


City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 5, 2010

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: ORDINANCE TO REVISE TITLE 8 BUILDING CODE REGULATIONS OF THE ALEXANDRIA CITY CODE

ISSUE: Ordinance to revise Title 8 Building Code Regulations of the Alexandria City Code.

RECOMMENDATION: That City Council:

- (1) pass the Ordinance on first reading; and
- (2) schedule it for public hearing, second reading and final passage on Saturday, May 15. The effective date of the ordinance would be June 1, 2010.

BACKGROUND: The Building Code Regulations provided in City Code Title 8 have not been revised in their entirety for more than 13 years. Many antiquated and/or outdated provisions have remained in City Code that are no longer needed, or have been replaced by other local or Virginia codes or laws. Various programs that were previously administered locally have been superseded or replaced by programs regulated and administered by the Virginia Uniform Statewide Building Code (USBC) or the Virginia Department of Professional and Occupational Regulations (DPOR).

The Office of Code Administration started the process of a complete revision of these regulations nearly one year ago. During the process, staff identified the need to place some Code provisions under other departments, remove language long since abandoned for outdated programs, properly identify appropriate staff for various enforcement programs, shorten and simplify code text to be easier to read by those that must comply with or enforce it, and update processes such as code adoptions so that they need fewer amendment actions by City Council.

We believe that there are no negative impacts to the building construction industry as a result of most of these regulations. With the exception of the slight increase to the Residential Rental Inspection Program inspection fee, there is no negative impact on existing businesses or apartment owners. In fact, the removal of the requirements for the local Residential Home Improvement Contractor License will be a cost savings to the typical small business contractor.

Changes made to the Spot Blight provisions make them compliant with Virginia law changes over the past several years, including substantial changes in 2009. In addition, a shorter process to declare a

nuisance property to be blighted that was also recently added to the law has been incorporated into this ordinance revision as another tool, as well as a process added to state law in 2009 to address vacant, dangerous properties in the City for which City intervention is needed. Attached is a quick reference guide (Attachment 1) and a detailed summary (Attachment 2) of the changes.

FISCAL IMPACT: The fiscal impact of the proposed ordinance for reinspections under the Residential Rental Program should generate approximately \$4,000 annually. The elimination of the Home Improvement Contractor License provisions will reduce expected revenue by less than \$2,000 annually.

ATTACHMENTS:

Attachment I. Quick Reference Guide

Attachment II. Summary of Proposed Changes to Title 8 Building Code Regulations May 2010

Attachment III. Proposed Ordinance

STAFF:

Mark Jinks, Deputy City Manager

Mary O'Donnell, Assistant City Attorney

John Catlett, Director, Office of Building and Fire Code Administration

Attachment 1

Ordinance to Repeal and Reordain Title 8; Building Code Regulations

Quick Reference Guide

Section	Unchanged	New	Revised	Deleted	Relocated	Action
8-1-1 (new)	X					
8-1-2 (new)			X			Automatic adoption of latest version of USBC Construction Code and Maintenance Code when adopted by the state; lowers required City Council maintenance of this section; USBC Construction Code mandatory and would not require adoption
8-1-3 (new)	X					
8-1-4 (new)						Established the Director of the Department of Code Administration as the USBC Maintenance Code and Construction Code Official
8-1-5 (new)	X					
8-1-6 (new)			X			Corrects a previous oversight that omitted USBC Administrative section from penalty provisions
8-1-7 to 8-1-10 (new)	X					Reserved
8-1-11 (new)			X			Deletes requirements for required inspection provided for in the USBC
8-1-12 (new)			X		X	City agencies have adopted new uses for the term "plot plan"; properly identifies intended use as a foundation and wall location verification; adds the Zoning Administrator to recipient list as survey foundation and wall plats are generally required to verify zoning setbacks; old 8-1-12 (b) relocated to 5-3-44
8-1-13 (new)	X					
8-1-14 (old)				X		Fire limits have not existed in the Virginia building code since the mid 1990s; language unnecessary
8-1-15 (old)				X		Requirements for frost line depth are established in the USBC and can change with updated climate data
8-1-14 (new)	X					Reserved; new section number only
8-1-18 (old)					X	Relocated to 5-2-128 and 5-2-141; TES regulation

* Section number clarification: New – as proposed in new ordinance Old – previous number that is found in existing ordinance; text deleted

Section	Unchanged	New	Revised	Deleted	Relocated	Action
8-1-15 (new)	X					Section number change only
8-1-16 (new)	X					Section number change only
8-1-17 (new; (a), (b) (1), (b) (2) and (c))	X					Section number change only
8-1-21 (b)(3) (old)					X	Relocated to 5-6-25 (a) and (b); TES regulation
8-1-21 (d) (old)					X	Relocated to 5-6-25 (c); TES regulation
8-1-21 (e) (old)				X		The USBC provides for building sewer pipe material specifications
8-1-22 (old)					X	Relocated to 5-6-224; TES regulation
8-1-18 (new)			X			Water Conservation requirements antiquated; more restrictive requirements in USBC; retained those not covered in USBC
8-1-19 (new)			X			Authority to inspect existing electrical systems provided in the Virginia Maintenance Code; supersedes local ordinance
8-1-25 (old)				X		Minimum electrical service size requirements provided for in Virginia Maintenance Code; supersedes local ordinance
8-1-20 to 8-1-21 (new)	X					Section number change only
8-1-28 (old)				X		Provided that building official could survey stores and order products not authorized by USBC to be removed from stock; no state enabling legislation to support action; not practical to enforce
8-1-23 (new)			X			Fee provisions have been revised to delete language covered in the USBC; permit fee exceptions have been modified to add Alexandria Public Schools, delete requirement for city manager approval for ARHA low to moderate income housing project exemption, and deletes the third exception for other entity fee waivers
8-1-24 (new)			X		X	Moves provision for penalties related to storm water discharge and plot plan to 5-6-225; TES regulation

Section	Unchanged	New	Revised	Deleted	Relocated	Action
8-1-25 to 8-1-35 (new)	X					Reserved
8-1-41 to 8-1-56 (old)				X		Article C deleted; Tradesmen Certification Program transferred to Virginia Department of Professional and Occupational Regulation more than 15 years ago
8-1-36 (new)			X			Minor editorial clean-up
8-1-72 (old)				X		There is no Virginia enabling law that allows a locality to provide for unlawful retaliatory acts
8-1-73 (old)				X		Editorial note deleted
8-1-37 (new)			X			Provisions for appeal of the application of any of the USBC codes are established in the USBC administrative provisions; minor editing of existing language
8-1-75 (old)				X		Provision for appeal and judicial review of the USBC are established by Virginia law and contained in the USBC
8-1-53 (new)			X			Consolidated three very lengthy City Code provisions related to installation of smoke detectors in existing residential buildings making it easier to read and understand; no technical change to provisions
8-1-82 to 8-1-83 (old)				X		Deleted and consolidated in new Section 8-1-53
8-1-54 (new)			X			Adds the Director of the Department of Code Administration to the Fire Marshal for the enforcement of residential smoke detectors
8-1-86 (old)				X		Deletes duplicated text found in Section 1-1-11 for penalties for failure to install or maintain smoke detectors
8-1-56 to 8-1-86 (new)	X					Reserved
8-1-90 to 8-1-100 (old)				X		Deletes antiquated regulations regarding rooming houses; requirements for new rooming houses are established in the USBC; requirements for maintenance of existing rooming houses are established in the Virginia Maintenance Code; Zoning Ordinance establishes land use requirements with SUP required for any new rooming house; inspection program in existing ordinance has not been enforced for an estimated twenty years as rooming house numbers declined and Virginia building and fire code requirements became more effective

Section	Unchanged	New	Revised	Deleted	Relocated	Action
8-1-110 to 8-1-119 (new)			X			Residential Rental Program has no technical changes. Enforcing agent changed from Code Enforcement to Department of Code Administration. See revision of fee in Section 8-1-118
8-1-118 (new)			X			Increases fee for Residential rental program inspection from \$50 to \$75 for initial inspection. Reinspections changed from \$50 to \$60
8-1-120 (new)			X			Deletes penalty requirements related to the Residential Rental Inspection Program as they are established in Section 8-1-6
8-1-130 to 8-1-131 (new)			X			Changes enforcement of the Vacant Building Registration form the Director of Code Enforcement to the Director of the Department of Code Administration
8-1-132 to 8-1-140 (new)	X					Reserved
8-1-141 (new)	X					Unchanged
8-1-142 (new)			X			Definition of blighted property amended to reflect changes in Virginia law; adds definition of derelict buildings for the enforcement of new provisions added to Virginia law during the 2009 Legislative Session
8-1-143 to 8-1-145 (new)			X			Revises enforcement, violations, and additional remedies to comply with recently amended Virginia law
8-1-146 (new)		X				Adds Derelict Building regulations that were authorized in the Virginia law in 2009; 8-1-146 establishes the notification requirements; derelict buildings are defined as uncompleted construction that might endanger public health, safety or welfare for a period of six months. The building must be vacant, boarded up, and not connected to public utilities for a period in excess of six months
8-1-147 (new)		X				Work plan requirements required by owner of derelict buildings
8-1-148 (new)		X				Provides for a refund of demolition permit fees if a building demolition occurs as the result of an approved work plan; provides for a 50% refund of building permit fees and site plan fees for renovations that occur as the result of an approved work plan. This is a requirement of the Virginia law if a local ordinance is enacted
8-1-149 (new)		X				Provides for a tax abatement of the demolition costs OR the difference between the pre-renovation and post renovation value for a period of fifteen years if performed based on an approved work plan. This is a requirement of the Virginia law if a local ordinance is enacted.
8-1-150 (new)	X					Bighted Property preliminary procedure unchanged (old 8-1-143)

Section	Unchanged	New	Revised	Deleted	Relocated	Action
8-1-151 (new)			X			Virginia law was revised to remove local planning commissions public hearing process from the Blighted Property Declaration process; City Council has ultimate approval authority of a spot blight abatement plan (old 8-1-144)
8-1-145 (old)				X		Removes the review of the Planning Commission findings and provides that City Council has ultimate approval authority of a spot blight abatement plan
8-1-152 (new)			X			Retains existing language related to displacement of residents; adds that if eminent domain is exercised, temporary relocation may be authorized (old 8-1-146)
8-1-153 (new)			X			Old 8-1-147; adds language to allow the collection of interest on liens
8-1-148 (old)				X		Administrative provision deleted by Virginia law
8-1-154 (new)		X				Provides for an alternative, faster spot blight property procedures when the city is not considering eminent domain; allows City Council, after proper property owner notification and an opportunity to bring the property in compliance, to declare by ordinance that a property is a nuisance and subject to spot blight abatement; allows for the recovery of cost if actions are taken by the city to abate the violations
8-1-155 (new)					X	Relocated old 8-1-149
8-2-1 to 8-2-8					X	Relocated to Title 4, Chapter 6, Public Safety; establishes the Chief of Police as the enforcing agent; previously the enforcement was the responsibility of the Director of the Department of Public Safety; no technical amendments
8-4-1 to 8-4-15 (old)				X		The need for the requirements for a local Home Improvement Contractor License have been replaced by changes in the Virginia Contractor Laws that afford greater protections; contract requirements, etc that are contained in the current local ordinance; the state has added a recovery fund, Home Improvement Contractor licensing category, and the requirements for testing and recertification of contractors; local provisions have never been implemented, cost for local bond and license fee add cost to limited contractor group with no benefit to city consumers
Title 4 (new)					X	Relocated provisions from Title 8 regarding Residential Burglary Prevention Devices
Title 5 (new)					X	Relocated provisions from Title 8 regarding site, sewer disposal, and storm water related activities under the direction of the Director of TES

Summary of Proposed Changes to Title 8 Building Code Regulations May 2010

The ordinance revises provisions that contained the title Code Enforcement Bureau and Code Enforcement Bureau Director to reflect the name change to the Office of Code Administration. These changes do not change the content or application of the regulations unless specifically noted below. A quick reference guide to the proposed change is included as Attachment I. The significant proposed changes are as follows:

Article A – General Provisions

1. **Section 8-1-2:** Provides for the automatic adoption of the Virginia Construction Code and the Virginia Maintenance Code (USBC) upon the effective date established by the Virginia Department of Housing and Community Development without specific City Council action. The Virginia Construction Code is a mandatory state-wide code that does not require local adoption or reference. The Virginia Maintenance Code is a state-wide code that requires local adoption. However, it cannot be amended locally and does not need specific adoption with each state code change cycle, typically every three years. The language contained in the proposed ordinance will allow for the seamless transition to a new code with the appropriate effective date as set by state law. This removes any potential conflict between the state effective date and what is reflected in the Alexandria City Code. This will help remove conflicts that may arise when taking enforcement actions.
2. **Section 8-1-6:** Corrects an existing City Code omission that did not allow for prosecution of violations of the Virginia Construction Code administrative chapter. This chapter contains provisions related to certificates of occupancy, building permit requirements, and building that become unsafe during construction. The new ordinance language simplifies the Code language regarding criminal penalties for violation of the Virginia New Construction Code and civil penalties for violations of the Virginia Maintenance Code. The prior City Code which did not reference Chapter 1 of the Uniform Statewide Building Codes has been corrected.

Article B – Miscellaneous Conditions of Permits

1. **Generally:** Removes language that is now superseded by the USBC regarding required inspections, specific materials to be used, water conservation requirements that have been superseded and improved upon by national building code.
2. **Generally:** Moves Code sections not directly connected to building code requirements to the appropriate agency's City Code Provisions (Curb, gutter, sidewalks construction required; Excavation adjacent to public right-of-ways; Building sewer and water service, Sewer tap locations; Building sewer material types; Methods of storm and subsoil water disposal.)

3. **Section 8-1-12:** Clarifies the intended purpose and proper officials to receive foundation and wall surveys adding the Zoning Administrator as a recipient. Previously, this section directed that only the Director of Code Administration should receive and approve the document. However, wall and foundation surveys are generally requested to verify zoning setbacks and building height compliance. Both of these issues are addressed solely in the Zoning Ordinance. Maintaining the approval by both the Zoning Administrator and Code Administration Director will allow for clear resolution should a problem arise. This could include the issuance of stop work orders or the requirements to submit plan revisions.
4. **Section 8-1-14 (existing):** Deletes requirements to establish fire limits. These are no longer established or required in the USBC. Fire limits have been removed from modern national code language for many years. The proposed 2009 International Building Code has reestablished them as an appendix section. However, this appendix has not been submitted for inclusion in the current State building code cycle. Fire limits established additional, more expensive requirements for building code compliance when constructing in urban areas. The current and proposed USBC provide for more compliance options that best suit the owner and designer after consideration.
5. **Section 8-1-17:** Specific references to materials or installations of water and sewer piping that are provided for in the USBC have been eliminated. Relocates language regarding sewer and water tap construction and location to City code sections related to water and sewer. As the creation or installation of water and sewer taps are not done exclusively with building projects, it is best to locate them with similar programmatic requirements.
6. **Section 8-1-18:** Deletes antiquated references replaced by more restrictive USBC (International Plumbing Code) requirements for water conservation in plumbing fixtures. Many of the fixtures listed in the current provisions have been superseded by newer technologies with reduced water consumption rates, which are specifically addressed in the USBC. Where not addressed in the USBC, the requirements for car wash and continuous flow fixtures have been retained. The Sanitary Sewer Master Plan will address future plumbing fixture water conservation requirements and how to implement them.
7. **Section 8-1-19:** The repair and/or replacement of electrical system components are regulated through the Virginia Uniform Statewide Building Code for new construction and the Virginia Maintenance Code for existing structures. Likewise existing **Section 8-1-25** establishing minimum requirements for existing electrical services is regulated by the Virginia Maintenance Code (VMC). The VMC supersedes any local requirements previously established.
8. **Existing 8-1-28:** This outdated section required the building official to inspect supply houses and stores selling plumbing, electrical, or mechanical supplies to verify that they were not selling materials that were not approved by the Virginia building code. It

allowed the building official to require removal of the material from the city. This section is not practical to enforce and there are questions regarding the ability to regulate commerce in this fashion. As long as a material is not dangerous (an example could be fireworks), it may be legally used in other states and the District of Columbia. To the best recollection of City staff, this provision has never been enforced.

9. **Section 8-1-22:** Adds provisions authorized by the 2006 Virginia Uniform Statewide Building Code, effective May 1, 2008. This provided for a local option to require permits for replacement siding, roofing, and window replacements that are normally exempt from building permit requirements in historic districts. Currently, USBC Section 108.2 exempts all roofing, siding and windows from permits (not from complying with the code) unless a locality is located in a high wind zone. Alexandria is not located in a high wind zone; therefore permits have not been required for these activities. The new provision helps a locality raise awareness regarding the need to preserve historic properties by requiring a permit for those activities. The exemptions from permit for up to one hundred square feet of siding or roofing, considered an ordinary repair, will remain. Enforcement of this provision will not occur until after the City sends its annual letter to property owners of historic properties reminding them of historic district requirements.

10. **Section 8-1-23:** Permit fees exemptions have been amended to add the Alexandria City Public Schools (ACPS) to the Alexandria Sanitation Authority and Washington Metropolitan Area Transit Authority as fee-exempt entities. ACPS always have been treated as fee exempt, but it was not listed in the City Code. Also, the fee exemption for the Alexandria Redevelopment and Housing Authority has been made automatic instead of requiring the City Manager to consider approving a fee waiver (which has been the long standing practice to approve). Finally, the section allowing non-profits to appeal to Council for fee waivers has also been eliminated. In the last decade only one exemption request has come to Council, and in that case Council decided to provide a one-time cash grant to cover part of the fees in lieu of a fee waiver.

Existing Article C – Certification Required to do Certain Business or Work

The provisions of this section provided for the local testing and certification of plumbing, electrical, and mechanical tradesmen. The Virginia Department of Professional and Occupational Regulation assumed responsibility of the Tradesmen Certification program in the mid-1990's. From 1983 until the time that DPOR took over the programs, localities administered the testing and certification of plumbing, electrical, and mechanical tradesmen. As localities no longer administer the program, and the DPOR sets the regulations, any local provisions should be removed from the City Code.

Revised Article C – Remedies and Appeals

1. **Section 8-1-36:** This section contains provisions for appeals of decisions of the Code Official for application of the Virginia Statewide Building Code. Building code appeals provisions are already established by the USBC and supersede anything contained in local ordinance. As the USBC is a fluid document that changes every three years,

duplicating language regarding appeals is not necessary and would require continued maintenance by City Council to keep it in accord with current, applicable law.

2. **Section 8-1-36:** The provision currently addresses unlawful retaliatory acts against a person who files a complaint about a violation of the USBC. However, a legal review has indicated that there are no Virginia enabling laws or provisions in the USBC that allow the local building or maintenance code official to take such action.

Existing Article E/Revised Article D – Smoke Detectors

Residential smoke detector provisions have been revised to comply with Virginia enabling law and to provide clarity. The revisions do not change the requirements that have existed for several years to install smoke detectors in every residential structure that contains a sleeping unit. Enforcement is generally applied during complaint inspections, Residential Rental Inspections, or following an emergency incident

Article F – Rooming Houses

Article F contains provisions for the operation and maintenance of rooming houses that have existed since a time when rooming houses were prevalent in the city and before modern codes existed. Today, the Virginia New Construction Code and Maintenance Code provide requirements for the construction of, and general maintenance of rooming houses. In addition, Alexandria Zoning Regulations no longer provide for a rooming house by right, but require the application for a Special Use Permit. Since most of these old Code provisions have been superseded by the USBC, the number of Alexandria rooming houses has significantly decreased, there have been no actions taken to perform the specified inspections for more than a decade, and the fact that any new rooming houses would be required to go through the SUP process, it is recommended to delete these provisions so that there are not conflicting regulations.

Article G-1 – Residential Rental Inspection Districts

Provisions for Residential Rental Inspections are established specifically by Virginia law. However, the fee to conduct inspections can be set locally. Division 4 has been revised to increase the initial inspection fee from \$50 to \$75 and any required reinspection beyond the initial and first reinspection from \$50 to \$60. The maximum fee for any one apartment complex would go from \$500 to \$750 if all of the required ten units were inspected. The current reinspection fee is used infrequently as most rental units in the program are compliant after the first round of inspections. There are no other changes to the Residential Rental Program ordinance.

Article I – Spot Blight Abatement and Derelict Buildings

In general, this Article is amended to simplify and streamline the process to address blighted and vacant, dangerous properties to allow City Council to address these conditions in a more efficient, timely fashion, as allowed by changes in state law since the spot blight provisions were added to the City Code. Specifically,

1. Adds provisions to address the repair or demolition of vacant, dangerous properties (derelict properties), as specifically allowed by state law. Defines derelict buildings as a building, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider for a continuous period in excess of six months. Authorizes the City of Alexandria to incentivize owners' timely submission of a plan for demolition or renovation, by providing real estate tax abatements and fee refunds. While tax abatements and holding fee refunds are not something that staff would normally recommend, this new State Code provision ultimately requires these financial relief features. Simplifies tax lien enforcement and blight provisions and encourages action on derelict buildings by adjusting time frames. This bill was recommended by the Virginia Housing Commission.
2. Changes the definition of a blighted property to reflect current state law.
3. Streamlines the process to have a property declared as blighted and to approve a plan for repair by removing the Planning Commission hearing requirement and shortening the notice requirements, so that City Council can address these problem properties in a more timely fashion.
4. Adds an alternate abbreviated process to declare nuisance blighted properties when the City intends to repair or abate the nuisances.

Existing Chapter 4 - Home Improvement

Local Home Improvement Contractor License requirements have been in City Code since 1979. The intent of the provisions were to provide protections to homeowners contracting for repairs or improvements by requiring contracts, specifying contract language, and by obtaining \$5,000 bond payable to the City of Alexandria in case work was performed out of compliance with the building code and repairs were not initiated. However, the Virginia Department of Professional Regulation implemented a new licensing category "Class C" more than a decade ago. This brought in several types of contractors to their system that previously had not been required to obtain business licenses. In addition, a Contractor Recovery Fund was established which enables consumers to obtain a recovery of funds if a court judgment is obtained. A special licensing category of Home Improvement Contractor has also been established by DPOR.

All contract requirements currently contained in this chapter are superseded by the State contractor requirements. During the 31 years that this program has existed in the City, no bonds have ever been revoked. The additional fee to obtain the local license and bond only add unnecessary cost with no added benefit, and we recommend that these provisions be deleted, saving the small businesses that it typically affects the cost and steps necessary to complete the requirements and obtain permits.

Title 4 – Public Safety; Chapter 6 – Burglary Prevention Devices

The current provisions contained in Title 9 are being relocated without technical changes to Title 4. The only change to the provisions would be to name the Police Chief (or Police Department) as the enforcing agency. The current City Code Section was established in the early 1980's when police, fire, and building code enforcement were under one single department. The Director of Code Enforcement was responsible for all of the agencies. However, the provisions of this regulation deal with the prevention of burglary and only affect those residential multi-family dwellings units constructed before September 1, 1974. This was the ultimate effective date of the first Virginia Uniform Statewide Building Code.

Introduction and first reading: 05/11/2010
Public hearing: 05/15/2010
Second reading and enactment:

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INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to repeal and reordain Title 8 (BUILDING CODE REGULATIONS), to establish and ordain Chapter 6 (Burglary Prevention Devices), of Title 4 (PUBLIC SAFETY), to establish and ordain Sec. 5-2-30 of Article A (General Provisions) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) to establish and ordain Sec. 5-2-128 of Article E (Excavation) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) to establish and ordain Sec. 5-2-141 of Article E (Excavation) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services), to establish and ordain Sec. 5-3-44 of Division 1 (General Provisions) of Article C (Excavation and Utility Line Installation) of Chapter 3 (Underground Utilities) of Title 5 (Transportation and Environmental Services), to establish and ordain Sec. 5-6-25 of Division 1 (General Provision) of Article B (Sewage Disposal and Drains) of Chapter 6 (Water and Sewer) of Title 5 (Transportation and Environmental Services), to establish and ordain Article C (Storm Water Disposal) of Chapter 6 (Water and Sewer) of Title 5 (Transportation and Environmental Services) of the Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance would update Title 8, Building Code Regulations, to reflect current state law, move certain sections to more appropriate areas of the Code of the City of Alexandria, and add provisions to address the correction of nuisance or vacant and dangerous properties.

Sponsor

Staff

Mark Jinks, Deputy City Manager
Mary O'Donnell, Assistant City Attorney
John Catlett, Director, Office of Building and Fire Code Administration

Authority

§ 2.04(b), Alexandria City Charter
§ 36-105, § 36-49.1:1, § 15.2-900, § 15.2-906, §15.2-907.1, §15.2-1115, Code of Virginia

1 Estimated Costs of Implementation

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3 The fiscal impact of the proposed ordinance for reinspections under the Residential Rental
4 Program should generate approximately \$4,000 annually. The elimination of the Home
5 Improvement Contractor License provisions will reduce expected revenue by less than \$2,000
6 annually.

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8 Attachments in Addition to Proposed Ordinance

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10 Attachment I. Quick Reference Guide
11 Attachment II. Summary of Proposed Changes to Title 8 Building Code Regulations May 2010

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ORDINANCE _____

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AN ORDINANCE to repeal and reordain Title 8 (BUILDING CODE REGULATIONS), to establish and ordain Chapter 6 (Burglary Prevention Devices), of Title 4 (PUBLIC SAFETY), to establish and ordain Sec. 5-2-30 of Article A (General Provisions) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) to establish and ordain Sec. 5-2-128 of Article E (Excavation) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) to establish and ordain Sec. 5-2-141 of Article E (Excavation) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services), to establish and ordain Sec. 5-3-44 of Division 1 (General Provisions) of Article C (Excavation and Utility Line Installation) of Chapter 3 (Underground Utilities) of Title 5 (Transportation and Environmental Services), to establish and ordain Sec. 5-6-25 of Division 1 (General Provision) of Article B (Sewage Disposal and Drains) of Chapter 6 (Water and Sewer) of Title 5 (Transportation and Environmental Services), to establish and ordain Article C (Storm Water Disposal) of Chapter 6 (Water and Sewer) 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 Title 8 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, repealed and reordained to read as follows:

**TITLE 8
Building Code Regulations**

- Chapter 1 Building Code
- Chapter 2 ~~Burglary Prevention Devices~~ Reserved
- ~~Chapter 3 Reserved~~
- ~~Chapter 4 Home Improvement~~

**CHAPTER 1
Building Code**

State Law References: Virginia Uniform Statewide Building Code. Code of Va., Sec. 36-97 et seq.; general authority of city relative to building regulations. Code of Va., Secs. 15.1-15, 15.1-863, 15.1-864, 15.1-869 and 32-61.

Cross Reference: Charter authority as to construction of buildings, city charter, sec. 2.04(b).

~~Historical Note: The provisions of this chapter are derived from Ordinance No. 2489, adopted by the City Council on June 14, 1980 by adding a new chapter 6A to the 1963 code, codified as chapter 1 of this title.~~

1 **ARTICLE A General Provisions**

- 2
3 § 8-1-1 Title.
4 § 8-1-2 Adoption of the Uniform Statewide Building Code.
5 § 8-1-3 City code and ordinances unaffected.
6 § 8-1-4 Officials.
7 § 8-1-5 Reserved.
8 § 8-1-6 Violations and penalties.
9 §§ 8-1-7 through 8-1-10 reserved.

