

ORDINANCE 4659

AN ORDINANCE to repeal and reordain Title 8 (BUILDING CODE REGULATIONS), to establish and ordain Chapter 6 (Burglary Prevention Devices), of Title 4 (PUBLIC SAFETY), to establish and ordain Sec. 5-2-30 of Article A (General Provisions) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) to establish and ordain Sec. 5-2-128 of Article E (Excavation) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) to establish and ordain Sec. 5-2-141 of Article E (Excavation) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services), to establish and ordain Sec. 5-3-44 of Division 1 (General Provisions) of Article C (Excavation and Utility Line Installation) of Chapter 3 (Underground Utilities) of Title 5 (Transportation and Environmental Services), to establish and ordain Sec. 5-6-25 of Division 1 (General Provision) of Article B (Sewage Disposal and Drains) of Chapter 6 (Water and Sewer) of Title 5 (Transportation and Environmental Services), to establish and ordain Article C (Storm Water Disposal) of Chapter 6 (Water and Sewer) of 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 That Title 8 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, repealed and reordained to read as follows:

TITLE 8
Building Code Regulations

Chapter 1. Building Code
Chapter 2. Reserved

CHAPTER 1
Building Code

State Law References: Virginia Uniform Statewide Building Code. Code of Va., Sec. 36-97 et seq.; general authority of city relative to building regulations. Code of Va., Secs. 15.1-15, 15.1-863, 15.1-864, 15.1-869 and 32-61.

Cross Reference: Charter authority as to construction of buildings, city charter, sec. 2.04(b).

ARTICLE A
General Provisions

- § 8-1-1 Title.
- § 8-1-2 Adoption of the Uniform Statewide Building Code.
- § 8-1-3 City code and ordinances unaffected.
- § 8-1-4 Officials.

- § 8-1-5 Reserved.
- § 8-1-6 Violations and penalties.
- §§ 8-1-7 through 8-1-10 reserved.

ARTICLE B
Miscellaneous Conditions of Permits

- § 8-1-11 Notice of start, stages and suspensions or abandonment of work.
- § 8-1-12 Foundation and wall survey plats.
- § 8-1-13 Plans and specifications--provisions for control of contaminated land.
- §8-1-14 Reserved.
- § 8-1-15 Sanitary sewer and street grades.
- § 8-1-16 Connection to sanitary sewer and water system required.
- § 8-1-17 Building sewer and water service.
- § 8-1-18 Water conservation.
- § 8-1-19 Inspection of electrical work; removal or correction of defects; disconnection of premises.
- § 8-1-20 Display of house number prerequisite to concealment of wiring.
- § 8-1-21 Interference with wires during building operations.
- § 8-1 -22 Building permit required for replacement siding, roofing and windows in historic districts
- § 8-1-23 Fees for building, electrical, mechanical and plumbing permits, inspections and certificates.
- § 8-1-24 Violations and penalties.
- §§ 8-1-25 through 8-1-35 reserved.

ARTICLE C
Remedies and Appeals

- § 8-1-36 Failure of owner to act; action by city; costs to be lien on property.
- § 8-1-37 Board of building code appeals.
- §§ 8-1-38 through 8-1-52 reserved.

ARTICLE D
Smoke Detectors

- § 8-1-53 Smoke detectors in existing buildings.
- § 8-1-54 Enforcement authority.
- § 8-1-55 Compliance with other laws.
- §§ 8-1-56 through 8-1-58 reserved.

ARTICLE E
Reserved

ARTICLE F
Reserved

§§ 8-1-59 through 8-1-70 reserved.

ARTICLE G-1
Residential Rental Inspection Districts

Division 1. Generally

- § 8-1-110 Purpose and intent.
- § 8-1-111 Definitions.

Division 2. Rental Inspection Districts

- § 8-1-112 Factors for establishing rental inspection districts.
- § 8-1-113 Rental inspection districts established.
- § 8-1-114 Applicability.

