

ORDINANCE NO. 3110

AN ORDINANCE to amend and reordain Sections 11-3-21, 11-3-22, 11-3-23, 11-3-24, 11-3-32 and 11-3-33, all of Article B, Chapter 3, Title 11 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 11 relates to HEALTH, ENVIRONMENTAL AND SANITARY REGULATIONS, which Chapter 3 relates to HOUSING STANDARDS, which Article B relates to STANDARDS AND ENFORCEMENT, which Section 11-3-33 formerly related to SAME--APPEALS FROM BOARD DECISION and now relates to SAME--APPEALS FROM BOARD OR CITY COUNCIL TO THE COURT, which Section 11-3-32 formerly related to SAME--APPEALS TO BOARD and now relates to SAME--APPEALS TO BOARD OR TO CITY COUNCIL, which Section 11-3-24 relates to SAME--SAME; APPEALS FROM DENIAL OR SUSPENSION; REVOCATION ON FAILURE TO APPEAL FROM SUSPENSION, which Section 11-3-23 relates to SAME--SAME; SUSPENSION, which Section 11-3-22 relates to SAME--SAME; INSPECTION PREREQUISITE TO ISSUANCE; NOTICE OF DENIAL, which Section 11-3-21 formerly related to ROOMING HOUSES--PERMIT TO OPERATE; REQUIRED; ISSUANCE; DISPLAY; TRANSFERABILITY; EXPIRATION; NOTICE OF DISPOSAL OF PREMISES BY HOLDER and which now relates to ROOMING HOUSES--PERMIT TO OPERATE; REQUIRED; ISSUANCE; DISPLAY; TRANSFERABILITY; EXPIRATION; RENEWAL; NOTICE OF DISPOSAL OF PREMISES BY HOLDER.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-3-21, Article B, Chapter 3, Title 11 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 11-3-21. Rooming houses--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 issued by the director.

(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 director 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 director. 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 permit, after publishing notice of his intention as provided in subsection (b)(1), above, shall file with the director an application therefor on a form provided by the director, 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 \$25.00 to cover investigation costs.

(3) The director 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;

2. does not have adequate parking to accommodate roomers;

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 director refuses to issue 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 director 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 11-3-32(b).

(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 issue, 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.

Section 2. That Section 11-3-22, Article B, Chapter 3, Title 11 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 11-3-22. Same--same; inspection prerequisite to issuance; notice of denial.

The director shall, before granting and before renewing a rooming house permit, cause the rooming house to be inspected, and shall not issue a permit unless the rooming house is in compliance with this chapter and all other applicable provisions of the city code, including, but not limited to, title 4, chapter 2, article B; title 5, chapter 6; title 7, chapter 6; and title 8, chapter 1. In instances where a permit is denied, the director shall serve a notice of that fact stating the reasons therefor.

Section 3. That Section 11-3-23, Article B, Chapter 3, Title 11 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 11-3-23. Same--same; suspension.

Whenever conditions or practices violating any provision of this chapter or any other applicable provisions of the city code, including, but not limited to, title 4, chapter 2, article B; title 5, chapter 6, title 7, chapter 6; and title 8, chapter 1 are found to exist in a rooming house operating under a permit issued by virtue of section 11-3-21 of this chapter, the director 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 director, the operator's rooming house permit will be suspended. At the end of such period, the director 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.

Section 4. That Section 11-3-24, Article B, Chapter 3, Title 11 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 11-3-24. Same--same; appeals from denial or suspension; revocation on 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, on the renewal of same, shall also have the right to appeal to the city council. All appeals shall be pursuant to section 11-3-32 of this article. In cases of suspension, if the petition for hearing is not filed within 10 days after the notice of suspension is served, the permit shall be deemed revoked.

Section 5. That Section 11-3-32, Article B, Chapter 3, Title 11 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 11-3-32. Same--appeals to board or to city council.

(a) With the exception of any notice or order of the director relating to the granting, denial or suspension of a rooming house permit, as set forth in sections 11-3-21 through 11-3-25, inclusive, any person affected by any notice or order which has been issued in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing on the matter by the board of housing hygiene; provided, that the person shall, within 10 days after service of a notice or order, file in the office of the director a signed written notice of appeal, requesting a hearing and setting forth a brief statement of the reasons therefor. Upon receipt of such notice of appeal, the director shall forthwith notify the board, and the board shall set a time and place for such hearing and shall give the person appealing and the director notice thereof. The board shall schedule hearings for and determine such appeals as promptly as practicable. However, when there is a proceeding pursuant to

sections 11-3-37 to 11-3-39 of this code, it shall not be necessary for the person affected to file any notice of appeal, and he shall be heard if he appears before the close of the scheduled meeting on the emergency.

(b) Any person whose application for a rooming house permit, original or renewal, has been denied, or any holder of such a 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 file 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 applicant's, 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.

(c) On any appeal, not including an appeal pursuant to sections 11-3-34 through 11-3-39, inclusive, to the board or to the city council, as the case may be, the final decision of the director shall be stayed pending the outcome of the appeal before the board, or the city council. The board, or the city council, may affirm, amend, reverse or modify the order, notice or other action of the director appealed from, in whole or in part. The decision of the board, or the city council, subject to the further right of appeal to the court provided in section 11-3-33 of this chapter, 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.

Section 6. That Section 11-3-33, Article B, Chapter 3, Title 11 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 11-3-33. Same--appeals from board or city council to the court.

The decision of the board or city council shall in all cases be final; except, that any appellant or party directly aggrieved by a decision of the board or city council may, provided he does so within 30 days after the rendering of such decision, appeal to a court of record of competent jurisdiction for a further review, and the findings of fact of the board or city council shall be conclusive and such review shall be limited solely to errors of law and questions of constitutionality. The decision of the board or city council in any case on appeal shall be stayed

pending a decision by the court, unless the decision appealed arises out of sections 11-3-34 through 11-3-39, inclusive, in which event a stay of such decision will be effective only upon order of the court on motion of the moving party.

Section 7. 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.

JAMES P. MORAN, JR.
Mayor

Final Passage: February 25, 1986