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11 **ARTICLE B Miscellaneous Conditions of Permits**

- 12
13 § 8-1-11 Notice of start, stages and suspensions or abandonment of work.
14 § 8-1-12 Foundation and wall ~~Survey~~ plats.
15 § 8-1-13 Plans and specifications--provisions for control of contaminated land.
16 § 8-1-14 ~~Fire limits.~~ Reserved.
17 ~~§ 8-1-15 Frost line.~~
18 ~~§ 8-1-16 reserved.~~
19 ~~§ 8-1-17 Curb, gutter and sidewalk construction required.~~
20 ~~§ 8-1-18 Excavations adjacent to public right of way.~~
21 § 8-1-~~19~~15 Sanitary sewer and street grades.
22 § 8-1-~~20~~16 Connection to sanitary sewer and water system required.
23 § 8-1-~~21~~17 Building sewer and water service.
24 ~~§ 8-1-22 Method of storm and subsoil water disposal.~~
25 § 8-1-~~23~~18 Water conservation.
26 § 8-1-~~24~~19 Inspection of electrical work; removal or correction of defects; disconnection
27 of premises.
28 ~~§ 8-1-25 Minimum size electrical service.~~
29 § 8-1-~~26~~20 Display of house number prerequisite to concealment of wiring.
30 § 8-1-~~27~~21 Interference with wires during building operations.
31 ~~§ 8-1-28 Plumbing, mechanical and electrical supplies, fixtures, etc., offered for sale;~~
32 ~~inspections.~~
33 § 8-1-22 Building permit required for replacement siding, roofing and windows in
34 historic districts.
35 § 8-1-~~29~~23 Fees for building, electrical, mechanical and plumbing permits, inspections
36 and certificates.
37 § 8-1-~~30~~24 Violations and penalties.
38 §§ 8-1-~~31~~25 through 8-1-~~40~~35 reserved.

39
40 **~~ARTICLE C Certification Required to Do Certain Business or Work; Board of~~**
41 **~~Examiners; Fees; Suspension or Revocation of Certificates; and Bonds~~**

- 42
43 ~~§ 8-1-41 Certification required of certain contractors.~~
44 ~~§ 8-1-42 Certification required of certain plumbers and electricians.~~
45 ~~§ 8-1-43 Certificate prerequisite to advertising.~~
46 ~~§ 8-1-44 Employment of noncertified persons.~~

- 1 ~~§ 8-1-45 Business employees.~~
2 ~~§ 8-1-46 Building code board of examiners.~~
3 ~~§ 8-1-47 Same chairman of board; quorum; meetings.~~
4 ~~§ 8-1-48 Same powers and duties.~~
5 ~~§ 8-1-49 Classes of certificates.~~
6 ~~§ 8-1-50 Qualification standards.~~
7 ~~§ 8-1-51 Application for certification; fee; requirements.~~
8 ~~§ 8-1-52 Issuance of certificates; renewals; fees; evidence.~~
9 ~~§ 8-1-53 Reexamination.~~
10 ~~§ 8-1-54 Suspension or revocation of certificates.~~
11 ~~§ 8-1-55 Bond required for master class certificate holders.~~
12 ~~§ 8-1-56 Violations and penalties.~~
13 ~~§§ 8-1-57 through 8-1-70 reserved.~~

14

15 **ARTICLE ~~DC~~ Remedies and Appeals**

16

- 17 ~~§ 8-1-7136 Failure of owner to act; action by city; costs to be lien on property.~~
18 ~~§ 8-1-72 Unlawful retaliatory acts.~~
19 ~~§ 8-1-73 reserved.~~
20 ~~§ 8-1-7437 Board of building code appeals.~~
21 ~~§ 8-1-75 Appeal and judicial review.~~
22 ~~§§ 8-1-7638 through 8-1-8052 reserved.~~

23

24 **ARTICLE ~~ED~~ Smoke Detectors**

25

- 26 ~~§ 8-1-8153 Where required. Smoke detectors in existing buildings.~~
27 ~~§ 8-1-82 Installation requirements.~~
28 ~~§ 8-1-83 Responsibilities for testing, maintenance, repairs and annual certificates.~~
29 ~~§ 8-1-8454 Enforcement authority.~~
30 ~~§ 8-1-8555 Compliance with other laws.~~
31 ~~§ 8-1-86 Violations and penalties.~~
32 ~~§§ 8-1-8756 through 8-1-8958 reserved.~~

33

34 **ARTICLE E Reserved**

35

36 **ARTICLE F Rooming House Reserved**

37

- 38 ~~§ 8-1-90 Permit to operate required; issuance; display; transferability; expiration;~~
39 ~~renewal; notice of disposal of premises by holder.~~
40 ~~§ 8-1-91 Same inspection prerequisite to issuance; notice of denial.~~
41 ~~§ 8-1-92 Same suspension.~~
42 ~~§ 8-1-93 Same appeals from denial or suspension; revocation or failure to appeal from~~
43 ~~suspension.~~
44 ~~§ 8-1-94 Floor space, bedding, bathroom, egress, and sanitary maintenance requirements.~~
45 ~~§ 8-1-95 Inspections generally.~~
46 ~~§ 8-1-96 Enforcement procedure of code official; notice of violation.~~

1 ~~§ 8-1-97 Failure to comply with notice issued pursuant to section 8-1-96.~~

2 ~~§ 8-1-98 Violations and penalties.~~

3 ~~§ 8-1-99 Appeals to city council.~~

4 ~~§ 8-1-100 Appeals from city council to court.~~

5 §§ 8-1-101-109 through 8-1-10970 reserved.

6
7 **ARTICLE G-1 Residential Rental Inspection Districts**

8
9 Division 1. Generally

10 § 8-1-110 Purpose and intent.

11 § 8-1-111 Definitions.

12
13 Division 2. Rental Inspection Districts

14 § 8-1-112 Factors for establishing rental inspection districts.

15 § 8-1-113 Rental inspection districts established.

16 § 8-1-114 Applicability.

17
18 Division 3. Inspection

19 § 8-1-115 Inspection and certificate required.

20 § 8-1-116 Certificates of compliance; applications and exemptions.

21 § 8-1-117 Multi-family developments.

22
23 Division 4. Certificate Issuance, Inspection Fees and Enforcement

24 § 8-1-118 Issuance of certificate; fees.

25 § 8-1-119 Appeals; effects.

26 § 8-1-120 ~~Violation; penalty; r~~Right of entry.

27 § 8-1-121 Regulations implementing article.

28 §§ 8-1-122 through 8-1-129 reserved.

29
30 **ARTICLE H Registration of Vacant Buildings**

31
32 § 8-1-130 Vacant building registration.

33 § 8-1-131 Violations and penalties.

34 §§ 8-1-132 through 8-1-140 reserved.

35
36 **ARTICLE I Spot Blight Abatement and Derelect Buildings**

37
38 Division 1. General

39 § 8-1-141 Purpose.

40 § 8-1-142 Definitions.

41 ~~§ 8-1-143 Procedure—preliminary determination of blight by city manager.~~Enforcement.

42 ~~§ 8-1-144 Same—hearing before planning commission; commission findings.~~Violations.

43 ~~§ 8-1-145 Same—review of planning commission findings and recommendations by city~~
44 council. Additional remedies of city.

45
46 Division 2. Derelect Buildings

1 ~~§ 8-1-146 Displacement of residents at blighted property.~~ Notice of declaration of derelict
2 building.

3 ~~§ 8-1-147 Recovery of city's costs; lien.~~ Submittal of work plan by owner; approval by
4 director.

5 ~~§ 8-1-148 Promulgation of rules and regulations.~~ Work plan completion; permit fee
6 refund.

7 ~~§ 8-1-149 Other laws and ordinances.~~ Tax abatement.

8
9 Division 3. Blighted property

10 § 8-1-150 Procedure – preliminary determination of blight by city manager.

11 § 8-1-151 Determination by city council.

12 § 8-1-152 Displacement of residents at blighted property.

13 § 8-1-153 Recovery of city's costs; lien.

14 § 8-1-154 Alternative spot blight abatement procedures.

15 § 8-1-155 Other laws and ordinances.

16
17 **CHAPTER 2 Reserved**

18
19
20 **ARTICLE A**
21 **General Provisions**

22
23 Sec. 8-1-1 Title.

24
25 This chapter shall be known and may be cited as the Building Code of the city.
26 Citations in brackets are for informational and cross-reference purposes only, are not
27 intended to be all inclusive and are not part of this chapter.

28
29 Sec. 8-1-2 Adoption of the Uniform Statewide Building Code.

30
31 ~~There is hereby adopted and incorporated as if fully set out at length herein the~~
32 ~~Uniform Statewide Building Code ("USBC"), as adopted and promulgated in 1997 the~~
33 ~~Virginia Board of Housing and Community Development and as hereafter amended from~~
34 ~~time to time, including chapter 34 which regulates the maintenance and redevelopment of~~
35 ~~existing structures and which incorporates the BOCA Property Maintenance Code. The~~
36 ~~"name of jurisdiction" in the USBC shall be the City of Alexandria, Virginia.~~

37
38 The city enforces the Virginia Uniform Statewide Building Code, 2006 edition,
39 including the Virginia Maintenance Code, ("VUSBC") and such future editions thereof as
40 are then in force in the Commonwealth of Virginia.

41
42 Sec. 8-1-3 City code and ordinances unaffected.

43
44 Nothing in this chapter shall be construed to invalidate any part of the city code or
45 any ordinances of the city unless the context clearly indicates otherwise. Matter which is
46 treated in this chapter or amendments hereafter enacted shall be considered as separate

1 from, supplemental to and additional to the treatment contained elsewhere in the city
2 code or ordinances or amendments to either.

3
4 Sec. 8-1-4 Officials.

5
6 The Director of the Department of Code Administration (“Director”) shall be the
7 building official for the administration of the Virginia Uniform Statewide Building Code
8 and shall be the code official for the administration of the Virginia Maintenance Code.
9 References in this chapter to the building official and to the code official shall be deemed
10 to include their duly authorized representatives.

11
12 Sec. 8-1-5 Reserved.

13
14 ~~Editorial Note: Ord. No. 3929, § 5, adopted June 14, 1997, repealed § 8-1-5,~~
15 ~~which pertained to fire suppression systems. See the Ordinance Comparative Table.~~

16
17 Sec. 8-1-6 Violations and penalties.

18
19 ~~(a) *Criminal violations.* A violation of any section of, or provision in, Chapters 2~~
20 ~~through 33 of the USBC, incorporated into this chapter by section 8-1-2; or a violation of~~
21 ~~any section of or provision in, chapter 34 of the USBC, also incorporated into this chapter~~
22 ~~by section 8-1-2, that regulates or relates to the authority to vacate buildings, fire~~
23 ~~sprinkler systems, single and multiple station smoke detectors, automatic sprinkler~~
24 ~~systems, fire protective signaling systems, fire detection systems, or electrical systems,~~
25 ~~shall be considered a violation of this chapter, and shall be a misdemeanor. Any person~~
26 ~~found guilty of such misdemeanor shall, upon conviction, be punished by a fine of not~~
27 ~~more than \$2,500; provided, that a person convicted of a second violation committed~~
28 ~~within five years following a conviction for a violation of this chapter shall be punished~~
29 ~~by a fine of not less than \$1,000 nor more than \$2,500, that a person convicted of a~~
30 ~~second violation committed more than five years but less than 10 years following a~~
31 ~~conviction for a violation of this chapter shall be punished by a fine of not less than \$500~~
32 ~~no more than \$2,500, and that a person convicted of a third or additional violation~~
33 ~~committed within 10 years following a conviction for a violation of this chapter involving~~
34 ~~the same property shall be punished by a fine of not less than \$2,500 nor more than~~
35 ~~\$5,000; provided further that the provisions in the foregoing proviso requiring a~~
36 ~~minimum fine shall apply only to convictions for violations which cause a building or~~
37 ~~structure to be unsafe or unfit for human habitation. No portion of a fine imposed on a~~
38 ~~person convicted of a third or subsequent violation committed within 10 years of a~~
39 ~~violation under this chapter shall be suspended.~~

40 (a) Criminal penalties: Violations of the Virginia Uniform Statewide Building
41 Code, Virginia Construction Code, Virginia Rehabilitation Code, Virginia Amusement
42 Device Regulations, Virginia Manufactured Home Safety Regulations and Virginia
43 Industrialized Building Safety Regulations, as they may be amended from time to time,
44 shall be subject to the criminal penalties as provided in Section 36-106 of the Virginia
45 Code and any amendment or re-codification thereof.

1 ~~—— (b) *Civil violations.* A violation of any section or provision of chapter 34 of the~~
2 ~~USBC that does not regulate or relate to the matters specifically set out in subsection (a)~~
3 ~~shall be a civil violation that shall be enforced through the levying of a civil penalty,~~
4 ~~pursuant to section 1-1-11 of this code, of \$100 for a person's first violation and of \$150~~
5 ~~for each subsequent violation of the same section or provision. Each day during which a~~
6 ~~violation exists shall constitute a separate violation. However, a series of violations~~
7 ~~arising from the same operative set of facts shall not give rise to the levying of a civil~~
8 ~~penalty more frequently than once in a 10 day period, and shall not result in civil~~
9 ~~penalties exceeding a total of \$3,000. Any section or provision of chapter 34 of the~~
10 ~~USBC whose violation is hereby designated a civil violation shall not be penalized by a~~
11 ~~criminal sanction and, except for any violation resulting in injury to persons, may not~~
12 ~~give rise to criminal prosecution.~~

13
14 (b) Civil Penalties:

- 15
16 (1) In lieu of criminal penalties otherwise chargeable under the VUSBC for any
17 violation resulting in injury to any person or persons, a civil penalty shall be
18 levied for violations of the Virginia Maintenance Code, as provided in Section
19 36-106 of the Virginia Code and any amendment or re-codification thereof.
20
21 (2) Civil penalties may be levied as stated in this section for any violation of this
22 Chapter not specifically identified as subject to criminal penalties or not
23 specifically addressed elsewhere in this Chapter. The penalty for any one
24 violation shall be a civil penalty of not more than \$100 for the initial summons
25 and not more than \$150 for each additional summons. Each day during which
26 the violation is found to have existed shall constitute a separate offense.
27 However, specified violations arising from the same operative set of facts
28 shall not be charged more frequently than once in any ten-day period, and a
29 series of specified violations arising from the same operative set of facts shall
30 not result in civil penalties which exceed a total of \$3,000.
31
32 (3) If the violation concerns a residential unit, and if the violation remains
33 uncorrected at the time of assessment of the civil penalty, the court shall order
34 the violator to abate, or otherwise remedy through hazard control, the
35 violation in order to comply with the Code. Except as otherwise provided by
36 the court for good cause shown, any such violator shall abate, or otherwise
37 remedy through hazard control, the violation within six months of the date of
38 the assessment of the civil penalty.

39
40 (c) *Injunctive relief.* A violation of any section or provision of the
41 ~~USBC~~VUSBC, incorporated into this chapter by section 8-1-2 may, in addition to and
42 notwithstanding the penalty provided for in subsection (a) or (b), be restrained, prohibited
43 or enjoined by appropriate proceedings in a court of competent jurisdiction.
44

45 Secs. 8-1-7 through 8-1-10 reserved.
46

47 **ARTICLE B**

1 **Miscellaneous Conditions of Permits**

2
3 Sec. 8-1-11 Notice of start, stages and suspensions or abandonment of work.

4
5 (a) In addition to the inspector requirements of the ~~Uniform Statewide Building~~
6 ~~CodeVUSBC~~, it shall be the duty of the permit holder to notify the building official at
7 least 24 hours in advance ~~and to receive approval before footings or reinforced concrete~~
8 ~~are poured, before slabs on grade are poured, before backfilling subgrade walls, before~~
9 ~~proceeding above the first floor, before framing is concealed and promptly after final~~
10 ~~completion and prior to occupancy of the building. of any inspection requested.~~

11
12 (b) The holder of a permit shall give written notice to the building official within
13 14 days from the date a contractor, working pursuant to the permit, has been discharged
14 from employment or from the date work under a permit has been suspended or
15 abandoned.

16
17 Sec. 8-1-12 Foundation and wall survey plats.

18
19 (a) When the building footing has been placed and the walls have been raised to
20 the first joist bearing or story height above grade, a ~~plot plan~~ Foundation and wall survey
21 plat showing the exact location of the walls shall be prepared by a licensed, certified
22 public land surveyor or engineer and filed with the building official and zoning
23 administrator for approval before proceeding further with the construction.

24
25 (b) ~~An as built underground utility plan showing the installed location of all on-~~
26 ~~site underground utilities, for example, but not limited to, cable television, electrical, gas,~~
27 ~~plumbing, sewer, telephone and water, shall be filed with the building official upon the~~
28 ~~completion of their installation. The building official may require that the as built~~
29 ~~underground utility plan be prepared and/or certified by a licensed, certified public land~~
30 ~~surveyor or engineer. .]~~

31
32 Sec. 8-1-13 Plans and specifications--provisions for control of contaminated land.

33
34 In documentation accompanying the application for the permit, provisions for the
35 control of contaminated land, in accordance with the city code, administrative procedures
36 for control of contaminated land dated October 26, 1976, and Ordinance No. 2135
37 adopted by council November 23, 1976, and as they may be amended from time to time,
38 shall be described when the site is in an area contaminated by a toxic substance and
39 hazardous to the public health, safety and welfare.

40
41 Sec. 8-1-14 ~~Fire limits.~~

42
43 ~~-----The fire limits shall comprise those areas of the city which are zoned or are~~
44 ~~hereafter zoned C-1 commercial, C-1 B commercial business, C-2 commercial, C-2 B~~
45 ~~commercial business, C-3 commercial central business district, C-O commercial office,~~
46 ~~C-4 commercial park, I-1 industrial (light) and I-2 industrial (heavy).~~

1
2 ~~Sec. 8-1-15~~ Frost line. The frost depth shall be 24 inches below the finished grade in
3 the city. [~~BOCA Basic Building Code/1978, Sec. 724.1.~~]

4
5 Sec. 8-1-164 reserved.

6
7 Editorial Note: Ord. No. 3864, § 2, adopted May 18, 1996, repealed § 8-1-16, which
8 pertained to street encroachments. See the Code Comparative Table.

9
10 ~~Sec. 8-1-17~~ Curb, gutter and sidewalk construction required.

11
12 ~~—— (a) Before any building permit is issued for the erection of a building or the~~
13 ~~alteration of a building which will increase the fair market value of the building by more~~
14 ~~than 50 percent, the applicant shall be required to provide for the installation of, at his~~
15 ~~own expense, the curbs, gutters and sidewalks, where they do not exist, in the streets~~
16 ~~abutting the property subject to the building permit. The installation of the curbs, gutters~~
17 ~~and sidewalks shall conform to the applicable requirements of the city code. The above-~~
18 ~~mentioned values shall be ascertained by the city assessor and shall be computed as of the~~
19 ~~time of application. This section shall not apply when curb, gutter and sidewalk~~
20 ~~construction is required by any other law of the city.~~

21
22 ~~(b) The city manager may waive the application of this section whenever he finds~~
23 ~~that curb, gutter or sidewalk construction will not be compatible with the character of the~~
24 ~~neighborhood or serve a substantial useful purpose.~~

25
26 ~~Sec. 8-1-18~~ Excavations adjacent to public right of way.

27
28 ~~Where excavation adjacent to a right of way extends within the right of way or~~
29 ~~includes the normal angle of repose of the right of way, approved bracing shall be~~
30 ~~provided if necessary to protect public facilities such as streets, sewers, storm drains and~~
31 ~~public utilities from lateral movement or damage. In addition, the director of~~
32 ~~transportation and environmental services shall be notified as required by the city code,~~
33 ~~and a street opening permit shall be obtained from the director prior to the excavation.]~~

34
35 Sec. 8-1-195 Sanitary sewer and street grades.

36
37 Before any building permit is issued for the erection, operation or repair of any
38 building or structure for assembly or human habitation, provision for connection to a
39 sanitary sewer, if available, must be made and the fees required by law paid. In addition,
40 the director of transportation and environment services must be satisfied that any sewer
41 connection is adequate with respect to size and grade. Certification on the plans by a
42 licensed architect or engineer that a physical check has been made, that sewer is available
43 and that the proposed sewer is adequate with respect to size and grade may be accepted in
44 lieu of approval of sewer plans by the director of transportation and environmental
45 services.

1 Sec. 8-1-~~2016~~ Connection to sanitary sewer and water system required.

2
3 (a) Every building and every separate business establishment having an outside
4 entrance shall have an independent sewer and water supply connection with a public or
5 private sewer or water system; except that where one building stands in the rear of
6 another building on an interior lot and no public or private sewer or water is available or
7 can be constructed to the rear building through adjoining alley, court, yard or driveway,
8 the house sewer and water service from the front building may be extended to the rear
9 building and the whole may be considered as one sewer and one water system.

10
11 (b) Commercial buildings with more than one unit under the same roof and multi-
12 family residential buildings with more than one unit under the same roof where a single
13 person is responsible for the maintenance and repair of plumbing for all the units under
14 the same roof may be served by a single system only upon written request approved by
15 the building official. Row dwellings shall have one public sewer and one water service
16 connection for each family dwelling unit, unless otherwise approved by the building
17 official.

18
19 (c) Availability.

20
21 (1) A public water supply system or a public sewer system shall be deemed
22 available to one or two family dwelling premises if the premises are within 300 feet,
23 measured along a street, alley or easement, of the public water supply or sewer system,
24 and a connection may be made lawfully thereto.

25
26 (2) All other premises. A public water supply system or a public sewer system
27 shall be deemed available to all premises other than one or two family dwellings, if the
28 premises are within 500 feet, measured along a street, alley or easement, of the public
29 water supply or sewer system, and a connection may be made lawfully thereto.

30
31 (d) Any extension of public sewer or water required hereby shall be made at the
32 expense of the owner of the premises to be served.

33
34 Sec. 8-1-~~2417~~ Building sewer and water service.

35
36 (a) Easements for sewers. Unless a right-of-way or easement is recorded with the
37 Clerk of the Circuit Court for the City of Alexandria, Virginia, no sewer or drain from
38 any building or premises shall be installed onto any adjacent property or premises, unless
39 at the time of the proposed installation such adjacent property is under the same
40 ownership.

41
42 (b) Sewer taps.

43
44 (1) All sewer taps must be made under the supervision of a certified master
45 plumber, with inspection by the building official; however, a certified journeyman
46 plumber may make the tap. All material necessary for making the sewer tap shall be

1 furnished by the owner of the property for which the sewer tap is to be made. The
2 connection of a saddle house sewer to a public sanitary sewer shall be made using a
3 saddle approved by the building official. The sewer tap shall be made with a one-
4 sixteenth bend with the sewer tap entering the upper air space of the trunk sewer, unless
5 otherwise approved by the building official.

6
7 (2) The maximum size house sewer which may be connected directly to a 10 inch
8 or larger public sanitary sewer is six inches. All other connections of a house sewer to a
9 public sanitary sewer require the installation of an approved manhole, at the property
10 owner's expense; except that a wye (Y) connection may be permitted to be installed in the
11 construction of a new public sewer if approved by the building official and the director of
12 transportation and environmental services before construction begins.

13
14 ~~(3) Sewer taps shall be at least two feet apart. Sewer taps into public manholes~~
15 ~~must be approved by the building official and the director of transportation and~~
16 ~~environmental services before the tap is made. Taps into public storm sewers shall be~~
17 ~~made as directed by the director of transportation and environmental services and the~~
18 ~~building official. Trenches and excavations shall be kept free from water to permit~~
19 ~~adequate inspection. All sewer taps and laterals in public streets, roads, pavements, alleys~~
20 ~~and utility rights of way must be free of jumps; and grades shall not exceed one quarter~~
21 ~~inch per foot until they reach the property line or the limit of the public sewer easement~~
22 ~~unless approved in advance by the building official and the director of transportation and~~
23 ~~environmental services.~~

24
25 (c) Protection--Minimum cover (protection against freezing). Water service
26 piping and sewers shall be installed below recorded frost penetration but not less below
27 grade than three feet zero inches for water piping and one foot six inches for sewers;
28 except that when a building sewer terminates in a septic tank its minimum cover shall be
29 12 inches.

30
31 ~~(d) Clearance required. A house sewer or water system shall be laid in such a~~
32 ~~manner that the system can be serviced and maintained without entering or disturbing~~
33 ~~adjacent property unless an easement has been recorded which is adequate for that~~
34 ~~purpose.~~

35
36 ~~(e) Materials. Building sewers shall be constructed of nondegradable material~~
37 ~~with a minimal load bearing capacity of 2,000 pounds per lineal foot of pipe under the~~
38 ~~ASTM (American Society Testing Materials) three edge bearing test (ASTMC 500).~~

39
40 ~~Sec. 8-1-22 Method of storm and subsoil water disposal.~~

41
42 ~~(a) Buildings shall have drainage provision for conveying storm water from~~
43 ~~roofs, paved areas and areaway drains, Subsoil water, condensate, cooling water, etc., on~~
44 ~~the premise to a public storm sewer: except that where a public storm sewer is not~~
45 ~~available, an approved method of disposal shall be provided to the satisfaction of the~~
46 ~~director of transportation and environmental services.~~

1
2 ~~(b) Availability.~~

3
4 ~~(1) For a one and two family dwelling, a public storm sewer shall be deemed~~
5 ~~available when such sewer is within 100 feet of the premises on which the dwelling is~~
6 ~~located, measured along a street, and a connection may be made lawfully thereto.~~

7
8 ~~(2) For any other buildings, a public storm sewer shall be deemed available when~~
9 ~~such sewer is within 500 feet of the premises on which the building is located, measured~~
10 ~~along a street, and a connection may be made lawfully thereto.~~

11
12 ~~(c) Area drains are prohibited from entering septic tanks or public or private~~
13 ~~sewer systems unless specifically approved in writing by the director of transportation~~
14 ~~and environmental services.~~

15
16 ~~(d) Prior to the issuance of any building permit for any proposed improvement to~~
17 ~~real property involving (1) the construction of a new home (2) construction of an addition~~
18 ~~to an existing home where either (A) the addition exceeds the area of the existing~~
19 ~~building footprint by 100% or more; or (B) the construction of the addition results in less~~
20 ~~than 50% of the existing first floor exterior walls, in their entirety, remaining; (3) changes~~
21 ~~to the existing grade elevation of 1 foot or greater; (4) changes to existing drainage~~
22 ~~patterns; or (5) land disturbance of 2,500 square feet or greater, a grading and drainage~~
23 ~~plan prepared by a professional engineer or land surveyor licensed by the Commonwealth~~
24 ~~of Virginia shall be submitted for review and approval by the director of transportation~~
25 ~~and environmental services or deputy director/city engineer. Such plan shall demonstrate~~
26 ~~that post-development drainage will have no greater impact on adjacent or down stream~~
27 ~~property than pre-development conditions. The requirements for such plans, including~~
28 ~~without limitation form, content, methods of calculation, and procedures for review and~~
29 ~~approval, shall be established by regulations promulgated by the director of transportation~~
30 ~~and environmental services. A plan review fee in the amount of \$500 shall accompany~~
31 ~~such plan, except that in instances where the proposed improvement is already subject to~~
32 ~~the erosion and sediment control requirements set forth in section 5-4-1, et seq. of this~~
33 ~~Code, and a fee has already been paid pursuant to those requirements, no additional fee~~
34 ~~shall be required. No building permit for improvements subject to this subsection shall~~
35 ~~be issued until after the grading and drainage plan has been approved. When a grading~~
36 ~~and drainage plan is required pursuant to subsections (d)(2), (3) or (4) hereof, the~~
37 ~~requirement may be waived by the director of transportation and environmental services~~
38 ~~or his designee when such a waiver is requested by the property owner and such request~~
39 ~~is accompanied by sufficient information to demonstrate to the satisfaction of the director~~
40 ~~or deputy director/city engineer, in his or her reasonable engineering discretion, that no~~
41 ~~adverse drainage impacts to abutting or adjacent property will occur as a result of the~~
42 ~~proposed construction. The director shall promulgate rules and regulations for the~~
43 ~~application, consideration, grant or denial of such waiver requests, including without~~
44 ~~limitation rules and regulations specifying the minimum information required for~~
45 ~~applications, and reasonable criteria and standards for the consideration of such requests.~~
46 ~~The decision on such requests shall be in writing, and shall state the grounds thereof. The~~

1 ~~decision to grant or deny a waiver request is committee to the discretion of the director or~~
2 ~~deputy director/city engineer, and shall not be subject to judicial review. (Ord. No. 4517,~~
3 ~~2/12/08, Sec. 1)~~

4
5 ~~Editorial Note: It should be noted that § 3 of Ord. No. 4517 provides, "That this~~
6 ~~ordinance shall become effective on the date and at the time of final passage provided,~~
7 ~~however, that the provisions of this ordinance shall not apply to any complete building~~
8 ~~permit application pending before any City board, tribunal, department, agency, or~~
9 ~~bureau on the effective date."~~

10
11 Sec. 8-1-2318 Water conservation.

