

ORDINANCE NO. 3121

AN ORDINANCE to amend and reordain Section 6-1-1, Chapter 1; and to amend by adding a new chapter numbered 3; all of the Title 6 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 6 relates to PARKS, RECREATION AND CULTURAL ACTIVITIES, which Chapter 1 relates to GENERAL PROVISIONS, which Chapter 3 relates to MARINAS, DOCKS AND RELATED WATERFRONT RECREATIONAL ACTIVITIES and which Section 6-6-1 relates to PUBLIC PARKS AND PLAYGROUNDS--CLOSING HOURS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 6-1-1, Chapter 1, Title 6 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. 6-1-1. Public parks and playgrounds--closing hours.

(a) It shall be unlawful for any person to go upon or remain upon the lands or premises of any public park or public playground within the city between the hours of 10:00 p.m. and 5:00 a.m., eastern standard time or daylight saving time, whichever is in effect; except as follows:

(1) Public officials or employees in the performance of their duties.

(2) Persons participating in or witnessing events where specific permission has been given by public authorities to exceed the above-stated time limits.

(3) Persons authorized to use the City of Alexandria Marina facilities while en route to boarding or disembarking from their vessels.

(b) The closing hour for the Woodbine Tot Lot on Woodbine Avenue shall be 7:00 p.m. instead of 10:00 p.m. as stated above.

(c) Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor.

Section 2. That Title 6 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new chapter numbered 3 to read as follows:

CHAPTER 3

Marinas, Docks and Related  
Waterfront Recreational Activities

Sec. 6-3-1. Violations of chapter generally.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a class 4 misdemeanor.

Sec. 6-3-2. City of Alexandria Marina designated.

The City of Alexandria Marina is hereby designated as the area from Prince Street on the south to Oronoco Street on the north, the pierhead line on the east and the shoreline on the west. However, this Marina does not include the area from the northern boundary of north Waterfront Park to the southern boundary of the Torpedo Factory Building No. 10, currently known as the Old Dominion Boat Club. The public wharves, docks, landings and similar structures shall include but not be limited to:

- (a) Founder's Park piers (north and south);
- (b) Torpedo Factory piers (north and south);
- (c) Torpedo Factory bulkhead and dock; and the
- (d) Waterfront Park bulkhead.

Sec. 6-3-3. Dockmaster generally.

In the department of recreation, parks and cultural activities, there shall be a dockmaster who shall be appointed by the city manager and shall be under the direct supervision and control of the city manager or his designee. The duties of the dockmaster shall include the following:

(1) to act as custodian and superintendent of all waterfront property owned or controlled by the city and to inspect and report on the physical condition of all waterfront property, whether municipally owned or otherwise.

(2) to cooperate with the department of police in the enforcement of ordinances and rules applicable to all waterfront property and take lead responsibility for the enforcement of the rules and regulation of this chapter.

Sec. 6-3-4. Rules and regulations of dockmaster relative to operation of the City of Alexandria Marina.

The city manager is hereby authorized to establish such rules and regulations to control the operation of city-owned or city-operated piers, wharves and docks collectively designated as the City of Alexandria Marina, as he may deem necessary therefor. Violation of any rules and regulations promulgated pursuant to this section shall be a class 4 misdemeanor unless otherwise specifically provided. Such regulations shall not be approved until adopted by resolution of the city council and printed and made available to the public.

Sec. 6-3-5. Authority of the dockmaster to provide for the orderly management of the City of Alexandria Marina, to assign spaces and designate passenger pickup and discharge areas for commercial tour boats and to establish procedures for the privilege of docking commercial vessels at the Alexandria Marina.

In order to provide for the orderly management of the City of Alexandria Marina, the dockmaster is hereby authorized to assign spaces therein for all classes of vessels. A commercial vessel is one which sells or trades a good or service related to the operation of the vessel and which is not operated solely for the personal pleasure of the owner. Such vessels shall include, but not be limited to, cruise, charter and tour boats. A pleasure vessel is one which is privately owned and operated and does not sell or trade a good or service which is related to the operation of the vessel. The dockmaster is specifically authorized to designate passenger pickup and discharge areas for commercial vessels. All commercial vessels docking more than four (4) times per month are subject to approval by city council pursuant to section 13-1-36 of the city code. The city manager or his designee is hereby authorized to establish procedures to seek bids for the privilege of docking commercial vessels at the Alexandria Marina pursuant to the procedures established in title 3, chapter 3 of the city code.

Sec. 6-3-6. Establishment of fees for the use of city-owned waterfront facilities.

(a) Any person who moors or ties his vessel to any portion of the City of Alexandria Marina, or any other property belonging to the city, or to another boat so moored or tied, shall first obtain the permission of the dockmaster for such docking privileges and shall pay fees established by the city manager or his designee for all vessels which use the Alexandria Marina.

Sec. 6-3-7. Removal or repair of hazardous or obstructing docks, wharves, piers, pilings, bulkheads or other structures or vessels.

