

# CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting  
Saturday, May 15, 2010 - - 9:30 a.m.

\* \* \* \* \*

Present: Mayor William D. Euille, Vice Mayor Kerry J. Donley, Members of Council Frank H. Fannon, Alicia Hughes, K. Rob Krupicka, Redella S. Pepper and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Ms. Hamer, Director, Planning and Zoning (P&Z); Mr. Baier, Director, Transportation and Environmental Services (T&ES); Mr. Lerner, Deputy Director, T&ES; Ms. Ross, Deputy Director, P&Z; Ms. Wright, Division Chief, P&Z; Mr. Randall, Planner, P&Z; Ms. Rafferty, Planner, P&Z; Ms. Peterson, Planner, P&Z; Mr. Farner, Deputy Director, P&Z; Ms. Blackford, Communications Officer, City Manager's Office; Ms. Baker, City Engineer, T&ES; Ms. Durham, Open Space Planner, Recreation, Parks and Cultural Activities; Mr. Hicks, Director, Alexandria Black History Museum; Ms. Davis, Assistant Director/Curator II, Alexandria Black History Museum; Mr. Sharma, Division Chief, T&ES/Environmental Quality; Mr. Skrabak, Director, T&ES/Environmental Quality; Mr. Catlett, Director, Office of Building and Fire Code Administration; Mr. Hunt, Permits Center Manager, Office of Building and Fire Code Administration; Ms. McIlvaine, Deputy Director, Office of Housing; Ms. McDonnell, Assistant City Attorney, City Attorney's Office; Ms. Carton, Parks Planner, Recreation, Parks and Cultural Activities; Ms. McLean, ITS; Police Captain Ogden; and Mr. Lloyd.

Recorded by: Gloria Sitton, Deputy City Clerk and Clerk of Council.

## OPENING

### 1. Calling the Roll.

Mayor Euille called the meeting to order and the Deputy City Clerk called the roll. All members of Council were present, with Councilwoman Hughes arriving at 9:35 a.m. and Councilwoman Pepper arriving at 9:45 a.m.

### 2. Public Discussion Period.

(a) Carlyle C. Ring, Jr., 308 Monticello Boulevard, spoke about the state of the Alexandria Public School system and charged the citizens of Alexandria to begin

working with the school system to make it better. Mr. Ring read a statement prepared by the former presidents of the Alexandria City School Board.

(b) Ferdinand Day, 4017 Fort Worth Avenue, stated that the community must rise up to meet the challenges that are facing the Alexandria Public School system and he noted that good schools make good communities.

(c) Angie Godfrey, 109 East Raymond Avenue, spoke of the many opportunities that the community has provided to her and she would like to see every member of the community avail themselves of the same opportunities. Ms. Godfrey offered Council the guidance and leadership assistance in order to make the schools in this community better.

(d) Melvin Miller, 3928 Colonel Ellis Avenue, stated that the problems facing the school system is not a new problem and noted that the community has to work together as a whole to solve the problems, working with individual students to reach the goal. Mr. Miller requested that the members of Council reach out to the community for help.

Members of Council expressed thanks and offered support to the former school board presidents in their push to garner community support to improving youth services and the schools.

(e) Annie Kendrick, 12 East Del Ray Avenue, requested that Council form an implementation advisory group as the City of Alexandria implements its overlay, redevelopment and development plans for the Potomac West community and that a formal cost neutral environmental impact statement be added to the staff report for any Special Use Permit (SUP) coming to Council for review.

(f) Martha Helene Stapleton, 5 West Del Ray Avenue, spoke about the change in library hours and requested that Council reconsider the funding cut of \$170,000 to libraries and reinstate the funding to maintain the current hours of operation. Ms. Stapleton stated that the change in hours would affect children's programs, adult literacy and education programs and other programs and services offered by the library branches.

(g) Amy Slack, 2307 East Randolph Avenue, thanked the Planning Department staff for agreeing to defer the small business text amendment changes and requested that the changes be deferred further than June to give the community adequate time to review all the proposed changes.

(h) Christopher Koeppel, 5760 Dunster Court, #172, spoke about a homeless problem that he is facing and requested that Council assist him with the matter.

(i) David Fromm, 2307 East Randolph Avenue, announced that the Del Ray House and Garden Tour will be Saturday, May 22, from 11 a.m. until 5 p.m. Mr.

Fromm noted that the money goes to funding the T.C. Williams Scholarship Fund and to facilitate public art in the neighborhood.

(j) Bill Henderickson, 304 East Spring Street, spoke about the changes in library hours and how they will affect those who work during the day and the loss of evening events held at the public library. Mr. Henderickson spoke of the redevelopment of the Giant/CVS sites on East Monroe Avenue and he noted the importance of the site. Mr. Henderickson stated that the City should place the redevelopment of the site in a priority position and special attention should be given to what will go on the site.

(k) David Kaplan, 418 Queen Street, thanked Council for maintaining its commitment to transit services in the FY2011 budget and he expressed his hope that the City would continue to invest in the development of a transit plan that would sustain future growth, vitality and livability.

(l) Annabelle Fisher, 5001 Seminary Road, stated that members of Council should take responsibility for their actions.

(m) Randy Stephens, 5610 Bloomfield Drive, #02, spoke about the upcoming changes to the taxi cab ordinance and requested that the drivers be given the proper consideration during the process.

(n) Chand Dodhy, 12014 Wake Drive, spoke about the upcoming changes to the taxi cab ordinance and requested that before the final ordinance is presented, drivers should be included in the process.

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES**

### **ACTION CONSENT CALENDAR (3-6)**

#### **Planning Commission**

3. **SPECIAL USE PERMIT #2010-0006**

4800 BRENMAN PARK DRIVE

BEN BRENMAN PARK

Public Hearing and Consideration of a request to add lighting to an existing athletic fields; zoned CDD #9/Coordinated Development District. Applicant: City of Alexandria Department of Recreation, Parks and Cultural Activities.

**PLANNING COMMISSION ACTION:** Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 05/15/10, and is incorporated as part of this record by reference.)

4. **SPECIAL USE PERMIT #2010-0007**

2802 MOSBY STREET

**HOME CHILD DAY CARE**

Public Hearing and Consideration of a request to operate a home child day care; zoned R-8/Single Family. Applicant: L'Tonya Tobin

**PLANNING COMMISSION ACTION:** Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 05/15/10, and is incorporated as part of this record by reference.)

**5. STREET NAME CASE #2010-0001**

**MARK CENTER DRIVE**

Public Hearing and Consideration of a request to rename a portion of Mark Center Drive to Mark Center Avenue. Applicant: City of Alexandria, Department of Planning and Zoning

**PLANNING COMMISSION ACTION:** Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 05/15/10, and is incorporated as part of this record by reference.)

**END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council approved the action consent calendar, with the exception of docket item number 6, which was considered under a separate motion. The approval was as follows:

- 3. City Council approved the Planning Commission recommendation.
- 4. City Council approved the Planning Commission recommendation.
- 5. City Council approved the Planning Commission recommendation.

The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

**6. DEVELOPMENT SPECIAL USE PERMIT #2010-0002**

**923 KING STREET**

**THE KING BUILDING AT 923**

Public Hearing and Consideration of a request for a development special use

permit, with site plan and a modification, to construct an addition, a request for increased FAR and request to operate a restaurant; zoned KR/King Street Urban Retail. Applicant: Seyed Hossein Shoja-Maddahi by Duncan Blair.

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 05/15/10, and is incorporated as part of this record by reference.)

Councilman Smedberg inquired what type of restaurant was being considered for the proposed site.

In response to Councilman Smedberg, Division Chief Wright stated that the applicant was exploring the possibility of opening a high quality, high end restaurant at the site.

Planner Rafferty explained that there have been discussions with the applicant about the type of restaurant desired for the site.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Smedberg	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Krupicka	"aye"	

## REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

## REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

### Planning Commission (continued)

7. MASTER PLAN AMENDMENT #2010-0001 (A)  
REZONING #2010-0001 (B)  
DEVELOPMENT SPECIAL USE PERMIT #2009-0013(C)  
1001 SOUTH WASHINGTON STREET AND 714 CHURCH STREET  
FREEDMEN'S CEMETERY MEMORIAL  
Public Hearing and Consideration of a request for A) a master plan amendment to change the land use designation from commercial to parks and open space; B) a zoning map amendment to change the zoning designation from commercial low to parks and open space and C) a development special use permit to

develop a memorial to commemorate the Contrabands and Freedmen of Alexandria; zoned CL/Commercial Low. Applicant City of Alexandria, Department of Transportation and Environmental Services.

PLANNING COMMISSION ACTION:   MPA   Adopted Resolution       7-0  
  REZ   Recommend Approval   7-0  
  DSUP  Recommend Approval  7-0

(A copy of the Planning Commission report dated May 4, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 05/15/10, and is incorporated as part of this record by reference.)

City Engineer Baker gave a description of the landscaping and noise mitigation of the proposed memorial park. Ms. Baker also answered questions about the possible interests of large tour groups and tour buses in the area of the park. Ms. Baker noted there currently is not a plan for loading and unloading near the memorial park site.

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

\*\*Mayor Euille read a disclosure statement regarding docket items 8, 9, 10 that has been distributed to the members of Council, and is incorporated as part of this record by reference. \*\*

8.    SPECIAL USE PERMIT #2010-0009 (A)  
      ENCROACHMENT #2010-0003 (B)  
      277 SOUTH WASHINGTON STREET  
      SOCIETY FAIR RESTAURANT  
      Public Hearing and Consideration of (A) a request to operate a restaurant and (B) an encroachment into the public right of way for outdoor seating; zoned CD/Commercial Downtown. Applicant: Cathal and Meshelle Armstrong represented by Duncan Blair, attorney.

PLANNING COMMISSION ACTION:  
  SUP   Recommend Approval w/amendments   7-0  
  ENC   Recommend Approval w/amendments   7-0

(A copy of the Planning Commission report dated May 4, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 05/15/10, and is incorporated as part of this record by reference.)

Deputy Director of Planning and Zoning Ross gave a presentation on the report, highlighting the parking arrangement of the proposal and responded to questions from Council about the project and parking arrangements.