12
13 ~~(a) Water consumption of fixtures. In all new construction and in all repair or~~
14 ~~replacement of fixtures or faucets, only fixtures and faucets not exceeding the following~~
15 ~~flow rates or water usage shall be installed. These rates are based on a pressure at the~~
16 ~~fixture of 40 pounds per square inch.~~

17
18 ~~Water closets, tank type . . . 3.5 gal. per flush~~
19 ~~Water closets, flushometer type . . . 3.0 gal. per flush~~
20 ~~Urinals, tank type . . . 3.0 gal. per flush~~
21 ~~Urinals, flushometer type . . . 3.0 gal. per flush~~
22 ~~Shower heads . . . 3.0 gal. per minute~~
23 ~~Lavatory, sink faucets . . . 4.0 gal. per minute~~

24
25 ~~(b) Lavatories for public use. Faucets of lavatories located in rest rooms intended~~
26 ~~for public use shall be of the metering or self-closing type.~~

27
28 ~~(ae) Car wash installations. Commercial car wash installation shall be equipped~~
29 ~~with a water recycling system approved by the building official.~~

30
31 ~~(d) Coin operated car wash facilities. No coin operated car wash may be~~
32 ~~permitted to be installed and used until plans have been submitted to and approved by the~~
33 ~~building official. The plans must show the method of connection to an approved sanitary~~
34 ~~sewer system, disposal of rain and subsurface water and the protection of the potable~~
35 ~~water system.~~

36
37 ~~(be) Continuous flow equipment. Any water-connected device or appliance~~
38 ~~requiring a continuous flow of five gallons per minute or more and not previously listed~~
39 ~~in this section shall be equipped with a water recycling system approved by the building~~
40 ~~official.~~

41
42 Sec. 8-1-2419 Inspection of electrical work; removal or correction of defects;
43 disconnection of premises.

1 ~~(a) The building official may from time to time make inspections of any electrical~~
2 ~~work in the city and, when defects are discovered in this work, require their removal,~~
3 ~~repair or replacement within a reasonable time not to exceed 30 days.~~

4
5 (ab) Whenever in the judgment of the building official the electrical wiring ~~is~~
6 within any structure in the city is ~~in~~deemed a dangerous and unsafe condition, he shall
7 notify the public service company furnishing electric energy to the structure. The
8 companies, shall, within 72 hours after receipt of the notice, disconnect the ~~premises~~
9 structure from its distribution system and not again connect the ~~premise-structure~~ until
10 receiving notice in writing that the wiring in the premise-structure has been approved by
11 the building official.

12
13 ~~Sec. 8-1-25 — Minimum size electrical service.~~

14
15 ~~The minimum size service for any building or structure in existence as of July 1,~~
16 ~~1955, shall be 60 amperes capacity. The minimum size service for any building or~~
17 ~~structure constructed subsequent to July 1, 1955, shall be 100 amperes capacity.~~

18
19 Sec. 8-1-2620 Display of house number prerequisite to concealment of wiring.

20
21 No wiring shall be concealed nor shall service approval be issued unless the house
22 street number is displayed on the front of the building.

23
24 Sec. 8-1-2721 Interference with wires during building operations.

25
26 It shall be unlawful, except as herein provided, for any person erecting any
27 scaffolding, putting up any sign, altering or changing any plumbing, repairing, painting or
28 erecting any building or structure or engaged in any manner of work, to cut, break or in
29 any manner interfere with arrangements of any electrical wires whatsoever, inside or
30 outside of any building or other place, unless and until the owner of the building or
31 structure or the contractor engaged in the work shall notify the building official in writing
32 of the necessity to do so at least 24 hours before the intended work is begun. It shall
33 thereupon be the duty of the building official to inspect the place where the work is
34 intended to be done, and if satisfied that it is necessary to do so, he shall at once direct the
35 owner of the wires to remove them, and upon failure on the part of the owner to do so
36 within 24 hours thereafter, the wires may be removed by the contractor.

37
38 ~~Sec. 8-1-28 — Plumbing, mechanical and electrical supplies, fixtures, etc., offered for~~
39 ~~sale; inspections.~~

40
41 ~~(a) No person shall offer for sale to the public for use in any building or structure~~
42 ~~any plumbing, mechanical or electrical supplies, fixtures, appliances or equipment unless~~
43 ~~the material, design and construction thereof conforms to the applicable standards~~
44 ~~contained in the Uniform Statewide Building Code or unless they are clearly labeled:~~
45 ~~"The Building Code prohibits the use of this article in buildings or structures."~~

1 ~~(b) The building official may from time to time inspect all plumbing, mechanical~~
2 ~~or electrical supplies, fixtures or appliances offered for sale in the city and cause the~~
3 ~~removal of those that do not meet the requirements of this section.~~

4
5 Sec. 8-1-22 Building permit required for replacement siding, roofing and windows in
6 historic districts. In accordance with the provisions authorized by the Virginia Uniform
7 Statewide Building Code, a permit and inspections are required for the installation of
8 replacement windows and over 100 square feet of replacement siding or roofing in
9 buildings located within historic districts or in buildings over 100 years old and
10 designated by the City of Alexandria as such.

11
12 ~~Sec. 8-1-2923 Fees for building, electrical, mechanical, fire protection, elevator and~~
13 ~~plumbing permits, inspections and certificates.~~

14
15 ~~(a) The fees for building, electrical, mechanical and plumbing permits,~~
16 ~~inspections and certificates required by the Uniform Statewide Building~~
17 ~~CodeUSBCVUSBC shall be as established by resolution of the city council and as they~~
18 ~~may be amended from time to time by further resolution of the city council.~~

19
20 ~~(b) A permit to begin work shall not be issued until the fees required by this~~
21 ~~section have been paid. No amendment to a permit necessitating an additional fee shall~~
22 ~~be approved until the additional fee has been paid. All fees shall be paid to the City of~~
23 ~~Alexandria at the office of the city's director of finance.~~

24
25 ~~(c) The minimum nonrefundable inspection fee for any one permit shall be \$15.~~

26
27 ~~(d) The payment of any fee or fees required by this section shall not relieve the~~
28 ~~applicant for or holder of a permit from the payment of any other fee or fees required by~~
29 ~~law.~~

30
31 ~~(e) Refunds. In the case of a revocation of a permit or abandonment or~~
32 ~~discontinuance of a building project, the volume of the work actually completed shall be~~
33 ~~computed and any excess fee for the incompleted work shall be returned to the permit~~
34 ~~holder upon written request; except that all plan examination, permit processing,~~
35 ~~inspection costs and all penalties that may have been imposed on the permit holder under~~
36 ~~the requirements of this chapter or of the Uniform Statewide Building Code shall first be~~
37 ~~deducted from the refund due. In case of abandonment or withdrawal of any permit or~~
38 ~~application, refunds where applicable shall be given to the applicant in accordance with~~
39 ~~the provisions of the VUSBC.~~

40
41 ~~(f) Exceptions.~~

42
43 (1) The Washington Metropolitan Area Transit Authority (WMATA), the
44 Alexandria Sanitation Authority (ASA) Alexandria City Public Schools (ACPS), and the
45 City of Alexandria shall not be required to pay the fees established pursuant to this
46 section.

1
2 ~~(2) The city manager is hereby authorized, on a case by case basis, to exempt~~
3 The Alexandria Redevelopment and Housing Authority (ARHA) shall be exempt from
4 the payment of the fees established pursuant to this section upon a finding provided that
5 the project for which a building permit is being sought will consist of housing for low
6 and/or moderate-income persons.

7
8 ~~(3) Any person or entity not covered by subsection (1) or (2) may be exempted~~
9 ~~from the payment of the fees established pursuant to this section only by city council~~
10 ~~upon a finding that the project for which the person or entity is seeking a building permit~~
11 ~~will further the health, safety and/or welfare of city residents and will not generate a~~
12 ~~profit for its owner.~~

13
14 Sec. 8-1-~~3024~~ Violations and penalties.

15
16 ~~(a) With the exception of violations of section 8-1-22, a~~A violation of any section
17 or provision of this article shall be a misdemeanor, and any person found guilty of any
18 such violation shall, upon conviction, be punished by a fine of not more than \$500. Each
19 day a violation of any section or provision of this article continues shall be deemed a
20 separate violation. Notwithstanding the foregoing, if the violation of a section or
21 provision of this article is also a violation of a section or provision of article A of this
22 chapter, then section 8-1-6 shall apply to the violation in lieu of this section.

23
24 (b) A violation of any section or provision of this article may, in addition to and
25 notwithstanding the penalty provided for in subsection (a) (c) or (d), be restrained,
26 prohibited or enjoined by appropriate proceedings in a court of competent jurisdiction.

27
28 (c) Notwithstanding the provisions of subsection (a) and (b), any action or
29 omission constituting a violation of a section or provision of this article which also
30 constitutes a violation of a section or provision of article A shall only be subject to the
31 penalties in section 8-1-6.

32
33 ~~(d) Any violation of section 8-1-22 of this article shall be a civil violation that~~
34 ~~shall be enforced through the levying of a civil penalty, pursuant to section 1-1-11 of this~~
35 ~~code, of \$100 for a person's first violation and of \$150 for each subsequent violation of~~
36 ~~the same section or provision. Each day during which a violation exists shall constitute a~~
37 ~~separate violation. However, a series of violations arising from the same operative set of~~
38 ~~facts shall not give rise to the levying of a civil penalty more frequently than once in any~~
39 ~~10-day period, and shall not result in civil penalties exceeding a total of \$3,000.~~

40
41 ~~(e) In addition to the foregoing penalties, in the event that any person obtains a~~
42 ~~building permit based on representations that exempt the proposed construction from the~~
43 ~~grading and drainage plan requirements of section 8-1-22(d), and those representations~~
44 ~~prove to be incorrect, the director of transportation and environmental services or his~~
45 ~~designee may issue a written order stopping all work at the site until such time as a~~
46 ~~grading and drainage plan has been submitted for review and approved pursuant to~~

1 section 8-1-22(d). (Ord. No. 3849, 3/23/96, Sec. 4; Ord. No. 4433, 12/17/05, Sec. 1; Ord.
2 No. 4517, 2/12/08, Sec. 2)

3
4 ~~Editorial Note: It should be noted that § 3 of Ord. No. 4517 provides, "That this~~
5 ~~ordinance shall become effective on the date and at the time of final passage provided,~~
6 ~~however, that the provisions of this ordinance shall not apply to any complete building~~
7 ~~permit application pending before any City board, tribunal, department, agency, or~~
8 ~~bureau on the effective date."~~

9
10 Secs. 8-1-25 through 8-1-35 Reserved.

11
12
13 **~~ARTICLE C Certification Required to do Certain Business or Work; Board of~~**
14 **~~Examiners; Fees; Suspension or Revocation of Certificates; and Bonds~~**

15
16 ~~Sec. 8-1-41— Certification required of certain contractors.~~

17
18 ~~It shall be unlawful for any person to engage in or to offer to engage in the~~
19 ~~business of electrical, plumbing or heating or air conditioning contracting in the city~~
20 ~~unless the person shall have a valid master class certificate issued pursuant to this article~~
21 ~~or a valid certificate of registration issued pursuant to the provisions of title 54, chapter 7~~
22 ~~of the Code of Virginia (1950), as amended. For the purposes of this article, a valid~~
23 ~~certificate shall be one that has been properly issued or renewed and is currently not~~
24 ~~suspended, revoked, expired or otherwise terminated. [Code of Virginia (1950), as~~
25 ~~amended, Sec. 54-145.2.]~~

26
27 ~~Sec. 8-1-42— Certification required of certain plumbers and electricians.~~

28
29 ~~It shall be unlawful for any person to engage in or to offer to engage in, for the~~
30 ~~general public for compensation, plumbing or electrical work in the city unless the person~~
31 ~~shall have a valid journeyman class certificate issued pursuant to this article or a valid~~
32 ~~certificate named in the preceding section, or a valid certificate from another jurisdiction~~
33 ~~recognized by the Alexandria Building Code Board of Examiners as entitled to~~
34 ~~reciprocity, or a valid certificate issued pursuant to the provisions of section 15.1-11.4 or~~
35 ~~section 36-99.1 of the Code of Virginia (1950), as amended. Every holder of a certificate~~
36 ~~shall carry it on his person at all times while engaged in work and shall exhibit it to the~~
37 ~~building official upon request. [Code of Virginia (1950), as amended, Sec. 15.1-11.4.]~~

38
39 ~~Sec. 8-1-43— Certificate prerequisite to advertising.~~

40
41 ~~(a) It shall be unlawful for any person to advertise or solicit in any manner for~~
42 ~~any business or work for which a certificate is required by the preceding two (2) sections~~
43 ~~unless the person shall have the required certificate. It shall further be unlawful for any~~
44 ~~certificate holder to advertise unless all written or printed advertising includes therein the~~
45 ~~name and number of the certificate and the name of the issuing jurisdiction.~~

1 ~~(b) For the purposes of this article, "advertising" and "offering to engage in" shall~~
2 ~~include, but shall not be limited to, stating, claiming, implying, or indicating in any~~
3 ~~manner or form whatsoever, including, but not limited to, orally, by the display of a sign~~
4 ~~or signs, by the use of business cards, stationery or any publication, that one is carrying~~
5 ~~on or offering to do any business or work which is regulated by this article. Furthermore,~~
6 ~~any vehicle used in the city in connection with any business or work in the city shall have~~
7 ~~the requisite certificate name and number and the name of the issuing jurisdiction clearly~~
8 ~~marked on the exterior of the vehicle.~~

9
10 ~~Sec. 8-1-44 — Employment of noncertified persons.~~

11
12 ~~It shall be unlawful for any owner, lessee or agent or any person having any~~
13 ~~authority or duty in connection with any building or premises knowingly to employ any~~
14 ~~person to do any work for which a certificate is required by this article in any building or~~
15 ~~premises unless the person has the required certificate. One (1) learner, helper or~~
16 ~~apprentice, not having a certificate, may be employed under the direct personal~~
17 ~~supervision of a certificate holder. A certificate holder may employ more than one (1) of~~
18 ~~the foregoing, but only after making a request therefor to and with the approval of the~~
19 ~~building official.~~

20
21 ~~Sec. 8-1-45 — Business employees.~~

22
23 ~~Notwithstanding any other provision of this article, a regular, full-time employee~~
24 ~~of a firm, business or corporation may do work regulated by this article as required by his~~
25 ~~or her employer; provided, however, that the work may be done only on the premises or~~
26 ~~property of the employer. The employee must hold a valid certificate as provided in this~~
27 ~~article and must comply with all other applicable provisions of this chapter and of the~~
28 ~~Uniform Statewide Building Code.~~

29
30 ~~Sec. 8-1-46 — Building code board of examiners.~~

31
32 ~~There is hereby created a board of examiners to be known as the Alexandria Building~~
33 ~~Code Board of Examiners. The board shall consist of six (6) persons appointed by file~~
34 ~~City Council. Three (3) members of the board shall be experienced in the field of~~
35 ~~electrical work. The other (3) members of the board shall each have experience in one~~
36 ~~(1) or more of the fields of mechanical, Plumbing or gas fitting work. The members of~~
37 ~~the board or their successors shall be appointed for two (2) year terms each. Vacancies~~
38 ~~shall be filled by the city council for the unexpired portion of a term. The members of~~
39 ~~the board shall serve without pay, but the city council may authorize or reimburse for any~~
40 ~~expense that it deems proper. The building official shall designate one (1) or more~~
41 ~~persons from his department to serve as secretary to the board.~~

42
43 ~~Sec. 8-1-47 — Same chairman of board; quorum; meetings.~~

44
45 ~~The board shall select a chairman from among its members. Three (3) members of the~~
46 ~~board present at a meeting shall constitute a quorum to conduct the business of the board.~~

1 Meetings of the board shall be held at the call of the chairman and shall be held at least
2 once every six (6) months.

3
4 ~~Sec. 8-1-48 — Same powers and duties.~~

5
6 The board shall have the following powers and duties:

- 7
8 (1) establish standards and procedures for the granting of certificates;
9 (2) designate one (1) or more members of the board to investigate and examine
10 the ability of each applicant for a certificate;
11 (3) determine each applicant's qualifications for certification;
12 (4) grant or deny certification;
13 (5) issue, renew, suspend or revoke certificates;
14 (6) maintain records of its activities; and
15 (7) upon the call of the chairman of the Alexandria Board of Building Code
16 Appeals, serve as an advisory board to that body.

17
18 ~~Sec. 8-1-49 — Classes of certificates.~~

19
20 (a) There shall be two (2) classes of certificates that may be issued pursuant to
21 this article. The first shall be known as a master or contractor class certificate and the
22 second shall be known as a journeyman worker class certificate.

23
24 (b) The board, in its discretion, may establish categories within either class based
25 on the fields of endeavor or work which are regulated by this article, may give
26 consideration to the specialized branches of various industries and may place any
27 limitations or conditions that it may deem necessary or appropriate upon any category of
28 a certificate class that it may establish or upon any individual certificate prior to granting
29 it.

30
31 ~~Sec. 8-1-50 — Qualification standards.~~

32
33 The board of examiners shall establish written standards required for a person to
34 qualify for each class of certificate and for any category thereof, provided, however, that
35 the standards for any master class certificate shall not be inconsistent with the standards
36 provided for in title 54, chapter 7 of the Code of Virginia (1950), as amended, or
37 established by the state board for contractors pursuant thereto; and provided further,
38 however that the standards for any journeyman class certificate or category thereof shall
39 not be inconsistent with any standards established by the director of the state department
40 of housing and community development pursuant to section 15.1-11.4 of the Code of
41 Virginia (1950), as amended.

42
43 ~~Sec. 8-1-51 — Application for certification; fee; requirements.~~

44
45 (a) Any person desiring to be certified pursuant to this article shall file with the
46 building official a written application on any forms as may then be prescribed for

1 examination by the board, which application shall be accompanied by one (1) of the
2 following fees, as appropriate: \$20 for a master class certificate or \$10 for a journeyman
3 class certificate, payable to the City of Alexandria at the office of the city's director of
4 finance.

5
6 (b) ~~Every applicant for either class of certificate shall furnish evidence of his~~
7 ~~ability, shall be examined to determine his qualifications by written, oral or practical~~
8 ~~work examination, or a combination thereof, and shall not be granted certification if the~~
9 ~~applicant is found to be not qualified.~~

10
11 (e) ~~In addition to the foregoing, every applicant for a master class certificate shall~~
12 ~~furnish evidence of his ability, character and financial responsibility including a financial~~
13 ~~statement as of a date not more than 15 months prior to the date of his or her application,~~
14 ~~on a form prescribed by the board of examiners, which shall include an affidavit~~
15 ~~regarding the correctness of such statement. [Code of Virginia (1950), as amended, Secs.~~
16 ~~54-129 and 15.1-11.4; City Charter, Sec. 2.07.]~~

17
18 ~~Sec. 8-1-52 — Issuance of certificates; renewals; fees; evidence.~~

19
20 (a) ~~Upon determination by the board of examiners that an applicant is qualified~~
21 ~~for a certificate, it shall grant and issue a numbered certificate to the applicant; provided,~~
22 ~~however, that prior to the issuance of a master class certificate, the applicant therefor~~
23 ~~shall first pay an additional fee of \$45 to the director of finance of the city. No certificate~~
24 ~~shall be assignable or transferable. All certificates shall be valid for a period of one year~~
25 ~~only from the date of issuance and shall be renewable annually thereafter without further~~
26 ~~examination as provided herein so long as the certificate has not been suspended, revoked~~
27 ~~or allowed to lapse or otherwise terminated.~~

28
29 (b) ~~Application for the renewal of a certificate shall be made to the building~~
30 ~~official within 30 days prior to its expiration on forms prescribed by the board of~~
31 ~~examiners and shall be accompanied by a renewal fee of \$5 for a journeyman class~~
32 ~~certificate or \$20 for a master class certificate holder who fails to file an application for~~
33 ~~renewal within one year from the date of issuance of the certificate shall, in addition to~~
34 ~~any other penalties provided by this article, after a 90 day grace period, pay an additional~~
35 ~~late filing fee of \$5 for a journeyman class certificate or \$15 for a master class certificate.~~
36 ~~Any certificate which is not renewed within two years from its date of issuance shall~~
37 ~~lapse, in which case the holder of a lapsed journeyman class certificate must apply for~~
38 ~~new certification, and the holder of a lapsed master class certificate must pay a~~
39 ~~reinstatement fee of \$20 for every prior year for which a renewal fee has not been paid.~~

40
41 (c) ~~Any certificate which shall lapse while the holder thereof is in the active~~
42 ~~service of one of the Armed Forces of the United States of America shall be renewable~~
43 ~~within four months after the person's discharge therefrom upon the filing of an~~
44 ~~application for renewal accompanied with the prescribed fee.~~

1 ~~(d) The issuance of a certificate by the board of examiners shall be evidence that~~
2 ~~the person named therein is entitled to engage in the business or to do the work for which~~
3 ~~a certificate is required by this article, but only as specifically permitted by the class and~~
4 ~~category of the certificate issued while the certificate remains valid. [Code of Virginia~~
5 ~~(1950), as amended, Sec. 54-137.]~~

6
7 ~~Sec. 8-1-53 — Reexamination.~~

8
9 ~~Upon failure of an examination or reexamination, an applicant for a master class~~
10 ~~certificate shall not be eligible for reexamination until one month after the first~~
11 ~~examination, three months after the first reexamination and six months after all~~
12 ~~subsequent reexaminations. Applicants for a journeyman class certificate may be~~
13 ~~reexamined at any reasonable time after the first examination. There shall be no fee~~
14 ~~charged for reexaminations taken within one year from the date of payment of the~~
15 ~~original examination fee; thereafter a new application and a new examination fee shall be~~
16 ~~required.~~

17
18 ~~Sec. 8-1-54 — Suspension or revocation of certificates.~~

19
20 ~~The Alexandria Building Code Board of Examiners is hereby authorized to~~
21 ~~suspend temporarily or to revoke any certificate, and to make any conditions for the~~
22 ~~reinstatement thereof as it may deem appropriate, for any of the following or other~~
23 ~~sufficient reason: any deliberate and material misrepresentation in an application, failure~~
24 ~~to correct faulty work, doing work without a permit, failure to comply with any provision~~
25 ~~of this chapter or of the Uniform Statewide Building Code, or for any similar such ground~~
26 ~~established by or for the Virginia State Board for Contractors; provided, however, that no~~
27 ~~certificate shall be revoked except upon the affirmative vote of at least four members of~~
28 ~~the board after a public hearing at which the certificate holder may be represented by~~
29 ~~counsel. Nothing in this section shall be construed to limit any other remedy or penalty~~
30 ~~provided by law if the certificate holder has committed an act or a violation subject to~~
31 ~~same.~~

32
33 ~~Sec. 8-1-55 — Bond required for master class certificate holders.~~

34
35 ~~(a) Upon receiving a certificate and before engaging in business, every master~~
36 ~~class certificate holder shall furnish a bond with a surety company, known in the bonding~~
37 ~~industry as a code performance bond, or other suitable and equivalent security approved~~
38 ~~by the building official, payable to the city in the sum of \$5,000, conditioned upon the~~
39 ~~faithful performance of and compliance with all of the provisions of this chapter and all~~
40 ~~of the provisions of the Uniform Statewide Building Code, and further conditioned to~~
41 ~~indemnify and save harmless the city, as well as any other person, from all expense and~~
42 ~~damage that may be caused by any work done in the city by the certificate holder or~~
43 ~~under the certificate. A group association bond which provides a bond for each member~~
44 ~~thereof separately in the amount of \$5,000 may be furnished in lieu of individual bonds~~
45 ~~for each member. All bonds or other security required by this section shall be subject to~~

1 ~~the approval of the city attorney and shall thereafter be accepted by the building official~~
2 ~~and filed at the discretion of the director of finance of the city.~~

3
4 ~~(b) Upon inspection, if the building official shall find any work done by a master~~
5 ~~class certificate holder or done under and by virtue of his certificate to be in~~
6 ~~noncompliance with any provision of this chapter or of the Uniform Statewide Building~~
7 ~~Code, the building official shall immediately notify the certificate holder in writing of the~~
8 ~~finding and require the correction thereof within 10 days. If the certificate holder shall~~
9 ~~fail to comply with the written notice to the satisfaction of the building official, in~~
10 ~~accordance with this chapter or the Uniform Statewide Building Code, then the bond~~
11 ~~shall forthwith be forfeited and the principal and surety on the bond shall ipso facto be~~
12 ~~and become jointly and severally liable: and in addition thereto, shall jointly and~~
13 ~~severally pay all damages which may be occasioned to any person by reason of~~
14 ~~noncompliance or failure to correct the noncompliance in accordance with the written~~
15 ~~notice. Any forfeited bond shall be deposited with the director finance.~~

16
17 ~~Sec. 8-1-56—Violations and penalties.~~

18
19 ~~(a) A violation of any section or provision of this article shall be a misdemeanor,~~
20 ~~and any person found guilty of any such violation shall, upon conviction, be punished by~~
21 ~~a fine of not more than \$500. Each day a violation of any section or provision of this~~
22 ~~article continues shall be deemed a separate violation. Notwithstanding the foregoing, if~~
23 ~~the violation of a section or provision of this article is also a violation of a section or~~
24 ~~provision of article A of this chapter, then section 8-1-6 shall apply to the violation in lieu~~
25 ~~of this section.~~

26
27 ~~(b) A violation of any section or provision of this article may, in addition to and~~
28 ~~notwithstanding the penalty provided for in subsection (a), be restrained, prohibited or~~
29 ~~enjoined by appropriate proceedings in a court of competent jurisdiction. (Ord. No. 3849,~~
30 ~~3/23/96, Sec. 5)~~

31
32 **ARTICLE DC**
33 **Remedies and Appeals**

34
35 ~~Editorial Note: It should be noted that Ord. No. 3849, § 6, adopted March 23, 1996,~~
36 ~~amended the title of Article C to read as herein set out.~~

37
38 ~~Sec. 8-1-7136 Failure of owner to act; action by city; costs to be lien on property.~~

39
40 ~~(a) If any owner, agent of the owner or person in control of a building which is~~
41 ~~found by the code official or the building official to be unsafe under the VUSBC ~~Uniform~~~~
42 ~~~~Statewide Building Code~~ fails or refuses timely to comply with any notice delivered,~~
43 ~~mailed or posted as provided by law, or if either the official deems it necessary, without~~
44 ~~providing notice, to take such emergency measures as are set forth in the VUSBC~~
45 ~~~~Uniform Statewide Building Code~~, including the demolition of a building, the appropriate~~
46 ~~official is authorized in his discretion to utilize city employees and agents to take all~~

1 actions necessary to carry out the requirements set forth in the notice which have not
2 been complied with or, in the case of an emergency, to undertake the emergency
3 measures deemed necessary to protect the public's health and safety.

