

ORDINANCE NO. 3696

AN ORDINANCE to repeal Sections 5-7-79 (PET SHOP APPEAL BOARD) and 5-7-80 (APPEAL FROM PERMIT DENIAL, REVOCATION, ETC., OF PERMIT) of, and to add a new Section 5-7-80 (APPEAL) to, Article D (PET SHOPS), and to repeal Section 5-7-98 (APPEAL FROM DENIAL, SUSPENSION, ETC., OF PERMIT) of, and to add a new Section 5-7-98 (APPEAL) to, Article E (SECURITY DOGS), all of Chapter 7 (ANIMALS AND FOWL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES); to repeal Sections 8-4-10 (HEARING PROCEDURE) and 8-4-11 (FINAL DETERMINATION) of, and to add a new Section 8-4-10 (APPEAL) to, Chapter 4 (HOME IMPROVEMENT) of Title 8 (BUILDING CODE REGULATIONS); and to repeal Section 12-7-13 (POWERS AND DUTIES) of, and to add a new Section 12-7-13 (POWERS AND DUTIES) to, Article B (CONSUMER AFFAIRS COMMISSION) of Chapter 7 (CONSUMER AFFAIRS) of Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE); all of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sections 5-7-79, 5-7-80 and 5-7-98 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are repealed.

Section 2. That Article D, Chapter 7 of Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new Section 5-7-80 to read as follows:

Sec. 5-7-80 Appeal

(a) In the event that any person is aggrieved by a denial, revocation of, suspension of or a refusal to reinstate, a permit under this article, such person may appeal the action of the executive director by filing a written notice of appeal with the Consumer Affairs Commission ("Commission"). The notice shall include the following information:

- (1) the name and address of the appealing party;
- (2) whether the appeal involves the denial, revocation or suspension of, or the refusal to reinstate, a permit under this article; and
- (3) a brief statement summarizing the legal and factual basis for challenging the action of the executive director.

(b) The appealing party shall file the notice of appeal within 15 days from the date of the notice of the executive director's action. For the purposes of this section, the notice of appeal shall be deemed filed as of the date that it is received in the Office of Citizen Assistance.

(c) Upon the filing of a notice of appeal, the Commission

shall hold a hearing within 30 days after the filing of the notice of appeal unless otherwise agreed to by the party requesting the hearing. Notice of the date, time and place of the hearing and of the procedures to be followed shall be given to the appealing party at least 15 days in advance of the hearing. Failure on the part of the appealing party to appear at the hearing, except for good cause, shall be deemed a waiver of the right to a hearing.

(d) The hearing shall be informal. The appealing party shall have the opportunity to question any person giving information and to present relevant information or testimony. It is permissible, but not required, for the appealing party to have an attorney present at the hearing. The Commission shall keep a written or taped record of the hearing for a period of three years.

(e) At the conclusion of the hearing, or within 7 days thereafter, the Commission shall either affirm, rescind or modify the executive director's action.

(f) Filing of a notice of appeal shall stay suspension of a license, but shall not stay denial or revocation unless, upon application, the Commission shall grant such a stay.

Section 3. That Article E, Chapter 7 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new Section 5-7-98 to read as follows:

Section 5-7-98 Appeal

(a) In the event that any person is aggrieved by a denial, revocation or suspension of, or a refusal to reinstate, a permit under this article, such person may appeal the action of the director to the Consumer Affairs Commission ("Commission") by filing a written notice of appeal with the Commission. The notice shall include the following information:

- (1) the name and address of the appealing party;
- (2) whether the appeal involves the denial, revocation or suspension of, or the refusal to reinstate, a permit under this article; and
- (3) a brief statement summarizing the legal and factual basis for challenging the action of the director.

(b) The appealing party shall file the notice of appeal within 15 days from the date of the notice of the director's action. For the purposes of this section, the notice of appeal shall be deemed filed as of the date that it is received in the Office of Citizen Assistance.

(c) Upon the filing of a notice of appeal, the Commission shall hold a hearing within 30 days after the filing of the notice of appeal unless otherwise agreed to by the party requesting the hearing. Notice of the date, time and place of the hearing and of the procedures to be followed at the hearing shall be given to the appealing party at least 15 days in advance of the hearing. Failure on the part of the appealing party to appear at the hearing, except for good cause, shall be deemed a waiver of the right to a hearing.

