

ORDINANCE NO. 3930

AN ORDINANCE to amend and reordain Section 9-7-3 (INSTALLATION AND OPERATION) and Section 9-7-20 (DISPLAY OF PRICES ON SIGNS; ENFORCEMENT; PENALTY), and to repeal Section 9-7-5 (PERMITS FOR INSTALLATION OF AIR AND WATER LINES), Section 9-7-6 (DRAINAGE OF DRIVEWAYS), Section 9-7-7 (WHERE OPEN FLAME DEVICES PROHIBITED), Section 9-7-8 (WHERE STORAGE OR DISPLAY OF FLAMMABLE MATERIALS PROHIBITED), Section 9-7-9 (FIRE FIGHTING EQUIPMENT), Section 9-7-10 (SHUTTING OFF MOTORS DURING FUELING), Section 9-7-11 (SMOKING), Section 9-7-12 (DISPENSING OR GAUGING DEVICES GENERALLY), Section 9-7-14 (SAME--USE OF DISPENSING DEVICES), Section 9-7-15 (SAME--SHUT-OFF SWITCH), Section 9-7-17 (CONTROL OF DISPENSING LIQUIDS), Section 9-7-18 (QUALIFIED ATTENDANTS REQUIRED), and Section 9-7-19 (USE OF SKATES, ETC., BY ATTENDANTS), all of Chapter 7 (FILLING STATIONS), Title 9 (LICENSING AND REGULATION) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 9-7-3 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. 9-7-3 Installation and operation.

The installation and operation of gasoline filling stations shall conform in all respects to title 4, chapter 2 of this code relative to fire prevention, and title 8, chapter 1 of this code relative to construction and maintenance.

Section 2. That Section 9-7-20 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. 9-7-20 Display of prices on signs; enforcement; penalty.

(a) Each gasoline supplier shall provide and each retail dealer shall maintain and display publicly at least six feet above grade or eight feet above a sidewalk, on a post or pole, located upon the premises under the control of the retail dealer, price signs that are seen easily from the street and that face both directions of traffic on the nearest public street or way. Such signs shall state the total price per gallon, including all taxes, of no less than two, but no more than three of the motor fuels available at the premises. All figures, including fractions, upon such signs shall be of the same size and shall be block type, and shall be a minimum of eight inches, and a maximum of 12 inches high, with a stroke width of two inches. The figures shall be in black print on a white or light colored background; provided, however, that the city manager, or the designee of the manager, may, on a case-by-case basis, grant a limited variation in such color requirements if he or she finds that the variation will meet the spirit and intent of this section and will provide the same degree of protection to consumers as is afforded by the color scheme specified above. The sign shall be no less than three feet in width and no less than four feet in height, shall be no greater than four feet in width and five feet in height, and shall be only square or rectangular in shape. Such sign shall be counted against the total free-standing sign allowance provided under current zoning ordinances.

(b) Where more than one type (e.g., leaded, unleaded, gasohol or diesel), or one grade (e.g., regular or premium), or a range of grades of motor fuel is offered for sale by the dealer, the type and grade of the motor fuel shall be displayed next to the price charged for that type and grade, with the price for regular gasoline being placed at the top of the sign, followed by the price for unleaded gasoline. Where more than one type of service is provided (e.g., full or self-service), only one set of prices for one of the services offered shall be required to be stated in the signs. Each sign shall state whether its prices are for self-serve or full-serve.

(c) Wherever the figures and fractions used in any price-computing mechanism constituting a part of a motor fuel pump or dispensing device are calibrated on the basis of the metric system (e.g., price per liter rather than price per gallon), there shall be posted on the premises in a place open and convenient to the public a metric-to-gallon price conversion table or equation adopted by the consumer affairs commission. Use of said table or equation to compute the figures and fractions for the price per gallon to be stated in the price signs shall be deemed acceptable for the purposes of this section.

(d) No signs relating to the price of motor fuel or other products sold by any retail dealer shall be posted or displayed on or about the premises which shall violate any provision of the city code, as amended, or law of the state or which shall constitute a traffic or driving hazard, or which shall mislead the public, or in any way tend to constitute a fraud upon the public.

(e) The figures and fractions used in any price-computing mechanism constituting a part of any pump or dispensing device may be set to measure and compute on the basis of price per gallon, half-gallon, metric liter or other measure, so long as it is done in accordance with state and federal law.

(f) No signs stating or relating to the prices of motor fuel, and no signs designed or calculated to cause the public to believe that they state or relate to the price of motor fuel, other than the signs required by this section or referred to in the following section shall be posted or displayed on or about the premises, where motor fuel is sold at retail and within view from any public highway or reservation.

(g) (1) The provisions of this section may be enforced by the Office of Consumer Affairs of the City of Alexandria pursuant to section 12-7-2 of the city code and by written notice of violation served upon the owner, the owner's duly authorized agent or the manager of the premises where the violation has occurred. Said notice shall require compliance within a specified time period, depending upon the nature and circumstances of the violation, and in no event more than seven calendar days from the date of the notice.

(2) The notice of violation may be served by delivering it in person to one or more of the aforesaid persons, by mailing it by certified mail to one or more of their last known post office addresses, by delivering it to and leaving it in the possession of any person in charge of the premises, or, if such a person is not found upon the premises, by affixing a copy of it in a conspicuous

place at the entrance door to the premises. Such procedure shall be deemed the equivalent of personal notice.

(h) Any person who violates a provision of this section and any person who, having been served with a notice of violation, fails to comply with such notice within the time limit therein specified, shall, upon conviction, be punished by a fine of not more than \$100. Each day that any violation is allowed to continue shall constitute a separate and distinct offense.

Section 3. That Section 9-7-5, Section 9-7-6, Section 9-7-7, Section 9-7-8, Section 9-7-9, Section 9-7-10, Section 9-7-11, Section 9-7-12, Section 9-7-14, Section 9-7-15, Section 9-7-17, Section 9-7-18 and Section 9-7-19 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby are, repealed.

Section 4. That Section 9-7-13, Section 9-7-16, Section 9-7-20, Section 9-7-21 and Section 9-7-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby are, renumbered to Section 9-7-5, Section 9-7-6, Section 9-7-7, Section 9-7-8 and Section 9-7-9, respectively.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: 6/10/97
First Reading: 6/10/97
Publication: 6/11/97; 6/12/97
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