(a) Whenever the city manager shall be of the opinion that any dock, wharf, pier, bulkhead, dolphin, buoy, piling, quay, landing or other structure or vessel might endanger the public health or safety of persons, or might constitute a hazard or obstruction to the lawful use of the waters within or adjoining the city, he shall cause a written notice to be served upon the owner of such dock, wharf, pier, bulkhead, dolphin, buoy, piling, quay, landing or other structure or vessel, directing the owner to remove, repair or secure such property within the time to be specified within such notice. Any such owner who shall fail to

remove, repair or secure such property within the time specified in such notice shall be guilty of a class 2 misdemeanor.

(b) If the owner fails to remove, repair or secure such dock, wharf, pier, bulkhead, dolphin, buoy, piling, quay, landing or other structure or vessel within the time specified in the notice given pursuant to this section, the city manager or his designee may remove, repair or secure such property at the expense of the owner, and the expense shall be chargeable to and paid by the owner of such property. Such expense shall be a lien upon such property or upon any parcel of land of which it is a part or to which it is affixed or from which it was removed, until paid, and shall be reported by the city manager or his designee to the city treasurer, who shall collect the same in the manner in which city taxes levied upon real estate are authorized to be collected. Such lien shall be recorded in the judgment lien docket book in the circuit court of the city and may be reduced to a personal judgment against the owner.

(c) If the identity or whereabouts of the lawful owner of such dock, wharf, pier, dolphin, buoy, piling, quay, bulkhead, landing or other structure or vessel is unknown or cannot be ascertained, after a reasonable search and after lawful notice has been given to the last known address of any known owner, the city manager or his designee may remove, repair or secure such property after giving notice by publication once each week for two (2) weeks in a newspaper of general circulation in the area where such property is located.

Sec. 6-3-8. Sinking or abandoning vessels, barges, etc., and floating logs or other loose debris prohibited.

(a) It shall be unlawful and a class 3 misdemeanor for any person to voluntarily sink or abandon, or permit or cause to be sunk or abandoned, any vessel, barge, scow or other craft in any waters in the city.

(b) It shall be unlawful and a class 4 misdemeanor for any person to float, permit to be floated or cause to be floated, loose timbers, logs or other debris in any waters in the city.

Sec. 6-3-9. Navigational safety.

(a) **Hazardous obstructions.** An obstruction which presents a hazard to any watercraft or person may not remain in the waterways of the city.

(b) **Prohibitions, remedies, relative to watercraft generally:**

(1) A watercraft:

a. may not be anchored in the waterways of the city where prohibited or restricted by the dockmaster or the city manager or his designee, except in an emergency.

b. may not lie at anchor or be moored in the waterways of the city in a position to obstruct navigation.

c. which is either not in a condition to keep afloat or is sunk, may not remain in the waterways of the city.

(2) It shall be a class 3 misdemeanor to conduct or permit to be conducted any activity prohibited by section 6-3-9(b)(1).

(3)(a) Upon discovering a watercraft in violation of section 6-3-9(b)(1), the dockmaster shall request the owner or master of the watercraft to remove the vessel, if the owner or master is aboard the vessel, or if the dockmaster finds the owner or master in the immediate vicinity of the vessel. If the request is refused or if the owner or master is not found in the immediate vicinity of the vessel, the dockmaster may have the watercraft removed to a boat storage facility and placed in storage, and the dockmaster shall then attempt to notify the owner of the boat as to the storage location. The watercraft may not be released without an order for its release signed by the city manager or his designee.

(b) The owner of the watercraft shall be responsible for all costs and expenses associated with the towing and storage of the vessel. All such costs and expenses shall constitute a lien upon the watercraft and shall be paid before an order for the release of the vessel may be issued.

(c) **Excessive wake and speed.** A person may not propel or navigate any motor-driven watercraft in any of the waters of the City of Alexandria at a speed greater than six (6) miles per hour, nor create a wash which endangers persons or property.

(d) **Condition and major repairs of watercraft docked in the city harbor.** A person may not dock a watercraft which is not in an operating condition in the city harbor, nor may major repairs be made to watercraft in the dock area.

(e) **Cooking equipment.** A person may not cook by means of charcoal burning on his watercraft in the city dock; nor may any person use or operate any type of outdoor cooking equipment on city dock property.

(f) **Swimming and water skiing prohibited.** A person may not swim or water ski in the city dock waters.

Sec. 6-3-10. Docking or mooring of housebarges for more than 72 hours prohibited.

(a) As used in this section, "housebarge" means any vessel, boat, craft, or structure originally designed to float or supported by means of flotation which is used or designed to be used primarily for occupancy as a residential, business or social

club structure and which is not primarily designed or intended for self-propelled navigation.

(b) No housebarge exceeding the dimensions of 20 feet in width, 46 feet in length or 14 feet in height as measured from the waterline (excluding railings, awnings, antennas or any similar appurtenances) shall be docked or moored within the waters of the city for a period in excess of 48 hours.

(c) A housebarge conforming to the dimensions set forth in subsection (b) of this section may be secured to waterfront facilities within the city only if such housebarge is docked within a commercial, community or public marina in which 20 or more slips exist for the dockage of vessels and the dockage of such housebarge would not result in more than five percent (5%) of such facility's slips being occupied by housebarges.

Section 3. 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: April 12, 1986