure, but a space of not less than ~~one inch~~ **twenty (20) feet** shall be left open between the sidewalk and the structure and then filled with an approved expansion joint material.

(b) Responsibility for damages. Any and all damages to streets, on either level, or damage to bridge, viaduct or tunnel structures caused by the contractor or by the contractor's employees must be repaired immediately at no cost to the city and to the satisfaction of the commissioner of public works.

SECTION 2: The amendments in this ordinance shall become effective immediately upon approval.

SECTION 3: Should any ordinance or part thereof be found in conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

SECTION 4: That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 138, not deleting any such references, but amending them to include this ordinance.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Caption:

AN ORDINANCE TO AMEND CHAPTER 138 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE III "CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY," SECTION 138-72, "BUILDING ADJOINING VIADUCT, BRIDGE OR TUNNEL." OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO INCREASE THE MINIMUM SPACE TO BE LEFT OPEN BETWEEN A SIDEWALK AND BRIDGES, VIADUCTS, AND OTHER STRUCTURES FROM ONE (1) INCH TO TWENTY (20) FEET FOR MAINTENANCE ACTIVITIES, DEMOLITION AND CONSTRUCTION OF NEW OR REPLACEMENT STRUCTURES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AND FOR OTHER PURPOSES.

Committee of Purview: CITY UTILITIES COMMITTEE

Committee Meeting Date: July 12, 2016

Council Meeting Date: August 15, 2016

Requesting Dept.: Department of Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to revise Chapter 138 of the Code of Ordinances to bring the code in line with Department of Public Works and the construction and maintenance of bridges in the City of Atlanta.

2. Please provide background information regarding this legislation.

It is the stated policy of the City of Atlanta to protect the health, safety and welfare of its residents. The Atlanta City Council unanimously adopted Resolution 14-R-4374 on January 5, 2015, and on January 6, 2015 the Mayors approved the Resolution, which called for a Special Election on March 17, 2015 asking voters to authorize the issuance of a \$250,000,000.00 General Obligation Bond. The Renew Atlanta Bond Program was subsequently authorized by the voters with projects that include maintenance activities, demolition and construction of new or replacement structures and bridges. The structural integrity of bridges in the City is important to the safety of the public. The Council discloses that it is in the best interest of the City to acquire, construct, reconstruct, renovate, repair, improve, provide critical capital maintenance and equipment for public streets, traffic control infrastructure and equipment, bridges, viaducts and related public improvements.

3. If Applicable/Known:

- (a) Contract Type:**
- (b) Source Selection:**
- (c) Bids/Proposals Due:**
- (d) Invitations Issued:**
- (e) Number of Bids:**
- (f) Proposals Received:**
- (g) Bidders/Proponents:**
- (h) Term of Contract:**

4. Fund Department Account Center:

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Michael Ayo

16-0-

(Do Not Write Above This Line)

AN ORDINANCE TO AMEND CHAPTER 138 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE III "CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY," SECTION 138-72, "BUILDING ADJOINING VIADUCT, BRIDGE OR TUNNEL." OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO INCREASE THE MINIMUM SPACE TO BE LEFT OPEN BETWEEN A SIDEWALK AND BRIDGES, VIADUCTS, AND OTHER STRUCTURES FROM ONE (1) INCH TO TWENTY (20) FEET FOR MAINTENANCE ACTIVITIES, DEMOLITION AND CONSTRUCTION OF NEW OR REPLACEMENT STRUCTURES, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AND FOR OTHER PURPOSES.

CONSENT REFER
 REGULAR REPORT REFER
 ADVERTISE & REFER
 1ST ADOPT 2ND READ & REFER
 PERSONAL PAPER REFER

Date Referred Referred To:
Date Referred Referred To:
Date Referred Referred To:
Date Referred Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)
Other _____

Members _____

Refer To _____

Committee

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)
Other _____

Members _____

Refer To _____

FINAL COUNCIL ACTION

2nd Reading
 1st & 2nd Reading
 3rd Reading
 Consent
 V Vote
 RC Vote

CERTIFIED

MAYOR'S ACTION

Committee

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)
Other _____

Members _____

Refer To _____

Committee

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)
Other _____

Members _____

Refer To _____