

ORDINANCE NO. 3242

AN ORDINANCE to amend and reordain Section 5-1-56, Section 5-1-58 and subsection (9) of Section 5-1-59, all of Article E, Chapter 1, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 5 relates to TRANSPORTATION AND ENVIRONMENTAL SERVICES, which Chapter 1 relates to SOLID WASTE CONTROL, which Article E relates to PRIVATE COLLECTORS, which Section 5-1-59 relates to MINIMUM STANDARDS, which subsection (9) relates to COMPLIANCE WITH PROVISIONS OF CHAPTER AND WITH REGULATIONS ESTABLISHED BY DIRECTOR, which Section 5-1-58 relates to APPEAL OF DENIAL OF PERMIT and which Section 5-1-56 relates to SUSPENSION OF PERMIT--EFFECT OF ORDER.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-1-56 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. 5-1-56. Suspension of permit--effect of order.

(a) If the director finds that the premises and vehicles, for which the permit was issued, do not conform to the provisions of this article, that a permittee has refused the director the right to enter and inspect such premises, except the interior of any residence, or vehicles pursuant to section 5-1-55 for the purpose of enforcing the provisions of this article, or that a permittee or an employee of a permittee has failed or neglected to comply with any of the minimum standards set forth in section 5-1-59, the director may enter an order for the suspension of the permit until such time as he finds that the reason for the suspension no longer exists. A copy of the order shall be sent to the permittee at his place of business by certified mail, which order shall set forth the reasons for the suspension. The suspension shall be effective 10 days after the date it is executed by the director, and the order shall state this effective date; provided, however, that if the director finds that an immediate suspension is necessary to protect the health or safety of city residents, the suspension shall be effective immediately and the order shall so state. Except in cases of an immediate suspension, the order shall inform the permittee that he may dispute the suspension by submitting to the director, in writing or in person, reasons why the permit should not be suspended. The order shall also inform the permittee of the date and time by which such written submission must be submitted and of the date, time and place at which the permittee may make a submission in person. If the permittee does not make a timely written or personal submission to the director, the suspension shall become effective and the order shall become final on the date set forth in the order. If the permittee does make a submission, the

suspension shall be stayed pending the director's consideration of the submission and the issuance of a final order affirming, amending or rescinding the earlier order. This final order shall be effective on the date it is executed by the director and shall be sent to the permittee at his place of business by certified mail. The failure of a permittee to make a written or personal submission to the director shall not affect the director's authority to reinstate a suspended permit, pursuant to section 5-1-57, or the permittee's right to appeal a final order of suspension, pursuant to section 5-1-59.

(b) It shall be unlawful for any person to collect, transport or dispose of solid waste, ashes, yard debris or recyclable material in the city when subject to a final order of suspension.

Section 2. That Section 5-1-58 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. 5-1-58. Appeal of permit denial and of final suspension order.

Any applicant aggrieved by the denial of an application for a solid waste collection permit under section 5-1-53 and any permittee aggrieved by a final suspension order under section 5-1-56 shall have the right to appeal the denial or order to the city manager. The appeal shall be taken by filing with the city manager, within 10 days of the date on which the notice of the denial has been mailed to such person's place of business or of the effective date of the final order, a written statement setting forth fully the grounds for appeal. The city manager shall schedule a hearing and shall give notice of the hearing to the appellant. The decision of the city manager on appeal shall be final, but shall not preclude the issuance of a permit or the reinstatement of a suspended permit by the director due to changed circumstances.

Section 3. That subsection (9), Section 5-1-59 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:

(9) All provisions of this chapter and all rules and regulations established by the director pursuant to this chapter shall be complied with by every permittee and by all employees of permittee.

Section 4. 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 the date of its final passage.

JAMES P. MORAN, JR.
Mayor

Final Passage: October 19, 1987