

ORDINANCE NO. 4074

AN ORDINANCE to add a new Article I (SPOT BLIGHT ABATEMENT) to Chapter 1 (BUILDING CODE), Title 8 (BUILDING CODE REGULATIONS) of The Code of the City of Alexandria, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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

Article I

SPOT BLIGHT ABATEMENT

Sec. 8-1-141 Purpose.

The purpose of this article is to provide for the repair or other disposal, or for the acquisition and repair or other disposal, by the city of blighted property which is located outside of conservation or redevelopment areas, as such areas are defined in section 36-49 and section 36-49.1, respectively, of the Code of Virginia (1950), as amended.

Sec. 8-1-142 Definitions.

For purposes of this article, the following words and phrases shall have the meanings given below, except in those instances when the context clearly indicates a different meaning.

(a) Blighted property. A building or buildings which, by reason of dilapidation, obsolescence, overcrowding, lack of ventilation, light or sanitary facilities, or excessive land coverage, or any combination of these or other factors, is detrimental to the health, safety and welfare of the community.

(b) City manager. The city manager, or a person designated by the manager to perform the duties and responsibilities that this article places on the manager.

(c) Dilapidation. The condition of property resulting from inadequate maintenance that contributes to unsafe site or building conditions, or that gives the appearance of unsafe site or building conditions.

(d) Excessive land coverage. A land development that overly restricts the access of adjacent properties to light and air, or that has extensive impervious surfaces which create storm water run-off that regularly and adversely impacts adjacent properties.

(e) Lack of ventilation, light and sanitary facilities. The absence from a building of one or more systems that provide ventilation, light and sanitary facilities, as required by the Virginia Uniform Statewide Building Code (see article A of this chapter).

Sec. 8-1-143 Procedure -- preliminary determination of blight by city manager.

(a) The city manager shall make a preliminary determination that a property is a blighted property under this article. The manager shall provide written notice to the owner of such property that the property has been determined to be blighted. The notice shall describe the conditions of the property, and shall provide any other reasons, which form the basis for this determination.

(b) The owner of property that has been preliminarily determined to be blighted shall have 30 days from the date of the notice in which to present to the city manager a plan to eliminate or otherwise cure, within a reasonable period of time, the conditions and other reasons that form the basis for the determination that the property is blighted.

Sec. 8-1-144 Same -- hearing before planning commission; commission findings.

(a) If the owner of a property that has been preliminarily determined to be blighted fails to timely present the plan required by section 8-1-143(c), which is acceptable to the city manager, or fails to implement a plan found to be acceptable, the manager may request that the planning commission conduct a public hearing and make findings and recommendations regarding the property. If a public hearing is scheduled before the planning commission, the city shall prepare and present to the commission a plan for the repair or other disposal, or for the acquisition and repair or other disposal, of the property.

(b) Notice of public hearing.

(i) Not less than three weeks prior to the date of the public hearing before the planning commission, the city manager shall cause a notice of the date, time, place and purpose of the hearing to be sent, by regular and certified mail, to the owner of the blighted property or the agent designated by him for receipt of service of notices concerning the payment of real estate taxes, to the owners of all properties abutting the blighted property (including the properties located immediately across the street or road from the blighted property), and to the citizens or neighborhood association, if any, for the immediate area. The notice shall include the plan that the city has prepared for the repair or other disposal, or for the acquisition and repair or other disposal, of the property. Any persons affected by the condition of the property or by the acquisition and/or repair or other disposal of the property, as proposed in the city's plan, may present their views at the hearing.

(ii) The city manager shall also cause notice of the date, time, place and purpose of the public hearing to be published at least twice, with not less than six days elapsing between the first and second publication, in a newspaper having general circulation in the city. The public hearing shall be held not less than six, nor more than 21, days after the second publication of this notice.

(iii) The city manager shall further cause notice of the date, time, place and purpose of the public hearing to be posted on the property.

(c) Following the public hearing, the planning commission shall determine:

(i) whether the owner of the property has failed to eliminate or otherwise cure the property's blighting conditions and to present a reasonable plan to do so;

(ii) whether the property is blighted; and

(iii) whether the plan submitted by the city for the repair or other disposal, or for the acquisition and repair or other disposal, of the property is in accordance with the city's zoning ordinance and other applicable land use laws and regulations, and should, in whole or part, be implemented.

If the property is located within the old and historic Alexandria district or the Parker-Gray district, as defined, respectively, in section 10-100 and section 10-200 of the city's Zoning Ordinance, or includes a building that is on the list of 100-year-old buildings compiled pursuant to section 10-300 of the Zoning Ordinance, the planning commission, in determining the appropriateness of the city plan, shall consult with the board of architectural review regarding the activities described for the property in the plan.

Sec. 8-1-145 Same C- review of planning commission findings and recommendations by city council.

The planning commission shall report its findings and recommendations concerning the property to city council. Following its receipt of these findings and recommendations, council shall schedule a public hearing on the property. Notice of this hearing shall be provided as described in section 8-1-144(b). Following the hearing, council shall affirm, modify or reject the planning commission's findings and recommendations. If council determines the property to be blighted and the city's plan for the property, in whole or in part, to be appropriate, the city may then carry out the approved plan.

Sec. 8-1-146 Displacement of residents at blighted property.

City council shall not approve, under this article, any plan for the acquisition of property that is occupied for personal residential purposes if the plan will result in the displacement of any persons residing in the property, unless the acquisition is authorized by Title 36 of the Code of Virginia (1950), as amended; provided, that this subsection shall not apply to the acquisition of property that has been condemned for human habitation for more than one year.

Sec. 8-1-147 Recovery of city's costs; lien.

(a) The city may assess and recover the costs that it incurs in repairing or otherwise disposing of blighted property under a plan approved by city council pursuant to this article. Such costs may be assessed against and recovered from the person who owns the blighted property at the time the property is repaired or other disposed of by the city. If such costs have not been paid by such owner prior to the owner's sale of the property, the city shall recover the costs from the proceeds of the owner's sale. In the event the city has acquired the property, it shall recover such costs from the proceeds of its sale of the property.

(b) The city also shall have a lien on any blighted property that it repairs or otherwise disposes of under a plan approved by city council pursuant to this article, in an amount equal to the costs it has incurred in so repairing or disposing of the property. Such lien shall be recorded in the circuit court among the city's land records, and shall be subordinate to any prior liens of record.

Sec. 8-1-148 Promulgation of rules and regulations.

The city manager may issue regulations consistent with this article and section 36-49.1:1 of the Code of Virginia (1950), as amended; provided, that such regulations are reviewed and approved by city council.

Sec. 8-1-149 Other laws and ordinances.

Nothing in this article shall be construed to relieve an owner of blighted property, or any other person or entity from complying with other applicable laws relating to the development, use, rehabilitation, condition, maintenance or taxation of real property. The provisions of this article shall be in addition to any other remedies for blight abatement set out in state law or this code.

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

KERRY J. DONLEY
Mayor

Introduction:	10/ 13/ 99
First Reading:	10/ 13/ 99
Publication:	10/ 14/ 99
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