

TITLE: An Ordinance amending Ordinance No. 3315 by amending Section 4 and 8 thereto, establishing conditions for the construction of sidewalks in connection with new buildings; declaring that Section 4 and 8 as originally written shall not apply to buildings under construction, setting effective dates for Section 4 and 8 as amended.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: AMENDMENT -- Section 4

Ordinance No. 3315 is amended by changing Section 4 to read as follows:

"Section 4: That all sidewalks constructed adjacent to any street within the City of Albany shall be constructed adjacent to the property line unless such construction deviates from the sidewalk location pattern previously established in a block. Council shall have the right to grant a variance in location upon request or its own motion.

Section 2: AMENDMENT -- Section 8

Ordinance No. 3315 is amended by changing Section 8 to read as follows:

"Section 8: SIDEWALKS IN CONNECTION WITH NEW BUILDINGS. Under the following conditions, sidewalks shall be constructed in conformance with the provisions of this Ordinance:

- (a) In any block where 50% or more of the block has sidewalks already constructed;
- (b) In any block where less than 50% of the block is developed.

Where sidewalks are required as above set forth in this section, the following provisions shall apply:

(1) Concurrently with the issuance of a building permit for the construction of a dwelling, multiple dwellings or public structure, except for structures in an industrial zone, the owner, builder or contractor to whom the building permit is issued shall obtain a sidewalk construction permit for the construction of a sidewalk within the dedicated right-of-way for the front street frontage in which a sidewalk in good repair does not exist. The sidewalk shall be constructed in conformance with the provisions of this Ordinance. An occupancy permit shall not be issued until the sidewalk has been completed.

(2) The City Engineer may issue a permit and certificate allowing noncompliance with the provisions of Section 8 of this Ordinance to the owner, builder or contractor when, in his opinion, the construction of the sidewalk is impractical for one or more of the following reasons:

(aa) Sidewalk grades have not and cannot be established for for property in question within a reasonable length of time.

(bb) Forthcoming installation of public utilities or street paving would be likely to cause severe damage to the new sidewalk.

(cc) Street right-of-way is insufficient to accommodate a sidewalk on one or both sides of the street.

(dd) Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical or economically unfeasible."

Section 3: APPLICATION OF ORIGINAL SECTION 8.

The provision of Section 8 as enacted on September 27, 1967, and the terms and requirements contained therein shall not apply to any building permit or occupancy permit requested prior to July 1, 1968.

Section 4: EFFECTIVE DATE OF SECTION 4 and 8.

The provisions of Section 4 and 8 as set forth in this amendment shall become effective

July 1, 1968.

Passed by the Council: April 24, 1968
Approved by the Mayor: April 24, 1968
Effective Date: July 1, 1968

Russell W. [Signature]
Mayor

ATTEST:

[Signature]
City Recorder