

be offered. The burden shall be on the petitioner or petitioners to prove compliance with the preceding requirements of this Section. Counter petitions may be filed by anyone interested at anytime up to and including the hearing of the petition. The Director of Public Works or his designee may continue the hearing from time to time in order to require the petitioner or petitioners or counter petitioners or protestants to furnish additional information. Within sixty (60) days after the conclusion of the proceedings the Director of Public Works or his designee shall approve or disapprove the petition. The Director of Public Works or his designee under no circumstances may approve the petition unless he shall find from the evidence that the street, avenue, road or alley will be of a public rather than a private convenience and that the same will serve at least five (5) dwellings or commercial buildings for each mile so petitioned.

(f) The decision of the Director of Public Works or his designee shall be appealable to the Board of Appeals even though his approval of any such petition shall not be considered a final approval and acceptance.

(g) If the Director of Public Works or his designee determines that the petition should be allowed he may, after the expiration of any appeal period and with the written approval of the County Executive, cause interim, emergency improvements to be made to the subject street, avenue, road or alley and, in addition, he shall cause the Department of Public Works to prepare an estimate for the cost of the necessary improvements to the street, avenue, road or alley, including drainage and appurtenances, to bring same up to then current county requirements. The estimate of costs shall be then included in the next succeeding annual budget request of the Department of Public Works and upon recommendation of such item by the County Executive and approval thereof by the County Council, the Director of Public Works shall formally approve the petition, have the necessary conveyances prepared, initiate such condemnations as may be necessary and, subject to budget limitations, proceed to have the improvements made.

Section 2. AND BE IT FURTHER ENACTED, That this Ordinance ~~shall take effect forty five (45) days~~ IS HEREBY DECLARED TO BE AN EMERGENCY ORDINANCE AND NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, WELFARE, AND PROPERTY, AND BEING PASSED BY THE AFFIRMATIVE VOTE OF FIVE (5) MEMBERS OF THE COUNTY COUNCIL, THE SAME SHALL TAKE EFFECT from the date it becomes law.

READ AND PASSED this 15th day of September, 1969.

By Order: Evelyn M. Boettcher, Secretary

PRESENTED to the County Executive for his approval this 17th day of September, 1969.

Evelyn M. Boettcher, Secretary

APPROVED AND ENACTED: September 24, 1969.

Joseph W. Alton, Jr.
County Executive

I HEREBY CERTIFY THAT BILL NO. 46-69 IS TRUE AND CORRECT AND TOOK EFFECT ON SEPTEMBER 24, 1969.

John M. Whitmore
Chairman, County Council