

ORDINANCE NO. 2489

AN ORDINANCE to amend The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new chapter numbered 6A; which new Chapter 6A relates to BUILDING CODE.

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 6A to read as follows:

CHAPTER 6A.

BUILDING CODE.

Article I. In General.

Sec. 6A-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. 6A-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 as adopted and promulgated by the Virginia Board of Housing and Community Development and as hereafter amended from time to time. References to the building official in this chapter shall include his duly authorized representatives. In case of conflict or inconsistency between this chapter and that Code, the provisions of this chapter shall control. The "name of jurisdiction" in said Code shall be the City of Alexandria, Virginia. [City Charter, §§ 2.04(b), 2.04(v), 2.04(x).]

Sec. 6A-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.

Article II. Miscellaneous Conditions of Permits.

Sec. 6A-4. Notice of start, stages and suspensions or abandonment of work.

(a) In addition to the inspection requirements of the Uniform Statewide Building Code, it shall be the duty of the permit holder to notify the building official at least twenty-four (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. [BOCA Basic Building Code/1978, §§ 110.0 and 113.9.]

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

Sec. 6A-5. 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 showing the exact location of said walls shall be prepared by a licensed certified public land surveyor or engineer and filed with the building official 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. [BOCA Basic Building Code/1978, §§ 112.0 and 114.0.]

Sec. 6A-6. 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. 2145 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. 6A-7. 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-0 commercial office, C-4 commercial park, I-1 industrial (light) and I-2 industrial (heavy). [BOCA Basic Building Code/1978, § 301.0.]

Sec. 6A-8. Frost line.

The frost depth shall be twenty-four (24) inches below the finished grade in the city. [BOCA Basic Building Code/1978, § 724.1.]

Sec. 6A-9. Street encroachments.

Steps not more than twelve (12) feet in length including the required landings, shall be allowed to project beyond the street lot line five (5) feet on streets one hundred (100) feet wide or greater, four (4) feet on streets sixty-six (66) feet wide or greater, three (3) feet on streets fifty (50) feet wide or greater, and in any event twenty (20) inches on Union and King

Streets from the Potomac River to the R.F.&P. Railroad right-of-way.

Belt courses, lintels, sills, architraves, pediments and similar architectural decorations may project not more than four (4) inches beyond the street lot line when less than ten (10) feet above the curb level, and not more than ten (10) inches when ten (10) feet or more above the curb level. [BOCA Basic Building Code/1978, §§ 309.0 and 310.0.]

All other encroachments existing or otherwise may be authorized only by a special ordinance passed by the city council, unless otherwise provided by the city code.

Sec. 6A-10. Curb, gutter and sidewalk construction required.

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 fifty percent (50%), the applicant shall be required to provide for the installation of, at his own expense, the curbs, gutters and sidewalks, where such do not exist, in the streets abutting the property subject to the building permit. The installation of such 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.

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

Sec. 6A-11. 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 such excavation. [BOCA Basic Building Code/1978, § 309.4.]

Sec. 6A-12. 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 environmental services must be satisfied that any such 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. 6A-13. 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 (1) 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 (1) sewer and one (1) water system.

(b) Commercial buildings with more than one (1) unit under the same roof and multi-family residential buildings with more than one (1) 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 (1) public sewer and one (1) water service connection for each family dwelling unit, unless otherwise approved by the building official.

(c) Availability. A public water supply system or a public sewer system shall be deemed available to one- (1) or two- (2) family dwelling premises if such premises are within three hundred (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.

All other premises. A public water supply system or a public sewer system shall be deemed available to all premises other than one- (1) or two- (2) family dwellings, if such premises are within five hundred (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. 6A-14. 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. 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 1/16 bend with the sewer tap entering the upper air space of the trunk sewer, unless otherwise approved by the building official.

The maximum size house sewer which may be connected directly to a ten- (10) inch or larger public sanitary sewer is six (6) 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.

Sewer taps shall be at least two (2) 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 ($\frac{1}{4}$) 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 (3) feet zero (0) inches for water piping and one (1) foot six (6) inches for sewers except that when a building sewer terminates in a septic tank its minimum cover shall be twelve (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 two thousand (2,000) pounds per lineal foot of pipe under the ASTM (American Society Testing Materials) 3 edge bearing test (ASTMC-500).