The following persons participated in the public hearing for this item:

(a) William Doying, 817 Duke Street, spoke about the parking problem for Old Town residents and he stated that the situation was not improving. Mr. Doying stated that hopefully the Parking Study will create strong incentives for all interested parties to maximize the use of off-street parking and he noted a comprehensive parking plan is needed in order to address the problem.

(b) Duncan Blair, 524 King Street, attorney for the applicant, spoke in support of the proposed SUP and responded to questions from members of Council about the proposed parking plan.

(c) Poul Hertel, 1217 Michigan Court, representing the Old Town Civic Association (OTCA), spoke in support of the proposed SUP.

Council asked questions about the marketing of off-street parking in the evening hours and how much of it is being utilized by other businesses and organizations in the area.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation with an acknowledgment of an amendment to the parking plan adding, "Society Fair shall contact nearby businesses and organizations about the availability of off-street evening parking located at the Atrium Building," and an amendment to condition 25(d) striking the word "leasing" and inserting the word "parking." The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

9. SPECIAL USE PERMIT #2010-0010 (A)  
CITY CHARTER SECTION 9.06 CASE #2010-0002 (B)  
106 SOUTH UNION STREET  
RESTAURANT

Public Hearing and Consideration of (A) a request to operate a restaurant and (B) consideration of a change in use of public property pursuant to Section 9.06 of the City Charter; zoned KR/King Street Urban Retail. Applicant: 106 Union Dublin, LLC represented by Duncan Blair, attorney (SUP #2010-0010 and the City of Alexandria, Department of Planning and Zoning CC Sec. 9.06

#2010-0002)

PLANNING COMMISSION ACTION: SUP Recommend Approval 6-1  
9.06 For Council's Information Only

(A copy of the Planning Commission report dated May 4, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 05/15/10, and is incorporated as part of this record by reference.)

Councilman Fannon disclosed that he is a member of the Old Dominion Boat Club and would be participating in the discussion and voting on this docket item.

Planning and Zoning Deputy Director Ross and Urban Planner Randall gave a presentation on the proposal and highlighted the use of the public alley for outdoor seating.

City Attorney Banks explained the legal reasoning of the City's position on use of the alley and responded to questions from Council about the issue.

Council asked questions of staff concerning the use of the alley for outdoor seating, trash storage capacity, and use of the Fayette Alley by private vehicles and the parking enforcement in the area.

The following person participated in the public hearing for this item:

(a) Duncan Blair, 524 King Street, attorney for the applicant, spoke in support of the proposed SUP and explained the details of the proposed restaurant. Mr. Blair responded to questions from Council about the proposed SUP.

(b) Bert Ely, 200 South Pitt Street, requested that Council defer action on the SUP application and begin to rethink the planning for the City's waterfront, which could possibly lead to more restaurants and parking problems in the lower King Street area.

(c) Harry P. Hart, 307 North Washington Street, attorney representing the Old Dominion Boat Club, spoke in opposition to the portion of the SUP that would utilize a portion of Wales Alley for a raised patio and outdoor seating. Mr. Hart responded to questions from members of Council about use of the alley by the Boat Club.

(d) Van Van Fleet, 26 Wolfe Street, spoke in opposition to the SUP and expressed that there should be more retail shops in the area.

(e) Poul Hertel, 1217 Michigan Court, representing the OTCA, stated that the OTCA Board is concerned about the loss of retail in the area and noted that the Wales Alley outdoor seating was counterproductive to the City's waterfront being more accessible. Mr. Hertel requested that the item be deferred until the proposal could be properly assessed within the context of the upcoming Waterfront plan.



(f) John Ariail, 607 Cameron Street, spoke in support of the SUP and noted that this is the type of business that should be encouraged in the area.

(g) Amy Slack, 2307 East Randolph Avenue, noted that there were ways to provide outdoor seating on temporary structures that might be a good compromise.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

**WHEREUPON**, upon a motion was made by Councilman Krupicka, seconded by Councilwoman Pepper, to approve the Planning Commission recommendation.

**WHEREUPON**, an amendment to the motion was made by Councilman Fannon, seconded by Councilwoman Hughes, to delete condition #8, which would eliminate outdoor dining. The motion failed 1-6 and was as follows:

Fannon	"aye"	Donley	"no"
Hughes	"no"	Krupicka	"no"
Euille	"no"	Pepper	"no"
	Smedberg	"no"	

The voting on the original motion carried 6-1 and was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"no"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

The following items were heard out of order:

12. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the Building Code to reflect current state law and regulations.

(A copy of the City Manager's memorandum dated May 5, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 05/15/10, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12;

05/15/10, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 12; 05/15/10, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and approved an ordinance to amend the Building Code to reflect current state law and regulations. The voting was as follows:

Smedberg	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Krupicka	"aye"	

The ordinance reads as follows:

**ORDINANCE 4659**

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.~~

**ARTICLE A General Provisions**

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

**ARTICLE B Miscellaneous Conditions of Permits**

- § 8-1-11 Notice of start, stages and suspensions or abandonment of work.
- § 8-1-12 Foundation and wall ~~Survey~~ plats.
- § 8-1-13 Plans and specifications--provisions for control of contaminated land.
- § 8-1-14 ~~Fire limits.~~ Reserved.
- ~~§ 8-1-15 Frost line.~~
- ~~§ 8-1-16 reserved.~~
- ~~§ 8-1-17 Curb, gutter and sidewalk construction required.~~
- ~~§ 8-1-18 Excavations adjacent to public right-of-way.~~
- § 8-1-~~19~~15 Sanitary sewer and street grades.
- § 8-1-~~20~~16 Connection to sanitary sewer and water system required.
- § 8-1-~~21~~17 Building sewer and water service.
- ~~§ 8-1-22 Method of storm and subsoil water disposal.~~
- § 8-1-~~23~~18 Water conservation.
- § 8-1-~~24~~19 Inspection of electrical work; removal or correction of defects; disconnection of premises.

~~§ 8-1-25 Minimum size electrical service.~~

§ 8-1-26~~20~~ Display of house number prerequisite to concealment of wiring.

§ 8-1-27~~21~~ Interference with wires during building operations.

~~§ 8-1-28 Plumbing, mechanical and electrical supplies, fixtures, etc., offered for sale; inspections.~~

§ 8-1-22 Building permit required for replacement siding, roofing and windows in historic districts.

§ 8-1-29~~23~~ Fees for building, electrical, mechanical and plumbing permits, inspections and certificates.

§ 8-1-30~~24~~ Violations and penalties.

§§ 8-1-31~~25~~ through 8-1-40~~35~~ reserved.

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

~~§ 8-1-41 Certification required of certain contractors.~~

~~§ 8-1-42 Certification required of certain plumbers and electricians.~~

~~§ 8-1-43 Certificate prerequisite to advertising.~~

~~§ 8-1-44 Employment of noncertified persons.~~

~~§ 8-1-45 Business employees.~~

~~§ 8-1-46 Building code board of examiners.~~

~~§ 8-1-47 Same chairman of board; quorum; meetings.~~

~~§ 8-1-48 Same powers and duties.~~

~~§ 8-1-49 Classes of certificates.~~

~~§ 8-1-50 Qualification standards.~~

~~§ 8-1-51 Application for certification; fee; requirements.~~

~~§ 8-1-52 Issuance of certificates; renewals; fees; evidence.~~

~~§ 8-1-53 Reexamination.~~

~~§ 8-1-54 Suspension or revocation of certificates.~~

~~§ 8-1-55 Bond required for master class certificate holders.~~

~~§ 8-1-56 Violations and penalties.~~

~~§§ 8-1-57 through 8-1-70 reserved.~~

### **ARTICLE DC Remedies and Appeals**

§ 8-1-71~~36~~ Failure of owner to act; action by city; costs to be lien on property.

~~§ 8-1-72 Unlawful retaliatory acts.~~

~~§ 8-1-73 reserved.~~

§ 8-1-74~~37~~ Board of building code appeals.

~~§ 8-1-75 Appeal and judicial review.~~

§§ 8-1-76~~38~~ through 8-1-80~~52~~ reserved.

### **ARTICLE ED Smoke Detectors**

§ 8-1-81~~53~~ Where required. Smoke detectors in existing buildings.

~~§ 8-1-82 Installation requirements.~~

~~§ 8-1-83 Responsibilities for testing, maintenance, repairs and annual certificates.~~  
~~§ 8-1-8454 Enforcement authority.~~  
~~§ 8-1-8555 Compliance with other laws.~~  
~~§ 8-1-86 Violations and penalties.~~  
~~§§ 8-1-8756 through 8-1-8958 reserved.~~

## **ARTICLE E Reserved**

## **ARTICLE F Rooming House Reserved**

~~§ 8-1-90 Permit to operate required; issuance; display; transferability; expiration; renewal; notice of disposal of premises by holder.~~  
~~§ 8-1-91 Same inspection prerequisite to issuance; notice of denial.~~  
~~§ 8-1-92 Same suspension.~~  
~~§ 8-1-93 Same appeals from denial or suspension; revocation or failure to appeal from suspension.~~  
~~§ 8-1-94 Floor space, bedding, bathroom, egress, and sanitary maintenance requirements.~~  
~~§ 8-1-95 Inspections generally.~~  
~~§ 8-1-96 Enforcement procedure of code official; notice of violation.~~  
~~§ 8-1-97 Failure to comply with notice issued pursuant to section 8-1-96.~~  
~~§ 8-1-98 Violations and penalties.~~  
~~§ 8-1-99 Appeals to city council.~~  
~~§ 8-1-100 Appeals from city council to court.~~  
~~§§ 8-1-40459 through 8-1-40970 reserved.~~

## **ARTICLE G-1 Residential Rental Inspection Districts**

### Division 1. Generally

§ 8-1-110 Purpose and intent.  
§ 8-1-111 Definitions.

### Division 2. Rental Inspection Districts

§ 8-1-112 Factors for establishing rental inspection districts.  
§ 8-1-113 Rental inspection districts established.  
§ 8-1-114 Applicability.

### Division 3. Inspection

§ 8-1-115 Inspection and certificate required.  
§ 8-1-116 Certificates of compliance; applications and exemptions.  
§ 8-1-117 Multi-family developments.

