

ORDINANCE NO. 3772

AN ORDINANCE to amend Title 10 (MOTOR VEHICLES AND TRAFFIC) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Chapter 8 (MOTOR VEHICLE ALARMS).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding thereto a new Chapter 8 to read as follows:

CHAPTER 8

Motor Vehicle Alarms

Sec. 10-8-1 Definitions.

The following terms, as used in this chapter, shall have the meanings set forth below:

(a) "Chief of police" shall mean the Chief of the Alexandria Police Department or his designee.

(b) "False alarm" shall mean the actuation of a motor vehicle alarm which is not in response to the actual or threatened unauthorized use, entry into, or removal of parts or contents from a motor vehicle, including the negligent, accidental or inadvertent actuation of an alarm, which is the result of faulty, malfunctioning or improperly installed or maintained equipment, or an actuation which is the result of unusual or severe weather conditions.

(c) "Motor vehicle alarm" shall mean any bell, horn, siren, voice simulation or other sound emitted from a motor vehicle, singly, sequentially or in combination, which is actuated with the design, purpose or intent of warning of or against, or discouraging, the unauthorized use of, entry into, or removal of parts or contents from a motor vehicle.

(d) "Motor vehicle" shall mean a motor vehicle as defined in section 46.2-100 of the Virginia Code, as such section may be amended from time to time.

(e) "Owner" shall mean the person or entity to whom a motor vehicle is registered by the appropriate state department of motor vehicles, or equivalent agency.

Sec. 10-8-2 Nuisance motor vehicle alarms prohibited.

(a) A motor vehicle alarm actuated in violation of this section is declared to be a public nuisance, and is prohibited.

(b) No motor vehicle alarm, once actuated, shall continue to emit sound for a period of more than one hour.

(c) No motor vehicle alarm shall give off repeated false alarms. The actuation of a motor vehicle alarm, more frequently than twice in any one-hour period, or more frequently than four times in any 24-hour period, shall be presumed to violate this subsection, and the burden shall be on the owner to prove that the repeated actuations of the alarm were not false alarms.

Sec. 10-8-3 Abatement of nuisance alarms.

(a) The chief of police is hereby authorized to remove or cause to be removed any motor vehicle, the alarm of which is or has been actuated in violation of section 10-8-2, from public or private property, and to transport same to the city impoundment yard or another impoundment facility.

(b) Prior to the removal of a motor vehicle pursuant to subsection (a), the chief, utilizing such public records as may readily be available for the purpose, shall attempt to notify the owner of the motor vehicle of the violation of this chapter and of the anticipated removal of the vehicle, and shall, if such attempt is successful, afford the owner a reasonable opportunity, not to exceed one hour from the time the chief first determines that a violation has occurred, to abate the violation. No such attempt to notify and no such opportunity to abate shall be required in the case of a motor vehicle, the alarm of which is or has been actuated in violation of § 10-8-2 on three or more occasions in any 24-hour period.

(c) The actual cost of removal by the chief, and any accumulated storage and administrative charges as established by the department of transportation and environmental services, shall be paid to the city prior to the release of any motor vehicle removed to any impoundment facility under the authority of this chapter.

(d) Abatement of the nuisance as provided in this section shall be the sole remedy for the violation of this chapter.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: January 21, 1995