4
5 (b) The department of finance shall cause all costs incurred by the city in
6 undertaking actions pursuant to subsection (a) to be paid upon the certification of the
7 code or building official. Such city costs shall be charged to and paid by the owner of the
8 affected property and may be collected by the city as taxes and levies are collected. In no
9 case shall the charges be less than \$100. All city costs hereby authorized with which the
10 property owner has been charged and which, after a reasonable time, remain unpaid shall
11 constitute a lien against such property. The lien shall continue until actual payment of the
12 charges, plus legal interest and a penalty of 10 percent, has been made to the city.

13
14 ~~Sec. 8-1-72 — Unlawful retaliatory acts.~~

15
16 ~~(a) It shall be unlawful for an owner to evict or threaten to evict any person from
17 a dwelling, dwelling unit or rooming unit, or to refuse or threaten to refuse to let or relet a
18 dwelling unit or rooming unit to any person, when the primary reason for any eviction,
19 refusal or threat is that the person:~~

20
21 ~~(1) has complained to the city or any department, agency, officer or employee
22 thereof, alleging violations of this chapter or of the Uniform Statewide Building Code; or~~

23
24 ~~(2) is lawfully exercising or has lawfully exercised his constitutional rights of
25 freedom of speech, assembly and petition for redress of grievances, or is organizing, has
26 organized or is a member of a tenant association which~~

27
28 ~~a. has as one of its purposes the obtaining of compliance with and or~~

29
30 ~~b. has complained to the city or any department, agency, officer or employee
31 thereof, alleging violations of this chapter or of the Uniform Statewide Building Code.~~

32
33 ~~(b) This section shall not apply in cases in which a complaint has been made in
34 bad faith.~~

35
36 ~~Sec. 8-1-73 — reserved.~~

37
38 ~~Editorial Note: Ord. No. 3849, § 8, adopted March 23, 1996, repealed § 8-1-73, which
39 pertained to violations and penalties. See the Code Comparative Table.~~

40
41 Sec. 8-1-74³⁷ Board of Building Code Appeals.

42
43 There is hereby created within the bureau of code enforcement Department of
44 Code Administration a board of appeals to be known as the Alexandria Board of Building
45 Code Appeals. This board shall hear appeals of the Virginia Uniform Statewide Building
46 Code, Construction Code and Virginia Maintenance Code, and their referenced

1 documents and standards. The membership of the board shall be appointed by the City
2 Council in accordance with the Uniform Statewide Building Code for the purposes
3 therein set forth and for such other purposes as are set forth in this chapter. The Board
4 shall consist of six members appointed by the City council in accordance with the appeal
5 provisions of the VUSBC. Members shall be selected on the basis of their ability to
6 render fair, competent, and VUSBC code based decisions regarding application of the
7 VUSBC.

8
9 Sec. 8-1-75 — Appeal and judicial review.

10
11 The owner of any building or structure, the owner's agent and any other person
12 involved in the design or construction of a building or structure may appeal any decision
13 made or action taken by the building official under Volume I of the Uniform Statewide
14 Building Code, and the owner of any building or structure and the owner's agent may
15 appeal any decision made or action taken by the code official under Volume II of the
16 Uniform Statewide Building Code, to the Alexandria Board of Building Code Appeals.
17 The time in which such appeals shall be filed and the proceedings thereafter shall be in
18 accordance with the provisions of the Uniform Statewide Building Code. [Code of
19 Virginia (1950), as amended, Title 9, Chapter 1.1:1; Administrative Process Act, Sec. 9-
20 6.14:15 et seq.] (Ord. No. 3849, 3/23/96, Sec. 7)

21
22 Secs. 8-1-38 through 8-1-52 reserved.

23
24
25 **ARTICLE ED**
26 **Smoke Detectors**

27
28 Sec. 8-1-8153 Where required: Smoke detectors in existing buildings.

29
30 Smoke detectors shall be installed in the following existing structures:

- 31
32 (1) Any building containing one or more dwelling units;
33 (2) Any hotel or motel;
34 (3) Any rooming house.

35
36 Smoke detectors may be battery or AC powered units installed in conformance to the
37 Uniform Statewide Building Code. The owner shall inspect and furnish a certificate to a
38 tenant at the beginning of each tenancy and at least annually thereafter that all detectors
39 are present, have been inspected, and are found to be in good working order. With
40 exception of hallways, stairwells, and other common or public areas of multifamily
41 buildings, interim testing, repair, and maintenance of smoke detectors in rented or leased
42 units shall be the responsibility of the tenant; however, the owner shall be obligated to
43 service, repair or replace any malfunctioning smoke detector within five days of receipt
44 of written notice from the tenant that such smoke detector is in need of service, repair, or
45 replacement.

1 Notwithstanding any contrary provision of law, on and after January 1, 1982, one or more
2 automatic detecting device(s), hereinafter referred to as smoke detectors, shall be
3 provided in accordance with the requirements of this article each of the following
4 buildings or structures by the person(s) indicated:

5
6 (1) ~~any building containing one or more dwelling units, by the owner or
7 authorized agent of the owner of each dwelling unit;~~

8 (2) ~~any hotel or motel regularly used, offered for, or intended to be used to
9 provide overnight sleeping accommodations for one or more persons, by the owner or
10 authorized operator of the hotel or motel; and~~

11
12 (3) ~~any rooming house regularly used, offered for, or intended to be used to
13 provide overnight sleeping accommodations by the owner or authorized operator of the
14 rooming house.~~

15
16 Any building containing fewer than four dwelling units, which were not in compliance
17 with this article on July 1, 1984, shall be exempted from the requirements of this article
18 until such time as that building or any dwelling unit therein is sold or rented to another
19 person. (Ord. No. 2582, 6/13/81; Ord. No. 2935, 6/18/84, Sec. 1)

20
21 ~~Sec. 8-1-82 Installation requirements.~~

22
23 Every smoke detector required by this article shall be approved, provided and installed in
24 conformance with the requirements and provisions of the Uniform Statewide Building
25 Code. For the purposes of this article, the term "smoke detector" means a device capable
26 of sensing visible or invisible products of combustion that sounds an audible alarm. Such
27 smoke detectors may be either battery operated or AC powered units. [Article 12 and
28 Appendix I, BOCA Basic Building Code/1978; Article 4, BOCA Basic Fire Prevention
29 Code/1981.] (Ord. No. 2582, 6/13/81)

30
31 ~~Sec. 8-1-83 Responsibilities for testing, maintenance, repairs and annual certificates.~~

32
33 The owner of any rented or leased unit shall at the beginning of each tenancy and at least
34 annually thereafter furnish the tenant with a certificate that all required smoke detectors
35 are present, have been inspected and are in good working order. Except for smoke
36 detectors located in hallways, stairwells, and other public or common areas, interim
37 testing, repair and maintenance of such smoke detectors in leased or rental units shall be
38 the responsibility of the tenant; however, the owner shall be obligated to service, repair or
39 replace any malfunctioning smoke detectors within five days of receipt of written notice
40 from the tenant that such smoke detector is in need of service, repair or replacement.
41 Maintenance shall include the replacement of batteries. (Ord. No. 2582, 6/13/81; Ord.
42 No. 2935, 6/18/84, Sec. 2)

43
44 ~~Sec. 8-1-8454 Enforcement authority.~~

1 Except where otherwise provided by law, the fire marshal and the Director of the
2 Department of Code Administration of the city is hereby given jurisdiction to administer
3 and enforce the provisions of this article in accordance with the powers and procedures
4 provided for in the fire prevention code of the City of Alexandria, Virginia.

5
6 Sec. 8-1-855 Compliance with other laws.

7
8 Nothing in this article shall excuse any owner of any building or structure subject
9 to the requirements of this article from compliance with all other applicable provisions of
10 the VUSBC Virginia Uniform Statewide Building Code and the provisions of title 8,
11 chapter 1 of the city code.

12
13 ~~Sec. 8-1-86 Violations and penalties.~~

14
15 ~~(a) A violation of any section or provision of this article shall be a civil violation that~~
16 ~~shall be enforced through the levying of a civil penalty, pursuant to section 1-1-11 of this~~
17 ~~code, of \$100 for a person's first violation and of \$150 for each subsequent violation of~~
18 ~~the same section or provision. Each day during which a violation exists shall constitute a~~
19 ~~separate violation. However, a series of violations arising from the same operative set of~~
20 ~~facts shall not give rise to the levying of a civil penalty more frequently than once in any~~
21 ~~10-day period, and shall not result in civil penalties exceeding a total of \$3,000.~~

22
23 ~~(b) A violation of any section or provision of this article may, in addition to and~~
24 ~~notwithstanding the penalty provided for in subsection (a), be restrained, prohibited or~~
25 ~~enjoined by appropriate proceedings in a court of competent jurisdiction. (Ord. No. 3849,~~
26 ~~3/23/96, Sec. 9)~~

27
28 Secs. 8-1-8756 through 8-1-8686 reserved.

29
30 ARTICLE E Reserved

31
32 **ARTICLE F**
33 **Reserved**
34 **Rooming Houses**

35
36 ~~Cross reference: Similar provisions, §§ 11-3-21, 11-3-28, 11-3-32, 11-3-33.~~

37
38 ~~Sec. 8-1-90 Permit to operate required; issuance; display; transferability; expiration;~~
39 ~~renewal; notice of disposal of premises by holder.~~

40
41 ~~(a) No person shall conduct, keep, manage, operate or cause to be conducted, kept,~~
42 ~~managed or operated any rooming house within the city without having first obtained and~~
43 ~~kept in force a valid permit granted by the code official.~~

44
45 ~~(b)(1) Every person intending to apply for any such permit shall, not more than 30 days~~
46 ~~and not less than 10 days before applying to the code official for such permit, post a~~

1 notice of such intention at the property line along any public street frontage of the
2 property where the rooming house is to be located. Such notice shall be in the form of a
3 placard prescribed by, and which may be obtained from, the code official. Further, such
4 person shall publish a copy of such placard notice at least once in a newspaper published
5 in or having a general circulation in the City of Alexandria.

6
7 ~~(2) Every person applying for such a permit, after publishing notice of his intention as~~
8 ~~provided in subsection (b)(1) above, shall file with the code official an application~~
9 ~~therefor on a form provided by the code official, setting forth, under oath, detailed,~~
10 ~~complete and accurate responses to the questions contained on such form, and shall pay,~~
11 ~~at the time of filing, the application fee of \$25 to cover investigation costs.~~

12
13 ~~(3) The code official shall, in not less than 10 nor more than 30 days, grant such permit~~
14 ~~unless he has reasonable cause to believe:~~

15 ~~a. that the applicant:~~

16 ~~1. is not the owner or operator of the premises, or that other persons have ownership~~
17 ~~interests in the premises which have not been disclosed;~~

18 ~~2. is not a person of good moral character and repute; or~~

19 ~~3. has been convicted of a felony under the laws of any state or of the United States, or~~
20 ~~has been convicted of any crime or offense involving moral turpitude; or~~

21
22 ~~b. that the premises to be occupied as a rooming house:~~

23 ~~1. does not conform to the requirements of the city with respect to zoning, building,~~
24 ~~building maintenance, fire protection, or to any other requirements as set forth in the city~~
25 ~~code; or~~

26 ~~2. does not have adequate parking to accommodate roomers; or~~

27 ~~3. is so situated with respect to any residence or residential area that the operation of~~
28 ~~such place under such permit will adversely affect real property values or substantially~~
29 ~~interfere with the usual quietude and tranquility of such residence or residential area,~~
30 ~~based upon credible evidence derived from his investigation or from any other source.~~

31
32 ~~(4) In the event the code official refuses to grant said permit, written notice of such~~
33 ~~refusal containing a statement of the objections to the granting thereof shall be mailed or~~
34 ~~delivered to the applicant at his place of abode as stated on his application.~~

35
36 ~~(5) No permit granted by the code official shall become effective unless and until the~~
37 ~~business license tax required by section 9-1-72 shall have been paid; nor shall a permit be~~
38 ~~effective until the expiration of the 14 day period permitted to an abutting owner to~~
39 ~~appeal pursuant to section 8-1-99(a).~~

40
41 ~~(e) Each rooming house shall have a separate permit, and the permit shall at all times be~~
42 ~~displayed in a conspicuous place within the rooming house.~~

43
44 ~~(d) No permit shall be transferable from one person to another.~~
45

1 ~~(e) Every permit shall expire at the end of one (1) year following its date of granting by~~
2 ~~the code official, unless sooner suspended or revoked pursuant to this article; provided,~~
3 ~~however, any owner who has applied for a renewal permit will be permitted to allow~~
4 ~~existing roomers to continue in residence until the renewal permit application is~~
5 ~~processed and either approved or disapproved. The provisions of subsection (b)(1) above~~
6 ~~shall not be applicable to renewals, but subsection (b)(2) shall apply. (Ord. No. 3153,~~
7 ~~9/13/86, Sec. 3)~~

8
9 ~~Sec. 8 1 91 — Same inspection prerequisite to issuance; notice of denial.~~

10
11 ~~The code official shall, before granting and before renewing a rooming house permit,~~
12 ~~cause the rooming house to be inspected, and shall not grant a permit unless the rooming~~
13 ~~house is in compliance with this chapter and all applicable provisions of the city code,~~
14 ~~including, but not limited to, article B, chapter 2, title 4 and chapter 6, title 7. In instances~~
15 ~~where a permit is denied, the code official shall serve a notice of that fact stating the~~
16 ~~reasons therefor. (Ord. No. 3153, 9/13/86, Sec. 3)~~

17
18 ~~Sec. 8 1 92 — Same suspension.~~

19
20 ~~Whenever conditions or practices violating any provision of this chapter or any~~
21 ~~provisions of the city code, including but not limited to article B, chapter 2, title 4 and~~
22 ~~chapter 6, title 7 are found to exist in a rooming house operating under a permit granted~~
23 ~~by virtue of this chapter, the code official shall give notice in writing to the operator of~~
24 ~~the rooming house that unless such conditions or practices are corrected within a~~
25 ~~reasonable period to be determined by the code official, the operator's rooming house~~
26 ~~permit will be suspended. At the end of such period, the code official shall have the~~
27 ~~rooming house inspected, and if he finds that such conditions or practices have not been~~
28 ~~corrected, he shall give notice in writing to the operator that the latter's permit has been~~
29 ~~suspended. Upon receipt of notice of suspension, the operator shall immediately cease~~
30 ~~operation of the rooming house and no person shall occupy for sleeping or living~~
31 ~~purposes any rooming unit therein. (Ord. No. 3153, 9/13/86, Sec. 3)~~

32
33 ~~Sec. 8 1 93 — Same appeals from denial or suspension; revocation or failure to appeal~~
34 ~~from suspension.~~

35
36 ~~Any person who is denied a permit to operate a rooming house or whose permit has been~~
37 ~~suspended may appeal to the city council. Further, any owner of abutting property, as~~
38 ~~defined in section 7 6 301 of this code, who is aggrieved by the granting of a rooming~~
39 ~~house permit, or the renewal of same, shall also have the right to appeal to the city~~
40 ~~council. All appeals shall be pursuant to section 8 1 99 of this article. In cases of~~
41 ~~suspension, if the petition for hearing is not filed within 10 days after the notice of~~
42 ~~suspension is sent pursuant to this article, the permit shall be deemed revoked. (Ord. No.~~
43 ~~3153, 9/13/86, Sec. 3)~~

44
45 ~~Sec. 8 1 94 — Floor space, bedding, bathroom, egress, and sanitary maintenance~~
46 ~~requirements.~~

1
2 ~~No person shall operate a rooming house or let to another for occupancy any rooming~~
3 ~~unit therein which does not comply with the following requirements the applicable~~
4 ~~requirements of the Virginia Uniform Statewide Building Code, Construction Code or~~
5 ~~Maintenance Code.~~
6

7 ~~(1) Every room occupied for sleeping purposes by one (1) person shall contain at least~~
8 ~~70 square feet of floor space, and every room occupied for sleeping purposes by more~~
9 ~~than one (1) person shall contain at least 50 square feet of floor space for each occupant~~
10 ~~thereof. Every room shall have a smoke detector, which shall be in good working order~~
11 ~~at all times.~~
12

13 ~~(2) The operator shall change supplied bed linen and towels at least once each week and~~
14 ~~each time prior to the letting of any room to any occupant, and shall maintain all other~~
15 ~~supplied bedding in a clean and sanitary manner.~~
16

17 ~~(3) At least one (1) flush water closet, one (1) lavatory basin and a bathtub or shower,~~
18 ~~properly connected to an approved water and sewer system, and in good working~~
19 ~~condition, shall be supplied for each nine (9) persons or fraction thereof residing within a~~
20 ~~rooming house, including members of the operator's family, wherever they share the use~~
21 ~~of such facilities. In a rooming house where rooms are let only to males, flush urinals~~
22 ~~may be substituted for not more than one half (1/2) the required number of water closets.~~
23 ~~All such facilities shall be located within the dwelling so as to be reasonably accessible~~
24 ~~from a common hall or passageway to all persons sharing these facilities. Every lavatory~~
25 ~~basin and bathtub or shower shall be supplied with hot water at all times. No such~~
26 ~~facilities shall be located in a basement, except by written approval of the code official.~~
27

28 ~~(4) Every room unit shall have safe, unobstructed means of egress leading to safe and~~
29 ~~open space at ground level.~~
30

31 ~~(5) The operator shall be responsible for the sanitary maintenance of all walls, floors~~
32 ~~and ceilings, and shall keep the rooming house and all parts thereof, including the~~
33 ~~premises on which it is located, free from any accumulation of dirt, filth, rubbish and~~
34 ~~garbage, and effectively protected against infestation. (Ord. No. 3153, 9/13/86, Sec. 3)~~
35

36 ~~Sec. 8-1-95 Inspections generally.~~
37

38 ~~The code official shall make inspections to determine the condition of dwellings,~~
39 ~~dwelling units and premises located within the city, in order that he may perform his duty~~
40 ~~of safeguarding the health and safety of the occupants of dwellings and of the general~~
41 ~~public. For the purpose of making such inspections, the code official is hereby authorized~~
42 ~~to enter, examine and survey, during daylight, at reasonable times and hours, and in such~~
43 ~~manner to cause the least possible inconvenience, all dwellings, dwelling units, rooming~~
44 ~~units and premises. Every occupant of a dwelling or dwelling unit shall give the owner~~
45 ~~thereof, or his agent or employee, access in accordance with law to any part of such~~
46 ~~dwelling or dwelling unit or its premises at all reasonable times for making such repairs~~

1 or alterations as are necessary to effect compliance with the provisions of this chapter.
2 (Ord. No. 3153, 9/13/86, Sec. 3)

3
4 Sec. 8-1-96 — Enforcement procedure of code official; notice of violation.

5
6 (a) ~~Whenever the code official finds:~~

7
8 (1) ~~that any dwelling unit or habitable room is unfit for human habitation because of the~~
9 ~~character of the construction thereof;~~

10 (2) ~~that the plumbing, sewage disposal facilities, draining, light or ventilation thereof~~
11 ~~constitutes a threat or is detrimental to life or health;~~

12
13 (3) ~~that there exists on the premises any condition likely to cause sickness or injury to~~
14 ~~the occupants thereof or other persons; or~~

15
16 (4) ~~that the provisions of this chapter are being otherwise violated, he shall give notice~~
17 ~~of the violation to the persons failing to comply with this chapter, ordering them to do so.~~
18 ~~This notice shall be put in writing, include a statement of the reasons why it is being~~
19 ~~issued, allow a specified reasonable time to commence the performance of any such~~
20 ~~action it directs, and allow a specified reasonable time to commence the performance of~~
21 ~~any such action it directs, and allow a specified reasonable time to complete such~~
22 ~~performance, and be served upon the owner or occupant as the case may require.~~

23
24 (b) ~~The notice shall be deemed properly served if a copy thereof is delivered personally,~~
25 ~~or if he is not found at his usual place of abode, by mailing a copy thereof in a~~
26 ~~conspicuous place in or about the dwelling affected by the notice.~~

27
28 (c) ~~Whenever such notice is served on an occupant, a copy thereof shall also be sent by~~
29 ~~certified mail to the last known address of the owner. (Ord. No. 3153, 9/13/86, Sec. 3)~~

30
31 Sec. 8-1-97 — Failure to comply with notice issued pursuant to section 8-1-96.

32
33 If any person, served with a notice of noncompliance pursuant to section 8-1-96 of this
34 code, does not:

35
36 (1) ~~within the specified time after serving upon him such notice commence compliance~~
37 ~~with the directions thereof;~~

38
39 (2) ~~within the specified time after serving upon him such notice complete compliance;~~
40 ~~or~~

41
42 (3) ~~within 14 days after such service perfect an appeal to the city council, he shall be~~
43 ~~guilty of a violation of the provisions of this chapter. (Ord. No. 3153, 9/13/86, Sec. 3)~~

44
45 Sec. 8-1-98 — Violations and penalties.

46

1 ~~(a) A violation of any section or provision of this article shall be a civil violation, which~~
2 ~~shall be enforced through the levying of a civil penalty pursuant to section 1-1-11 of this~~
3 ~~code, of \$100 for a person's first violation and of \$150 for each subsequent violation of~~
4 ~~the same section or provision. Each day during which a violation exists shall constitute a~~
5 ~~separate violation. However, a series of violations arising from the same operative set of~~
6 ~~facts shall not give rise to the levying of a civil penalty more frequently than once in any~~
7 ~~10 day period, and shall not result in civil penalties exceeding a total of \$3,000.~~
8 ~~Notwithstanding the foregoing, if the violation of a section or provision of this article is~~
9 ~~also a violation of a section or provision of article A of this chapter, then section 8-1-6~~
10 ~~shall apply to the violation in lieu of this section.~~

11
12 ~~(b) A violation of any section or provision of this article may, in addition to and~~
13 ~~notwithstanding the penalty provided for in subsection (a), be restrained, prohibited or~~
14 ~~enjoined by appropriate proceedings in a court of competent jurisdiction. (Ord. No. 3153,~~
15 ~~9/13/86, Sec. 3; Ord. No. 3849, 3/23/96, Sec. 10)~~

16
17 ~~Sec. 8-1-99 Appeals to city council.~~

18
19 ~~(a) Any person whose application for a rooming house permit, original or renewal, has~~
20 ~~been denied, or any holder of such permit who has been notified of the suspension of his~~
21 ~~rooming house permit, or any abutting owner aggrieved by the granting of such a permit,~~
22 ~~shall have the right to appeal to and be heard by the city council, provided that such~~
23 ~~applicant, holder or owner files with the clerk of the city council, within 14 days after any~~
24 ~~such denial, suspension or granting of a rooming house permit, a notice in writing of the~~
25 ~~applicant's or holder's or abutting owner's intention to appeal. Upon receipt of any such~~
26 ~~notice, the clerk of the city council shall forthwith notify the city manager who shall~~
27 ~~schedule a public hearing before the city council to be held as promptly as practicable,~~
28 ~~but in any instance within 75 days after the receipt by the clerk of such notice. The city~~
29 ~~manager shall give reasonable notice of such hearing to the appealing party.~~

30
31 ~~(b) On any appeal to the city council, the final decision of the code official shall be~~
32 ~~stayed pending the outcome of the appeal before the city council. The city council may~~
33 ~~affirm, amend, reverse or modify the order, notice or other action of the code official~~
34 ~~appealed from, in whole or in part. The decision of the city council, subject to the further~~
35 ~~right of appeal to the court provided in section 8-1-100 of this article, shall constitute an~~
36 ~~order and any person who shall fail, refuse or neglect to comply with any such order shall~~
37 ~~be guilty of violating the provisions of this chapter. (Ord. No. 3153, 9/13/86, Sec. 3)~~

38
39 ~~Sec. 8-1-100 Appeals from city council to court.~~

40
41 ~~The decision of the city council shall in all cases be final; except that any appellant or~~
42 ~~party directly aggrieved by a decision of the city council may, provided he does so within~~
43 ~~30 days after the rendering of such decision, appeal to the circuit court of the City of~~
44 ~~Alexandria for a further review, and the findings of fact by the city council shall be~~
45 ~~conclusive and such review shall be limited solely to errors of law and questions of~~

1 constitutional. The decision of the city council in any case on appeal shall be stayed
2 pending a decision by the court. (Ord. No. 3153, 9/13/86, Sec. 3)

3
4 ~~Secs. 8-1-101 through 8-1-109 reserved.~~

5 Secs. 8-1-86 through 8-1-109 reserved.

6
7 **ARTICLE G-1**
8 **Residential Rental Inspection Districts**

9
10 ~~Editorial Note: Ord. No. 4406, § 1, adopted June 21, 2005, repealed former Art. G, in its~~
11 ~~entirety which pertained to residential rental permits. Said ordinance also enacted~~
12 ~~provisions designated as a new Art. G 1 to read as herein set out. See also the Code~~
13 ~~Comparative Table for a detailed analysis of inclusion.~~

14
15 **DIVISION 1 Generally**

16
17 **Sec. 8-1-110 Purpose and intent.**

18
19 The purpose of this article is to require the inspection of residential rental
20 dwelling units for compliance with the Building Code and to promote safe, decent and
21 sanitary housing, in accordance with Code of Virginia § 36-105.1:1.

22
23 **Sec. 8-1-111 Definitions.**

24
25 The following words, terms and phrases, when used in this article, shall have the
26 meanings ascribed to them in this section, except where the context clearly indicates a
27 different meaning;

28
29 *Building Code* means the Virginia Uniform Statewide Building Code.

30
31 *Code official* means the director of the ~~code enforcement bureau of the fire~~
32 ~~department,~~ Department of Code Administration, any technical assistants who are
33 employees of the ~~bureau~~ Department, or any designee of the director of ~~the code~~
34 ~~enforcement bureau.~~

35
36 *Conditions which immediately affect safe, decent and sanitary living conditions of*
37 *persons occupying a residential rental dwelling unit* include items that violate fire safety;
38 lack of or poor condition of sanitary facilities; absence of adequate heating systems or
39 equipment; items which affect the safe operation of electrical and mechanical systems;
40 items which affect structural integrity of the building and/or the ability of the building
41 envelope to keep out weather, or one or more other conditions that if not corrected would
42 be reasonably expected to become conditions that affect the safe, decent and sanitary
43 living conditions of the occupants.

44
45 *Disqualifying violation* includes those conditions which affect safe, decent and
46 sanitary living conditions of persons occupying a residential rental dwelling unit, or other

1 conditions that violate the provisions of the Building Code, or multiple building code
2 violations that indicate in their totality that the dwelling unit is not being properly
3 maintained.

4
5 *Dwelling unit* means a building or structure or part thereof that is used for a home
6 or residence by one or more persons who maintain a household. The term "dwelling
7 unit" shall not include hospitals, nursing homes, convalescent homes or similar facilities
8 providing medical care to the aged, infirm or disabled.

9
10 *Multiple-family development* means any structure, consisting of 10 or more
11 residential rental dwelling units under common ownership and occupied for valuable
12 consideration. The term "multiple-family development" shall not include mobile homes
13 under common ownership in a mobile home park or subdivision; nor shall such term
14 include single-family detached dwellings, duplex dwellings, or townhouse dwellings
15 under common ownership.

16
17 *Owner* means the person or entity shown on the current real estate assessment
18 books or current real estate assessment records of the city or the fee simple titleholder of
19 the property if ownership has changed since such tax assessment records were last
20 updated.