### Division 4. Certificate Issuance, Inspection Fees and Enforcement

§ 8-1-118 Issuance of certificate; fees.  
§ 8-1-119 Appeals; effects.  
§ 8-1-120 ~~Violation; penalty; r~~Right of entry.

§ 8-1-121 Regulations implementing article.  
§§ 8-1-122 through 8-1-129 reserved.

## **ARTICLE H Registration of Vacant Buildings**

§ 8-1-130 Vacant building registration.  
§ 8-1-131 Violations and penalties.  
§§ 8-1-132 through 8-1-140 reserved.

## **ARTICLE I Spot Blight Abatement and Derelict Buildings**

### Division 1. General

§ 8-1-141 Purpose.  
§ 8-1-142 Definitions.  
§ 8-1-143 ~~Procedure~~ preliminary determination of blight by city manager. Enforcement  
.  
§ 8-1-144 ~~Same~~ hearing before planning commission; commission findings.  
Violations.  
§ 8-1-145 ~~Same~~ review of planning commission findings and recommendations by  
city council. Additional remedies of city.

### Division 2. Derelict Buildings

§ 8-1-146 ~~Displacement of residents at blighted property.~~ Notice of declaration of  
derelict building.  
§ 8-1-147 ~~Recovery of city's costs; lien.~~ Submittal of work plan by owner; approval by  
director.  
§ 8-1-148 ~~Promulgation of rules and regulations.~~ Work plan completion; permit fee  
refund.  
§ 8-1-149 ~~Other laws and ordinances.~~ Tax abatement.

### Division 3. Blighted property

§ 8-1-150 Procedure – preliminary determination of blight by city manager.  
§ 8-1-151 Determination by city council.  
§ 8-1-152 Displacement of residents at blighted property.  
§ 8-1-153 Recovery of city's costs; lien.  
§ 8-1-154 Alternative spot blight abatement procedures.  
§ 8-1-155 Other laws and ordinances.

## **CHAPTER 2 Reserved**

### **ARTICLE A General Provisions**

Sec. 8-1-1 Title.

This chapter shall be known and may be cited as the Building Code of the city.

Citations in brackets are for informational and cross-reference purposes only, are not intended to be all inclusive and are not part of this chapter.

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

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

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

#### Sec. 8-1-3 City code and ordinances unaffected.

Nothing in this chapter shall be construed to invalidate any part of the city code or any ordinances of the city unless the context clearly indicates otherwise. Matter which is treated in this chapter or amendments hereafter enacted shall be considered as separate from, supplemental to and additional to the treatment contained elsewhere in the city code or ordinances or amendments to either.

#### Sec. 8-1-4 Officials.

The Director of the Department of Code Administration ("Director") shall be the building official for the administration of the Virginia Uniform Statewide Building Code and shall be the code official for the administration of the Virginia Maintenance Code. References in this chapter to the building official and to the code official shall be deemed to include their duly authorized representatives.

#### Sec. 8-1-5 Reserved.

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

#### Sec. 8-1-6 Violations and penalties.

~~(a) *Criminal violations.* —A violation of any section of, or provision in, Chapters 2 through 33 of the USBC, incorporated into this chapter by section 8-1-2; or a violation of any section of or provision in, chapter 34 of the USBC, also incorporated into this chapter by section 8-1-2, that regulates or relates to the authority to vacate buildings, fire sprinkler systems, single and multiple station smoke detectors, automatic sprinkler systems, fire protective signaling systems, fire detection systems, or electrical systems,~~

~~shall be considered a violation of this chapter, and shall be a misdemeanor. Any person found guilty of such misdemeanor shall, upon conviction, be punished by a fine of not more than \$2,500; provided, that a person convicted of a second violation committed within five years following a conviction for a violation of this chapter shall be punished by a fine of not less than \$1,000 nor more than \$2,500, that a person convicted of a second violation committed more than five years but less than 10 years following a conviction for a violation of this chapter shall be punished by a fine of not less than \$500 no more than \$2,500, and that a person convicted of a third or additional violation committed within 10 years following a conviction for a violation of this chapter involving the same property shall be punished by a fine of not less than \$2,500 nor more than \$5,000; provided further that the provisions in the foregoing proviso requiring a minimum fine shall apply only to convictions for violations which cause a building or structure to be unsafe or unfit for human habitation. No portion of a fine imposed on a person convicted of a third or subsequent violation committed within 10 years of a violation under this chapter shall be suspended.~~

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

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

(b) Civil Penalties:

(1) In lieu of criminal penalties otherwise chargeable under the VUSBC for any violation resulting in injury to any person or persons, a civil penalty shall be levied for violations of the Virginia Maintenance Code, as provided in Section 36-106 of the Virginia Code and any amendment or re-codification thereof.

(2) Civil penalties may be levied as stated in this section for any violation of this Chapter not specifically identified as subject to criminal penalties or not specifically addressed elsewhere in this Chapter. The penalty for any one violation shall be a civil penalty of not more than \$100 for the initial summons



and not more than \$150 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$3,000.

- (3) If the violation concerns a residential unit, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court shall order the violator to abate, or otherwise remedy through hazard control, the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate, or otherwise remedy through hazard control, the violation within six months of the date of the assessment of the civil penalty.

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

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

## **ARTICLE B**

### **Miscellaneous Conditions of Permits**

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

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

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

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

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

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

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

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

Sec. 8-1-14 Fire limits.

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

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

Sec. 8-1-16~~4~~ reserved.

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

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

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

~~(b) The city manager may waive the application of this section whenever he finds that curb, gutter or sidewalk construction will not be compatible with the character~~

~~of the neighborhood or serve a substantial useful purpose.~~

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

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

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

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

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

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

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

(c) Availability.

(1) A public water supply system or a public sewer system shall be deemed available to one or two family dwelling premises if the premises are within 300 feet, measured along a street, alley or easement, of the public water supply or sewer

system, and a connection may be made lawfully thereto.

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

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

Sec. 8-1-2417 Building sewer and water service.

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

(b) Sewer taps.

(1) All sewer taps must be made under the supervision of a certified master plumber, with inspection by the building official; however, a certified journeyman plumber may make the tap. All material necessary for making the sewer tap shall be furnished by the owner of the property for which the sewer tap is to be made. The connection of a saddle house sewer to a public sanitary sewer shall be made using a saddle approved by the building official. The sewer tap shall be made with a one-sixteenth bend with the sewer tap entering the upper air space of the trunk sewer, unless otherwise approved by the building official.

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

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

transportation and environmental services.

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

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

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

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

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

~~(b) Availability.~~

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

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

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

~~(d) Prior to the issuance of any building permit for any proposed improvement to real property involving (1) the construction of a new home (2) construction of an addition to an existing home where either (A) the addition exceeds the area of the existing building footprint by 100% or more; or (B) the construction of the addition results in less than 50% of the existing first floor exterior walls, in their entirety, remaining; (3) changes to the existing grade elevation of 1 foot or greater; (4) changes to existing drainage patterns; or (5) land disturbance of 2,500 square feet or greater, a~~

~~grading and drainage plan prepared by a professional engineer or land surveyor licensed by the Commonwealth of Virginia shall be submitted for review and approval by the director of transportation and environmental services or deputy director/city engineer. Such plan shall demonstrate that post-development drainage will have no greater impact on adjacent or down-stream property than pre-development conditions. The requirements for such plans, including without limitation form, content, methods of calculation, and procedures for review and approval, shall be established by regulations promulgated by the director of transportation and environmental services. A plan review fee in the amount of \$500 shall accompany such plan, except that in instances where the proposed improvement is already subject to the erosion and sediment control requirements set forth in section 5-4-1, et seq. of this Code, and a fee has already been paid pursuant to those requirements, no additional fee shall be required. No building permit for improvements subject to this subsection shall be issued until after the grading and drainage plan has been approved. When a grading and drainage plan is required pursuant to subsections (d)(2), (3) or (4) hereof, the requirement may be waived by the director of transportation and environmental services or his designee when such a waiver is requested by the property owner and such request is accompanied by sufficient information to demonstrate to the satisfaction of the director or deputy director/city engineer, in his or her reasonable engineering discretion, that no adverse drainage impacts to abutting or adjacent property will occur as a result of the proposed construction. The director shall promulgate rules and regulations for the application, consideration, grant or denial of such waiver requests, including without limitation rules and regulations specifying the minimum information required for applications, and reasonable criteria and standards for the consideration of such requests. The decision on such requests shall be in writing, and shall state the grounds thereof. The decision to grant or deny a waiver request is committee to the discretion of the director or deputy director/city engineer, and shall not be subject to judicial review. (Ord. No. 4517, 2/12/08, Sec. 1)~~

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

~~Sec. 8-1-2318      Water conservation.~~

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

- ~~Water closets, tank type . . . 3.5 gal. per flush~~
- ~~Water closets, flushometer type . . . 3.0 gal. per flush~~
- ~~Urinals, tank type . . . 3.0 gal. per flush~~
- ~~Urinals, flushometer type . . . 3.0 gal. per flush~~

Shower heads . . . 3.0 gal. per minute  
Lavatory, sink faucets . . . 4.0 gal. per minute

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

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

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

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

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

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

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

~~Sec. 8-1-25 Minimum size electrical service.~~

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

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

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

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

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

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

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

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

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

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

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

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



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

(db) The payment of any fee or fees required by this section shall not relieve the applicant for or holder of a permit from the payment of any other fee or fees required by law.

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

(fd) Exceptions.

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

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

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

Sec. 8-1-3024      Violations and penalties.

