

ORDINANCE NO. 3153

AN ORDINANCE to amend and reordain Section 8-1-2, Article A of Chapter 1, to amend Article A by adding a new section numbered 8-1-4 and to amend Chapter 1 by adding two new articles lettered F and G, all of Title 8 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 8 relates to BUILDING CODE REGULATIONS, which Chapter 1 relates to BUILDING CODE, which new Article G relates to RESIDENTIAL RENTAL PERMITS, which new Article F relates to ROOMING HOUSES, which Article A relates to GENERAL PROVISIONS, which new Section 8-1-4 relates to OFFICIALS and which Section 8-1-2 relates to ADOPTION OF THE UNIFORM STATEWIDE BUILDING CODE.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 8-1-2, Article A, Chapter 1, Title 8 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. 8-1-2. Adoption of the Uniform Statewide Building Code.

There are hereby adopted and incorporated as if fully set out at length herein Volume I and Volume II of 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. In case of conflict or inconsistency between this chapter and that code, the provisions of this chapter shall control. The "name of jurisdiction" in that code shall be the said City of Alexandria, Virginia.

Section 2. That Article A, Chapter 1, Title 8 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new section 8-1-4 to read as follows:

Sec. 8-1-4. Officials.

References in this chapter to the building official and to the code official shall be deemed to include their duly authorized representatives.

Section 3. That Chapter 1, Title 8 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding two new articles lettered F and G to read as follows:

ARTICLE F

Rooming Houses

Sec. 8-1-90. 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 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 therefor 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.

Sec. 8-1-91. Same--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 therefor.

Sec. 8-1-92. Same--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.

Sec. 8-1-93. Same--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.

Sec. 8-1-94. Same--floor space, bed linens, towels, bedding, flush water closets, lavatories, bathtubs, 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:

(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.

#### 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.

Sec. 8-1-96. Enforcement procedure of code official.

(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 by certified mail to the last known address and posting 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.

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.

Sec. 8-1-98. Enforcement by injunction.

Violations of the provisions of this article may, notwithstanding or in addition to the penalty provided in section 1-1-7 of this code, be restrained, prohibited or enjoined by appropriate proceedings.

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 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.

(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.

Sec. 8-1-100. Appeals from city council to the 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.

## ARTICLE G

### Residential Rental Permits

Sec. 8-1-110. Residential rental permit required.

(a) Every owner who shall engage in the business of renting 10 or more dwellings or dwelling units located within the city is required to obtain a residential permit issued by the code official.

(b) "Dwellings" or "dwelling units" shall be construed to include the rental of a building or home or portion thereof used for residential purposes, including single-family, two- (2) family and multi-family dwellings, but shall not include hotels, motels, tourist homes or boarding and rooming houses.

Sec. 8-1-111. Applications.

(a) Applications for issuance or renewal of a residential rental permit shall be made by either the owner or his agent to the code official on forms to be provided by the code official.

(b) A minimum fee of \$20 or a fee of \$2 per dwelling or dwelling unit for each dwelling or dwelling unit owned by the applicant and subject to the provisions of this article, whichever is greater, shall be paid with the filing of the application.

(c) It shall be unlawful for any person knowingly to make any false statements in any application for a residential rental permit.

(d) Any owner or agent who has applied for a permit, or the renewal thereof, will be allowed to operate until the application can be processed, the inspections made pursuant to section 8-1-113 of this article and the application either approved or disapproved.

Sec. 8-1-112. Permit period of validity.

(a) A residential rental permit shall be valid for a term of one (1) year from the date the application thereof was received by the code official or until the ownership of the property is transferred. Each permit shall be renewable on the anniversary date of its application.

(b) In the event ownership of dwelling or dwelling units subject to this article is transferred, the new owner or his agent shall be required to make application for a new residential rental permit within five (5) calendar days of the date of transfer.

Sec. 8-1-113. Conditions for issuance of permits; inspections of dwellings and dwelling units.