21
22 *Residential rental dwelling unit* means a dwelling unit that is leased or rented to
23 one or more tenants month to month or for any period in excess of 30 days including, but
24 not limited to, condominiums, manufactured or mobile homes, single-family detached
25 dwellings, duplex dwellings, townhouse dwellings or multi-family dwellings (which shall
26 include efficiency apartments and condominiums). However, a dwelling unit occupied in
27 part by the owner thereof shall not be construed to be a residential rental dwelling unit
28 unless a tenant occupies a part of the dwelling unit which has its own cooking and
29 sleeping areas, and a bathroom, unless otherwise provided in the zoning ordinance by the
30 local governing body.

31
32 **DIVISION 2**
33 **Rental Inspection Districts**

34
35 Sec. 8-1- 112 Factors for establishing rental inspection districts.

36
37 After holding a duly advertised public hearing as required by the Code of
38 Virginia, § 36-105.1:1(C)(1), having duly given notice as required, city council finds that
39 within the inspection districts described in section 8-1-113 herein below, (i) there is a
40 need to protect the public health, safety and welfare of the occupants of dwelling units
41 inside the designated rental inspection districts; (ii) the residential rental dwelling units
42 within the designated rental inspection districts are either (a) blighted or in the process of
43 deteriorating, or (b) the residential rental dwelling units are in the need of inspection by
44 the code official to prevent deterioration, taking into account the number, age and
45 condition of residential dwelling rental units inside said rental inspection districts, and
46 (iii) the inspection of residential rental dwelling units inside the rental inspection districts

1 is necessary to maintain safe, decent and sanitary living conditions for tenants and other
2 residents living in the rental inspection districts.

3
4 Sec. 8-1-113 Rental inspection districts established.

5
6 Based upon the findings of city council as set forth in section 8-1-112 herein
7 above, the following areas are included and hereby declared to be rental inspection
8 districts which are subject to the requirements of this article;

9
10 *East District:* Census tracts 7.00, 8.02, 12.02, 12.03, 12.04, 13.00, 14.00, 16.00,
11 18.01, 18.02, and 20.01.

12
13 *West District* Census tracts 1.01,1.03, 1.04, 1.05, 3.01, 3.02, 3.03, 4.01, 4.02,
14 5.00, and 6.00.

15
16 A map showing the rental inspection districts described in section 8-1-113 is
17 hereby adopted as a part of this article, and shall be available for public inspection in the
18 code enforcement bureau. Said districts are hereinafter referred to collectively as
19 "inspection districts" and individually as "inspection district."

20
21 Sec. 8-1-114 Applicability.

22
23 The provisions of this article shall apply to residential rental dwelling units
24 located within the districts identified in section 8-1-113-of this article and shall further
25 apply to certain structures located outside of such districts but meeting the requirements
26 of section 8-1-115(g) herein below.

27
28 **DIVISION 3**
29 **Inspection**

30
31 Sec. 8-1-115 Inspection and certificate required.

32
33 (a) The code official may, in conjunction with the written notifications provided
34 for in section 8-1-112, proceed to inspect dwelling units in the designated rental
35 inspection districts to determine if the dwelling units are being used as a residential rental
36 property and for compliance with the provisions of the Building Code that affect the safe,
37 decent and sanitary living conditions for tenants of such property.

38
39 (b) The owner of each residential rental dwelling unit located in an inspection
40 district shall arrange for and permit an initial inspection and subsequent inspections of
41 such residential rental dwelling unit as provided in this section and section 8-1-116.
42 Inspections under this article shall be conducted by the city's code official who is charged
43 with the enforcement of this article, or his designee. If the unit to be inspected is occupied
44 at the time of a required inspection, it shall be the duty of the owner thereof to notify the
45 occupants of such inspection and make the residential rental dwelling unit available for
46 inspection.

1
2 (c) If inspection reveals that a residential rental dwelling unit has no
3 disqualifying violations, the code official shall issue a 48-month certificate of compliance
4 for such unit. However, if one or more violations of the property maintenance provisions
5 of the Building Code are found that do not constitute a disqualifying violation, the
6 existence of such non-disqualifying violations shall be noted on the 48-month certificate
7 of compliance together with the date by which such non-disqualifying violations must be
8 remedied, which date shall be determined by the code official and which date shall be
9 reasonable. The issuance of a certificate of compliance shall not be evidence of a lack of
10 any and all building code violations, and shall not prevent the code official from
11 conducting follow-up inspections regarding building code violations in the residential
12 rental unit, whether or not the violations affect the safe, decent and sanitary occupancy of
13 said unit. If a follow-up inspection reveals that the owner has failed to remedy the noted
14 violations by the specified date, the code official shall issue a notice of violation, revoke
15 the 48-month certificate of compliance and the unit shall thereafter be subject to annual
16 inspections pursuant to section 8-1-116.
17

18 (d) If inspection of a residential rental dwelling unit reveals one or more
19 disqualifying violations, the code official shall not issue a certificate of compliance until
20 the disqualifying violations are satisfactorily remedied. However, the code official may
21 issue a temporary certificate of compliance if in the opinion of the code official such
22 disqualifying violations do not constitute an immediate threat of injury to the occupants
23 of such residential rental dwelling unit. If conditions warrant, however, the code official
24 may require that the residential rental dwelling unit be vacated or remain unoccupied
25 until brought into compliance, pursuant to his authority under Code of Virginia § 36-98,
26 et. seq., the Virginia Uniform Statewide Building Code. Upon compliance, the code
27 official shall, as provided in section 8-1-116 of this article, issue an annual certificate of
28 compliance.
29

30 (e) No annual inspection pursuant to this article shall take place more than one
31 time each year, calculated from the date of the first inspection, unless additional
32 inspections are necessary to ensure compliance. Nothing in this article shall alter the
33 duties or responsibilities of the code official to conduct any other inspections, as allowed
34 under the provisions of the Building Code, and inspections for obtaining a certificate of
35 compliance under this article do not supplant or preclude any other inspection authorized
36 under the Building Code.
37

38 (f) Unless a current certificate or temporary certificate of compliance is in force
39 for a residential rental dwelling unit in accordance with the provisions of section 8-1-116
40 of this article, and such certificate remains in effect, no owner of such unit shall permit
41 any person to occupy such unit as a tenant or otherwise.
42

43 (g) An individual residential rental dwelling unit located outside of a rental
44 inspection district shall nevertheless be subject to the terms of this article upon city
45 council making a separate finding for each such individual residential rental dwelling unit
46 that (i) there is a need to protect the public health, welfare and safety of the occupants of

1 that individual residential rental dwelling unit; (ii) the individual residential dwelling unit
2 is either (a) blighted or (b) in the process of deteriorating; or (iii) there is evidence of
3 violations of the Building Code that affect the safe, decent and sanitary living conditions
4 for occupants of such individual dwelling unit. Upon said finding by the city council,
5 said residential rental dwelling unit shall be subject to this article, notwithstanding its
6 location outside the inspection districts.

7
8 (h) ~~s~~Should the owner fail to timely contact the ~~code enforcement~~ Department of
9 Code Administration within the required time in order to schedule any inspection
10 required under this article, or should such owner fail to allow such inspection to proceed
11 on the date for which it was scheduled, the owner shall be in violation of this article and
12 shall be subject to such civil penalties and enforcement remedies as provided in section 8-
13 1-6.

14
15 Sec. 8-1-116 Certificates of compliance; applications and exemptions.

16
17 (a) The following provisions shall apply to all residential rental dwelling units
18 located within inspection districts, which are not exempted under paragraph (b) of this
19 section:

20
21 (1) The initial inspection of each residential rental dwelling unit which is subject
22 to inspection under this article, unless the initial inspection is delayed under paragraph (a)
23 of this section, shall take place no later than 120 days from the date that the owner thereof
24 contacts the ~~code enforcement bureau~~ Department of Code Administration to schedule
25 such inspection. The code official shall inspect such unit within a reasonable time. Each
26 residential rental unit, for which a certificate of compliance or 48-month certificate of
27 compliance as described in (a)(7) below has been issued, shall be inspected again within
28 30 days from the expiration of either the certificate or the revocation of a 48-month
29 certificate of compliance.

30
31 (2) Prior to expiration of the certificate of compliance or 48-month certificate of
32 compliance, or upon revocation of a 48-month certificate of compliance, the owner of
33 such residential rental dwelling unit shall contact ~~the code enforcement bureau~~ the
34 Department of Code Administration and arrange for an inspection of such unit. Except in
35 the case of an inspection following revocation of a 48-month certificate of compliance,
36 should the date scheduled for inspection fall after expiration of the current certificate, and
37 more than 30 days from the day on which the owner contacted ~~the code enforcement~~
38 ~~bureau~~ the Department of Code Administration to schedule inspection, a 30-day
39 temporary certificate of compliance shall be issued. Said inspection shall take place no
40 later than 30 days from the date of application for said inspection, and such temporary
41 certificate shall expire on the date of the inspection.

42
43 (3) For Building Code violations which do not immediately affect the safe,
44 decent and sanitary living conditions for persons living in such unit, provided that all
45 inspection fees shall have been remitted in advance of the issuance of such temporary
46 certificate of compliance, the code official shall issue one temporary certificate of

1 compliance valid for 30 days, and may permit such extensions thereof as the code official
2 shall deem reasonably necessary to allow for remediation of the violations. However, as
3 to Building Code violations which are disqualifying violations and which pose an
4 immediate threat to the safe, decent and sanitary living conditions for persons living in
5 such unit, then the code official shall not issue a temporary certificate of compliance.
6

7 (4) Temporary certificates of compliance shall expire upon the earlier of either
8 their stated expiration dates or the completion of an inspection which finds all violations
9 have been remedied.
10

11 (5) Unless a residential rental unit in an inspection district is exempted from
12 inspection under this article, or receives a 48-month certificate of compliance as provided
13 in subsection (a)(6) below, the term of a certificate of compliance issued for any
14 residential rental dwelling unit in an inspection district shall be for a term of 12 months,
15 beginning with the first day of the month next following the month of issuance.
16

17 (6) A residential rental dwelling unit which, upon inspection under this article,
18 either has no disqualifying violations, or has only one or more violations of such code
19 that do not affect the safe, decent and sanitary living conditions for persons living in such
20 unit, shall not be subject to further annual inspection under this article for 48 months
21 from date of such annual inspection, except as provided in section 8-1-115, and a 48-
22 month certificate of compliance shall be issued for such unit. However, if a residential
23 rental dwelling unit covered by a 48-month certificate of compliance is found in violation
24 of the Building Code during the term of such 48-month certificate of compliance, the
25 code official may revoke such 48-month certificate of compliance and such unit shall
26 thereupon become subject to annual inspections and the issuance of annual certificates of
27 compliance. If an annual certificate of compliance is issued after the inspection
28 necessitated by the violation of the Building Code and revocation of the extended
29 certificate of compliance, then said residential rental dwelling unit shall again be eligible
30 for an extended certificate of compliance only after the annual certificate of compliance
31 has expired and as of the first subsequent annual inspection when no disqualifying
32 violations are found.
33

34 (7) Should a residential rental dwelling unit be sold, or the title thereto be
35 otherwise transferred to another owner during the term of any certificate of compliance
36 issued for such unit, the term of such certificate shall continue and will expire 48 months
37 from the original issuance date, unless disqualifying Building Code violations are found,
38 in which case the exemption previously granted ~~maybe~~ may be revoked.
39

40 (b) The following shall be exempt from the requirements of this article for the
41 time periods indicated:
42

43 (1) No inspection of a newly constructed residential rental dwelling unit located
44 in an inspection district shall be required within 48 months of the issuance of a certificate
45 of occupancy for such newly constructed unit. Thereafter, said unit shall in all respects
46 become subject to the requirements of this article.

1
2 (2) All hotels, motels, inns, bed and breakfast establishments, and other similar
3 facilities, to the extent occupied by transients, shall be exempt from compliance with this
4 article.

5
6 Sec. 8-1-117 Multiple-family developments.

7
8 (a) If a multiple-family development contains more than 10 residential rental
9 dwelling units during the initial and annual inspections, the code official shall inspect no
10 less than two units and not more than 10 percent of the residential rental dwelling units.

11
12 (b) Notwithstanding the number of residential rental dwelling units inspected in a
13 multi-family development, the code official shall charge the fee authorized by this article
14 for inspection of no more than 10 dwelling units.

15
16 (c) If the code official determines upon inspection of a sampling of dwelling units
17 in accordance with subsection (a) above that there are violations of the Building Code
18 that affect the safe, decent and sanitary living conditions for the tenants of such multi-
19 family development, the code official may inspect as many dwelling units as he deems
20 reasonably necessary to enforce the Building Code, in which case the fee shall be based
21 upon a charge per dwelling unit inspected, notwithstanding the provisions of subsection
22 (b) of this section.

23
24
25 **DIVISION 4**
26 **Certificate Issuance, ~~Inspection~~ Fees and Enforcement**

27
28 Sec. 8-1-118 Issuance of certificate; fees.

29
30 (a) Except as provided in section 8-1-117(c) above, there shall be a ~~\$50~~ \$75
31 inspection fee for the inspection of each dwelling unit. If repairs or corrections are
32 deemed necessary by the code official, and a reinspection is required, no additional fee
33 shall be charged for the reinspection. If however, subsequent re-inspections are required,
34 there shall be charged an additional fee of ~~\$50~~ \$60 per dwelling unit for each subsequent
35 unit reinspection. No reinspection shall be performed, nor any certificate of compliance
36 be issued, until all fees have been paid.

37
38 (b) Requests for an inspection may be made by telephone; provided, however,
39 that the ~~code enforcement bureau~~ Department of Code Administration must, in all cases,
40 receive notice from the owner and payment of the applicable inspection fees prior to
41 conducting any inspection required under this article.

42
43 (c) The code official shall issue a 48-month certificate, as provided in section 8-
44 1-116 when, upon inspection, the code official determines that the residential rental
45 dwelling unit has no disqualifying violations. The 48-month certificate of compliance

1 shall be issued immediately upon completion of an inspection in which no disqualifying
2 violations are found.

3
4 (d) If the dwelling unit fails to comply with any one or more provisions of the
5 Building Code, and any amendments thereto, the code official shall furnish the owner
6 with a written list of specific violations. Failure to list any violation shall not be deemed
7 a waiver of enforcement of such violation. Upon the completion of all corrections and
8 repairs, the owner shall arrange a reinspection of the residential rental dwelling unit.
9 Reinspection shall be for the purpose of determining compliance by the owner with the
10 written list of specific violations furnished to the owner by the code official. However, if
11 upon reinspection, the code official discovers other violations that were not listed on the
12 written list of specific violations previously furnished to the owner, the code official shall
13 furnish the owner with a supplemental list of violations and shall provide the owner a
14 reasonable opportunity to make corrections. This provision, however, shall not preclude
15 the code official from revoking the 48-month certificate of compliance if the
16 subsequently discovered violations are disqualifying violations or if the non-disqualifying
17 violations have not been corrected pursuant to sections 8-1-115 and 8-1-116.

18
19 Sec. 8-1-119 Appeals; effects.

20
21 (a) Any person aggrieved by any determination or decision of the code official
22 made pursuant to this article shall have the right to appeal such determination or decision
23 in accordance with the provisions of the Building Code, and amendments thereto.

24
25 (b) Nothing in this article shall be construed to limit, impair, alter or extend the
26 rights and remedies of persons in their relationship of landlord and tenant as such rights
27 and remedies exist under applicable law.

28
29 (c) Nothing in this article shall be construed to relieve or exempt any person from
30 otherwise complying with all applicable laws, ordinances, standards and regulations
31 pertaining to the condition of buildings and other structures.

32
33 (d) Nothing in this article shall be construed to limit the authority of the code
34 official to perform housing inspections in accordance with applicable law

35
36 Sec. 8-1-120 ~~Violation; penalty; r~~Right of entry.

37
38 (a) Any person failing to comply with the inspection requirements of this article shall be
39 subject to the civil penalties ~~established below and~~ as stated in section 8-1-6.

40
41 ~~(b) Any person failing to comply with this article shall be subject to a \$100 civil penalty~~
42 ~~to be assessed for any one violation for the initial summons. An additional \$150 penalty~~
43 ~~may also be assessed for each additional summons from the date notice is first given for~~
44 ~~each property, for failure to arrange for inspection or to obtain a certificate of~~
45 ~~compliance, as required by this article.~~

1 ~~(c) Each day during which a violation is found to exist shall be a separate offense.~~
2 ~~However, in no event shall specified violations arising from the same set of operative~~
3 ~~facts be cited more frequently than once in a 10 day period and in no event shall a series~~
4 ~~of such violations result in civil penalties exceeding a total of \$3,000.~~

5
6 ~~(d) The remedies set forth in (a) and (b) of this section are not the exclusive remedies~~
7 ~~for non-compliance with the requirements of this article, and the code official may take~~
8 ~~such further actions as allowed by applicable law in order to ensure compliance with the~~
9 ~~requirements of this article including, but not limited to, seeking injunctive relief and~~
10 ~~obtaining inspection warrants. (Ord. No. 4406, 6/21/05, Sec. 1)~~

11
12 Sec. 8-1-121 Regulations implementing article.

13
14 The City Manager may establish regulations which shall be approved by resolution of
15 city council, governing the implementation of the provisions of this article\

16
17 §§ Secs. 8-1-122 through 8-1-129 reserved.

18
19
20 **ARTICLE H**
21 **Registration of Vacant Buildings**

22
23 Sec. 8-1-130 Vacant building registration.

24
25 (a) The owner of a building which has been continuously vacant for a period of
26 12 months or more must register the building with the ~~director of code enforcement;~~
27 Director of the Department of Code Administration provided, that a building shall be
28 deemed "continuously vacant," as that term is used in this subsection, even if it is
29 sporadically or intermittently occupied during the twelve-month period.

30
31 (b) "Director" shall mean the ~~director of code enforcement,~~ Director of the
32 Department of Code Administration or the director's designee.

33
34 (c) To register a building, the owner, or the owner's agent for the building, shall
35 provide the following information to the director:

36
37 (1) the address of the vacant building;

38
39 (2) the name, address and telephone number of the owner and the owner's agent;

40
41 (3) a detailed statement which estimates how long the building is likely to remain
42 vacant, and the reasons for it remaining vacant during that period;

43
44 (4) a description of the measures that will be taken while the building is vacant to
45 ensure that the property is maintained in compliance with all applicable building and
46 health codes;

1
2 (5) proof that the owner or agent has implemented an on-going rodent abatement
3 and prevention plan for the interior and exterior of the building; and
4

5 (6) if the building is located in a historic district established by Article X of the
6 Zoning Ordinance of the City of Alexandria, or in any conservation or rehabilitation
7 district established by city council, or in an area that has been declared blighted by city
8 council, a description of the measures that will be taken to ensure that the building does
9 not sustain significant structural damage due to neglect.
10

11 (d) The building owner shall pay an annual registration fee of \$25. The fee shall
12 be paid at the time that the building is initially registered. For each subsequent year, or
13 any part of such year, that the building remains continuously vacant, an annual and non-
14 refundable fee of \$25 shall be paid within 15 days of the anniversary date of the
15 building's initial registration.
16

17 (e) The director shall develop and make available a standardized form for
18 registration. Completed forms shall be filed with and maintained by the director.
19

20 Sec. 8-1-131 Violations and penalties.
21

22 (a) Failure to register a vacant building as required by this article shall be a civil
23 violation punishable by a civil penalty of \$50; provided, that failure to register a vacant
24 building in a historic district established by Article X of the Zoning Ordinance of the City
25 of Alexandria, or in a conservation or rehabilitation district established by city council, or
26 in an area that has been designated as blighted by city council, shall be punishable by a
27 civil penalty of \$250.
28

29 (b) The director shall mail to the owner of a registered vacant building notice of
30 the upcoming anniversary of the initial registration date and of the need to renew the
31 registration of the building if it remains vacant. The notice shall warn the owner that a
32 civil penalty will be imposed pursuant to this section if the owner fails to renew the
33 registration within 15 days of the anniversary of the building's initial registration.
34

35 (c) Notice of the imposition of a civil penalty pursuant to this section shall be
36 mailed to the owner, at the address to which property tax notices are sent, at least 30 days
37 prior to the imposition of the penalty. The notice and any subsequent enforcement action
38 shall comply with the provisions of city code section 1-1-11.
39

40 Secs. 8-1-132 through 8-1-140 reserved.
41

42 ARTICLE I
43 Spot Blight Abatement and Derelict Buildings
44

45 Division 1 General
46

1 Sec. 8-1-141 Purpose.

2
3 The purpose of this article is to provide for the repair or other disposal, or the
4 acquisition and repair or other disposal, by the city of blighted or derelict property.

5
6 Sec. 8-1-142 Definitions.

7
8 For purposes of this article, the following words and phrases shall have the
9 meanings given below, except in those instances when the context clearly indicates a
10 different meaning.

11
12 (a) *Blighted property.* ~~A building or buildings which, by reason of dilapidation,~~
13 ~~obsolescence, overcrowding, lack of ventilation, light or sanitary facilities, or excessive~~
14 ~~land coverage, or any combination of these or other factors, is detrimental to the health,~~
15 ~~safety and welfare of the community.~~ Any individual commercial, industrial, or
16 residential structure or improvement that endangers the public's health, safety, or welfare
17 because the structure or improvement upon the property is dilapidated, deteriorated, or
18 violates minimum health and safety standards, or any structure or improvement
19 previously designated as blighted pursuant to Code of Virginia § 36-49.1:1, under the
20 process for determination of "spot blight."

21
22 (b) *City manager.* The city manager, or a person designated by the manager to
23 perform the duties and responsibilities that this article places on the manager.

24
25 (c) *Derelict building.* A residential or nonresidential building or structure,
26 whether or not construction has been completed, that might endanger the public's health,
27 safety or welfare and for a continuous period in excess of six months has been:

28
29 (i) Vacant;

30 (ii) Boarded up; and

31 (iii) Not lawfully connected to electric service from a utility service provider or
32 not lawfully connected to any water or sewer service from a utility service provider.

33
34 (ed) ~~*Dilapidation*~~ *Dilapidated.* The condition of property resulting from
35 inadequate maintenance that contributes to unsafe site or building conditions, or that
36 gives the appearance of unsafe site or building conditions.

37
38 (d) ~~*Excessive land coverage.*~~ ~~A land development that overly restricts the access~~
39 ~~of adjacent properties to light and air, or that has extensive impervious surfaces which~~
40 ~~create stormwater run-off that regularly and adversely impacts adjacent properties.~~

41
42 (e) ~~*Lack of ventilation, light and sanitary facilities.*~~ ~~The absence from a building~~
43 ~~of one or more systems that provide ventilation, light and sanitary facilities, as required~~
44 ~~by the Virginia Uniform Statewide Building Code (see article A of this chapter).~~

1 Sec 8-1-143 Procedure preliminary determination of blight by city manager.
2 Enforcement.

3 ~~a) The city manager shall make a preliminary determination that a property is a~~
4 ~~blighted property under this article. The manager shall provide written notice to the~~
5 ~~owner of such property that the property has been determined to be blighted. The notice~~
6 ~~shall describe the conditions of the property, and shall provide any other reasons, which~~
7 ~~form the basis for this determination.~~

8 ~~(b) The owner of property that has been preliminarily determined to be blighted~~
9 ~~shall have 30 days from the date of the notice in which to present to the city manager a~~
10 ~~plan to eliminate or otherwise cure, within a reasonable period of time, the conditions and~~
11 ~~other reasons that form the basis for the determination that the property is blighted. (Ord.~~
12 ~~No. 4074, 10/16/99, Sec. 1)~~

13 The Director of the Department of Code Administration, or his designee, is
14 hereby vested with the authority to require the abatement of blighted property and
15 derelict buildings pursuant to the provisions of this Chapter and other applicable codes,
16 laws and regulations.

17
18 Sec 8-1-144 Same hearing before planning commission; commission findings.
19 Violations.

20
21 ~~a) If the owner of a property that has been preliminarily determined to be blighted fails~~
22 ~~to timely present the plan required by section 8-1-143(c), which is acceptable to the city~~
23 ~~manager, or fails to implement a plan found to be acceptable, the manager may request~~
24 ~~that the planning commission conduct a public hearing and make findings and~~
25 ~~recommendations regarding the property. If a public hearing is scheduled before the~~
26 ~~planning commission, the city shall prepare and present to the commission a plan for the~~
27 ~~repair or other disposal, or for the acquisition and repair or other disposal, of the property.~~

28 ~~(b) Notice of public hearing.~~

29 ~~(i) Not less than three weeks prior to the date of the public hearing before the planning~~
30 ~~commission, the city manager shall cause a notice of the date, time, place and purpose of~~
31 ~~the hearing to be sent, by regular and certified mail, to the owner of the blighted property~~
32 ~~or the agent designated by him for receipt of service of notices concerning the payment of~~
33 ~~real estate taxes, to the owners of all properties abutting the blighted property (including~~
34 ~~the properties located immediately across the street or road from the blighted property);~~
35 ~~and to the citizens or neighborhood association, if any, for the immediate area. The notice~~
36 ~~shall include the plan that the city has prepared for the repair or other disposal, or for the~~
37 ~~acquisition and repair or other disposal, of the property. Any persons affected by the~~
38 ~~condition of the property or by the acquisition and/or repair or other disposal of the~~
39 ~~property, as proposed in the city's plan, may present their views at the hearing.~~

40 ~~(ii) The city manager shall also cause notice of the date, time, place and purpose of the~~
41 ~~public hearing to be published at least twice, with not less than six days elapsing between~~
42 ~~the first and second publication, in a newspaper having general circulation in the city.~~
43 ~~The public hearing shall be held not less than six, nor more than 21, days after the second~~
44 ~~publication of this notice.~~

45 ~~(iii) The city manager shall further cause notice of the date, time, place and purpose of~~
46 ~~the public hearing to be posted on the property.~~

1 ~~(e) Following the public hearing, the planning commission shall determine:~~
2 ~~(i) whether the owner of the property has failed to eliminate or otherwise cure the~~
3 ~~property's blighting conditions and to present a reasonable plan to do so;~~
4 ~~(ii) whether the property is blighted; and~~
5 ~~(iii) whether the plan submitted by the city for the repair or other disposal, or for the~~
6 ~~acquisition and repair or other disposal, of the property is in accordance with the city's~~
7 ~~zoning ordinance and other applicable land use laws and regulations, and should, in~~
8 ~~whole or part, be implemented.~~

9 ~~If the property is located within the old and historic Alexandria district or the~~
10 ~~Parker Gray district, as defined, respectively, in section 10 100 and section 10 200 of the~~
11 ~~city's Zoning Ordinance, or includes a building that is on the list of 100 year old~~
12 ~~buildings compiled pursuant to section 10 300 of the Zoning Ordinance, the planning~~
13 ~~commission, in determining the appropriateness of the city plan, shall consult with the~~
14 ~~board of architectural review regarding the activities described for the property in the~~
15 ~~plan. (Ord. No. 4074, 10/16/99, Sec. 1)~~
16

17 Unless otherwise specified, any person violating any provision of this article shall
18 be guilty of a Class 2 misdemeanor. Each day a violation continues shall be deemed a
19 new and separate violation. In addition to any penalties imposed for each violation, a
20 judge hearing the case shall order the person responsible for such condition to remove,
21 restore, remediate or correct the violation or condition, and each day's default in such
22 removal, restoration, remediation or correction after being so ordered shall constitute a
23 violation of and a separate offense under this article.
24

25 ~~Sec 8-1-145 Same review of planning commission findings and recommendations by~~
26 ~~city council. Additional remedies of city.~~

27 ~~The planning commission shall report its findings and recommendations~~
28 ~~concerning the property to city council. Following its receipt of these findings and~~
29 ~~recommendations, council shall schedule a public hearing on the property. Notice of this~~
30 ~~hearing shall be provided as described in section 8 1 144(b). Following the hearing,~~
31 ~~council shall affirm, modify or reject the planning commission's findings and~~
32 ~~recommendations. If council determines the property to be blighted and the city's plan for~~
33 ~~the property, in whole or in part, to be appropriate, the city may then carry out the~~
34 ~~approved plan. (Ord. No. 4074, 10/16/99, Sec. 1)~~
35

36 Notwithstanding the provisions of this article, the city may proceed to make
37 repairs, secure the derelict or blighted building, demolish the derelict or blighted
38 building, abate the derelict or blighted conditions, or exercise any and all other remedies,
39 pursuant to Code of Virginia, title 15.2, the Uniform Statewide Building Code, the City
40 of Alexandria Code and the City of Alexandria Charter.
41

42 Division 2. Derelict Buildings

43
44 ~~Sec 8-1-146 Displacement of residents at blighted property. Notice of declaration of~~
45 ~~derelict building.~~

1 City council shall not approve, under this article, any plan for the acquisition of
2 property that is occupied for personal residential purposes if the plan will result in the
3 displacement of any persons residing in the property, unless the acquisition is authorized
4 by Title 36 of the Code of Virginia (1950), as amended; provided, that this subsection
5 shall not apply to the acquisition of property that has been condemned for human
6 habitation for more than one year. (Ord. No. 4074, 10/16/99, Sec. 1)

7
8 (a) Whenever it shall come to the knowledge of the Director that there exists
9 upon land in the city any derelict building, after consultation with the real estate assessor,
10 he may notify the owner of the derelict building that the owner must submit a work plan
11 within ninety (90) calendar days to either demolish the derelict building or renovate the
12 derelict building to address the items that endanger the public's health, safety, or welfare
13 as listed on the notification.