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

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

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

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

~~(e) In addition to the foregoing penalties, in the event that any person obtains a building permit based on representations that exempt the proposed construction from the grading and drainage plan requirements of section 8-1-22(d), and those representations prove to be incorrect, the director of transportation and environmental services or his designee may issue a written order stopping all work at the site until such time as a grading and drainage plan has been submitted for review and approved pursuant to section 8-1-22(d). (Ord. No. 3849, 3/23/96, Sec. 4; Ord. No. 4433, 12/17/05, Sec. 1; Ord. No. 4517, 2/12/08, Sec. 2)~~

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

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

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

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

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

~~amended, Sec. 54-145.2.]~~

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

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

~~Sec. 8-1-43 Certificate prerequisite to advertising.~~

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

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

~~Sec. 8-1-44 Employment of noncertified persons.~~

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

~~Sec. 8-1-45 Business employees.~~

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

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

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

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

~~The board shall select a chairman from among its members. Three (3) members of the board present at a meeting shall constitute a quorum to conduct the business of the board. Meetings of the board shall be held at the call of the chairman and shall be held at least once every six (6) months.~~

~~Sec. 8-1-48 Same powers and duties.~~

~~The board shall have the following powers and duties:~~

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

~~Sec. 8-1-49 Classes of certificates.~~

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

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

~~Sec. 8-1-50 Qualification standards.~~

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

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

~~(a) Any person desiring to be certified pursuant to this article shall file with the building official a written application on any forms as may then be prescribed for examination by the board, which application shall be accompanied by one (1) of the following fees, as appropriate: \$20 for a master class certificate or \$10 for a journeyman class certificate, payable to the City of Alexandria at the office of the city's director of finance.~~

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

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

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

~~(a) Upon determination by the board of examiners that an applicant is qualified for a certificate, it shall grant and issue a numbered certificate to the applicant; provided, however, that prior to the issuance of a master class certificate, the applicant~~

~~therefore shall first pay an additional fee of \$45 to the director of finance of the city. No certificate shall be assignable or transferable. All certificates shall be valid for a period of one year only from the date of issuance and shall be renewable annually thereafter without further examination as provided herein so long as the certificate has not been suspended, revoked or allowed to lapse or otherwise terminated.~~

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

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

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

#### ~~Sec. 8-1-53 Reexamination.~~

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

#### ~~Sec. 8-1-54 Suspension or revocation of certificates.~~

~~The Alexandria Building Code Board of Examiners is hereby authorized to suspend temporarily or to revoke any certificate, and to make any conditions for the reinstatement thereof as it may deem appropriate, for any of the following or other~~

~~sufficient reason: any deliberate and material misrepresentation in an application, failure to correct faulty work, doing work without a permit, failure to comply with any provision of this chapter or of the Uniform Statewide Building Code, or for any similar such ground established by or for the Virginia State Board for Contractors; provided, however, that no certificate shall be revoked except upon the affirmative vote of at least four members of the board after a public hearing at which the certificate holder may be represented by counsel. Nothing in this section shall be construed to limit any other remedy or penalty provided by law if the certificate holder has committed an act or a violation subject to same.~~

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

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

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

~~Sec. 8-1-56 Violations and penalties.~~

~~(a) A violation of any section or provision of this article shall be a misdemeanor, and any person found guilty of any such violation shall, upon conviction, be punished by a fine of not more than \$500. Each day a violation of any section or provision of this article continues shall be deemed a separate violation. Notwithstanding the foregoing,~~

~~if the violation of a section or provision of this article is also a violation of a section or provision of article A of this chapter, then section 8-1-6 shall apply to the violation in lieu of this section.~~

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

## **ARTICLE DC**

### **Remedies and Appeals**

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

Sec. 8-1-7436      Failure of owner to act; action by city; costs to be lien on property.

(a) If any owner, agent of the owner or person in control of a building which is found by the code official or the building official to be unsafe under the VUSBC Uniform Statewide Building Code fails or refuses timely to comply with any notice delivered, mailed or posted as provided by law, or if either the official deems it necessary, without providing notice, to take such emergency measures as are set forth in the VUSBC Uniform Statewide Building Code, including the demolition of a building, the appropriate official is authorized in his discretion to utilize city employees and agents to take all actions necessary to carry out the requirements set forth in the notice which have not been complied with or, in the case of an emergency, to undertake the emergency measures deemed necessary to protect the public's health and safety.

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

~~Sec. 8-1-72    Unlawful retaliatory acts.~~

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

~~(1) has complained to the city or any department, agency, officer or employee~~



~~thereof, alleging violations of this chapter or of the Uniform Statewide Building Code; or~~

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

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

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

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

~~Sec. 8-1-73 reserved.~~

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

~~Sec. 8-1-7437 Board of Building Code Appeals.~~

~~There is hereby created within the bureau of code enforcement Department of Code Administration a board of appeals to be known as the Alexandria Board of Building Code Appeals. This board shall hear appeals of the Virginia Uniform Statewide Building Code, Construction Code and Virginia Maintenance Code, and their referenced documents and standards. The membership of the board shall be appointed by the City Council in accordance with the Uniform Statewide Building Code for the purposes therein set forth and for such other purposes as are set forth in this chapter. The Board shall consist of six members appointed by the City council in accordance with the appeal provisions of the VUSBC. Members shall be selected on the basis of their ability to render fair, competent, and VUSBC code based decisions regarding application of the VUSBC.~~

~~Sec. 8-1-75 Appeal and judicial review.~~

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

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

**ARTICLE ED**  
**Smoke Detectors**

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

Smoke detectors shall be installed in the following existing structures:

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

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

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

- ~~(1) any building containing one or more dwelling units, by the owner or authorized agent of the owner of each dwelling unit;~~
- ~~(2) any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons, by the owner or authorized operator of the hotel or motel; and~~
- ~~(3) any rooming house regularly used, offered for, or intended to be used to provide overnight sleeping accommodations by the owner or authorized operator of the rooming house.~~

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

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

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

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

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

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

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

~~Sec. 8-1-855 Compliance with other laws.~~

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

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

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

~~(b) A violation of any section or provision of this article may, in addition to and~~

~~notwithstanding the penalty provided for in subsection (a), be restrained, prohibited or enjoined by appropriate proceedings in a court of competent jurisdiction. (Ord. No. 3849, 3/23/96, Sec. 9)~~

~~Secs. 8-1-8756 through 8-1-8686 reserved.~~

## ARTICLE E Reserved

## **ARTICLE F**

### **Reserved**

### **Rooming Houses**

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

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

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

~~(b)(1) Every person intending to apply for any such permit shall, not more than 30 days and not less than 10 days before applying to the code official for such permit, post a notice of such intention at the property line along any public street frontage of the property where the rooming house is to be located. Such notice shall be in the form of a placard prescribed by, and which may be obtained from, the code official. Further, such person shall publish a copy of such placard notice at least once in a newspaper published in or having a general circulation in the City of Alexandria.~~

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

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

~~a. that the applicant:~~

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

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

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

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

~~1. does not conform to the requirements of the city with respect to zoning, building,~~

~~building maintenance, fire protection, or to any other requirements as set forth in the city code; or~~

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

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

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

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

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

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

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

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

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

~~Sec. 8-1-92 Same suspension.~~

~~Whenever conditions or practices violating any provision of this chapter or any provisions of the city code, including but not limited to article B, chapter 2, title 4 and chapter 6, title 7 are found to exist in a rooming house operating under a permit granted by virtue of this chapter, the code official shall give notice in writing to the operator of the rooming house that unless such conditions or practices are corrected within a~~

~~reasonable period to be determined by the code official, the operator's rooming house permit will be suspended. At the end of such period, the code official shall have the rooming house inspected, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of suspension, the operator shall immediately cease operation of the rooming house and no person shall occupy for sleeping or living purposes any rooming unit therein. (Ord. No. 3153, 9/13/86, Sec. 3)~~

~~Sec. 8-1-93 Same appeals from denial or suspension; revocation or failure to appeal from suspension.~~

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

~~Sec. 8-1-94 Floor space, bedding, bathroom, egress, and sanitary maintenance requirements.~~

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

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

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

~~(3) At least one (1) flush water closet, one (1) lavatory basin and a bathtub or shower, properly connected to an approved water and sewer system, and in good working condition, shall be supplied for each nine (9) persons or fraction thereof residing within a rooming house, including members of the operator's family, wherever they share the use of such facilities. In a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one half (1/2) the required number of water closets. All such facilities shall be located within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing these facilities.~~

~~Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement, except by written approval of the code official.~~

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

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

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

~~The code official shall make inspections to determine the condition of dwellings, dwelling units and premises located within the city, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the code official is hereby authorized to enter, examine and survey, during daylight, at reasonable times and hours, and in such manner to cause the least possible inconvenience, all dwellings, dwelling units, rooming units and premises. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access in accordance with law to any part of such dwelling or dwelling unit or its premises at all reasonable times for making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter. (Ord. No. 3153, 9/13/86, Sec. 3)~~

~~Sec. 8-1-96 Enforcement procedure of code official; notice of violation.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~Sec. 8-1-98 Violations and penalties.~~

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

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

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

~~(a) Any person whose application for a rooming house permit, original or renewal, has been denied, or any holder of such permit who has been notified of the suspension of his rooming house permit, or any abutting owner aggrieved by the granting of such a permit, shall have the right to appeal to and be heard by the city council, provided that~~



~~such applicant, holder or owner files with the clerk of the city council, within 14 days after any such denial, suspension or granting of a rooming house permit, a notice in writing of the applicants' or holder's or abutting owner's intention to appeal. Upon receipt of any such notice, the clerk of the city council shall forthwith notify the city manager who shall schedule a public hearing before the city council to be held as promptly as practicable, but in any instance within 75 days after the receipt by the clerk of such notice. The city manager shall give reasonable notice of such hearing to the appealing party.~~

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

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

~~The decision of the city council shall in all cases be final; except that any appellant or party directly aggrieved by a decision of the city council may, provided he does so within 30 days after the rendering of such decision, appeal to the circuit court of the City of Alexandria for a further review, and the findings of fact by the city council shall be conclusive and such review shall be limited solely to errors of law and questions of constitutionality. The decision of the city council in any case on appeal shall be stayed pending a decision by the court. (Ord. No. 3153, 9/13/86, Sec. 3)~~

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

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

## **ARTICLE G-1**

### **Residential Rental Inspection Districts**

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

#### **DIVISION 1 Generally**

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

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

Sec. 8-1-111 Definitions.

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

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

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

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

*Disqualifying violation* includes those conditions which affect safe, decent and sanitary living conditions of persons occupying a residential rental dwelling unit, or other conditions that violate the provisions of the Building Code, or multiple building code violations that indicate in their totality that the dwelling unit is not being properly maintained.