Sec. 6A-15. Method of storm and subsoil water disposal.

(a) Buildings shall have drainage provisions for conveying storm water from roofs, paved areas and areaway drains, subsoil water, condensate, cooling water, etc., on the premises 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. For a one- (1) or two- (2) family dwelling, a public storm sewer shall be deemed available when such sewer is within one hundred (100) feet of the premises on which the dwelling is located, measured along a street, and a connection may be made lawfully thereto.

For any other buildings, a public storm sewer shall be deemed available when such sewer is within five hundred (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.

Sec. 6A-16. 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 forty (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.

(c) Car wash installation. Commercial car wash installations 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.

(e) Continuous flow equipment. Any water-connected device or appliance requiring a continuous flow of five (5) 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. [Code of Virginia (1950), as amended, § 15.1-37.2:1.]

Sec. 6A-17. 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 such work, require their removal, repair or replacement within a reasonable time not to exceed thirty (30) days.

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

Sec. 6A-18. Minimum size electrical service.

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

Sec. 6A-19. 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. 6A-20. 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 such building or structure or the contractor engaged in such work shall notify the building official in writing of the necessity to do so at least twenty-four (24) hours before such intended work is begun. It shall thereupon be the duty of the building official to inspect the place where such work is intended to be done, and if satisfied that it is necessary to do so, he shall at once direct the owner of such wires to remove the same, and upon failure on the part of the owner to do so within twenty-four (24) hours thereafter, such wires may be removed by the contractor.

Sec. 6A-21. 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 such as do not meet the requirements of this section.

Sec. 6A-22. Fees for building, electrical, mechanical and plumbing permits, inspections and certificates.

(a) The fees for building, electrical, mechanical and plumbing permits, inspections and certificates 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. [Code of Virginia (1950), as amended, § 36-105; BOCA Basic Building Code/1978, § 117.0; BOCA Basic Mechanical Code/1978, §§ M-114.0, M-501.6 and M-502.0; BOCA Basic Plumbing Code/1978, § P-114.0; City Charter, § 2.07.]

(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. [BOCA Basic Building Code/1978, §§ 112.2 and 114.1.]

(c) The minimum nonrefundable inspection fee for any one (1) permit shall be fifteen dollars (\$15.00).

(d) 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.

(e) 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.

(f) Exceptions. Notwithstanding anything in this section, there shall be no fees assessed for the erection or alteration of a building or structure, plumbing and gas fitting work or electrical work performed by or for the Washington Metropolitan Area Transit Authority in connection with the construction, alteration, repair or maintenance of rail rapid transit facilities such as rails, stations, substations, repair and storage yards, retaining walls, tunnel structures and elevated rail structures.

Article III. Certification Required to do
Certain Business or Work; Board of Examiners;
Fees; Suspension or Revocation of
Certificates; and Bonds.

Sec. 6A-23. 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 such 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 Chapter 7 of Title 54 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, § 54-145.2.]

Sec. 6A-24. 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 such 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, § 15.1-11.4.]

Sec. 6A-25. Certificate prerequisite to advertising.

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 such 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.

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 such 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. 6A-26. 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 such building or premises unless such 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. 6A-27. 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 such employer; provided, however, the same may be done only on the premises or property of such employer. Such employee must hold a valid certificate as provided for in this article and must comply with all other applicable provisions of this chapter and of the Uniform Statewide Building Code.

Sec. 6A-28. 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 the city council. Three (3) members of the board shall be experienced in the field of electrical work. The other three (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. 6A-29. 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. 6A-30. 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. 6A-31. Classes of certificates.

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 or worker class certificate.

The board, in its discretion, may establish categories within 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 such limitations or conditions that it may deem necessary or appropriate upon any such category of a certificate class that it may establish or upon any individual certificate prior to granting it.

Sec. 6A-32. 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 Chapter 7, Title 54 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. 6A-33. 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 such forms as may then be prescribed for examination by the board, which application shall be accompanied by one of the following fees, as appropriate: twenty dollars (\$20.00) for a master class certificate or ten dollars (\$10.00) 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 such 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 fifteen (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, §§ 54-129 and 15.1-11.4; City Charter, § 2.07.]

