

ORDINANCE NO. 4517

AN ORDINANCE to amend and reordain Section 8-1-22 (METHOD OF STORM AND SUBSURFACE WATER DISPOSAL) and Section 8-1-30 (VIOLATIONS AND PENALTIES), of Article B (MISCELLANEOUS CONDITIONS OF PERMITS), 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 8-1-22 of The Code of the City of Alexandria, 1981 as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 8-1-22 Method of storm and subsoil water disposal.

(a) Buildings shall have drainage provision for conveying storm water from roofs, paved areas and areaway drains, Subsoil water, condensate, cooling water, etc., on the premise to a public storm sewer: except that where a public storm sewer is not available, an approved method of disposal shall be provided to the satisfaction of the director of transportation and environmental services.

(b) Availability.

(1) For a one-and two-family dwelling, a public storm sewer shall be deemed available when such sewer is within 100 feet of the premises on which the dwelling is located, measured along a street, and a connection may be made lawfully thereto.

(2) For any other buildings, a public storm sewer shall be deemed available when such sewer is within 500 feet of the premises on which the building is located, measured along a street, and a connection may be made lawfully thereto.

(c) Area drains are prohibited from entering septic tanks or public or private sewer systems unless specifically approved in writing by the director of transportation and environmental services.

(d) Prior to the issuance of any building permit for any proposed improvement to real property involving (1) the construction of a new home (2) construction of an addition to an existing home where either (A) the addition exceeds the area of the existing building footprint by 100% or more; or (B) the construction of the addition results in less than 50% of the existing first floor exterior walls, in their entirety, remaining; (3) changes to the existing grade elevation of 1 foot or greater; (4) changes to existing drainage patterns; or (5) land disturbance of 2,500 square feet or greater, a grading and drainage plan prepared by a professional engineer or land surveyor licensed by the Commonwealth of Virginia shall be submitted for review and approval by the Director of Transportation & Environmental Services or Deputy Director/City Engineer. Such plan shall demonstrate

that post-development drainage will have no greater impact on adjacent or down-stream property than pre-development conditions. The requirements for such plans, including without limitation form, content, methods of calculation, and procedures for review and approval, shall be established by regulations promulgated by the Director of Transportation & Environmental Services. A plan review fee in the amount of \$500 shall accompany such plan, except that in instances where the proposed improvement is already subject to the erosion and sediment control requirements set forth in section 5-4-1, et seq. of this Code, and a fee has already been paid pursuant to those requirements, no additional fee shall be required. No building permit for improvements subject to this subsection shall be issued until after the grading and drainage plan has been approved. When a grading and drainage plan is required pursuant to subsections (d)(2), (3) or (4) hereof, the requirement may be waived by the Director of Transportation & Environmental Services or his designee when such a waiver is requested by the property owner and such request is accompanied by sufficient information to demonstrate to the satisfaction of the Director or Deputy Director/City Engineer, in his or her reasonable engineering discretion, that no adverse drainage impacts to abutting or adjacent property will occur as a result of the proposed construction. The Director shall promulgate rules and regulations for the application, consideration, grant or denial of such waiver requests, including without limitation rules and regulations specifying the minimum information required for applications, and reasonable criteria and standards for the consideration of such requests. The decision on such requests shall be in writing, and shall state the grounds thereof. The decision to grant or deny a waiver request is committee to the discretion of the Director or Deputy Director/City Engineer, and shall not be subject to judicial review.

Section 2. That Section 8-1-30 of The Code of the City of Alexandria, 1981 as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 8-1-30 Violations and penalties.

(a) With the exception of violations of section 8-1-22, a violation of any section or provision of this article shall be a misdemeanor, and any person found guilty of any such violation shall, upon conviction, be punished by a fine of not more than \$500. Each day a violation of any section or provision of this article continues shall be deemed a separate violation. Notwithstanding the foregoing, if the violation of a section or provision of this article is also a violation of a section or provision of article A of this chapter, then section 8-1-6 shall apply to the violation in lieu of this section.

(b) A violation of any section or provision of this article may, in addition to and notwithstanding the penalty provided for in subsection (a) (c) or (d), be restrained, prohibited or enjoined by appropriate proceedings in a court of competent jurisdiction.

(c) Notwithstanding the provisions of subsection (a) and (b), any action or omission constituting a violation of a section or provision of this article which also constitutes a violation of a section or provision of article A shall only be subject to the penalties in section 8-1-6.

(d) Any violation of section 8-1-22 of this article 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 any 10-day period, and shall not result in civil penalties exceeding a total of \$3,000.

(e) In addition to the foregoing penalties, in the event that any person obtains a building permit based on representations that exempt the proposed construction from the grading and drainage plan requirements of Section 8-1-22(d), and those representations prove to be incorrect, the Director of Transportation & Environmental Services or his designee may issue a written order stopping all work at the site until such time as a grading and drainage plan has been submitted for review and approved pursuant to Section 8-1-22(d).

Section 3. That this ordinance shall become effective on the date and at the time of final passage provided, however, that the provisions of this ordinance shall not apply to any complete building permit application pending before any City board, tribunal, department, agency, or bureau on the effective date.

William D. Euille
Mayor

Final Passage: February 12, 2008