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

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

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

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

## **DIVISION 2**

### **Rental Inspection Districts**

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

After holding a duly advertised public hearing as required by the Code of Virginia, § 36-105.1:1(C)(1), having duly given notice as required, city council finds that within the inspection districts described in section 8-1-113 herein below, (i) there is a need to protect the public health, safety and welfare of the occupants of dwelling units inside the designated rental inspection districts; (ii) the residential rental dwelling units within the designated rental inspection districts are either (a) blighted or in the process of deteriorating, or (b) the residential rental dwelling units are in the need of inspection by the code official to prevent deterioration, taking into account the number, age and condition of residential dwelling rental units inside said rental inspection districts, and (iii) the inspection of residential rental dwelling units inside the rental inspection districts is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents living in the rental inspection districts.

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

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

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

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

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

Sec. 8-1-114 Applicability.

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

### **DIVISION 3 Inspection**

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

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

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

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

(d) If inspection of a residential rental dwelling unit reveals one or more disqualifying violations, the code official shall not issue a certificate of compliance until the disqualifying violations are satisfactorily remedied. However, the code official may issue a temporary certificate of compliance if in the opinion of the code official such

disqualifying violations do not constitute an immediate threat of injury to the occupants of such residential rental dwelling unit. If conditions warrant, however, the code official may require that the residential rental dwelling unit be vacated or remain unoccupied until brought into compliance, pursuant to his authority under Code of Virginia § 36-98, et. seq., the Virginia Uniform Statewide Building Code. Upon compliance, the code official shall, as provided in section 8-1-116 of this article, issue an annual certificate of compliance.

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

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

(g) An individual residential rental dwelling unit located outside of a rental inspection district shall nevertheless be subject to the terms of this article upon city council making a separate finding for each such individual residential rental dwelling unit that (i) there is a need to protect the public health, welfare and safety of the occupants of that individual residential rental dwelling unit; (ii) the individual residential dwelling unit is either (a) blighted or (b) in the process of deteriorating; or (iii) there is evidence of violations of the Building Code that affect the safe, decent and sanitary living conditions for occupants of such individual dwelling unit. Upon said finding by the city council, said residential rental dwelling unit shall be subject to this article, notwithstanding its location outside the inspection districts.

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

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

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

(1) The initial inspection of each residential rental dwelling unit which is subject

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

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

(3) For Building Code violations which do not immediately affect the safe, decent and sanitary living conditions for persons living in such unit, provided that all inspection fees shall have been remitted in advance of the issuance of such temporary certificate of compliance, the code official shall issue one temporary certificate of compliance valid for 30 days, and may permit such extensions thereof as the code official shall deem reasonably necessary to allow for remediation of the violations. However, as to Building Code violations which are disqualifying violations and which pose an immediate threat to the safe, decent and sanitary living conditions for persons living in such unit, then the code official shall not issue a temporary certificate of compliance.

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

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

(6) A residential rental dwelling unit which, upon inspection under this article, either has no disqualifying violations, or has only one or more violations of such code that do not affect the safe, decent and sanitary living conditions for persons living in such unit, shall not be subject to further annual inspection under this article for 48 months from date of such annual inspection, except as provided in section 8-1-115, and

a 48-month certificate of compliance shall be issued for such unit. However, if a residential rental dwelling unit covered by a 48-month certificate of compliance is found in violation of the Building Code during the term of such 48-month certificate of compliance, the code official may revoke such 48-month certificate of compliance and such unit shall thereupon become subject to annual inspections and the issuance of annual certificates of compliance. If an annual certificate of compliance is issued after the inspection necessitated by the violation of the Building Code and revocation of the extended certificate of compliance, then said residential rental dwelling unit shall again be eligible for an extended certificate of compliance only after the annual certificate of compliance has expired and as of the first subsequent annual inspection when no disqualifying violations are found.

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

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

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

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

#### Sec. 8-1-117 Multiple-family developments.

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

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

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

subsection (b) of this section.

#### **DIVISION 4**

#### **Certificate Issuance, Inspection Fees and Enforcement**

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

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

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

(c) The code official shall issue a 48-month certificate, as provided in section 8-1-116 when, upon inspection, the code official determines that the residential rental dwelling unit has no disqualifying violations. The 48-month certificate of compliance shall be issued immediately upon completion of an inspection in which no disqualifying violations are found.

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

Sec. 8-1-119 Appeals; effects.

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



thereto.

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

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

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

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

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

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

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

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

Sec. 8-1-121 Regulations implementing article.

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

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

## **ARTICLE H**

### **Registration of Vacant Buildings**

Sec. 8-1-130 Vacant building registration.

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

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

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

(1) the address of the vacant building;

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

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

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

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

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

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

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

#### Sec. 8-1-131 Violations and penalties.

(a) Failure to register a vacant building as required by this article shall be a civil

violation punishable by a civil penalty of \$50; provided, that failure to register a vacant building in a historic district established by Article X of the Zoning Ordinance of the City of Alexandria, or in a conservation or rehabilitation district established by city council, or in an area that has been designated as blighted by city council, shall be punishable by a civil penalty of \$250.

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

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

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

## ARTICLE I

### Spot Blight Abatement and Derelict Buildings

#### Division 1 General

##### Sec. 8-1-141 Purpose.

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

##### Sec. 8-1-142 Definitions.

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

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

(b) *City manager.* The city manager, or a person designated by the manager to

perform the duties and responsibilities that this article places on the manager.

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

- (i) Vacant;
- (ii) Boarded up; and
- (iii) Not lawfully connected to electric service from a utility service provider or not lawfully connected to any water or sewer service from a utility service provider.

~~( ed) DilapidationDilapidated . The condition of property resulting from inadequate maintenance that contributes to unsafe site or building conditions, or that gives the appearance of unsafe site or building conditions.~~

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

~~(e) Lack of ventilation, light and sanitary facilities. —The absence from a building of one or more systems that provide ventilation, light and sanitary facilities, as required by the Virginia Uniform Statewide Building Code (see article A of this chapter).  
Sec 8-1-143 Procedure preliminary determination of blight by city manager.  
Enforcement.~~

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

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

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

~~Sec 8-1-144 Same hearing before planning commission; commission findings.  
Violations.~~

~~a) If the owner of a property that has been preliminarily determined to be blighted fails to timely present the plan required by section 8-1-143(c), which is acceptable to the city manager, or fails to implement a plan found to be acceptable, the manager may request~~

~~that the planning commission conduct a public hearing and make findings and recommendations regarding the property. If a public hearing is scheduled before the planning commission, the city shall prepare and present to the commission a plan for the repair or other disposal, or for the acquisition and repair or other disposal, of the property.~~

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

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

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

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

~~(c) Following the public hearing, the planning commission shall determine:~~

~~(i) whether the owner of the property has failed to eliminate or otherwise cure the property's blighting conditions and to present a reasonable plan to do so;~~

~~(ii) whether the property is blighted; and~~

~~(iii) whether the plan submitted by the city for the repair or other disposal, or for the acquisition and repair or other disposal, of the property is in accordance with the city's zoning ordinance and other applicable land use laws and regulations, and should, in whole or part, be implemented.~~

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

Unless otherwise specified, any person violating any provision of this article shall be guilty of a Class 2 misdemeanor. Each day a violation continues shall be deemed a new and separate violation. In addition to any penalties imposed for each violation, a judge hearing the case shall order the person responsible for such condition to remove, restore, remediate or correct the violation or condition, and each day's default in such

removal, restoration, remediation or correction after being so ordered shall constitute a violation of and a separate offense under this article.

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

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

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

## Division 2. Derelict Buildings

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

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

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

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

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

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

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

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

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

(a) The work plan required to be submitted by the owner shall be on a form prescribed by the Director. The work plan must provide a proposed time within which the plan must be commenced and completed. The work plan may include one or more adjacent properties of the owner, whether or not all have been declared to contain a derelict building. The contents of the plan and the proposed schedule shall be subject to approval by the Director and shall be deemed noncompliant until such plan is approved.

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

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

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

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

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

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

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

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

Sec. 8-1-149 Other laws and ordinances. Tax abatement.

~~Nothing in this article shall be construed to relieve an owner of blighted property, or any other person or entity from complying with other applicable laws relating to the development, use, rehabilitation, condition, maintenance or taxation of real property. The provisions of this article shall be in addition to any other remedies for blight abatement set out in state law or this code. (Ord. No. 4074, 10/16/99, Sec. 1)~~

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

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

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

Division 3. Blighted Property



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

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

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

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

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

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

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

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

City council shall not approve, under this article, any plan for the acquisition of property that is occupied for personal residential purposes if the plan will result in the displacement of any persons residing in the property, unless the acquisition is authorized by Title 36 of the Code of Virginia (1950), as amended; provided, that this subsection shall not apply to the acquisition of property that has been condemned for human habitation for more than one year. In addition, if city council exercises the powers of eminent domain in accordance with Code of Virginia Title 25.1, may provide

for temporary relocation of any person living in the blighted property provided the relocation is within the financial means of such person.