14
15 (b) The notice of declaration of derelict building shall be sent by certified mail to
16 the owner at the address in the real estate tax assessment records. If the owner's address
17 on the real estate tax assessment records is the address of the derelict building, the
18 Director may also post a copy of the notice on the derelict building.

19
20 (c) Any person sent a notice of declaration of derelict building pursuant to this
21 section who shall fail to comply with the time specified for submitting a work plan shall
22 be guilty of a class 2 misdemeanor.

23
24 (d) Nothing in this article shall prohibit an owner from requesting that his
25 building or structure be evaluated for a declaration of derelict building.

26
27 Sec. 8-1-147 Recovery of city's costs; lien. Submittal of work plan by owner; approval
28 by director.

29
30 ~~(a) The city may assess and recover the costs that it incurs in repairing or~~
31 ~~otherwise disposing of blighted property under a plan approved by city council pursuant~~
32 ~~to this article. Such costs may be assessed against and recovered from the person who~~
33 ~~owns the blighted property at the time the property is repaired or other disposed of by the~~
34 ~~city. If such costs have not been paid by such owner prior to the owner's sale of the~~
35 ~~property, the city shall recover the costs from the proceeds of the owner's sale. In the~~
36 ~~event the city has acquired the property, it shall recover such costs from the proceeds of~~
37 ~~its sale of the property.~~

38 ~~(b) The city also shall have a lien on any blighted property that it repairs or~~
39 ~~otherwise disposes of under a plan approved by city council pursuant to this article, in an~~
40 ~~amount equal to the costs it has incurred in so repairing or disposing of the property.~~
41 ~~Such lien shall be recorded in the circuit court among the city's land records, and shall be~~
42 ~~subordinate to any prior liens of record. (Ord. No. 4074, 10/16/99, Sec. 1)~~

43
44 (a) The work plan required to be submitted by the owner shall be on a form
45 prescribed by the Director. The work plan must provide a proposed time within which
46 the plan must be commenced and completed. The work plan may include one or more

1 adjacent properties of the owner, whether or not all have been declared to contain a
2 derelict building. The contents of the plan and the proposed schedule shall be subject to
3 approval by the Director and shall be deemed noncompliant until such plan is approved.
4

5 (b) Once the Director approves the work plan, the contents of the work plan and
6 the schedule for commencement and completion of the work plan shall be binding on the
7 owner. Failure to comply with the contents of the approved work plan or the dates for
8 commencement and completion, shall constitute a class 2 misdemeanor.
9

10 (c) Any approval granted by the Director under this section shall not relieve the
11 owner of property located in any historic district from complying with the approval
12 requirements established by relevant provisions of the zoning ordinance before any
13 demolition or renovation permit can be issued or any demolition or renovation can
14 commence.
15

16 ~~Sec 8-1-148 Promulgation of rules and regulations. Work plan completion; permit fee~~
17 ~~refund.~~

18 ~~The city manager may issue regulations consistent with this article and section 36-~~
19 ~~49.1:1 of the Code of Virginia (1950), as amended; provided, that such regulations are~~
20 ~~reviewed and approved by city council. (Ord. No. 4074, 10/16/99, Sec. 1)~~
21

22 (a) If the approved work plan calls for demolition of the derelict building, upon
23 submittal of proof of demolition within within 90 days of the date of the building permit
24 issuance, the owner shall be given a refund of the demolition permit fees. This section
25 shall not supersede any ordinance adopted pursuant to Code of Virginia §15.2-2306
26 relative to historic districts.
27

28 (b) If the approved work plan calls for renovation of the derelict building, in the
29 discretion of the Director:
30

31 (1) The site plan or subdivision fees may be refunded, all or in part, but in
32 no event shall the site plan or subdivision fees exceed the lesser of 50 percent of
33 the fees for site plan or subdivision applications for the proposed use of the
34 property, or \$5,000 per property.

35 (2) The building permit fees may be refunded, all or in part, but in no
36 event shall the building permit fees exceed the lesser of 50 percent of the fees for
37 building permit applications for the proposed use of the property, or \$5,000 per
38 property.
39

40
41 ~~Sec. 8-1-149 Other laws and ordinances. Tax abatement.~~
42

43 ~~Nothing in this article shall be construed to relieve an owner of blighted property,~~
44 ~~or any other person or entity from complying with other applicable laws relating to the~~
45 ~~development, use, rehabilitation, condition, maintenance or taxation of real property. The~~

1 ~~provisions of this article shall be in addition to any other remedies for blight abatement~~
2 ~~set out in state law or this code. (Ord. No. 4074, 10/16/99, Sec. 1)~~
3

4 (a) Prior to commencement of a plan to demolish or renovate the derelict building,
5 at the request of the property owner, the real estate assessor shall make an assessment of
6 the property in its current derelict condition. On the building permit application, the
7 owner shall declare the costs of demolition, or the costs of materials and labor to
8 complete the renovation.
9

10 (b) At the request of the property owner, after demolition or when the renovation
11 of the derelict building is either substantially completed or the property is fit for use and
12 occupancy, the real estate assessor shall reflect the fair market value of the demolition
13 costs or the fair market value of the renovation improvements, and reflect such value in
14 the real estate tax assessment records. The real estate tax on an amount equal to the costs
15 of demolition or an amount equal to the increase in the fair market value of the
16 renovations shall be abated for a period of 15 years, and is transferable with the property.
17

18 (c) The abatement of taxes for demolition shall not apply if the structure
19 demolished is a registered Virginia landmark or is determined by the Department of
20 Historic Resources to contribute to the significance of a registered historic district.
21

22 Division 3. Blighted Property

23 Sec. 8-1-150 Procedure--preliminary determination of blight by city manager.

24
25
26 (a) The city manager shall make a preliminary determination that a property is a
27 blighted property under this article. The manager shall provide written notice to the
28 owner of such property that the property has been determined to be blighted. The notice
29 shall describe the conditions of the property, and shall provide any other reasons, which
30 form the basis for this determination.
31

32 (b) The owner of property that has been preliminarily determined to be blighted
33 shall have 30 days from the date of the notice in which to present to the city manager a
34 plan to eliminate or otherwise cure, within a reasonable period of time, the conditions and
35 other reasons that form the basis for the determination that the property is blighted.
36

37 Sec. 8-1-151 Determination by city council.

38
39 (a) If the owner of a property that has been preliminarily determined to be
40 blighted fails to timely present the plan required by section 8-1-150(b), which is
41 acceptable to the city manager, or fails to implement a plan found to be acceptable, the
42 manager may request that the city council adopt an ordinance declaring the property to be
43 blighted and make findings and recommendations regarding the property, including
44 approving a plan for the repair or other disposal, or for the acquisition and repair or other
45 disposal, of the property ("spot blight abatement plan").
46

1 (b) Prior to the council meeting to consider the ordinance to declare the property
2 as blighted and the spot blight abatement plan, the city manager shall cause a notice of
3 the date, time, place and purpose of the hearing to be sent, by regular and certified mail,
4 to the owner of the blighted property or the agent designated by him for receipt of service
5 of notices concerning the payment of real estate taxes, to the owners of all properties
6 abutting the blighted property (including the properties located immediately across the
7 street or road from the blighted property), and to the citizens or neighborhood
8 association, if any, for the immediate area. The notice shall include the spot blight
9 abatement plan.

10
11 (c) If city council determines the property to be blighted and the city's plan for the
12 property, in whole or in part, to be appropriate, the city may then carry out the approved
13 plan.

14
15 Sec. 8-1-152 Displacement of residents at blighted property.

16
17 City council shall not approve, under this article, any plan for the acquisition of
18 property that is occupied for personal residential purposes if the plan will result in the
19 displacement of any persons residing in the property, unless the acquisition is authorized
20 by Title 36 of the Code of Virginia (1950), as amended; provided, that this subsection
21 shall not apply to the acquisition of property that has been condemned for human
22 habitation for more than one year. In addition, if city council exercises the powers of
23 eminent domain in accordance with Code of Virginia Title 25.1, may provide for
24 temporary relocation of any person living in the blighted property provided the relocation
25 is within the financial means of such person.

26
27 Sec. 8-1-153 Recovery of city's costs; lien.

28
29 (a) The city may assess and recover the costs that it incurs in repairing or
30 otherwise disposing of blighted property under a plan approved by city council pursuant
31 to this article. Such costs may be assessed against and recovered from the person who
32 owns the blighted property at the time the property is repaired or other disposed of by the
33 city. If such costs have not been paid by such owner prior to the owner's sale of the
34 property, the city shall recover the costs from the proceeds of the owner's sale. In the
35 event the city has acquired the property, it shall recover such costs from the proceeds of
36 its sale of the property.

37
38 (b) The city also shall have a lien on any blighted property that it repairs or
39 otherwise disposes of under a plan approved by city council pursuant to this article, in an
40 amount equal to the costs it has incurred in so repairing or disposing of the property.
41 Such lien shall be recorded in the circuit court among the city's land records, and shall be
42 subordinate to any prior liens of record.

43
44 (c) The lien on such property shall bear interest at the legal rate of interest
45 established in Code of Virginia § 6.1-330.53, beginning on the date the repairs are
46 completed through the date on which the lien is paid.

1
2 Sec. 8-1-154 Alternative spot blight abatement procedures.

3
4 In lieu of the acquisition of blighted property by the exercise of eminent domain,
5 and in lieu of the exercise of other powers granted in Secs. 8-1-150 and 8-1-151, the city
6 may, by ordinance, declare any blighted property to constitute a nuisance, and thereupon
7 abate the nuisance pursuant to § 15.2-900 or § 15.2-1115 of the Code of Virginia. Such
8 ordinance shall be adopted only after written notice by certified mail to the owner or
9 owners at the last known address of such owner as shown on the current real estate tax
10 assessment books or current real estate tax assessment records. If the owner does not
11 abate or remove the nuisance and the city abates or removes the nuisance at its expense,
12 the costs of the removal or abatement of the nuisance shall be a lien on the property and
13 such lien shall bear interest at the legal rate of interest established in § 6.1-330.53,
14 beginning on the date the removal or abatement is completed through the date on which
15 the lien is paid.

16
17 Sec. 8-1-155 Other laws and ordinances.

18
19 Nothing in this article shall be construed to relieve an owner of blighted property,
20 or any other person or entity from complying with other applicable laws relating to the
21 development, use, rehabilitation, condition, maintenance or taxation of real property. The
22 provisions of this article shall be in addition to any other remedies for blight abatement
23 set out in state law or this code.

24
25 **CHAPTER 2 Reserved**

26
27 **Burglary Prevention Devices**

28
29 ~~§ 8-2-2 Definitions.~~

30 ~~§ 8-2-3 Responsibility for compliance.~~

31 ~~§ 8-2-4 Responsibility and methods for enforcement.~~

32 ~~§ 8-2-5 Standards.~~

33 ~~§ 8-2-6 Alternate security provisions.~~

34 ~~§ 8-2-7 Violations.~~

35 ~~§ 8-2-8 Penalties; injunction.~~

36
37
38 ~~Sec. 8-2-1 Applicability.~~

39 ~~This chapter shall apply to all multi-family rental dwellings constructed in the city prior~~
40 ~~to September 1, 1974. For purposes of this chapter any such dwelling is deemed to be~~
41 ~~constructed at the time work authorized by the department commences. (Code 1963, Sec.~~
42 ~~7A-1)~~

43
44 ~~Sec. 8-2-2 Definitions.~~

45

- 1 ~~(a) *Charlie bar* . A metal or wooden bar mounted to the door frame or laid in the door~~
2 ~~track which when placed in position prevents lateral movement of the door.~~
3
- 4 ~~(b) *Department* . Department of public safety or his duly authorized representative.~~
5 ~~(c) *Director* . Director of the department of public safety~~
6
- 7 ~~(d) *Double cylinder dead bolt lock* . A dead bolt lock that is key operated on both the~~
8 ~~exterior and interior surfaces.~~
9
- 10 ~~(e) *Flush bolt* . A metal rod installed in the surface of the side of the door to extend~~
11 ~~vertically into the top of the door frame or into the floor or the threshold.~~
12
- 13 ~~(f) *Horizontal dead bolt lock* . A heavy metal bar which moves horizontally into the~~
14 ~~strike plate of the doorjamb, thus locking the two together. It is called a dead bolt because~~
15 ~~it cannot be pushed back from the outside unless the cylinder is turned by the correct key.~~
16 ~~For all locks installed on or after July 1, 1984, the throw of the bolt must be at least one~~
17 ~~(1) inch; for all locks installed prior to July 1, 1984, the lock must penetrate the jamb a~~
18 ~~minimum of one half (1/2) inch. This lock is designed for both wood and metal doors.~~
19
- 20 ~~(g) *Multifamily rental dwelling* . A building, or portion thereof, containing three (3) or~~
21 ~~more rental dwelling units, located on a single lot or parcel of ground.~~
22
- 23 ~~(h) *Owner or operator* . The owner or owners of the freehold of the multi-family rental~~
24 ~~dwelling or lesser estate therein, a mortgagee or vendee in possession, assignee of rents,~~
25 ~~receiver, executor, trustee, lessee or other person, firm or corporation responsible for the~~
26 ~~control or management of the multi-family rental dwelling.~~
27
- 28 ~~(i) *Peephole* . A one way door viewer with a minimum of five eighths inch hole size~~
29 ~~providing a view through the door from inside to outside only.~~
30
- 31 ~~(j) *Pin* . A metal rod that is at least one eighth (1/8) inch in diameter and~~
32 ~~approximately two (2) to three (3) inches long.~~
33
- 34 ~~(k) *To rent* . Includes to lease, to sublease, to let and otherwise to grant for~~
35 ~~consideration the right to occupy the premises not owned by the occupant.~~
36
- 37 ~~(l) *Strike plate* . A metal plate on the jamb side of the door. When the dead bolt lock is~~
38 ~~engaged, it locks the door to the frame. For any dead bolt lock installed on or after July 1,~~
39 ~~1984, the strike plate shall be secured by screws which penetrate the subframe a~~
40 ~~minimum of one (1) inch.~~
41
- 42 ~~(m) *Vertical dead bolt lock* . Two (2) metal bars which fit vertically into eyeholes or~~
43 ~~sockets attached to the jamb, thus locking the door and the jamb together. It is called a~~
44 ~~dead bolt because it cannot be pushed back from the outside unless the cylinder is turned~~
45 ~~by the correct key.~~
46

1 (*n*) *Window latch*. A device capable of being turned by the hand from the inside which prevents the window from being opened from the outside. (Code 1963, Sec. 7A-2; Ord. No. 2947, 6/27/84, Sec. 1.)

2

3

4

5 Sec. 8-2-3 Responsibility for compliance.

6 The owner or operator of the premises shall be responsible for compliance with this

7 chapter. (Code 1963, Sec. 7A-3)

8

9 Sec. 8-2-4 Responsibility and methods for enforcement.

10

11 The department of public safety is hereby authorized and directed to administer and

12 enforce the provisions of this chapter:

13

14 (1) *Right of entry*. On presentation of proper credentials, the director or his duly

15 authorized representative may, with the consent of the owner, operator or occupant, or in

16 accordance with law, enter at reasonable times any multifamily rental dwelling unit

17 subject to the provisions of this chapter for the purpose of inspecting the premises to

18 ensure that the standards enumerated in this chapter are being met.

19

20 (2) *Time for inspections*. The director shall make such periodic inspections as he deems

21 necessary to ensure that the requirements of this chapter are being met.

22

23 (3) *Procedure when noncompliance discovered*. When an inspection reveals that any

24 multifamily rental dwelling unit does not meet the requirements of this chapter, the

25 following procedure shall be followed:

26

27 a. Written notice of the deficiencies discovered during the inspection shall be given the

28 owner or operator of the premises by the director. The notice shall be deemed properly

29 served if a copy thereof is delivered personally or by mailing a copy thereof by certified

30 mail to the last known address of the owner or operator.

31

32 b. The notice shall set forth the amount of time within which the deficiencies are to be

33 corrected; however, in no event shall the time allowed for corrections be less than five (5)

34 days or more than 30 days.

35

36 e. Upon correcting the deficiencies, the owner or operator of the premises shall give

37 notice to the department that the violations have been corrected.

38

39 d. The director shall upon receipt of notice of correction, reinspect the premises and

40 either approve or disapprove the corrections. In case of disapproval, the director may then

41 grant a reasonable extension of time to correct deficiencies if, in his judgment, the owner

42 has made a good faith effort to correct these deficiencies. (Code 1963, Sec. 7A-4; Ord.

43 No. 2947, 6/27/84, Sec. 2)

44

45 Sec. 8-2-5 Standards.

46

1 ~~(a) Doors from the exterior or from interior corridors or hallways to individual rental~~
2 ~~dwelling units . All doors, other than sliding patio doors or glass panel doors, from the~~
3 ~~exterior to individual rental dwelling units or from interior corridors or hallways to~~
4 ~~individual rental dwelling units shall be equipped with a peephole and a horizontal dead~~
5 ~~bolt lock or vertical dead bolt lock, none of which impairs the fire resistance rating of the~~
6 ~~door. Locks on such doors shall be so constructed that the dead bolt can be easily~~
7 ~~retracted from the inside without the use of a key. The outer cylinder guard shall be~~
8 ~~constructed of hardened steel, tapered or beveled to resist gripping by pliers and similar~~
9 ~~type tools and either by free spinning to prevent twisting of the cylinder or flush mounted~~
10 ~~to prevent disabling of the locking system. The horizontal dead bolt lock must be~~
11 ~~constructed of hardened material which resists sawing. Locking systems involving a~~
12 ~~combination of a snap latch and a dead bolt should be designed so that the defeat of the~~
13 ~~snap latch or exterior knob does not defeat the dead bolt.~~

14
15 ~~(b) Sliding patio doors . Sliding patio doors and nonsliding portions thereof in a rental~~
16 ~~dwelling unit opening onto patios or balconies which are less than 10 feet above ground~~
17 ~~level or otherwise readily accessible from the outside must be equipped with devices with~~
18 ~~hardened steel inserts with mounting screws for the device inaccessible from the outside.~~
19 ~~The device shall engage the frame sufficiently to prevent its being disengaged by any~~
20 ~~possible movement of the door within the space of clearance provided for installation and~~
21 ~~operation.~~

22 ~~(c) Sliding glass doors . On and after July 1, 1985, exterior sliding glass doors at any~~
23 ~~level in a rental dwelling unit shall be equipped with the manufacturer's lock and with a~~
24 ~~locking device or combination thereof that prevents both horizontal and vertical~~
25 ~~movement of the door. Every such door shall be equipped with a removable metal pin~~
26 ~~that secures the frames of the moving and nonmoving portions of the door to each other~~
27 ~~and to the track or frame of the door to prevent horizontal and vertical movement of the~~
28 ~~door, or such door shall be equipped with a charlie bar to prevent horizontal movement of~~
29 ~~the door and with at least two (2) screws placed in the top of the door frame to prevent~~
30 ~~vertical movement of the door.~~

31
32 ~~(d) Glass panel doors . On and after July 1, 1985, exterior glass panel doors at any level~~
33 ~~in a rental dwelling unit shall be equipped as follows:-~~

34
35 ~~(1) For all double glass panel doors, such as French doors or modified French doors, the~~
36 ~~inactive door, if it is capable of being opened, must be secured by a flush bolt. A double~~
37 ~~cylinder dead bolt lock is required to secure the active door to the inactive door.~~

38
39 ~~(2) For any door, having a glass panel within 40 inches of the lock, a double cylinder~~
40 ~~dead bolt lock shall be used.~~

41
42 ~~(3) Provided, however, when such door is a required means of egress, double cylinder~~
43 ~~dead bolt locks shall not be used and locks shall be so constructed that the dead bolt can~~
44 ~~be easily retracted from the inside without the use of a key.~~

1 ~~(e) Operable windows~~. All operable windows which are less than 10 feet above ground
2 level or otherwise readily accessible from the outside shall have a window lock or latch.
3 ~~(Code 1963, Sec. 7A-5; Ord. No. 2947, 6/27/84, Sec. 3)~~

4
5 ~~Sec. 8-2-6 Alternate security provisions.~~

6
7 ~~(a) The provisions of this chapter are not intended to prevent the use of other devices or~~
8 ~~methods than those provided herein; provided, the other devices or methods provide the~~
9 ~~same or greater degree of security within the minimum requirements of this chapter.~~

10
11 ~~(b) When the person responsible for compliance with the provisions of this chapter~~
12 ~~desires to use any other device or method, the burden of proving to the director that the~~
13 ~~requirements of this chapter have been met or surpassed shall rest with the person~~
14 ~~responsible for compliance.~~

15
16 ~~(c) Any other device or method may only be used upon the approval of the director. The~~
17 ~~director may require the person responsible for compliance to submit the device or~~
18 ~~method to such tests as he deems necessary and proper to determine if it meets or~~
19 ~~surpasses the requirements of this chapter. Such tests shall be performed at the expense of~~
20 ~~the person responsible for compliance. (Code 1963, Sec. 7A-6)~~

21
22 ~~Sec. 8-2-7 Violations.~~

23 ~~On and after January 1, 1978, it shall be unlawful for the owner or operator of any rental~~
24 ~~dwelling unit in a multifamily dwelling to rent any unit that does not comply with the~~
25 ~~standards of section 8-2-5 or 8-2-6 after such owner or operator has been notified by the~~
26 ~~director of his noncompliance and the period for correcting such noncompliance as~~
27 ~~specified in the notice issued by the director has expired without the necessary~~
28 ~~corrections having been made. (Code 1963, Sec. 7A-7)~~

29
30 ~~Sec. 8-2-8 Penalties; injunction.~~

31
32 ~~(a) Any owner or operator violating any provision of this chapter shall upon conviction~~
33 ~~be punished by a fine not to exceed \$500 or by imprisonment not to exceed five days in~~
34 ~~jail, or by both such fine and imprisonment. Each individual violation shall be considered~~
35 ~~a separate offense, and each day that any violation continues shall constitute a separate~~
36 ~~offense.~~

37
38 ~~(b) Violations of any provisions of this chapter may also be restrained, prohibited or~~
39 ~~enjoined by appropriate action or proceeding in a court of competent jurisdiction. (Code~~
40 ~~1963, Sec. 7A-8)~~

41
42 **CHAPTER 3 Reserved**

43
44 ~~Editor's note: Ord. No. 3331, Sec. 2, adopted Oct. 15, 1988, repealed Tit. 8, Ch. 3, § 8-3-~~
45 ~~1-8-3-22, pertaining to signs, marquees and awnings, which derived from Code 1963,~~
46 ~~Sees. 29-1, 29-2.1, 29-3-29-8.1, 29-10-29-13, 29-16-29-18; Ord. No. 2950, Sec. 1,~~

1 adopted June 27, 1984; Ord. No. 2976, §§ 1, 2, adopted Oct. 23, 1984 and Ord. No. 3024,
2 Secs. 1, 2, adopted March 16, 1985. See the Code Comparative Table for a detailed
3 analysis of inclusion of Ord. No. 3331.

4 5 **CHAPTER 4 Home Improvement** 6

7 ~~Historical Note: The provisions of this chapter are derived from Ordinance No. 2482,~~
8 ~~adopted by the city council on June 14, 1980 as a new reordained Chapter 17B of the~~
9 ~~1963 code, previously enacted by Ordinance No. 2378, adopted by the city council on~~
10 ~~June 12, 1979.~~

11
12 ~~§ 8 4 1 Title.~~

13 ~~§ 8 4 2 Definitions.~~

14 ~~§ 8 4 3 Exemptions.~~

15 ~~§ 8 4 4 Application for home improvement license; issuance.~~

16 ~~§ 8 4 5 Home improvement contract requirements.~~

17 ~~§ 8 4 6 Identification cards, duplicates and exemption certificates.~~

18 ~~§ 8 4 7 Prohibited acts.~~

19 ~~§ 8 4 8 Denial, suspension or revocation of license or identification card.~~

20 ~~§ 8 4 9 Investigation; probable cause; determination.~~

21 ~~§ 8 4 10 Appeal.~~

22 ~~§ 8 4 11 reserved.~~

23 ~~§ 8 4 12 Judicial review.~~

24 ~~§ 8 4 13 Official records.~~

25 ~~§ 8 4 14 Penalty and remedies.~~

26 ~~§ 8 4 15 Summary of chapter provisions.~~

27 28 **Sec. 8 4 1 Title.**

29 This chapter shall be known and may be cited as the home improvement code of
30 the city.

31 32 **Sec. 8 4 2 Definitions.**

33
34 Unless otherwise expressly stated or the context clearly indicates a different
35 intention, the following terms shall, for the purposes of this chapter, have the meanings
36 indicated in this section.

37
38 (1) ~~Building official.~~ The executive in charge of the department.

39 40 **Sec. 8 4 2 Definitions.**

41
42 Unless otherwise expressly stated or the context clearly indicates a different
43 intention, the following terms shall, for the purposes of this chapter, have the meanings
44 indicated in this section.

45
46 (1) ~~Building official.~~ The executive in charge of the department.

