

ORDINANCE NO. 4404

AN ORDINANCE to amend and reordain Section 5-8-61 (DEFINITIONS), Section 5-8-63 (UNLAWFUL TO KEEP; EXCEPTIONS), Section 5-8-64 (REMOVAL OF INOPERABLE VEHICLE; REMEDIES FOR FAILURE TO REMOVE; COSTS) and Section 5-8-65 (CIVIL VIOLATION AND PENALTY), all of Article D (INOPERABLE MOTOR VEHICLES), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article D of Chapter 8, Title Five 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. 5-8-61 Definitions.

The following terms shall, for purposes of this article, have the meanings set forth below.

(1) Motor vehicle or vehicle means any motor vehicle, trailer or semitrailer, or any part thereof, as defined in section 46.2-100, Code of Virginia (1950), as amended.

(2) Inoperable motor vehicle means any motor vehicle which:

- (i) is not in operating condition;
- (ii) for 60 or more days has been partially or totally disassembled, as evidenced by the removal of its wheels and tires, its engine, or one or more other components required for the operation of the vehicle;
- (iii) does not display valid state license plates; or

(iv) does not display a state inspection decal which is valid or which was valid within the preceding 60 days.

(3) Shielded or screened from view means that the vehicle, whether covered or uncovered, is not visible by someone standing at ground level from outside of the property on which the subject vehicle is located

Section 3. That Section 5-8-63 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. 5-8-63 Unlawful to keep; exceptions.

It shall be unlawful for any person, firm or corporation to keep on any private property in the city, except property zoned for industrial purposes, an inoperable motor vehicle, unless it is located within a fully enclosed building or structure or is otherwise shielded or screened from view. It shall also be unlawful for any person, firm or corporation to keep on any private property in the city, except property zoned for industrial purposes, more than one inoperable motor vehicle, located outside of a fully enclosed building or structure, which is shielded or screened from view. Notwithstanding the other provisions of this section, if the owner of such vehicle can demonstrate that he is actively restoring or repairing such vehicle and if it is shielded or screened from view, such vehicle and one additional inoperative motor vehicle that is shielded or screened from view being used for the restoration or repair may remain on the property. However, the provisions of this article shall not apply to a licensed business which is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor. Nor shall the provisions of this article apply to any antique motor vehicle, as defined in section 46.2-100, Code of Virginia (1950), as amended, so long as a bona fide effort is being made to repair or restore the vehicle and it is shielded in a manner to protect it from the weather and to make it unsuitable for rodent harborage.

Section 4. That Section 5-8-64 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. 5-8-64 Removal of inoperable vehicle; remedies for failure to remove; costs.

(a) The occupant, and if different the owner, of the private property on which an inoperable motor vehicle is being kept in violation of this article shall be provided a written notice of said violation. The notice shall be provided by the fire marshal or the fire marshal's designee, or another city employee designated by the city manager, shall be posted both on the inoperable vehicle and in a conspicuous place on the property and, where the owner of the property is not its occupant, shall be mailed, by first class mail, to the owner at the address maintained by the city's office of real estate assessments. The notice shall identify the inoperable vehicle, describe the conditions of the vehicle which render it inoperable and in violation of this article, and shall state that, unless the conditions are remedied by a specified date, which date shall be at least ten days following the date on which the notice is posted or, if applicable and later, the date on which the notice was mailed, the vehicle will be removed by the city to an impoundment facility. In the event that the inoperable vehicle remains on the property after the date specified in the notice, the fire marshal or the fire marshal's designee, or another city employee designated by the city manager, may remove the vehicle and place it in the city's impoundment yard or another impoundment facility.

(b) Within five days of any removal under subsection (a), the fire marshal or the fire marshal's designee shall provide a written notice to the owner, and if different the occupant, of the property from which the inoperable motor vehicle was removed and, if different, to the owner of record of the impounded vehicle. The notice shall be sent by registered or certified mail, return receipt requested, and shall state the following: (i) the year, make, model and serial number of the impounded vehicle; (ii) the location of the impoundment yard where it is being held; (iii) that the owner of the vehicle and any

person having a security interest in the vehicle may reclaim the vehicle within 15 days from the date of the notice, after the payment of all removal and storage costs resulting from the removal and storage of the vehicle, and after providing an assurance that the vehicle will be brought into compliance with this article; and (iv) that the failure of the vehicle owner to reclaim the vehicle within the time provided shall constitute both a waiver by the owner of all right, title and interest in the vehicle, and the owner's consent to the disposition of the vehicle by the city. If the inoperable vehicle is not reclaimed within the time specified in the notice, the city may dispose of the vehicle.

(c) The costs incurred by the city in removing, storing and disposing of an inoperable motor vehicle in excess of any proceeds derived from the sale of the vehicle shall be assessable against the owner of the property from which the vehicle was removed, the occupant of the property on the date the vehicle was removed, and the owner of the vehicle, and may be collected as taxes and levies are collected. The costs assessed against the owner of the property from which the vehicle was removed shall constitute a lien against such property, and the lien shall continue until actual payment of the costs have been made.

Section 5. That Section 5-8-65 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. 5-8-65 Civil violation, penalty and reconsideration

(a) A person receiving a notice under section 5-8-64(a) which describes the conditions of a motor vehicle that render the vehicle inoperable shall remove or otherwise remedy the conditions within the time period set out in the notice, and failure to do so shall constitute a violation of this section. Said violation shall be a class four civil violation which shall be enforced through the levying of a civil penalty pursuant to section 1-1-11 of this code; provided, that the penalty shall be \$100 for a person's first violation of this

section occurring in any six-month period, shall be \$250 for a person's second violation occurring within the six-month period, and shall be \$500 for each additional violation by a person occurring the six-month period.

(b) Within five days of receipt of a notice issued under Sec. 5-8-64, the recipient may request in writing that the Director of Code Enforcement reconsider the determination that the vehicle is inoperable, and may include with such request any supporting documentation or other evidence. The vehicle shall not be removed for impoundment while such request is pending. The Director of Code Enforcement shall review the request, and notify the requestor in writing of the Director's decision. If the Director confirms the determination, such written notification shall serve as new notice provided pursuant to Sec. 5-8-64(a).

Section 6. That this ordinance shall become effective July 1, 2005.

WILLIAM D. EUILLE  
Mayor

Final Passage:            June 21, 2005

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