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

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

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

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

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

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

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

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

## CHAPTER 2 Reserved

### **Burglary Prevention Devices**

~~§ 8-2-2 Definitions.~~

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

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

~~§ 8-2-5 Standards.~~

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

~~§ 8-2-7 Violations.~~

~~§ 8-2-8 Penalties; injunction.~~

~~Sec. 8-2-1 Applicability.~~

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

~~Sec. 8-2-2 Definitions.~~

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

~~(b) *Department* — Department of public safety or his duly authorized representative.~~

~~(c) *Director* — Director of the department of public safety.~~

~~(d) *Double cylinder dead bolt lock* — A dead bolt lock that is key-operated on both the exterior and interior surfaces.~~

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

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

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

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

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

~~(j) *Pin* — A metal rod that is at least one eighth ( $1/8$ ) inch in diameter and approximately two (2) to three (3) inches long.~~

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

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

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

~~(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)~~

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

~~The owner or operator of the premises shall be responsible for compliance with this chapter. (Code 1963, Sec. 7A-3)~~

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

~~The department of public safety is hereby authorized and directed to administer and enforce the provisions of this chapter.~~

~~(1) *Right of entry* — On presentation of proper credentials, the director or his duly authorized representative may, with the consent of the owner, operator or occupant, or in accordance with law, enter at reasonable times any multifamily rental dwelling unit subject to the provisions of this chapter for the purpose of inspecting the premises to ensure that the standards enumerated in this chapter are being met.~~

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

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

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

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

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

~~d. The director shall upon receipt of notice of correction, reinspect the premises and either approve or disapprove the corrections. In case of disapproval, the director may then grant a reasonable extension of time to correct deficiencies if, in his judgment, the owner has made a good faith effort to correct these deficiencies. (Code 1963, Sec. 7A-4; Ord. No. 2947, 6/27/84, Sec. 2)~~

#### ~~Sec. 8-2-5 Standards.~~

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

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

~~(c) Sliding glass doors — On and after July 1, 1985, exterior sliding glass doors at any~~

~~level in a rental dwelling unit shall be equipped with the manufacturer's lock and with a locking device or combination thereof that prevents both horizontal and vertical movement of the door. Every such door shall be equipped with a removable metal pin that secures the frames of the moving and nonmoving portions of the door to each other and to the track or frame of the door to prevent horizontal and vertical movement of the door, or such door shall be equipped with a charlie bar to prevent horizontal movement of the door and with at least two (2) screws placed in the top of the door frame to prevent vertical movement of the door.~~

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

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

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

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

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

#### ~~Sec. 8-2-6 Alternate security provisions.~~

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

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

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

#### ~~Sec. 8-2-7 Violations.~~

~~On and after January 1, 1978, it shall be unlawful for the owner or operator of any rental~~

~~dwelling unit in a multifamily dwelling to rent any unit that does not comply with the standards of section 8-2-5 or 8-2-6 after such owner or operator has been notified by the director of his noncompliance and the period for correcting such noncompliance as specified in the notice issued by the director has expired without the necessary corrections having been made. (Code 1963, Sec. 7A-7)~~

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

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

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

### **CHAPTER 3 Reserved**

~~Editor's note: Ord. No. 3331, Sec. 2, adopted Oct. 15, 1988, repealed Tit. 8, Ch. 3, § 8-3-1 8-3-22, pertaining to signs, marquees and awnings, which derived from Code 1963, Secs. 29-1, 29-2.1, 29-3 29-8.1, 29-10 29-13, 29-16 29-18; Ord. No. 2950, Sec. 1, adopted June 27, 1984; Ord. No. 2976, §§ 1, 2, adopted Oct. 23, 1984 and Ord. No. 3024, Secs. 1, 2, adopted March 16, 1985. See the Code Comparative Table for a detailed analysis of inclusion of Ord. No. 3331.~~

### **CHAPTER 4 Home Improvement**

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

- ~~§ 8-4-1 Title.~~
- ~~§ 8-4-2 Definitions.~~
- ~~§ 8-4-3 Exemptions.~~
- ~~§ 8-4-4 Application for home improvement license; issuance.~~
- ~~§ 8-4-5 Home improvement contract requirements.~~
- ~~§ 8-4-6 Identification cards, duplicates and exemption certificates.~~
- ~~§ 8-4-7 Prohibited acts.~~
- ~~§ 8-4-8 Denial, suspension or revocation of license or identification card.~~
- ~~§ 8-4-9 Investigation; probable cause; determination.~~
- ~~§ 8-4-10 Appeal.~~
- ~~§ 8-4-11 reserved.~~
- ~~§ 8-4-12 Judicial review.~~

~~§ 8-4-13 Official records.~~

~~§ 8-4-14 Penalty and remedies.~~

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

**Sec. 8-4-1 Title.**

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

**Sec. 8-4-2 Definitions.**

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

~~(1) *Building official.* —The executive in charge of the department.~~

**Sec. 8-4-2 Definitions.**

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

~~(1) *Building official.* —The executive in charge of the department.~~

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

~~(5) Any contractor who holds a valid master class certificate issued pursuant to the~~

~~building code of the city and who is acting exclusively within the scope of the certificate;~~

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

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

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

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

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

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

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

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

~~(5) Evidence satisfactory to the department that the applicant for a class 1 license has secured a bond in the amount of \$5,000 made payable to the City of Alexandria, Virginia, from a bonding or surety company licensed to do business in the Commonwealth of Virginia. The bond shall be conditioned upon the observance by the licensee and his employees of all statutes, ordinances and regulations in force which relate to the conduct of the licensee's home improvement business. The bond shall indemnify and save harmless any contract buyer or other person injured by the licensee's violation of any condition of the bond. Any person aggrieved by a violation of a condition of the bond may proceed in a court of competent jurisdiction against the~~

~~licensee or surety, or both. Nothing in this section shall be construed to impose upon the surety of any bond a greater liability than the total amount of the bond or the remaining amount after prior recovery or recoveries by any contract buyer or injured party.~~

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

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

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

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

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

~~(3) Class 3 licenses shall consist of: Class 3 salesperson. Pursuant to and only after compliance with the provisions of section 8-4-6(b) of this code, this license shall entitle the holder to represent no more than a total of two (2) class 1 or class 2 licensees as a salesperson while the class 3 license remains valid.~~

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

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

#### **~~Sec. 8-4-5 Home improvement contract requirements.~~**

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

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

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

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

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

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

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

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

~~(5) When the right to cancel is exercised, the contract buyer is not liable for any finance or other charge, and any security interest becomes void upon such a cancellation. Within 10 days after receipt of a notice to cancel, the contractor shall return to the contract buyer any money or property given as down payment or otherwise and shall take any action necessary to reflect the termination of any security interest~~

~~created under the transaction. When the contractor's obligations under this section have been performed, the contract buyer shall offer to return any property previously delivered to the buyer by the contractor. If the contractor does not take possession of the property within 10 days after the offer to return by the contract buyer, the legal ownership of the property shall vest in the contract buyer without obligation on the buyer's part to pay for it, provided the buyer has not done anything to interfere with the contractor's efforts to take possession of it.~~

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

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

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

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

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

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

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

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

~~(h) Contract payments.~~

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

~~(2) Payment.~~

~~a. The contract buyer shall not be required to make any payment whatsoever, whether~~

~~scheduled or otherwise, except for a deposit for materials as provided for below, prior to the delivery of materials or performance of labor or services.~~

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

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

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

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

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

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

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

~~(5) The specific dates by which time work is to be started and completed although the contract may provide for unforeseeable delays. If dates cannot be met, new deadline dates shall be set specifically related to any such delay.~~

~~(6) The total price or other consideration to be paid by the buyer, the finance charge, the total scheduled payments and the number, amount and due dates or periods of payments. If payment is to be made in more than three (3) installments, the contractor shall make the disclosures required by federal, state or other laws and regulations. Disclosure shall also be made of any collateral security taken or to be taken for the contract buyer's obligation under the contract. If the contractor intends to assign the contract to a third party, disclosure of intent to assign and the name of intended assignee shall be made. If the contract is one for time and materials, the contract shall state the hourly rate for labor and other terms and conditions affecting the price.~~

~~(7)a. The following statements in bold type, no smaller than 10 point:~~

~~**WARNING**  
**DO NOT SIGN THIS CONTRACT OR ANY OTHER DOCUMENT UNTIL ALL BLANKS**~~

~~HAVE BEEN FILLED IN OR MARKED AS INAPPLICABLE. DO NOT SIGN ANYTHING UNTIL YOU HAVE READ IT. YOU ARE ENTITLED TO A SIGNED COPY OF THIS CONTRACT AND ALL OTHER PAPERS. YOU DO NOT HAVE TO PAY MORE THAN ONE-THIRD ( 1/3) OF THE CONTRACT PRICE AT THE TIME THE CONTRACT IS SIGNED AND THEN ONLY AS A DEPOSIT FOR MATERIALS. YOU MAY ALSO PROVIDE FOR LEGAL TITLE TO THE MATERIALS TO VEST IN YOU AT THE TIME YOU PAY THE DEPOSIT. THE CONTRACT MAY PROVIDE A SCHEDULE OF PAYMENTS. YOU DO NOT HAVE TO MAKE ANY PAYMENT, EXCEPT THE DEPOSIT IF AGREED UPON, UNTIL THE WORK HAS BEEN PERFORMED OR THE MATERIALS HAVE BEEN DELIVERED. YOU DO NOT HAVE TO PAY MORE THAN 90 PERCENT OF EACH SCHEDULED PAYMENT AND/OR THE TOTAL CONTRACT PRICE UNTIL ALL OF THE SCHEDULED WORK AND THE ENTIRE CONTRACT HAS BEEN COMPLETED.~~

~~RIGHT TO CANCEL~~

~~YOU MAY CANCEL THIS CONTRACT, WITH NO PENALTY ANY TIME BEFORE MIDNIGHT \_\_\_\_\_ ON~~

~~(DAY OF WEEK) \_\_\_\_\_ (DATE)~~

~~19 \_\_\_\_\_ TO CANCEL, SEND BY CERTIFIED MAIL, TELEGRAM OR HAND DELIVER \_\_\_\_\_ A \_\_\_\_\_ SIGNED, \_\_\_\_\_ DATED \_\_\_\_\_ NOTICE \_\_\_\_\_ TO~~

~~(NAME)~~

~~AT \_\_\_\_\_; \_\_\_\_\_ (ADDRESS)~~

~~I \_\_\_\_\_ HEREBY \_\_\_\_\_ CANCEL \_\_\_\_\_ THIS \_\_\_\_\_ TRANSACTION;~~

~~(DATE)~~

~~(BUYER'S \_\_\_\_\_ SIGNATURE)~~

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

~~IMPLIED WARRANTIES~~

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

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

### ~~FEDERAL WARRANTY LAW~~

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

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

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

### ~~Sec. 8-4-6 Identification cards, duplicates and exemption certificates.~~

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

~~(b) Salesperson identification cards. A salesperson, when authorized to represent a  
contractor, shall be entitled to a class 3 license and identification card after payment of  
a one dollar (\$1.00) fee for the card. No card shall be issued unless the department has  
received from the contractor a written notice of authorization signed by both the  
contractor and the salesperson. A salesperson may represent no more than two (2)  
contractors at any one time. Before any individual may accept an appointment or  
employment as a salesperson for any contractor, the individual shall disclose to the  
contractor and the department the names of every other contractor by whom the  
individual is currently employed or authorized to represent. No person shall act as a  
salesperson and no contractor shall authorize any person to act as a salesperson for  
any contractor unless the required notices are received by the department. Upon the  
termination of the authority, appointment or employment of a salesperson, the~~