Sec. 6A-34. 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 therefor shall first pay an additional fee of thirty-five dollars (\$35.00) 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 (1) 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 thirty (30) days prior to its expiration on forms prescribed by the board of examiners and shall be accompanied by a renewal fee of five dollars (\$5.00) for a journeyman class certificate or twenty dollars (\$20.00) for a master class certificate. Any certificate holder who fails to file an application for renewal within one (1) year from the date of issuance of the certificate shall, in addition to any other penalties provided by this article, after a ninety- (90) day grace period, pay an additional late filing fee of five dollars (\$5.00) for a journeyman class certificate or fifteen dollars (\$15.00) for a master class certificate. Any certificate which is not renewed within two (2) 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 twenty dollars (\$20.00) 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 (4) months after such 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 such 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, § 54-137.]

Sec. 6A-35. Reexamination.

Upon failure of an examination or reexamination, an applicant for a master class certificate shall not be eligible for reexamination until one (1) month after the first examination, three (3) months after the first reexamination and six (6) 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 such reexaminations taken within one (1) year from the date of payment of the original examination fee; thereafter a new application and a new examination fee shall be required.

Sec. 6A-36. 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 such 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 (4) 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. 6A-37. 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 five thousand dollars (\$5,000.00), 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 five thousand dollars (\$5,000.00) 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 direction 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 ten (10) days. If such a certificate holder shall fail to comply with said 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 such 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 such noncompliance or failure to correct the same in accordance with the said written notice. Any such forfeited bond shall be deposited with the director of finance.

Article IV. Remedies, Penalties and Appeals.

Sec. 6A-38. Costs of abatement, removal or repairs to be lien on real estate.

Any cost incurred by the city in the repair, abatement or removal of any nuisance or condition or in the performance of any emergency work authorized by this chapter or by the Uniform Statewide Building Code shall be paid from the city treasury upon the certificate of the building official. The city may then charge, record as a lien and collect such cost from the owner or owners in any manner provided by law for the collection of taxes on real estate. Upon recordation there shall be a lien for said cost upon the real estate from or upon which such nuisance or condition was repaired, abated or removed by the city. The lien shall continue until actual payment of such cost plus legal interest shall have been made to the city. [City Charter, § 2.04(m); Code of Virginia (1950), as amended, § 15.1-11.2; BOCA Basic Building Code/1978, § 124.5.]

Sec. 6A-39. Unlawful retaliatory acts.

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 such eviction, refusal or threat is that the person (a) 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 (b) 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 (1) has as one of its purposes the obtaining of compliance with and/or (2) 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.

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

Sec. 6A-40. Violations and penalties.

Any person violating any provision of this chapter shall upon conviction thereof be punished by a fine of not more than five hundred dollars (\$500.00). Each day a violation continues shall be deemed a separate offense.

Violations of this chapter may, in addition to or notwithstanding the penalty provided for in the preceding paragraph, be restrained, prohibited or enjoined by appropriate proceedings in a court of competent jurisdiction. [City Charter, §§ 2.06 and 3.09.]

Sec. 6A-41. Board of building code appeals.

There is hereby created within the department of building and mechanical inspections a board of appeals to be known as the Alexandria Board of Building Code Appeals. 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. [Code of Virginia (1950), as amended, § 36-105; BOCA Basic Building Code/1978, § 126.0.]

Sec. 6A-42. Appeal and judicial review.

(a) Any person directly aggrieved by a decision made or action taken by virtue of any provision of this chapter shall reduce his cause of complaint to writing and file it with the chairman of the Alexandria Board of Building Code Appeals. Proceedings thereafter shall be in accordance with the provisions of the Uniform Statewide Building Code; provided, however, that further appeal shall be to the Circuit Court of the City of Alexandria, Virginia, for judicial review.

(b) Proceedings for review by the circuit court shall be instituted by filing a notice of appeal and a petition for review with the court within thirty (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 such 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 such 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. [Code of Virginia (1950), as amended, Title 9, Chapter 1.1:1, Administrative Process Act, § 9-6.14:15 et seq.]

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.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: June 14, 1980