1
2 ~~(2) *Business of home improvement.* The contracting for and/or providing labor and~~
3 ~~material or labor only for repairs, improvements or additions to residential buildings or~~
4 ~~structures accessory thereto where any payment of money or other thing of value is~~
5 ~~required.~~

6
7 ~~(3) *Contract buyer.* Any person who has an ownership or leasehold interest in~~
8 ~~residential property and who offers payment of money or other thing of value in return~~
9 ~~for a promise to perform or the performance of home improvement work, unless the~~
10 ~~person is also a home improvement contractor or is otherwise exempt under section 8-4-~~
11 ~~3.~~

12
13 ~~(4) *Department.* The department of building and mechanical inspections of the City of~~
14 ~~Alexandria, Virginia.~~

15
16 ~~(5) *Home improvement work.* The repair, improvement, restoration, alteration,~~
17 ~~enlargement, replacement, remodeling of or addition to any residential property for~~
18 ~~payment. It shall also include, but not be limited to, the construction and repair of such~~
19 ~~residential property as windows, driveways, sidewalks, swimming pools, patios, porches,~~
20 ~~terraces and garages. Without regard to the extent of affixation, it shall also include the~~
21 ~~installation of central heating or air conditioning systems, storm windows, insulation,~~
22 ~~awnings or fire and burglar alarm systems. Home improvement work shall not include:~~

23
24 ~~a. the construction of a new home building or work done by a contractor in compliance~~
25 ~~with a guarantee of completion of a new building project; or~~

26
27 ~~b. the sale of goods or materials by a seller who neither arranges to perform nor~~
28 ~~performs directly any work or labor in connection with the installation of or application~~
29 ~~of the goods or materials.~~

30
31 ~~(6) *Home improvement contract.* An agreement for the performance of home~~
32 ~~improvement work in which the contractor is to provide materials and labor or labor only,~~
33 ~~and the buyer is to pay more than \$300 in return.~~

34
35 ~~(7) *Home improvement contractor.* Any person who engages in the business of home~~
36 ~~improvement, whether full time or part time, whether this person is a principal contractor~~
37 ~~or a subcontractor.~~

38
39 ~~(8) *Payment.* The transfer, directly or indirectly, of any money or other valuable~~
40 ~~consideration. It shall include, but is not limited to, the delivery of cash, a promissory~~
41 ~~note, an installment contract, a chattel mortgage or a deed of trust; but "payment" shall~~
42 ~~not include the promise to pay as set forth in the contract itself.~~

43
44 ~~(9) *Residential property.* Any property which contains one or more dwellings or~~
45 ~~dwelling units and includes all structures accessory thereto.~~

1 ~~(10) *Valid license.* A license that has been properly issued or renewed pursuant to this~~
2 ~~chapter and is currently not suspended, revoked, expired or otherwise terminated.~~

3
4 **~~Sec. 8-4-3 Exemptions.~~**

5
6 The provisions of this chapter shall not apply to the following:

7
8 ~~(1) any person or any member of the immediate family of a person who performs home~~
9 ~~improvement work on residential property of which he or she is a bona fide owner or~~
10 ~~lessee;~~

11
12 ~~(2) any home improvement work performed for an owner or lessee who personally, and~~
13 ~~not by agent, has signed a waiver of the provisions of this chapter, as to the work, on a~~
14 ~~form supplied by the department and either in the presence of an officer or an employee~~
15 ~~of the department or by affidavit on the form;~~

16
17 ~~(3) any home improvement work performed for an owner who owns 10 or more~~
18 ~~dwellings and/or dwelling units in the city;~~

19 ~~(4) any contractor licensed under the provisions of section 54-129.1 of the Code of~~
20 ~~Virginia (1950), as amended;~~

21
22 ~~(5) Any contractor who holds a valid master class certificate issued pursuant to the~~
23 ~~building code of the city and who is acting exclusively within the scope of the certificate;~~

24
25 ~~(6) any public service company, its agents, employees and subcontractors, or~~

26
27 ~~(7) any subcontractor performing home improvement work under contract with a~~
28 ~~contractor who is either a licensed home improvement Contractor or is exempt from the~~
29 ~~provisions of this chapter.~~

30
31 **~~Sec. 8-4-4 Application for home improvement license; issuance.~~**

32
33 ~~(a) A home improvement contractor shall apply for a class 1 or 2 license by completing~~
34 ~~and submitting an application form supplied by the department. The application and~~
35 ~~financial statement forms must each contain a notarized affidavit by the applicant that the~~
36 ~~information supplied on the form is true, correct and complete to the best of the~~
37 ~~applicant's knowledge and belief. Applicants for a class 1 or 2 license shall pay a fee of~~
38 ~~\$30. No license shall be issued until each applicant submits the following documents in~~
39 ~~support of the application:~~

40
41 ~~(1) A financial statement on a form supplied by the department on which the applicant~~
42 ~~must disclose his current financial resources and obligations.~~

43
44 ~~(2) A copy of the applicant's proposed contract forms, which shall include, but not be~~
45 ~~limited to, the provisions required by section 8-4-5.~~

1 ~~(3) If the applicant is a nonresident of Virginia, a written statement designating a~~
2 ~~resident of Virginia as agent for service of process and notices of cancellation. The~~
3 ~~designated resident agent must be at least 18 years of age and, if the home improvement~~
4 ~~contractor is incorporated, the corporation must be licensed to do business in Virginia by~~
5 ~~the state corporation commission and must comply with the registered agent requirements~~
6 ~~of section 13.1-8, et seq., of the Code of Virginia.~~

7
8 ~~(4) Written evidence that the applicant has minimum liability and property damage~~
9 ~~insurance in the following amounts: \$100,000 in the aggregate for the death or injury of~~
10 ~~any one (1) person in any one occurrence, \$300,000 in the aggregate for the death or~~
11 ~~injury of more than one person in any one (1) occurrence and \$50,000 property damage~~
12 ~~in any one (1) occurrence.~~

13
14 ~~(5) Evidence satisfactory to the department that the applicant for a class 1 license has~~
15 ~~secured a bond in the amount of \$5,000 made payable to the City of Alexandria, Virginia,~~
16 ~~from a bonding or surety company licensed to do business in the Commonwealth of~~
17 ~~Virginia. The bond shall be conditioned upon the observance by the licensee and his~~
18 ~~employees of all statutes, ordinances and regulations in force which relate to the conduct~~
19 ~~of the licensee's home improvement business. The bond shall indemnify and save~~
20 ~~harmless any contract buyer or other person injured by the licensee's violation of any~~
21 ~~condition of the bond. Any person aggrieved by a violation of a condition of the bond~~
22 ~~may proceed in a court of competent jurisdiction against the licensee or surety, or both.~~
23 ~~Nothing in this section shall be construed to impose upon the surety of any bond a greater~~
24 ~~liability than the total amount of the bond or the remaining amount after prior recovery or~~
25 ~~recoveries by any contract buyer or injured party.~~

26
27 ~~(b) There shall be three (3) classes of licenses that may be issued pursuant to this~~
28 ~~chapter. They shall be known, designated and provide authority as follows:~~

29
30 ~~(1) Class 1 licenses shall consist of two (2) types:~~

31
32 ~~a. Class 1A General. This license shall entitle the holder to do home improvement~~
33 ~~work in general while the license remains valid.~~

34
35 ~~b. Class 1B Specialty. This license shall entitle the holder to do home improvement~~
36 ~~work in a limited area of specialty work recognized by the Alexandria Building Code~~
37 ~~Board of Examiners while the license remains valid.~~

38
39 ~~(2) Class 2 licenses shall consist of: Class 2 maintenance and ordinary repairs. This~~
40 ~~license shall entitle the holder to do no more than \$300 worth of home improvement~~
41 ~~work per job, consisting of maintenance or "ordinary repairs" only, as defined by the~~
42 ~~Uniform Statewide Building Code and as shall be determined by the building official,~~
43 ~~while the license remains valid.~~

44
45 ~~(3) Class 3 licenses shall consist of: Class 3 salesperson. Pursuant to and only after~~
46 ~~compliance with the provisions of section 8-4-6(b) of this code, this license shall entitle~~

1 the holder to represent no more than a total of two (2) class 1 or class 2 licensees as a
2 salesperson while the class 3 license remains valid.

3
4 ~~(e) The department shall issue a one (1) year license once the provisions of section 8-4-~~
5 ~~4(a) or 8-4-6(b) have been complied with by the applicant, subject only to the grounds for~~
6 ~~denial of a license set forth in section 8-4-8 of this chapter. The license shall clearly~~
7 ~~identify the licensee, the authority conferred by the license and the expiration date of the~~
8 ~~license. The license shall bear the following words, or words of similar import: "Notice:~~
9 ~~The City of Alexandria does not guarantee or provide any warranty whatsoever for any~~
10 ~~work performed by the licensee." Licenses and/or identification cards may be issued in~~
11 ~~different sizes and/or colors to help distinguish them from each other.~~

12 ~~(d) No class 1 or 2 license shall be issued pursuant to this section to any person under 18~~
13 ~~years of age.~~

14
15 **Sec. 8-4-5 Home improvement contract requirements.**

16
17 ~~(a) All home improvement contracts shall be in writing and shall set forth the entire~~
18 ~~agreement between the parties and shall clearly identify and describe any other document~~
19 ~~which is incorporated as a part of that agreement.~~

20
21 ~~(b) A home improvement contract shall be signed by the contractor, the salesperson, if~~
22 ~~any, and the contract buyer. No contractor or salesperson shall cause or permit any home~~
23 ~~improvement contract or other related document to be signed by the contract buyer until~~
24 ~~all the blank spaces have been filled in or marked as inapplicable and the contract buyer~~
25 ~~has been given a reasonable opportunity to examine the completed contract and all~~
26 ~~related documents.~~

27 ~~(c) The contractor shall furnish the contract buyer a legible, fully executed copy of the~~
28 ~~contract and all related documents at the time the contract is signed. A copy of the~~
29 ~~contract shall accompany the building permit application whenever a permit is required~~
30 ~~for the home improvement work. Except for permits issued to those exempt under section~~
31 ~~8-4-3 of this chapter, each permit shall list the contractor's home improvement license~~
32 ~~number.~~

33
34 ~~(d) The contract buyer shall have the right to cancel a contract without penalty until~~
35 ~~midnight of the third business day from the day on which the contract buyer signs the~~
36 ~~contract. For purposes of this chapter, Monday through Saturday shall be considered~~
37 ~~business days. The contract buyer shall cancel by hand delivery, by telegram or a written~~
38 ~~notice of cancellation to the contractor or his designated agent under section 8-4-4(a)(3)~~
39 ~~of this chapter at the address given by the contractor in the contract. Notice of~~
40 ~~cancellation shall be effective when the telegram is sent, when delivered by hand or when~~
41 ~~mailed by certified mail as evidenced by postmark. The contract buyer may modify or~~
42 ~~waive the right to cancel provided:~~

43
44 ~~(1) The home improvement work is necessary to meet a bona fide, immediate~~
45 ~~emergency of the contract buyer;~~

1 ~~(2) The contract buyer has determined that a delay of three (3) business days in~~
2 ~~performance of the contract work will jeopardize the welfare, health or safety of natural~~
3 ~~persons or endanger property which the contract buyer owns or for which the buyer is~~
4 ~~responsible; and~~

5
6 ~~(3) The contract buyer provides to the contractor a separate, dated and signed personal~~
7 ~~statement describing the situation requiring immediate remedy and modifying or waiving~~
8 ~~the right to cancel. The use of printed forms for this purpose is prohibited.~~

9
10 ~~(4) If the right to cancel is waived or modified, performance of the contract shall begin~~
11 ~~before 9:00 a.m. of the final day of the waiver period or the waiver shall be void. It shall~~
12 ~~be a violation of this section to solicit a waiver of the right to cancel when immediate~~
13 ~~performance of the contract is not contemplated by the parties or when performance is~~
14 ~~not to begin by the final day of the waiver period.~~

15
16 ~~(5) When the right to cancel is exercised, the contract buyer is not liable for any finance~~
17 ~~or other charge, and any security interest becomes void upon such a cancellation. Within~~
18 ~~10 days after receipt of a notice to cancel, the contractor shall return to the contract buyer~~
19 ~~any money or property given as down payment or otherwise and shall take any action~~
20 ~~necessary to reflect the termination of any security interest created under the transaction.~~
21 ~~When the contractor's obligations under this section have been performed, the contract~~
22 ~~buyer shall offer to return any property previously delivered to the buyer by the~~
23 ~~contractor. If the contractor does not take possession of the property within 10 days after~~
24 ~~the offer to return by the contract buyer, the legal ownership of the property shall vest in~~
25 ~~the contract buyer without obligation on the buyer's part to pay for it, provided the buyer~~
26 ~~has not done anything to interfere with the contractor's efforts to take possession of it.~~

27
28 ~~(e) No home improvement contract shall contain a waiver of warranties, express or~~
29 ~~implied, except as provided for in section 8-4-5(f)(3)b. All express warranties shall be~~
30 ~~stated in clear and unambiguous language. The contractor shall furnish the contract buyer~~
31 ~~with all manufacturers' and suppliers' written warranties covering materials used and~~
32 ~~equipment furnished under this contract.~~

33
34 ~~(f) Every home improvement contract shall contain a statement that the warranties~~
35 ~~implied by Virginia state law are not waived, including:~~

36
37 ~~(1) The home improvement work contracted for shall be of a workmanlike quality.~~

38
39 ~~(2) All materials and equipment supplied under the contract shall be of merchantable~~
40 ~~quality which includes that they shall be fit for the ordinary purposes for which they are~~
41 ~~used.~~

42
43 ~~(3)a. The home improvements contracted for and the materials and equipment supplied~~
44 ~~shall be fit for at least one (1) year for the particular purposes for which they are~~
45 ~~intended.~~

1 ~~b. This requirement may be waived by the contract buyer in a signed, dated writing only~~
2 ~~where the work to be performed is a temporary repair and is not a replacement,~~
3 ~~remodeling, alteration or addition. The waiver must be a personal, written statement by~~
4 ~~the contract buyer; the use of a printed form for this purpose is prohibited.~~

5
6 ~~(4) The home improvement work contracted for shall be in accordance with all~~
7 ~~applicable building codes, city ordinances and state and federal laws.~~

8
9 ~~(g) Notwithstanding or in addition to any other provision of this chapter, every warranty~~
10 ~~and the disclaimer or waiver of any warranty must comply with all other applicable law.~~

11
12 ~~(h) Contract payments.~~

13
14 ~~(1) Schedule. The home improvement contract may contain a schedule of payments~~
15 ~~related to the work to be performed.~~

16
17 ~~(2) Payment.~~

18
19 ~~a. The contract buyer shall not be required to make any payment whatsoever, whether~~
20 ~~scheduled or otherwise, except for a deposit for materials as provided for below, prior to~~
21 ~~the delivery of materials or performance of labor or services.~~

22
23 ~~b. The contract buyer shall not be required to pay more than 90 percent of any scheduled~~
24 ~~payment or of the total contract price until the contract has been completed.~~

25
26 ~~(3) Deposit for materials. A contract buyer may agree to make an initial deposit for~~
27 ~~materials, but it shall not be for more than one third (1/3) of the materials to be used in~~
28 ~~the performance of the contract upon which the deposit is made. Furthermore, the parties~~
29 ~~may agree to include the condition that legal title to the materials shall vest in the contract~~
30 ~~buyer at the time the deposit is paid.~~

31
32 ~~(i) All home improvement contracts shall include the following information:~~

33
34 ~~(1) The name, address, telephone number and license number of the home improvement~~
35 ~~contractor.~~

36
37 ~~(2) The name, address, telephone number and license number of the home improvement~~
38 ~~salesperson, if any.~~

39
40 ~~(3) The name, address, telephone number of the contract buyer and address of the~~
41 ~~property where the work is to be performed by the contractor.~~

42
43 ~~(4) A reasonably precise description of or the specifications of the work to be performed~~
44 ~~under the contract, including brand names, colors, grades, styles, quality, quantity, model~~
45 ~~numbers and other relevant information identifying any appliances, equipment or~~
46 ~~material to be used or installed.~~

1
2 (5) The specific dates by which time work is to be started and completed although the
3 contract may provide for unforeseeable delays. If dates cannot be met, new deadline dates
4 shall be set specifically related to any such delay.
5
6 (6) The total price or other consideration to be paid by the buyer, the finance charge, the
7 total scheduled payments and the number, amount and due dates or periods of payments.
8 If payment is to be made in more than three (3) installments, the contractor shall make
9 the disclosures required by federal, state or other laws and regulations. Disclosures shall
10 also be made of any collateral security taken or to be taken for the contract buyers
11 obligation under the contract. If the contractor intends to assign the contract to a third
12 party, disclosure of intent to assign and the name of intended assignee shall be made. If
13 the contract is one for time and materials, the contract shall state the hourly rate for labor
14 and other terms and conditions affecting the price.
15
16 (7)a. The following statements in bold type, no smaller than 10 point:
17
18 **WARNING:**
19 **DO NOT SIGN THIS CONTRACT OR ANY OTHER DOCUMENT UNTIL ALL**
20 **BLANKS HAVE BEEN FILLED IN OR MARKED AS INAPPLICABLE. DO NOT**
21 **SIGN ANYTHING UNTIL YOU HAVE READ IT. YOU ARE ENTITLED TO A**
22 **SIGNED COPY OF THIS CONTRACT AND ALL OTHER PAPERS. YOU DO**
23 **NOT HAVE TO PAY MORE THAN ONE THIRD (1/3) OF THE CONTRACT**
24 **PRICE AT THE TIME THE CONTRACT IS SIGNED AND THEN ONLY AS A**
25 **DEPOSIT FOR MATERIALS. YOU MAY ALSO PROVIDE FOR LEGAL TITLE**
26 **TO THE MATERIALS TO VEST IN YOU AT THE TIME YOU PAY THE**
27 **DEPOSIT. THE CONTRACT MAY PROVIDE A SCHEDULE OF PAYMENTS,**
28 **YOU DO NOT HAVE TO MAKE ANY PAYMENT, EXCEPT THE DEPOSIT IF**
29 **AGREED UPON, UNTIL THE WORK HAS BEEN PERFORMED OR THE**
30 **MATERIALS HAVE BEEN DELIVERED. YOU DO NOT HAVE TO PAY MORE**
31 **THAN 90 PERCENT OF EACH SCHEDULED PAYMENT AND/OR THE**
32 **TOTAL CONTRACT PRICE UNTIL ALL OF THE SCHEDULED WORK AND**
33 **THE ENTIRE CONTRACT HAS BEEN COMPLETED.**
34
35 **RIGHT TO CANCEL**
36 **YOU MAY CANCEL THIS CONTRACT, WITH NO PENALTY ANY TIME BEFORE**
37 **MIDNIGHT** _____ **ON**
38 _____
39 **DAY** _____ **OF** _____ **WEEK)** _____ **(DATE)**
40 **TO CANCEL, SEND BY CERTIFIED MAIL, TELEGRAM OR HAND**
41 **DELIVER** _____ **A** _____ **SIGNED,** _____ **DATED** _____ **NOTICE** _____ **TO**
42 _____
43 _____
44 **(NAME)** _____
45 **AT** _____ **;(ADDRESS)** _____
46 **I HEREBY CANCEL THIS TRANSACTION,**

1 _____
2 (DATE)

3 _____
4 (BUYER'S SIGNATURE)

5 ~~IF YOU WANT THE WORK TO BEGIN IMMEDIATELY, YOU MAY WAIVE~~
6 ~~YOUR RIGHT TO CANCEL ONLY BY YOUR SIGNED, PERSONALLY WRITTEN~~
7 ~~STATEMENT EXPLAINING THE EMERGENCY AND YOUR WAIVER OF THREE~~
8 ~~(3) DAYS CANCELLATION PERIOD.~~

9
10 **IMPLIED WARRANTIES**

11
12
13 ~~VIRGINIA STATE LAW IMPLIES CERTAIN WARRANTIES WHICH ARE NOT~~
14 ~~WAIVED BY THIS CONTRACT INCLUDING THE FOLLOWING: ALL WORK~~
15 ~~WILL BE DONE IN A WORKMANLIKE MANNER IN ACCORDANCE WITH THE~~
16 ~~BUILDING CODE. ALL MATERIALS AND EQUIPMENT SUPPLIED WILL BE OF~~
17 ~~MERCHANTABLE QUALITY. THE WORK, MATERIALS AND EQUIPMENT~~
18 ~~WILL BE FIT FOR THE PARTICULAR PURPOSES FOR WHICH THEY ARE~~
19 ~~INTENDED _____ FOR~~

20 _____
21
22 ~~(NOT LESS THAN ONE (1) YEAR)~~

23 ~~THIS ONE (1) YEAR OR LONGER WARRANTY MAY BE WAIVED ONLY~~
24 ~~WHERE THE WORK IS A TEMPORARY REPAIR AND IS NOT A REPLACEMENT,~~
25 ~~REMODELING, ALTERATION OR ADDITION. IF YOU WISH TO WAIVE THE~~
26 ~~IMPLIED WARRANTY OF PARTICULAR FITNESS ON A TEMPORARY REPAIR,~~
27 ~~YOU MAY DO SO ONLY BY A SIGNED, PERSONALLY WRITTEN STATEMENT~~
28 ~~EXPLAINING THE TEMPORARY NATURE OF THE REPAIR AND YOUR~~
29 ~~WAIVER OF THE IMPLIED WARRANTY.~~

30
31 **FEDERAL WARRANTY LAW**

32
33 ~~NOTE: FEDERAL LAW REQUIRES THAT CERTAIN WARRANTIES OR~~
34 ~~GUARANTEES MUST BE LABELED AS EITHER "FULL" OR "LIMITED."~~
35 ~~CERTAIN OF THESE WARRANTIES MUST BE CLEARLY WRITTEN, STATE~~
36 ~~COMPLETELY WHAT IT COVERS, TELL YOU WHAT YOUR RESPONSIBILITIES~~
37 ~~ARE, INFORM YOU HOW LONG IT LASTS AND LET YOU KNOW WHAT~~
38 ~~REMEDIES YOU HAVE UNDER THE WARRANTY TO CORRECT A PROBLEM~~
39 ~~COVERED BY IT.~~

40
41 ~~b. The notice of right to cancel must be either in the form stated above or in the form~~
42 ~~and content of any similar notice requirement for sales under federal or state law,~~
43 ~~provided that the requirement contains at least the information required for right to cancel~~
44 ~~in this subsection, and that nothing in the notice is in conflict with the provisions of this~~
45 ~~chapter.~~

1 ~~e. The statements required by this subsection must be incorporated into and made an~~
2 ~~integral part of the contract but may be on a separate form attached to the body of the~~
3 ~~printed or written contract and initialed by all parties to the contract.~~

4
5 **Sec. 8-4-6 Identification cards, duplicates and exemption certificates.**

6
7 ~~(a) Licensee identification cards. The department shall issue to each licensee an~~
8 ~~identification card which shall certify that the person whose name appears on the card is a~~
9 ~~licensed home improvement contractor.~~

10
11 ~~(b) Salesperson identification cards. A salesperson, when authorized to represent a~~
12 ~~contractor, shall be entitled to a class 3 license and identification card after payment of a~~
13 ~~one dollar (\$1.00) fee for the card. No card shall be issued unless the department has~~
14 ~~received from the contractor a written notice of authorization signed by both the~~
15 ~~contractor and the salesperson. A salesperson may represent no more than two (2)~~
16 ~~contractors at any one time. Before any individual may accept an appointment or~~
17 ~~employment as a salesperson for any contractor, the individual shall disclose to the~~
18 ~~contractor and the department the names of every other contractor by whom the~~
19 ~~individual is currently employed or authorized to represent. No person shall act as a~~
20 ~~salesperson and no contractor shall authorize any person to act as a salesperson for any~~
21 ~~contractor unless the required notices are received by the department. Upon the~~
22 ~~termination of the authority, appointment or employment of a salesperson, the contractor~~
23 ~~shall so notify the department in writing. The termination notice shall automatically~~
24 ~~invalidate the salesperson's class 3 license.~~

25 ~~(c) Every card issued pursuant to this section shall set forth the class of license for~~
26 ~~which it has been issued, the authority provided by that license class, and shall bear the~~
27 ~~following words, or words of similar import: "Notice: The City of Alexandria does not~~
28 ~~guarantee or provide any warranty whatsoever for any work performed by the licensee."~~

29
30 ~~(d) Every licensee and every salesperson shall carry their identification card on their~~
31 ~~person at all times while engaged in any business regulated by this chapter, shall display~~
32 ~~the card to every prospective contract buyer and shall display the card to any official~~
33 ~~representative of the department or of the office of consumer affairs of the city upon~~
34 ~~demand.~~

35
36 ~~(e) Upon the request of any person exempt from the provisions of this chapter and upon~~
37 ~~receipt of one dollar (\$ 1.00), the department shall issue an exemption certificate to and~~
38 ~~in the name of that person.~~

39
40 **Sec. 8-4-7 Prohibited acts.**

41
42 It shall be unlawful for any person who is subject to the provisions of this chapter:

43
44 ~~(1) to engage or offer to engage in the business of home improvement without having a~~
45 ~~valid license required by this chapter unless the person is exempted from the provisions~~
46 ~~of this chapter;~~

1
2 ~~(2) to undertake any home improvement work except pursuant to a home improvement~~
3 ~~contract unless no contract is required by this chapter for this work;~~

4
5 ~~(3) to knowingly and willfully provide false information to the department;~~

6
7 ~~(4) to use any deception, fraud or misrepresentation in the advertising, negotiation for,~~
8 ~~procurement or performance of a home improvement contract;~~

9
10 ~~(5) to prepare, to arrange, to participate in arranging or to accept any mortgage,~~
11 ~~promissory note or other evidence of indebtedness on the obligations of a home~~
12 ~~improvement transaction with knowledge that it recites a greater monetary obligation~~
13 ~~than the agreed upon consideration for the home improvement work, which consideration~~
14 ~~may be a time sale price where only labor is involved;~~

15
16 ~~(6) to represent that he or she is a licensee if the person does not possess a valid home~~
17 ~~improvement license or that he or she is an authorized representative of a licensee if this~~
18 ~~person does not possess a valid salesperson identification card; or~~

19
20 ~~(7) to use a certificate of exemption for any purpose other than proof that the person is~~
21 ~~exempt from the provisions of this chapter.~~

22
23 **~~Sec. 8-4-8 Denial, suspension or revocation of license or identification card.~~**

24
25 ~~Any one (1) or more of the following shall be grounds for the denial, suspension~~
26 ~~or revocation of a license or identification card applied for, issued or renewed pursuant to~~
27 ~~this chapter:~~

28 ~~(1) a material misstatement in an application and/or supporting documents;~~

29
30 ~~(2) failure to provide information to the department or to an appeals board when~~
31 ~~required by either to determine whether a license should be issued, denied, revoked or~~
32 ~~suspended;~~

33
34 ~~(3) violation or failure to comply with any provision of this chapter or any other law~~
35 ~~related to home improvement work;~~

36
37 ~~(4) failure to complete any contract work as provided for in a home improvement~~
38 ~~contract, including failure to correct or replace faulty or defective work;~~

39
40 ~~(5) failure to honor warranties in a home improvement contract;~~

41
42 ~~(6) failure to use contract forms which are consistent with the provisions of this chapter;~~

43
44 ~~(7) failure to pay judgments or other debts which may result in a lien against a contract~~
45 ~~buyer's property;~~

1 ~~(8) failure to perform in accordance with the contract plans or specifications in all~~
2 ~~substantive or material respects without the consent of the contract buyer;~~

3
4 ~~(9) the suspension or revocation of any contractor's or salesperson's license by any~~
5 ~~jurisdiction within the preceding two (2) years for any cause similar to the provisions of~~
6 ~~this section;~~

7
8 ~~(10) cancellation or termination of any bond, insurance or other security required by this~~
9 ~~chapter; or~~

10
11 ~~(11) reduction in the amount of any bond or other security required by this chapter to~~
12 ~~less than one half (1/2) of the amount originally required by virtue of and under the~~
13 ~~authority of this chapter due to any cause related to any of the provisions of this section.~~

14
15 **~~Sec. 8-4-9 Investigation; probable cause; determination.~~**

16
17 ~~(a) Any person may file a complaint against a home improvement contractor or~~
18 ~~salesperson with the department or the office of consumer affairs. The office of consumer~~
19 ~~affairs shall notify the department when a written complaint is received by it against a~~
20 ~~home improvement contractor or salesperson. When a complaint is filed with the~~
21 ~~department or the office of consumer affairs, the office of consumer affairs shall~~
22 ~~investigate the complaint and shall make available to the department any information~~
23 ~~derived from the investigation. The department shall conduct any additional investigation~~
24 ~~as needed.~~

