

ORDINANCE NO. 3820

AN ORDINANCE to amend Chapter 1 (USE AND INTRODUCTION) of Title 1 (GENERAL PROVISIONS) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 1-1-11 (CIVIL PENALTIES) and a new Section 1-1-12 (CUMULATIVE REMEDIES).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 1 of Title 1 of The Code of the City of Alexandria, Virginia, 1981 as amended, be, and the same hereby is, amended by adding thereto a new Section 1-1-11, to read as follows:

Sec. 1-1-11 Civil violations.

(a) General. Any person who commits, permits, assists in or attempts, whether by act or omission, the violation of any provision of this code which has been designated as a civil violation shall be liable for the civil penalty prescribed in this section.

(b) Penalties.

(1) For a class one civil violation, the penalty for each individual violation shall be \$5,000.

(2) For a class two civil violation, the penalty for each individual violation shall be \$1,000 for the first violation, \$2,000 for the second violation of the same regulation or requirement arising from the same set of operative facts, and \$3,000 for each additional violation of the same regulation or requirement arising from the same set of operative facts.

(3) For a class three civil violation, the penalty for each individual violation shall be \$500 for the first violation, \$1,000 for the second violation of the same regulation or requirement arising from the same set of operative facts, and \$1,500 for each additional violation of the same regulation or requirement arising from the same set of operative facts.

(4) For a class four civil violation, the penalty for each individual violation shall be \$100 for the first violation, \$250 for the second violation of the same regulation or requirement arising from the same set of operative facts, and \$500 for each additional violation of the same regulation or requirement arising from the same set of operative facts.

(5) For a class five civil violation, the penalty for each individual violation shall be \$25 for the first violation, \$50 for the second violation of the same regulation or requirement arising from the same set of operative facts, and \$100 for each subsequent violation of the same regulation or requirement arising from the same set of operative facts.

(6) The penalty for a civil violation not designated as a civil violation of a particular class shall be as otherwise specifically provided in this code.

(7) Designation of a violation of a provision of this code as a civil violation shall preclude the criminal prosecution of that violation, except when the violation has resulted in personal injury or death.

(8) Each calendar day during which any civil violation continues to exist shall constitute a separate, individual violation.

(c) Procedures.

(1) If the head of the department or office of city government responsible for the administration or enforcement of any provision of this code determines that a civil violation of this code within his area of responsibility has occurred, such a department or office head may cause a notice of the violation to be served on any or all persons committing or permitting such violation. Any such department or office head may delegate his authority under this section to one or more subordinate employees.

(2) The notice shall state that the person served has been charged with violating one or more provisions of the city code that are punishable by civil penalty, shall identify, each such provision, and shall provide that the person may elect to make an appearance in person before or in writing by mail to the treasurer of the city, and admit liability for or plead no contest to the violations, abate the violations, and pay the civil penalty established for each violation, all within the time period fixed in the notice.

(3) If a person charged with a violation does not elect to admit liability or plead no contest, and abate the violation, the violation shall be tried in the Alexandria general district court upon a warrant in debt or motion for judgment, with the same right of appeal as provided for civil actions at law. In the event the violation exceeds the jurisdictional limits of the general district court, the violation shall be tried in the Alexandria circuit court.

(4) A finding or admission of liability for, or a plea of no contest to, a civil violation shall not be deemed a criminal conviction for any purpose. An admission of liability shall have the same force and effect as a judgment in court.

Section 2. That Chapter 1 of Title 1 of the Code of City of Alexandria, Virginia, 1981 as amended, be, and the same hereby is, amended by adding thereto a new Section 1-1-12, to read as follows:

Sec. 1-1-12 Cumulative remedies.

The remedies provided in this chapter are cumulative and not exclusive, and the designation of a violation of any provision of this code as a criminal misdemeanor or a civil violation shall not be construed as prohibiting city officials from initiating appropriate administrative or civil judicial procedures to prevent, correct, restrain or abate the violations.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: September 16, 1995