~~contractor shall so notify the department in writing. The termination notice shall automatically invalidate the salesperson's class 3 license.~~

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

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

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

#### **~~Sec. 8-4-7 Prohibited acts.~~**

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

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

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

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

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

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

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

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

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

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

- ~~(1) a material misstatement in an application and/or supporting documents;~~
- ~~(2) failure to provide information to the department or to an appeals board when required by either to determine whether a license should be issued, denied, revoked or suspended;~~
- ~~(3) violation or failure to comply with any provision of this chapter or any other law related to home improvement work;~~
- ~~(4) failure to complete any contract work as provided for in a home improvement contract, including failure to correct or replace faulty or defective work;~~
- ~~(5) failure to honor warranties in a home improvement contract;~~
- ~~(6) failure to use contract forms which are consistent with the provisions of this chapter;~~
- ~~(7) failure to pay judgments or other debts which may result in a lien against a contract buyer's property;~~
- ~~(8) failure to perform in accordance with the contract plans or specifications in all substantive or material respects without the consent of the contract buyer;~~
- ~~(9) the suspension or revocation of any contractor's or salesperson's license by any jurisdiction within the preceding two (2) years for any cause similar to the provisions of this section;~~
- ~~(10) cancellation or termination of any bond, insurance or other security required by this chapter; or~~
- ~~(11) reduction in the amount of any bond or other security required by this chapter to less than one-half ( 1/2) of the amount originally required by virtue of and under the authority of this chapter due to any cause related to any of the provisions of this section.~~

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

~~(a) Any person may file a complaint against a home improvement contractor or salesperson with the department or the office of consumer affairs. The office of consumer affairs shall notify the department when a written complaint is received by it against a home improvement contractor or salesperson. When a complaint is filed with~~

~~the department or the office of consumer affairs, the office of consumer affairs shall investigate the complaint and shall make available to the department any information derived from the investigation. The department shall conduct any additional investigation as needed.~~

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

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

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

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

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

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

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

#### **~~Sec. 8-4-10 Appeal.~~**

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

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

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

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

~~(b) The appealing party shall file the notice of appeal within 15 days from the date of~~

~~the notice issued by the department pursuant to Section 8-4-9 of this chapter. For the purposes of this section, the notice of appeal shall be deemed filed as of the date that it is received in the office of citizen assistance.~~

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

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

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

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

~~Editorial Note: Ord. No. 3696, Sec. 4, adopted Jan. 22, 1994, repealed Secs. 8-4-10 and 8-4-11, which pertained to hearing procedure and final determination. Sec. 5 of said ordinance enacted new provisions designated as Sec. 8-4-10 to read as herein set out. See the Code Comparative Table.~~

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

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

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

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

~~(b) Proceedings for review shall be instituted by filing a notice of appeal and a petition for review with the court within 30 days after the date of the final order or final decision and delivering a copy of the notice and the petition to the building official. The filing of an appeal shall not act to stay the order or the effect of the decision from which the appeal is taken. Within five (5) working days after receipt of the notice, the building official shall file in the record of the suit a statement of the reason, including any finding of fact and/or conclusion of law, upon which the order or decision appealed from was~~

~~based. Further proceedings shall be in accordance with equity jurisprudence and procedure. The court may render its judgment upon the record or it may hear any additional evidence as it deems proper.~~

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

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

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

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

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

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

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

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

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

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

TITLE 4 PUBLIC SAFETY  
CHAPTER 6  
Burglary Prevention Devices

§ 4-6-1 Applicability

§ 4-6-2 Definitions.

§ 4-6-3 Responsibility for compliance.

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

§ 4-6-5 Standards.

§ 4-6-6 Alternate security provisions.

§ 4-6-7 Violations.

§ 4-6-8 Penalties; injunction.

Sec. 4-6-1 Applicability.

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

Sec. 4-6-2 Definitions.

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

(b) *Department* . The Police Department

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

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

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

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

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

(h) *Owner or operator* . The owner or owners of the freehold of the multi-family

rental dwelling or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation responsible for the control or management of the multi-family rental dwelling.

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

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

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

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

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

(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

Sec. 4-6-3 Responsibility for compliance.

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

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

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

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

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

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

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

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

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

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

#### Sec. 4-6-5 Standards.

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

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

(c) Sliding glass doors . On and after July 1, 1985, exterior sliding glass doors at



any level in a rental dwelling unit shall be equipped with the manufacturer's lock and with a locking device or combination thereof that prevents both horizontal and vertical movement of the door. Every such door shall be equipped with a removable metal pin that secures the frames of the moving and nonmoving portions of the door to each other and to the track or frame of the door to prevent horizontal and vertical movement of the door, or such door shall be equipped with a charlie bar to prevent horizontal movement of the door and with at least two (2) screws placed in the top of the door frame to prevent vertical movement of the door.

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

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

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

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

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

Sec. 4-6-6 Alternate security provisions.

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

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

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

Sec. 4-6-7 Violations.

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

Sec. 4-6-8 Penalties; injunction.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 6. That 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) of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, established and ordained to read as follows:

Sec. 5-3-44 Survey plats.

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

Section 7. That 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) of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, established and ordained to read as follows:

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

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

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

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

Section 8. That 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, be, and the same is hereby, established and ordained to read as follows:

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

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

(b) Availability.

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

(2) For any other buildings, a public storm sewer shall be deemed available

when such sewer is within 500 feet of the premises on which the building is located, measured along a street, and a connection may be made lawfully thereto.

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

(d) Prior to the issuance of any building permit for any proposed improvement to real property involving (1) the construction of a new home (2) construction of an addition to an existing home where either (A) the addition exceeds the area of the existing building footprint by 100% or more; or (B) the construction of the addition results in less than 50% of the existing first floor exterior walls, in their entirety, remaining; (3) changes to the existing grade elevation of 1 foot or greater; (4) changes to existing drainage patterns; or (5) land disturbance of 2,500 square feet or greater, a grading and drainage plan prepared by a professional engineer or land surveyor licensed by the Commonwealth of Virginia shall be submitted for review and approval by the director of transportation and environmental services or deputy director/city engineer. Such plan shall demonstrate that post-development drainage will have no greater impact on adjacent or down-stream property than pre-development conditions. The requirements for such plans, including without limitation form, content, methods of calculation, and procedures for review and approval, shall be established by regulations promulgated by the director of transportation and environmental services. A plan review fee in the amount of \$500 shall accompany such plan, except that in instances where the proposed improvement is already subject to the erosion and sediment control requirements set forth in section 5-4-1, et seq. of this Code, and a fee has already been paid pursuant to those requirements, no additional fee shall be required. No building permit for improvements subject to this subsection shall be issued until after the grading and drainage plan has been approved. When a grading and drainage plan is required pursuant to subsections (d)(2), (3) or (4) hereof, the requirement may be waived by the director of transportation and environmental services or his designee when such a waiver is requested by the property owner and such request is accompanied by sufficient information to demonstrate to the satisfaction of the director or deputy director/city engineer, in his or her reasonable engineering discretion, that no adverse drainage impacts to abutting or adjacent property will occur as a result of the proposed construction. The director shall promulgate rules and regulations for the application, consideration, grant or denial of such waiver requests, including without limitation rules and regulations specifying the minimum information required for applications, and reasonable criteria and standards for the consideration of such requests. The decision on such requests shall be in writing, and shall state the grounds thereof. The decision to grant or deny a waiver request is committee to the discretion of the director or deputy director/city engineer, and shall not be subject to judicial review.

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

(a) A violation of any section or provision of this article shall be a civil violation that shall be enforced through the levying of a civil penalty, pursuant to section 1-1-11

of this code, of \$100 for a person's first violation and of \$150 for each subsequent violation of the same section or provision. Each day during which a violation exists shall constitute a separate violation. However, a series of violations arising from the same operative set of facts shall not give rise to the levying of a civil penalty more frequently than once in any 10-day period, and shall not result in civil penalties exceeding a total of \$3,000.

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

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

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

13. Public Hearing, Second Reading and Final Passage of an Ordinance to vacate a portion of the public right-of-way at the terminus of Uhler Terrace, adjacent to the property at 100 Uhler Terrace, in the City of Alexandria, Virginia (VAC No. 2006-0001).

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 05/15/10, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 05/15/10, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council approved an ordinance to vacate a portion of the public right-of-way at the terminus of Uhler Terrace, adjacent to the property at 100 Uhler Terrace, in the City of Alexandria, Virginia (VAC NO. 2006-0001). The voting was as follows:

Smedberg	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Krupicka	"aye"	

The ordinance reads as follows:

**ORDINANCE NO. 4660**

AN ORDINANCE to vacate a portion of the public right-of-way at the terminus of Uhler Terrace (VAC No. 2006-0001).

WHEREAS, the Cynthia Caples Trust (Owner) has applied for the vacation of a portion of the public right-of-way at the terminus of Uhler Terrace, adjacent to the property at 100 Uhler Terrace, in the City of Alexandria, Virginia; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation of such public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, viewers, Kellie Meehan, chair, Judy Lowe, and Tom Welsh have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that the portion of the public right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

**THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:**

Section 1. That the vacation of the public right-of-way to Owner, as shown on the plat of vacation attached hereto and incorporated herein by reference, be, and the same hereby is, approved.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

1. The Owner shall prepare a plat of consolidation, showing the property vacated and all easements therein, and consolidating such property with their abutting property, and the plat of consolidation shall be filed with the Director of Planning and Zoning, the Director of Transportation and Environmental

Services, and among the land records of the City.

2. Easements shall be reserved for all existing public and private utilities within the area vacated. The Owner shall show all easements on the plat of consolidation.

3. The Owner may not construct any buildings, or improvements, including driveways and parking spaces, on the vacated area and may not use the vacated land area to derive any increased development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidated plat, both of which shall be approved by the Director of Planning and Zoning prior to recordation.

4. Owners shall pay the sum of \$5,100.00 to the City for the vacated land.

5. If during construction on the Owner's home, the existing Norway Pine tree located on Owner's property is damaged and/or does not survive, Owner shall purchase and plant a native tree at least 15 feet in height, and as deemed acceptable by the Alexandria City arborist.