25
26 ~~(b) The department shall then determine whether there is probable cause to deny, revoke~~
27 ~~or suspend the home improvement license. In making a finding as to probable cause, the~~
28 ~~department may attribute the qualifications of any officer, director or managing employee~~
29 ~~of an applicant or licensee, or any person exercising direct or indirect control over the~~
30 ~~applicant or licensee, to the applicant or licensee.~~

31
32 ~~(c) When the department has determined that there is probable cause to deny, suspend or~~
33 ~~revoke a license, it shall notify the applicant or the licensee of this determination in~~
34 ~~writing. The notice shall include:~~

35
36 ~~(1) a statement of the facts which constitute the basis for the proposed action;~~

37
38 ~~(2) a statement specifying each separate violation of this chapter and or other state or~~
39 ~~federal laws;~~

40
41 ~~(3) a statement of the action the department proposes to take; and~~

42
43 ~~(4) a concise statement of the procedure which the licensee or applicant shall follow to~~
44 ~~request a hearing, including the deadline for a hearing request, the consequences of~~
45 ~~failure to request a hearing and the date the denial, suspension or revocation will become~~
46 ~~effective if no hearing is requested.~~

1
2 ~~(d) Notice shall be deemed properly served when a copy of the notice is personally~~
3 ~~served on the applicant or licensee, or when a copy is sent by certified mail, postage~~
4 ~~prepaid, to the latest address given on the application for a license.~~

5
6 ~~Sec. 8 4 10 Appeal.~~

7
8 ~~(a) Any applicant or home improvement contractor that has been notified that its license~~
9 ~~is being denied, revoked or suspended may appeal the department's action to the~~
10 ~~consumer affairs commission ("commission") by filing a written notice of appeal with the~~
11 ~~commission. The notice shall include the following information:~~

12
13 ~~(1) the name and address of the appealing party;~~

14
15 ~~(2) whether the appeal involves the denial, revocation or suspension of, or the refusal to~~
16 ~~reinstate, a license under this chapter; and~~

17
18 ~~(3) a brief statement summarizing the legal and factual basis for challenging the action~~
19 ~~of the department.~~

20 ~~(b) The appealing party shall file the notice of appeal within 15 days from the date of~~
21 ~~the notice issued by the department pursuant to Section 8 4 9 of this chapter. For the~~
22 ~~purposes of this section, the notice of appeal shall be deemed filed as of the date that it is~~
23 ~~received in the office of citizen assistance.~~

24
25 ~~(c) Upon the filing of a notice of appeal, the commission shall hold a hearing within 30~~
26 ~~days after the filing of the notice of appeal unless otherwise agreed to by the appealing~~
27 ~~party. Notice of the date, time and place of the hearing and of the procedures to be~~
28 ~~followed shall be given in writing to the appealing party at least 15 days in advance of the~~
29 ~~hearing. Failure on the part of the appealing party to appear at the hearing, except for~~
30 ~~good cause, shall be deemed a waiver of the right to a hearing.~~

31
32 ~~(d) The hearing shall be informal. The appealing party shall have the opportunity to~~
33 ~~question any person giving information and to present relevant information or testimony.~~
34 ~~It is permissible, but not required, for an appealing party to have an attorney present at~~
35 ~~the hearing. The commission shall keep a written or taped record of the hearing for a~~
36 ~~period of three years.~~

37
38 ~~(e) At the conclusion of the hearing, or within seven days thereafter, the commission~~
39 ~~shall either affirm, rescind or modify the department's action.~~

40
41 ~~(f) Filing of a notice of appeal shall stay suspension of a license, but shall not stay denial~~
42 ~~or revocation unless, upon application, the commission shall grant such a stay. (Ord. No.~~
43 ~~3696, 1/22/94, Secs. 4, 5)~~

44
45 ~~Editorial Note: Ord. No. 3696, Sec. 4, adopted Jan. 22, 1994, repealed Secs. 8 4 10 and~~
46 ~~8 4 11, which pertained to hearing procedure and final determination. Sec. 5 of said~~

1 ordinance enacted new provisions designated as Sec. 8-4-10 to read as herein set out. See
2 the Code Comparative Table.

3
4 ~~Sec. 8-4-11 reserved.~~

5
6 ~~Note: See the editorial note at Sec. 8-4-10.~~

7
8 ~~**Sec. 8-4-12 Judicial review.**~~

9
10 ~~(a) Any person directly and either jointly or severally aggrieved by a final order or a~~
11 ~~final decision rendered pursuant to this chapter is entitled to judicial review thereof in the~~
12 ~~Circuit Court of the City of Alexandria.~~

13
14 ~~(b) Proceedings for review shall be instituted by filing a notice of appeal and a petition~~
15 ~~for review with the court within 30 days after the date of the final order or final decision~~
16 ~~and delivering a copy of the notice and the petition to the building official. The filing of~~
17 ~~an appeal shall not act to stay the order or the effect of the decision from which the~~
18 ~~appeal is taken. Within five (5) working days after receipt of the notice, the building~~
19 ~~official shall file in the record of the suit a statement of the reason, including any finding~~
20 ~~of fact and/or conclusion of law, upon which the order or decision appealed from was~~
21 ~~based. Further proceedings shall be in accordance with equity jurisprudence and~~
22 ~~procedure. The court may render its judgment upon the record or it may hear any~~
23 ~~additional evidence as it deems proper.~~

24
25 ~~(c) The court may affirm the final order or final decision from which an appeal has been~~
26 ~~taken, or it may remand the matter for further proceedings or it may reverse or modify the~~
27 ~~order or decision on appeal if the substantial rights of the appellant have been prejudiced~~
28 ~~because the order or decision is:~~

- 29
30 ~~(1) in violation of any constitutional provision;~~
31 ~~(2) in excess of lawful authority or jurisdiction;~~
32 ~~(3) made upon unlawful procedure;~~
33 ~~(4) affected by other error of law;~~
34 ~~(5) unsupported by the evidence on the record considered as a whole; or~~
35 ~~(6) arbitrary, capricious or an abuse of discretion.~~

36
37 ~~**Sec. 8-4-13 Official records.**~~

38 ~~All official records pertaining to licenses and complaints shall be retained for a~~
39 ~~minimum of five (5) years. These records are public documents and shall be available to~~
40 ~~the public in accordance with law.~~

41
42 ~~**Sec. 8-4-14 Penalty and remedies.**~~

43
44 ~~(a) Any person who violates any provision of section 8-4-7 of this chapter shall upon~~
45 ~~conviction thereof be punished by a fine of not more than \$500 or by imprisonment not to~~
46 ~~exceed 30 days, or both. Each day that a violation continues shall constitute a separate~~

1 ~~offense. Each violation that occurs at a different address shall also constitute a separate~~
2 ~~offense.~~

3
4 ~~(b) The violation of any provision of section 8-4-7, in addition to or notwithstanding the~~
5 ~~penalty provided for in the preceding paragraph, and the violation or failure to comply~~
6 ~~with any provision of this chapter may be restrained, prohibited or enjoined by~~
7 ~~appropriate proceedings in a court of competent jurisdiction.~~

8
9 ~~Sec. 8-4-15 Summary of chapter provisions.~~

10
11 ~~The office of consumer affairs shall prepare and distribute a summary of the~~
12 ~~provisions of this chapter and the rights and obligations of contract buyers and home~~
13 ~~improvement contractors thereunder. The summary shall be reviewed by the city attorney~~
14 ~~for consistency with the foregoing. Upon approval by the city attorney, the summary may~~
15 ~~be distributed to the public.~~

16
17 Section 2. That Chapter 6 of Title 4 of the Code of the City of Alexandria,
18 Virginia, 1981, as amended, be, and the same is hereby, established and ordained to read
19 as follows:

20
21
22 TITLE 4 PUBLIC SAFETY
23 CHAPTER 6
24 Burglary Prevention Devices

25
26 § 4-6-1 Applicability

27 § 4-6-2 Definitions.

28 § 4-6-3 Responsibility for compliance.

29 § 4-6-4 Responsibility and methods for enforcement.

30 § 4-6-5 Standards.

31 § 4-6-6 Alternate security provisions.

32 § 4-6-7 Violations.

33 § 4-6-8 Penalties; injunction.

34
35
36 Sec. 4-6-1 Applicability.

37
38 This chapter shall apply to all multi-family rental dwellings constructed in the city
39 prior to September 1, 1974. For purposes of this chapter any such dwelling is deemed to
40 be constructed at the time work authorized by the department commences.

41
42 Sec. 4-6-2 Definitions.

43
44 (a) Charlie bar. A metal or wooden bar mounted to the door frame or laid in the
45 door track which when placed in position prevents lateral movement of the door.

1 (b) Department. The Police Department

2
3 (c) Director. The Chief of Police, or his duly authorized representative.

4
5 (d) Double cylinder dead bolt lock. A dead bolt lock that is key-operated on both
6 the exterior and interior surfaces.

7
8 (e) Flush bolt. A metal rod installed in the surface of the side of the door to
9 extend vertically into the top of the door frame or into the floor or the threshold.

10
11 (f) Horizontal dead bolt lock. A heavy metal bar which moves horizontally into
12 the strike plate of the doorjamb, thus locking the two together. It is called a dead bolt
13 because it cannot be pushed back from the outside unless the cylinder is turned by the
14 correct key. For all locks installed on or after July 1, 1984, the throw of the bolt must be
15 at least one (1) inch; for all locks installed prior to July 1, 1984, the lock must penetrate
16 the jamb a minimum of one-half (1/2) inch. This lock is designed for both wood and
17 metal doors.

18
19 (g) Multifamily rental dwelling. A building, or portion thereof, containing three
20 (3) or more rental dwelling units, located on a single lot or parcel of ground.

21
22 (h) Owner or operator. The owner or owners of the freehold of the multi-family
23 rental dwelling or lesser estate therein, a mortgagee or vendee in possession, assignee of
24 rents, receiver, executor, trustee, lessee or other person, firm or corporation responsible
25 for the control or management of the multi-family rental dwelling.

26
27 (i) Peephole. A one-way door viewer with a minimum of five-eighths-inch hole
28 size providing a view through the door from inside to outside only.

29
30 (j) Pin. A metal rod that is at least one-eighth (1/8) inch in diameter and
31 approximately two (2) to three (3) inches long.

32
33 (k) To rent. Includes to lease, to sublease, to let and otherwise to grant for
34 consideration the right to occupy the premises not owned by the occupant.

35
36 (l) Strike plate. A metal plate on the jamb side of the door. When the dead bolt
37 lock is engaged, it locks the door to the frame. For any dead bolt lock installed on or
38 after July 1, 1984, the strike plate shall be secured by screws which penetrate the
39 subframe a minimum of one (1) inch.

40
41 (m) Vertical dead bolt lock. Two (2) metal bars which fit vertically into eyeholes
42 or sockets attached to the jamb, thus locking the door and the jamb together. It is called a
43 dead bolt because it cannot be pushed back from the outside unless the cylinder is turned
44 by the correct key.

1 (n) Window latch. A device capable of being turned by the hand from the inside
2 which prevents the window from being opened from the outside

3
4 Sec. 4-6-3 Responsibility for compliance.

5
6 The owner or operator of the premises shall be re
7 sponsible for compliance with this chapter.

8
9 Sec. 4-6-4 Responsibility and methods for enforcement.

10
11 The Police Department is hereby authorized and directed to administer and
12 enforce the provisions of this chapter.

13
14 (1) Right of entry. When requested by a tenant and upon presentation of proper
15 credentials, the director or his duly authorized representative may, with the consent of the
16 owner, operator or occupant, or in accordance with law, enter at reasonable times any
17 multi-family rental dwelling unit subject to the provisions of this chapter for the purpose
18 of inspecting the premises to ensure that the standards enumerated in this chapter are
19 being met.

20
21 (2) Time for inspections. The director shall make such periodic inspections as he
22 deems necessary to ensure that the requirements of this chapter are being met.

23
24 (3) Procedure when noncompliance discovered. When an inspection reveals that
25 any multifamily rental dwelling unit does not meet the requirements of this chapter, the
26 following procedure shall be followed:

27
28 a. Written notice of the deficiencies discovered during the inspection shall be
29 given the owner or operator of the premises by the director. The notice shall be deemed
30 properly served if a copy thereof is delivered personally or by mailing a copy thereof by
31 certified mail to the last known address of the owner or operator.

32
33 b. The notice shall set forth the amount of time within which the deficiencies are
34 to be corrected; however, in no event shall the time allowed for corrections be less than
35 five (5) days or more than 30 days.

36
37 c. Upon correcting the deficiencies, the owner or operator of the premises shall
38 give notice to the department that the violations have been corrected.

39
40 d. The director shall upon receipt of notice of correction, reinspect the premises
41 and either approve or disapprove the corrections. In case of disapproval, the director may
42 then grant a reasonable extension of time to correct deficiencies if, in his judgment, the
43 owner has made a good faith effort to correct these deficiencies.

44
45 Sec. 4-6-5 Standards.

1 (a) Doors from the exterior or from interior corridors or hallways to individual
2 rental dwelling units. All doors, other than sliding patio doors or glass panel doors, from
3 the exterior to individual rental dwelling units or from interior corridors or hallways to
4 individual rental dwelling units shall be equipped with a peephole and a horizontal dead
5 bolt lock or vertical dead bolt lock, none of which impairs the fire resistance rating of the
6 door. Locks on such doors shall be so constructed that the dead bolt can be easily
7 retracted from the inside without the use of a key. The outer cylinder guard shall be
8 constructed of hardened steel, tapered or beveled to resist gripping by pliers and similar
9 type tools and either by free-spinning to prevent twisting of the cylinder or flush-mounted
10 to prevent disabling of the locking system. The horizontal dead bolt lock must be
11 constructed of hardened material which resists sawing. Locking systems involving a
12 combination of a snap latch and a dead bolt should be designed so that the defeat of the
13 snap latch or exterior knob does not defeat the dead bolt.

14
15 (b) Sliding patio doors. Sliding patio doors and nonsliding portions thereof in a
16 rental dwelling unit opening onto patios or balconies which are less than 10 feet above
17 ground level or otherwise readily accessible from the outside must be equipped with
18 devices with hardened steel inserts with mounting screws for the device inaccessible from
19 the outside. The device shall engage the frame sufficiently to prevent its being
20 disengaged by any possible movement of the door within the space of clearance provided
21 for installation and operation.

22
23 (c) Sliding glass doors. On and after July 1, 1985, exterior sliding glass doors at
24 any level in a rental dwelling unit shall be equipped with the manufacturer's lock and
25 with a locking device or combination thereof that prevents both horizontal and vertical
26 movement of the door. Every such door shall be equipped with a removable metal pin
27 that secures the frames of the moving and nonmoving portions of the door to each other
28 and to the track or frame of the door to prevent horizontal and vertical movement of the
29 door, or such door shall be equipped with a charlie bar to prevent horizontal movement of
30 the door and with at least two (2) screws placed in the top of the door frame to prevent
31 vertical movement of the door.

32
33 (d) Glass panel doors. On and after July 1, 1985, exterior glass panel doors at
34 any level in a rental dwelling unit shall be equipped as follows:

35
36 (1) For all double glass panel doors, such as French doors or modified French
37 doors, the inactive door, if it is capable of being opened, must be secured by a flush bolt.
38 A double cylinder dead bolt lock is required to secure the active door to the inactive door.

39
40 (2) For any door, having a glass panel within 40 inches of the lock, a double
41 cylinder dead bolt lock shall be used.

42
43 (3) Provided, however, when such door is a required means of egress, double
44 cylinder dead bolt locks shall not be used and locks shall be so constructed that the dead
45 bolt can be easily retracted from the inside without the use of a key.

1 (e) Operable windows. All operable windows which are less than 10 feet above
2 ground level or otherwise readily accessible from the outside shall have a window lock or
3 latch.

4
5 Sec. 4-6-6 Alternate security provisions.
6

7 (a) The provisions of this chapter are not intended to prevent the use of other
8 devices or methods than those provided herein; provided, the other devices or methods
9 provide the same or greater degree of security within the minimum requirements of this
10 chapter.

11
12 (b) When the person responsible for compliance with the provisions of this
13 chapter desires to use any other device or method, the burden of proving to the director
14 that the requirements of this chapter have been met or surpassed shall rest with the person
15 responsible for compliance.

16
17 (c) Any other device or method may only be used upon the approval of the
18 director. The director may require the person responsible for compliance to submit the
19 device or method to such tests as he deems necessary and proper to determine if it meets
20 or surpasses the requirements of this chapter. Such tests shall be performed at the
21 expense of the person responsible for compliance.

22
23 Sec. 4-6-7 Violations.
24

25 On and after January 1, 1978, it shall be unlawful for the owner or operator of any
26 rental dwelling unit in a multifamily dwelling to rent any unit that does not comply with
27 the standards of section 4-6-5 or 4-6-6 after such owner or operator has been notified by
28 the director of his noncompliance and the period for correcting such noncompliance as
29 specified in the notice issued by the director has expired without the necessary
30 corrections having been made.

31
32 Sec. 4-6-8 Penalties; injunction.
33

34 (a) Any owner or operator violating any provision of this chapter shall upon
35 conviction be punished by a fine not to exceed \$500 or by imprisonment not to exceed
36 five days in jail, or by both such fine and imprisonment. Each individual violation shall
37 be considered a separate offense, and each day that any violation continues shall
38 constitute a separate offense.

39
40 (b) Violations of any provisions of this chapter may also be restrained, prohibited
41 or enjoined by appropriate action or proceeding in a court of competent jurisdiction.
42

43 Section 3. That Sec. 5-2-30 of Article A (General Provisions) of Chapter 2
44 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) of the
45 Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby,
46 established and ordained to read as follows:

1
2
3 Sec. 5-2-30 Curb, gutter and sidewalk construction required.
4

5 (a) Before any building permit is issued for the erection of a building or the
6 alteration of a building which will increase the fair market value of the building by more
7 than 50 percent, the applicant shall be required to provide for the installation of, at his
8 own expense, the curbs, gutters and sidewalks, where they do not exist, in the streets
9 abutting the property subject to the building permit. The installation of the curbs, gutters
10 and sidewalks shall conform to the applicable requirements of the city code. The above-
11 mentioned values shall be ascertained by the city assessor and shall be computed as of the
12 time of application. This section shall not apply when curb, gutter and sidewalk
13 construction is required by any other law of the city.
14

15 (b) The city manager may waive the application of this section whenever he finds
16 that curb, gutter or sidewalk construction will not be compatible with the character of the
17 neighborhood or serve a substantial useful purpose.
18

19 Section 4. That Sec. 5-2-128 of Article E (Excavation) of Chapter 2 (Streets
20 and Sidewalks) of Title 5 (Transportation and Environmental Services) of the Code of the
21 City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, established
22 and ordained to read as follows:
23

24 Sec. 5-2-128 Excavations adjacent to public right-of-way.
25

26 Where excavation adjacent to a right-of-way extends within the right-of-way or
27 includes the normal angle of repose of the right-of-way, approved bracing shall be
28 provided if necessary to protect public facilities such as streets, sewers, storm drains and
29 public utilities from lateral movement or damage.
30

31 Section 5. That Sec. 5-2-141 of Article E (Excavation) of Chapter 2 (Streets
32 and Sidewalks) of Title 5 (Transportation and Environmental Services) of the Code of the
33 City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, established
34 and ordained to read as follows:
35

36 Sec 5-2-141 Required; exception for emergency work
37

38 (a) It shall be unlawful for any person, except as specified in this section, to dig
39 up, break, excavate, tunnel, undermine or in any manner break up any street, to make or
40 cause to be made any excavation in or under the surface of any street, or excavate in the
41 right-of-way or in the normal angle of repose of the right-of-way, for any purpose unless
42 such person shall have first obtained a valid permit for such work from the director of
43 transportation and environmental services. Authorized personnel of the department of
44 transportation and environmental services shall be exempt from the provision of this
45 section when engaged in their official capacity.
46

1 (b) When an emergency demands the work to be done immediately, provided the
2 permit could not reasonably and practicably have been obtained beforehand, the person
3 may proceed with an opening without a permit; provided, however, that notification of
4 such emergency work shall be given to the director of transportation and environmental
5 services by telephone before proceeding with the work. The person shall thereafter apply
6 for a permit on the first regular business day on which the office of the director of
7 transportation and environmental services is open for business, and the permit shall be
8 retroactive to the date when the work was begun.

9
10 Section 6. That Sec. 5-3-44 of Division 1 (General Provisions) of Article C
11 (Excavation and Utility Line Installation) of Chapter 3 (Underground Utilities) of Title 5
12 (Transportation and Environmental Services) of the Code of the City of Alexandria,
13 Virginia, 1981, as amended, be, and the same is hereby, established and ordained to read
14 as follows:

15
16 Sec. 5-3-44 Survey plats.

17
18 An as-built underground utility plan showing the installed location of all on-site
19 underground utilities, for example, but not limited to, cable television, electrical, gas,
20 plumbing, sewer, telephone and water, shall be filed with the zoning administrator upon
21 the completion of their installation. The zoning administrator may require that the as-
22 built underground utility plan be prepared and/or certified by a licensed, certified public
23 land surveyor or engineer.

24
25 Section 7. That Sec. 5-6-25 of Division 1 (General Provision) of Article B
26 (Sewage Disposal and Drains) of Chapter 6 (Water and Sewer) of Title 5 (Transportation
27 and Environmental Services) of the Code of the City of Alexandria, Virginia, 1981, as
28 amended, be, and the same is hereby, established and ordained to read as follows:

29
30 Sec 5-6-25 Sewer taps; Clearance for sewer or water systems

31
32 (a) Sewer taps shall be at least two feet apart. Sewer taps into public manholes
33 must be approved by the director of transportation and environmental services before the
34 tap is made. Taps into public storm sewers shall be made as directed by the director of
35 transportation and environmental services. Trenches and excavations shall be kept free
36 from water to permit adequate inspection.

37
38 (b) All sewer taps and laterals in public streets, roads, pavements, alleys and
39 utility rights-of-way must be free of jumps; and grades shall not exceed one-quarter inch
40 per foot until they reach the property line or the limit of the public sewer easement unless
41 approved in advance by the director of transportation and environmental services.

42
43 (c) Clearance required. A house sewer or water system shall be laid in such a
44 manner that the system can be serviced and maintained without entering or disturbing
45 adjacent property unless an easement has been recorded which is adequate for that
46 purpose.

1
2 Section 8. That Article C (Storm Water Disposal) of Chapter 6 (Water and
3 Sewer) of Title 5 (Transportation and Environmental Services) of the Code of the City of
4 Alexandria, Virginia, 1981, as amended, be, and the same is hereby, established and
5 ordained to read as follows:
6

7 Sec. 5-6-224 Method of storm and subsoil water disposal.
8

9 (a) Buildings shall have drainage provision for conveying storm water from
10 roofs, paved areas and areaway drains, Subsoil water, condensate, cooling water, etc., on
11 the premise to a public storm sewer: except that where a public storm sewer is not
12 available, an approved method of disposal shall be provided to the satisfaction of the
13 director of transportation and environmental services.
14

15 (b) Availability.
16

17 (1) For a one-and two-family dwelling, a public storm sewer shall be deemed
18 available when such sewer is within 100 feet of the premises on which the dwelling is
19 located, measured along a street, and a connection may be made lawfully thereto.
20

21 (2) For any other buildings, a public storm sewer shall be deemed available when
22 such sewer is within 500 feet of the premises on which the building is located, measured
23 along a street, and a connection may be made lawfully thereto.
24

25 (c) Area drains are prohibited from entering septic tanks or public or private
26 sewer systems unless specifically approved in writing by the director of transportation
27 and environmental services.
28

29 (d) Prior to the issuance of any building permit for any proposed improvement to
30 real property involving (1) the construction of a new home (2) construction of an addition
31 to an existing home where either (A) the addition exceeds the area of the existing
32 building footprint by 100% or more; or (B) the construction of the addition results in less
33 than 50% of the existing first floor exterior walls, in their entirety, remaining; (3) changes
34 to the existing grade elevation of 1 foot or greater; (4) changes to existing drainage
35 patterns; or (5) land disturbance of 2,500 square feet or greater, a grading and drainage
36 plan prepared by a professional engineer or land surveyor licensed by the Commonwealth
37 of Virginia shall be submitted for review and approval by the director of transportation
38 and environmental services or deputy director/city engineer. Such plan shall demonstrate
39 that post-development drainage will have no greater impact on adjacent or down-stream
40 property than pre-development conditions. The requirements for such plans, including
41 without limitation form, content, methods of calculation, and procedures for review and
42 approval, shall be established by regulations promulgated by the director of transportation
43 and environmental services. A plan review fee in the amount of \$500 shall accompany
44 such plan, except that in instances where the proposed improvement is already subject to
45 the erosion and sediment control requirements set forth in section 5-4-1, et seq. of this
46 Code, and a fee has already been paid pursuant to those requirements, no additional fee

1 shall be required. No building permit for improvements subject to this subsection shall
2 be issued until after the grading and drainage plan has been approved. When a grading
3 and drainage plan is required pursuant to subsections (d)(2), (3) or (4) hereof, the
4 requirement may be waived by the director of transportation and environmental services
5 or his designee when such a waiver is requested by the property owner and such request
6 is accompanied by sufficient information to demonstrate to the satisfaction of the director
7 or deputy director/city engineer, in his or her reasonable engineering discretion, that no
8 adverse drainage impacts to abutting or adjacent property will occur as a result of the
9 proposed construction. The director shall promulgate rules and regulations for the
10 application, consideration, grant or denial of such waiver requests, including without
11 limitation rules and regulations specifying the minimum information required for
12 applications, and reasonable criteria and standards for the consideration of such requests.
13 The decision on such requests shall be in writing, and shall state the grounds thereof. The
14 decision to grant or deny a waiver request is committee to the discretion of the director or
15 deputy director/city engineer, and shall not be subject to judicial review.

16 Sec. 5-6-225 Violations and penalties.

17
18
19 (a) A violation of any section or provision of this article shall be a civil violation
20 that shall be enforced through the levying of a civil penalty, pursuant to section 1-1-11 of
21 this code, of \$100 for a person's first violation and of \$150 for each subsequent violation
22 of the same section or provision. Each day during which a violation exists shall
23 constitute a separate violation. However, a series of violations arising from the same
24 operative set of facts shall not give rise to the levying of a civil penalty more frequently
25 than once in any 10-day period, and shall not result in civil penalties exceeding a total of
26 \$3,000.

27
28 (b) In addition to the foregoing penalties, in the event that any person obtains a
29 building permit based on representations that exempt the proposed construction from the
30 grading and drainage plan requirements of section 5-6-224, and those representations
31 prove to be incorrect, the director of transportation and environmental services or his
32 designee may issue a written order stopping all work at the site until such time as a
33 grading and drainage plan has been submitted for review and approved pursuant to
34 section 5-6-224

35
36 (c) A violation of any section or provision of this article may, in addition to and
37 notwithstanding the penalty provided for in subsection (a) or (b), be restrained, prohibited
38 or enjoined by appropriate proceedings in a court of competent jurisdiction.

39
40 Section 9. That this ordinance shall become effective on June 1, 2010.

41
42 WILLIAM D. EUILLE
43 Mayor

44
45 Introduction: /2010
46 First Reading: /2010
47 Publication:

- 1 Public Hearing:
- 2 Second Reading:
- 3 Final Passage:
- 4
- 5