Upon the making of a proper application for a residential rental permit by the owner or agent thereof, the code official shall issue or renew the permit after determining that the dwelling or dwelling units for which the permit is sought and the related premises are in compliance with the provisions of this chapter and article B, chapter 2, title 4 and chapter 6, title 7 of this code, and all fees required have been paid.

(b) To make such determination, the code official shall inspect the dwelling or dwelling units including common areas and grounds under the same ownership. Dwellings or dwelling units inspected shall be selected on a random basis and in sufficient number to be fairly representative of the property or properties for which the permit is sought.

(c) Inspections shall be conducted as provided in section 8-1-96 of this chapter; provided, however, that in the case of occupied dwellings or dwelling units, consent of the occupant is required.

Sec. 8-1-114. Failure to pass inspection.

(a) If the code official determines, after inspection, that any dwelling, dwelling unit, or any part of the premises related thereto fails to comply with the provisions of this chapter, a written list of the violation or violations shall be given to the applicant. The code official shall make himself available for a reinspection within a reasonable period of time. If further reinspections are required after the first reinspection, the applicant shall pay a fee of \$25 for each reinspection visit to each dwelling, dwelling unit or any part of the premises related thereto to be reinspected.

(b) The decision of the code official to disapprove an application for a residential rental permit may be appealed by the applicant in accordance with sections 8-1-99 and 8-1-100 of this chapter. In the event the code official disapproves an application and an appeal is noted in accordance with sections 8-1-99 and 8-1-100 of this chapter by the applicant, the disapproval shall be stayed until an appeal has been completed.

Sec. 8-1-115. Operation without a permit.

It shall be unlawful for any owner or agent to rent any dwelling or dwelling unit subject to the provisions of this article that is vacant on or becomes vacant after the effective date of this article (except during the grace period allowed in section 8-1-111) until the required residential rental permit has been issued by the code official and remains in effect.

Sec. 8-1-116. Suspension of permit.

(a) A permit once issued may be suspended by the code official when he finds that one (1) or more of the requirements of this chapter have been violated. A suspended permit shall be reinstated after the violation or violations have been corrected.

(b) No permit shall be suspended unless the code official has served the owner or his agent with a notice specifying the violations and affording the owner or his agent a reasonable period of time to correct the violations.

(c) Upon the failure of the owner or his agent to comply within the time specified in the notice of violation, the code official may suspend the permit.

(d) In the event the code official suspends any such permit, the owner or his agent may note an appeal in accordance with sections 8-1-99 and 8-1-100 of this chapter. Such suspension shall be stayed until any appeal as set forth in sections 8-1-99 and 8-1-100 has been completed.

Sec. 8-1-117. Display and availability of permit required.

Every owner or his agent must show to every prospective tenant before occupancy a valid residential rental permit covering the dwelling or dwelling unit to be rented. Every owner or his agent must show to any tenant upon demand a valid residential rental permit covering the dwelling or dwelling unit the tenant occupies.

Sec. 8-1-118. Penalty for violation of article.

Any person violating any provision of this article shall, upon conviction thereof, be punished by a fine of not more than \$500 or by imprisonment not exceeding six (6) months. In addition, the court may impose a bond to assure compliance with the provisions of this article for the next succeeding year.

Sec. 8-1-119. Enforcement by injunction.

Failure, refusal or neglect to comply with any of the provisions of this article may, in addition to any other remedy provided herein or in place thereof, be restrained, prohibited or enjoined by an appropriate proceeding instituted in a court of competent jurisdiction by the city attorney.

Sec. 8-1-120. New construction.

The provisions of this article will not apply to any building for which a certificate of occupancy has been issued by the

city's bureau of code enforcement until one (1) year after the issuance of such certificate of occupancy.

Sec. 8-1-121. Regulations.

The city manager shall establish regulations which shall be approved by resolution of city council governing the implementation of the provisions of this article.

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 on October 1, 1986.

JAMES P. MORAN, JR.  
Mayor

Final Passage: September 13, 1986