Section 3. The term "Owner" shall be deemed to include the Cynthia Caples Trust, Cynthia Caples, and their respective successors in interest.

Section 4. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 5. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 6. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to Owner. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as grantee, and such recordation shall be done by the grantee at his or her own expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.



**\*\*Council took a ten minute break before resuming the public hearing.\*\***

10. SPECIAL USE PERMIT #2010-0011  
2312 MOUNT VERNON AVENUE  
PORK BARREL BBQ  
Public Hearing and Consideration of a request to operate a restaurant; zoned CL/Commercial Low. Applicant: Hog Thaid, LLC by Michael Anderson

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 05/15/10, and is incorporated as part of this record by reference.)

Planner Randall gave an overview of the proposed project and highlighted the neighborhood concerns that the Planning and Zoning Department has addressed, including the hours of operation and the exhaust system to be installed in the building. Mr. Randall responded to questions from Council about the SUP.

The following persons participated in the public hearing for this item:

(a) Mike Anderson, 1320 North Pegram Street, applicant, spoke in support of the application and responded to questions from Council about the operations of the restaurant.

(b) Ashley Klick, 109 East Oxford Avenue, spoke in support of the SUP with the conditions in the staff document and requested that the additional conditions listed in her memorandum to Council dated May 15, 2010 be included in Council's approval.

(c) Paul Klick, 109 East Oxford Avenue, spoke in support of the City's recommended hours for the business establishment and he noted that the hours requested by the applicant are not consistent with the Mount Vernon Overlay Plan and the Mount Vernon Business Plan. Mr. Klick noted that the petition submitted for the record that was against later hours for the business. Mr. Klick stated that the Oxford residents proposed a compromise of an earlier closing time for the work week of 11 p.m. and weekend closing hours of 1 a.m.

(d) Rainey Astin, 1406 Mount Vernon Avenue, spoke about the noise that can be heard from the restaurants operating on Mount Vernon Avenue. Ms. Astin requested that Council support the staff's recommendation and if not, include a provision that would automatically reduce the operating hours if problems arise from the business.

(e) David Fromm, 2307 East Randolph Avenue, representing the Del Ray Citizens Association, stated that the Association was in agreement with the staff report

on a number of items, including no sale of alcohol for offsite consumption and no amplified sound should be audible from the commercial property line. Mr. Fromm stated that the Association request that the items supported by them not be changed by minor amendments or administrative approval process to protect the neighborhood interests.

(f) Annie Kendrick, 12 East Del Ray Avenue, addressed the environmental concerns presented by the type of cooking the restaurant would use and she requested that the exhaust system used by the applicant meet the same emission standards of other barbeque restaurants in the City.

(g) Amy Slack, 2307 East Randolph Avenue, stated that she personally disagreed with the later hours of operation but she was willing to compromise as a member of the Del Ray Citizens Association Land Use Committee to try the later hours.

(h) Bernardo Piereck, 2 East Oxford Avenue, stated that the Planning and Zoning staff report reflects a fair and balanced approach to this particular restaurant and he urged Council to accept the Commission report as submitted. Mr. Piereck noted that he was against the later hours of operations.

(i) Daniel Mehaffey, 1408 Mount Vernon Avenue, spoke about the noise from the restaurants along Mount Vernon Avenue and stated that he supported the staff recommendation for hours of operations.

(j) Paula DeMuth, 1410 Mount Vernon Avenue, expressed concern about late night drinking and public drunkenness that could result from the late hours of operations.

(k) Tyler Green, 3906 Elbert Avenue, spoke in support of the proposed restaurant and he noted that there were others in the neighborhood who were looking forward to having late night dining options.

(l) Sarah Haut, 228 East Nelson Avenue, spoke about the hours of operations and noted that there could be some unintended consequences by allowing the restaurant to remain open later than most of the restaurants on Mount Vernon Avenue. Ms. Haut stated that she supported the hours of operation presented in the staff report.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously, City Council closed the public hearing. The vote was as follows:

Donley	"aye"	Fannon	"aye"
Hughes	"aye"	Krupicka	"aye"
Euille	"aye"	Pepper	"aye"

Smedberg "aye"

**WHEREUPON**, a motion was made by Councilman Fannon and seconded by Vice Mayor Donley, to approve the Planning Commission recommendation with the following amendment: (1) amend condition #3 to state, "The hours of operation of the restaurant shall be limited to between 7 a.m. and 11:30 p.m., Sunday through Thursday and 7 a.m. and 1 a.m., on Friday and Saturday.

**WHEREUPON**, a substitute motion was made by Councilman Smedberg, seconded by Councilwoman Hughes, to uphold the Planning Commission recommendation with the 12 a.m. closing on Friday and Saturday, and weeknight closing of 11 p.m. The motion failed 2-5 and was as follows:

Smedberg	"aye"	Donley	"no"
Hughes	"aye"	Fannon	"no"
Euille	"no"	Krupicka	"no"
	Pepper	"no"	

An amendment to the main motion was offered by Councilman Krupicka, seconded by Councilwoman Pepper, and accepted by the maker and seconder of the original motion as an amendment, to include a new condition stating that conditions 9, 10, and 13 may not be amended by the administrative review process.

**WHEREUPON**, a amendment to the main motion was made by Councilman Krupicka, seconded by Vice Mayor Donley, to change the hours of operations of the restaurant to be limited to between 7 a.m. and 11 p.m during weeknights. The motion carried 4-3 and was as follows:

Krupicka	"aye"	Fannon	"no"
Donley	"aye"	Hughes	"no"
Euille	"aye"	Pepper	"aye"
	Smedberg	"no"	

The above amendment became part of the main motion.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Donley and carried 6-1, City Council approved the Planning Commission recommendation with the following amendments: (1) amend condition #3 to state, "The hours of operation of the restaurant shall be limited to between 7 a.m. and 11 p.m., Sunday through Thursday and 7 a.m. and 1 a.m., on Friday and Saturday and (2) include a new condition stating that conditions 9, 10, and 13 may not be amended by the administrative review process. The voting was as follows:

Krupicka	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Pepper	"aye"

Smedberg "no"

11. MASTER PLAN AMENDMENT #2010-0002  
NORTH POTOMAC YARD SMALL AREA PLAN  
Public Hearing and Consideration of a request to amend the City's Master Plan to include the North Potomac Yard Small Area Plan. Staff: City of Alexandria, Department of Planning and Zoning.

PLANNING COMMISSION ACTION: Adopted Resolution 7-0

(A copy of the Planning Commission report dated May 4, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 05/15/10, and incorporated as part of this record by reference.)

Planning and Zoning Director Hamer gave an introduction to the proposed plan and responded to questions from Council about the North Potomac Yard Small Area Plan, highlighting the creation public places and other urban amenities in the proposed plan.

Deputy Director Farner and Urban Planner Peterson gave more details about the proposed plan including what types of development would occupy the space and the kinds of amenities that would be available once it is developed, including a new Metro station for the area and they responded to questions from Council about the details of the plan.

Deputy Director of Transportation and Environmental Services Lerner explained the transportation elements of the North Potomac Yard Small Area Plan and responded to questions from Council about transportation.

Deputy City Manager Jinks explained the possible financing options for the proposed Metrorail station and responded to questions from Council about bonds, financing issues and special tax districts.

The following persons participated in the public hearing for this item:

(a) Deborah Johnson, 801 North Fairfax Street, representing the Alexandria Chamber of Commerce, spoke in support of the development of the North Potomac Yard area and stated that proper development of the area could be the highlight of Alexandria, embracing the commercial needs, benefitting the residents and offering improved transportation to the area. Ms. Johnson also stated that the Chamber of Commerce supports the inclusion of Metro development as part of the proposed plan.

(b) David Fromm, 2307 East Randolph Avenue, representing the Del Ray Citizens Association, stated that the overall plan is good. Mr. Fromm noted that there was some concern with the proposed financing and the increase in the traffic from the development. Mr. Fromm stated that there was a lack of specificity for monitoring traffic

problems during development.

(c) Poul Hertel, 1217 Michigan Court, stated that there were several problems with the plan that started years ago. Mr. Hertel noted that the new Monroe Avenue bridge would be the center of most of the congestion generated by the plan and he noted that there is only one way out of Potomac Yard heading south, Route 1. Mr. Hertel stated that the safety valve streets would be congested and the traffic would effect the surrounding neighborhoods.

(d) Mark Kasman, 320 Laverne Avenue, spoke in favor of the plan and noted that the enhancements to the East Glebe Road and Route 1 intersection would alleviate the bottleneck in the area at rush hour. Mr. Kasman also noted that Reed Avenue intersection should be addressed in more detail in the plan.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Smedberg	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with an amendment to Land Use recommendation 4.44 to replace the wording with, "Provision of public housing in North Potomac Yard shall be strongly encouraged, particularly as other public housing sites in the City redevelop. Consideration of the existing project based density bonus for affordable housing should be considered to facilitate possible public housing relocation to North Potomac Yard." The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

**\*\*Council considered the following ordinances before docket item 10.\*\***

## **ORDINANCES AND RESOLUTIONS**

12. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the Building Code to reflect current state law and regulations.
13. Public Hearing, Second Reading and Final Passage of an Ordinance to vacate a portion of the public right-of-way at the terminus of Uhler Terrace, adjacent to the

property at 100 Uhler Terrace, in the City of Alexandria, Virginia (VAC No. 2006-0001).

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**

**DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

**Planning Commission (continued)**

14. TEXT AMENDMENT #2010-0001  
SMALL BUSINESS ZONING REGULATIONS  
A) Initiation of a text amendment; B) Public Hearing and Consideration of a request for an amendment to the City's Zoning Ordinance regulations related to small businesses. Staff: City of Alexandria Department of Planning and Zoning

PLANNING COMMISSION ACTION: Deferred by Staff

**END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

City Council noted the deferral.

\*\*\*\*\*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilman Krupicka, seconded by Councilwoman Hughes and carried unanimously, City Council adjourned the public hearing meeting of May 15, 2010 at 4:38 p.m. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

\*\*\*\*\*

APPROVED BY:

\_\_\_\_\_  
WILLIAM D. EUILLE MAYOR

ATTEST:

\_\_\_\_\_  
Gloria A. Sitton, CMC Deputy City Clerk