(d) The hearing shall be informal. The appealing party shall have the opportunity to question any person giving information and to present relevant information or testimony. It is permissible, but not required, for the appealing party to have an attorney present at the hearing. The Commission shall keep a written or taped record of the hearing for a period of three years.

(e) At the conclusion of the hearing, or within 7 days thereafter, the Commission shall either affirm, rescind or modify the director's action.

(f) Filing of an appeal shall stay suspension of a license, but shall not stay denial or revocation unless, upon application, the Commission shall grant such a stay.

Section 4. That Sections 8-4-10 and 8-4-11 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are repealed.

Section 5. That Chapter 4 of 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 8-4-10 to read as follows:

Sec. 8-4-10 Appeal

(a) Any applicant or home improvement contractor that has been notified that its license is being denied, revoked or suspended may appeal the department's action to the Consumer Affairs Commission ("Commission") by filing a written notice of appeal with the Commission. The notice shall include the following information:

- (1) the name and address of the appealing party;
- (2) whether the appeal involves the denial, revocation or suspension of, or the refusal to reinstate, a license under this chapter; and
- (3) a brief statement summarizing the legal and factual basis for challenging the action of the department.

(b) The appealing party shall file the notice of appeal within 15 days from the date of the notice issued by the department pursuant to Section 8-4-9 of this chapter. For the purposes of this section, the notice of appeal shall be deemed filed as of the date that it is received in the Office of Citizen Assistance.

(c) Upon the filing of a notice of appeal, the Commission shall hold a hearing within 30 days after the filing of the notice of appeal unless otherwise agreed to by the appealing party. Notice of the date, time and place of the hearing and of the procedures to be followed shall be given in writing to the appealing party at least 15 days in advance of the hearing. Failure on the part of the appealing party to appear at the hearing, except for good cause, shall be deemed a waiver of the right to a hearing.

(d) The hearing shall be informal. The appealing party shall have the opportunity to question any person giving information and to present relevant information or testimony. It is permissible, but not required, for an appealing party to have an attorney present at the hearing. The Commission shall keep a written or taped record of the hearing for a period of three years.

(e) At the conclusion of the hearing, or within 7 days thereafter, the Commission shall either affirm, rescind or modify the department's action.

(f) Filing of a notice of appeal shall stay suspension of a license, but shall not stay denial or revocation unless, upon application, the Commission shall grant such a stay.

Section 6. That Section 12-7-13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is repealed.

Section 7. That Article B, Chapter 7 of Title 12 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new section 12-7-13 to read as follows:

Sec. 12-7-13 Powers and duties.

(a) The commission is hereby authorized to:

(1) provide guidance to the city's office of consumer affairs in the establishment and implementation of consumer affairs policies;

(2) hold hearings and render advisory opinions in mediation proceedings in accordance with the procedures established in section 12-7-15 of this article;

(3) following a hearing on a complaint and after consultation with the consumer affairs coordinator and the city attorney, refer the matter to appropriate law enforcement officers;

(4) conduct investigations, research, studies and analyses of consumer problems and hold public hearings on such problems;

(5) review and analyze consumer protection policies and regulations and make recommendations to appropriate agencies for improved consumer relations;

(6) recommend specific legislative proposals to the city council and administrative practices to the city manager designed to facilitate the resolution of consumer problems which have come to the attention of the commission;

(7) conduct consumer education programs in the city; and develop, publish and distribute consumer information through pamphlets and other means for the general public and business community;

(8) serve as a conduit for communications when grievances exist between the business community and consumers;

(9) cooperate with other agencies, public and private, in the development of legislative proposals in the field of consumer affairs and minimum standards for consumer goods and services;

(10) serve as an arbitrating body if called upon by all parties to a consumer dispute in accordance with state law;

(11) upon specific authorization of city council, make statements before state or federal legislative bodies and regulatory agencies; and

(12) conduct hearings, hear testimony, receive evidence and render decisions on appeals filed in accordance with sections 5-7-80, 5-7-98 and 8-4-10 of this code.

(b) In carrying out its duties, the commission may authorize expenditures subject to the availability of funds.

Section 8. That this ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: January 22, 1994