

ORDINANCE NO. 2132

AN ORDINANCE to amend the Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new chapter numbered 7A entitled BURGLARY PREVENTION DEVICES: LOCKS AND PEEPHOLES; which new Chapter 7A RELATES TO AND PROVIDES FOR DEAD BOLT LOCKS AND PEEPHOLES ON EXTERIOR SOLID DOORS TO EACH MULTI-FAMILY RENTAL DWELLING UNIT AND LOCKS ON ALL EXTERIOR GLASS DOORS AND WINDOWS AT A GROUND LEVEL WHICH ARE CAPABLE OF BEING OPENED, ALL WITH RESPECT TO MULTI-FAMILY DWELLING UNITS CONSTRUCTED IN THE CITY PRIOR TO SEPTEMBER 1, 1974; PROVIDES FOR ADMINISTRATION; PRESCRIBES STANDARDS AND ESTABLISHES PENALTIES FOR VIOLATIONS.

WHEREAS, the City Council of the City of Alexandria, Virginia, is concerned over the number of burglaries within the city; and

WHEREAS, the city has conducted an extensive study of burglaries committed in the city which has indicated that a significant number of burglaries have occurred in multi-family dwellings lacking burglary prevention devices on doors and windows; and

WHEREAS, the state board of housing, pursuant to the uniform state-wide building code, has adopted regulations requiring certain burglary prevention devices to be placed on doors and windows in multi-family dwellings constructed after September 1, 1974, but not prior thereto; and

WHEREAS, the 1976 General Assembly granted to the city in Section 2.04 (cc) of the City Charter, authority to enact an ordinance requiring locks and peepholes to be placed on doors and windows of multi-family rental dwellings constructed prior to September 1, 1974; and

WHEREAS, the city council is of the opinion that the number of burglaries within the city can be substantially decreased by enacting an ordinance pursuant to such new Charter power, requiring such burglary prevention devices in multi-family rental dwellings constructed prior to September 1, 1974; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new chapter numbered 7A to read as follows:

Chapter 7A.

BURGLARY PREVENTION DEVICES: LOCKS AND PEEPHOLES

Sec. 7A-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. 7A-2. Definitions.

Department. Department of building and mechanical inspections.

Director. Director of the department of building and mechanical inspections or his duly authorized representative.

Horizontal dead bolt lock. A heavy metal bar which moves horizontally into the strike of the door jamb, 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.

Multi-family rental dwelling. A building, or portion thereof, containing three or more rental dwelling units, located on a single lot or parcel of ground.

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.

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.

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

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

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. 7A-3. Responsibility for compliance.

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

Sec. 7A-4. Responsibility and methods for enforcement.

The department of building and mechanical inspections is hereby authorized and directed to administer and enforce the provisions of this chapter.

(a) 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 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.

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

(c) Procedure when non-compliance discovered. When an inspection reveals that any multi-family rental dwelling unit does not meet the requirements of this chapter, the following procedure shall be followed:

1. Written notice of the deficiencies discovered during the inspection shall be given the owner or operator of the premises by

the director. Such 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.

2. Such notice shall set forth the amount of time within which such deficiencies are to be corrected; however, in no event shall the time allowed for corrections be less than five days or more than thirty days.

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

4. 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 said deficiencies.

Sec. 7A-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, 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 deadbolt lock or vertical deadbolt lock, none of which impairs the fire resistance rating of the door. Locks on such doors shall be so constructed that the deadbolt 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 be free-spinning to prevent twisting of the cylinder or flush mounted to prevent disabbling of the locking system. The horizontal deadbolt lock must penetrate the jamb a minimum of one-half inch and must be constructed of hardened material which resists sawing. Locking systems involving a combination of a snap latch and a deadbolt should be designed so that the defeat of the snap latch or exterior knob does not defeat the deadbolt.

(b) Sliding patio doors. Sliding patio doors and non-sliding portions thereof, in a rental dwelling unit opening onto patios or balconies which are less than ten 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) Operable windows. All operable windows which are less than ten feet above ground level or otherwise readily accessible from the outside shall have a window lock or latch.

Sec. 7A-6. Alternate security provisions.

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

When the person responsible for compliance with the provisions of this chapter desires to use such other device or methods, the burden of proving to the director that the requirement of this chapter have been met or surpassed shall rest with the person responsible for compliance.

Such 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. 7A-7. Violations.

On and after January 1, 1978, it shall be unlawful for the owner or operator of any rental dwelling unit in a multi-family rental dwelling to rent any such unit that does not comply with the standards of Sec. 7A-5 or 7A-6 after such owner or operator has been notified by the director of his noncompliance and the period for correcting such non-compliance as specified in the notice issued by the director has expired without the necessary corrections having been made.

Sec. 7A-8. Penalties; injunctions.

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 such violation continues shall constitute a separate offense.

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

Section 2. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

FRANK E. MANN
Mayor

Final Passage: September 28, 1976