Division 3. Inspection

- § 8-1-115 Inspection and certificate required.
- § 8-1-116 Certificates of compliance; applications and exemptions.
- § 8-1-117 Multi-family developments.

Division 4. Certificate Issuance, Inspection Fees and Enforcement

- § 8-1-118 Issuance of certificate; fees.
- § 8-1-119 Appeals; effects.
- § 8-1-120 Right of entry.
- § 8-1-121 Regulations implementing article.
- §§ 8-1-122 through 8-1-129 reserved.

ARTICLE H
Registration of Vacant Buildings

- § 8-1-130 Vacant building registration.
- § 8-1-131 Violations and penalties.
- §§ 8-1-132 through 8-1-140 reserved.

ARTICLE I
Spot Blight Abatement and Derelict Buildings

Division 1. General

- § 8-1-141 Purpose.
- § 8-1-142 Definitions.
- § 8-1-143 Enforcement.

- § 8-1-144 Violations.
- § 8-1-145 Additional remedies of city.

Division 2. Derelict Buildings

- § 8-1-146 Notice of declaration of derelict building.
- § 8-1-147 Submittal of work plan by owner; approval by director.
- § 8-1-148 Work plan completion; permit fee refund.
- § 8-1-149 Tax abatement.

Division 3. Blighted property

- § 8-1-150 Procedure – preliminary determination of blight by city manager.
- § 8-1-151 Determination by city council.
- § 8-1-152 Displacement of residents at blighted property.
- § 8-1-153 Recovery of city's costs; lien.
- § 8-1-154 Alternative spot blight abatement procedures.
- § 8-1-155 Other laws and ordinances.

CHAPTER 2
Reserved

ARTICLE A
General Provisions

Sec. 8-1-1 Title.

This chapter shall be known and may be cited as the Building Code of the city. Citations in brackets are for informational and cross-reference purposes only, are not intended to be all inclusive and are not part of this chapter.

Sec. 8-1-2 Adoption of the Uniform Statewide Building Code.

The city enforces the Virginia Uniform Statewide Building Code, 2006 edition, including the Virginia Maintenance Code, (“VUSBC”) and such future editions thereof as are then in force in the Commonwealth of Virginia.

Sec. 8-1-3 City code and ordinances unaffected.

Nothing in this chapter shall be construed to invalidate any part of the city code or any ordinances of the city unless the context clearly indicates otherwise. Matter which is treated in this chapter or amendments hereafter enacted shall be considered as separate from, supplemental to and additional to the treatment contained elsewhere in the city code or ordinances or amendments to either.

Sec. 8-1-4 Officials.

The Director of the Department of Code Administration (“Director”) shall be the building official for the administration of the Virginia Uniform Statewide Building Code and shall be the code official for the administration of the Virginia Maintenance Code. References in this chapter to the building official and to the code official shall be deemed to include their duly authorized representatives.

Sec. 8-1-5 Reserved.

Sec. 8-1-6 Violations and penalties.

(a) Criminal penalties: Violations of the Virginia Uniform Statewide Building Code, Virginia Construction Code, Virginia Rehabilitation Code, Virginia Amusement Device Regulations, Virginia Manufactured Home Safety Regulations and Virginia Industrialized Building Safety Regulations, as they may be amended from time to time, shall be subject to the criminal penalties as provided in Section 36-106 of the Virginia Code and any amendment or re-codification thereof.

(b) Civil Penalties:

(1) In lieu of criminal penalties otherwise chargeable under the VUSBC for any violation resulting in injury to any person or persons, a civil penalty shall be levied for violations of the Virginia Maintenance Code, as provided in Section 36-106 of the Virginia Code and any amendment or re-codification thereof.

(2) Civil penalties may be levied as stated in this section for any violation of this Chapter not specifically identified as subject to criminal penalties or not specifically addressed elsewhere in this Chapter. The penalty for any one violation shall be a civil penalty of not more than \$100 for the initial summons and not more than \$150 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$3,000.

(3) If the violation concerns a residential unit, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court shall order the violator to abate, or otherwise remedy through hazard control, the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate, or otherwise remedy through hazard control, the violation within six months of the date of the assessment of the civil penalty.

