

ORDINANCE NO. 4140

AN ORDINANCE to amend and reordain Section 8-1-6 (VIOLATIONS AND PENALTIES) of Article A (GENERAL PROVISIONS), Chapter 1 (BUILDING CODE), Title 8 (BUILDING CODE REGULATIONS) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1: That section 8-1-6 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. 8-1-6 Violations and penalties.

(a) Criminal violations. A violation of any section of, or provision in, Chapters 2 through 33 of the USBC, incorporated into this chapter by section 8-1-2; or a violation of any section of or provision in, chapter 34 of the USBC, also incorporated into this chapter by section 8-1-2, that regulates or relates to the authority to vacate buildings, fire sprinkler systems, single and multiple station smoke detectors, automatic sprinkler systems, fire protective signaling systems, fire detection systems, or electrical systems, shall be considered a violation of this chapter, and shall be a misdemeanor. Any person found guilty of such misdemeanor shall, upon conviction, be punished by a fine of not more than \$2,500; provided, that a person convicted of a second violation committed within five years following a conviction for a violation of this chapter shall be punished by a fine of not less than \$1,000 nor more than \$2,500, that a person convicted of a second violation committed more than five years but less than 10 years following a conviction for a violation of this chapter shall be punished by a fine of not less than \$500 no more than \$2,500, and that a person convicted of a third or additional violation committed within 10 years following a conviction for a violation of this chapter involving the same property shall be punished by a fine of not less than \$2,500 nor more than \$5,000; provided further that the provisions in the foregoing proviso requiring a minimum fine shall apply only to convictions for violations which cause a building or structure to be unsafe or unfit for human habitation. No portion of a fine imposed on a person convicted of a third or subsequent violation committed within 10 years of a violation under this chapter shall be suspended.

(b) Civil violations. A violation of any section or provision of chapter 34 of the USBC that does not regulate or relate to the matters specifically set out in subsection (a) shall be a civil violation that shall be enforced through the levying of a civil penalty, pursuant to section 1-1-11 of this code, of \$100 for a person's first violation and of \$150 for each subsequent violation of the same section or provision. Each day during which a violation exists shall constitute a separate violation. However, a series of violations arising from the same operative set of facts shall not give rise to the levying of a civil penalty more frequently than once in a 10-day period, and shall not result in civil penalties exceeding a total of \$3,000. Any section or provision of chapter 34 of the USBC whose violation is hereby designated a civil violation shall not be penalized by a criminal sanction and, except for any violation resulting in injury to persons, may not give rise to criminal prosecution.

(c) Injunctive relief. A violation of any section or provision of the USBC, incorporated into this chapter by section 8-1-2 may, in addition to and notwithstanding the penalty provided for in subsection (a) or (b), be restrained, prohibited or enjoined by appropriate proceedings in a court of competent jurisdiction.

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

KERRY J. DONLEY  
Mayor

Introduction:	June 13, 2000
First Reading:	June 13, 2000
Publication:	June 15, 2000
Public Hearing:	June 17, 2000
Second Reading:	June 17, 2000
Final Passage:	June 17, 2000