(c) *Injunctive relief.* A violation of any section or provision of the VUSBC, 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.

Secs. 8-1-7 through 8-1-10 reserved.

ARTICLE B
Miscellaneous Conditions of Permits

Sec. 8-1-11 Notice of start, stages and suspensions or abandonment of work.

(a) In addition to the inspector requirements of the VUSBC, it shall be the duty of the permit holder to notify the building official at least 24 hours in advance of any inspection requested.

(b) The holder of a permit shall give written notice to the building official within 14 days from the date a contractor, working pursuant to the permit, has been discharged from employment or from the date work under a permit has been suspended or abandoned.

Sec. 8-1-12 Foundation and wall survey plats.

When the building footing has been placed and the walls have been raised to the first joist bearing or story height above grade, a foundation and wall survey plat showing the exact location of the walls shall be prepared by a licensed, certified public land surveyor or engineer and filed with the building official and zoning administrator for approval before proceeding further with the construction.

Sec. 8-1-13 Plans and specifications--provisions for control of contaminated land.

In documentation accompanying the application for the permit, provisions for the control of contaminated land, in accordance with the city code, administrative procedures for control of contaminated land dated October 26, 1976, and Ordinance No. 2135 adopted by council November 23, 1976, and as they may be amended from time to time, shall be described when the site is in an area contaminated by a toxic substance and hazardous to the public health, safety and welfare.

Sec. 8-1-14 reserved.

Editorial Note: Ord. No. 3864, § 2, adopted May 18, 1996, repealed § 8-1-16, which pertained to street encroachments. See the Code Comparative Table.

Sec. 8-1-15 Sanitary sewer and street grades.

Before any building permit is issued for the erection, operation or repair of any building or structure for assembly or human habitation, provision for connection to a sanitary sewer, if available, must be made and the fees required by law paid. In addition, the director of transportation and environment services must be satisfied that any sewer

connection is adequate with respect to size and grade. Certification on the plans by a licensed architect or engineer that a physical check has been made, that sewer is available and that the proposed sewer is adequate with respect to size and grade may be accepted in lieu of approval of sewer plans by the director of transportation and environmental services.

Sec. 8-1-16 Connection to sanitary sewer and water system required.

(a) Every building and every separate business establishment having an outside entrance shall have an independent sewer and water supply connection with a public or private sewer or water system; except that where one building stands in the rear of another building on an interior lot and no public or private sewer or water is available or can be constructed to the rear building through adjoining alley, court, yard or driveway, the house sewer and water service from the front building may be extended to the rear building and the whole may be considered as one sewer and one water system.

(b) Commercial buildings with more than one unit under the same roof and multi-family residential buildings with more than one unit under the same roof where a single person is responsible for the maintenance and repair of plumbing for all the units under the same roof may be served by a single system only upon written request approved by the building official. Row dwellings shall have one public sewer and one water service connection for each family dwelling unit, unless otherwise approved by the building official.

(c) Availability.

(1) A public water supply system or a public sewer system shall be deemed available to one or two family dwelling premises if the premises are within 300 feet, measured along a street, alley or easement, of the public water supply or sewer system, and a connection may be made lawfully thereto.

(2) All other premises. A public water supply system or a public sewer system shall be deemed available to all premises other than one or two family dwellings, if the premises are within 500 feet, measured along a street, alley or easement, of the public water supply or sewer system, and a connection may be made lawfully thereto.

(d) Any extension of public sewer or water required hereby shall be made at the expense of the owner of the premises to be served.

Sec. 8-1-17 Building sewer and water service.

(a) Easements for sewers. Unless a right-of-way or easement is recorded with the Clerk of the Circuit Court for the City of Alexandria, Virginia, no sewer or drain from any building or premises shall be installed onto any adjacent property or premises, unless at the time of the proposed installation such adjacent property is under the same ownership.

(b) Sewer taps.

(1) All sewer taps must be made under the supervision of a certified master plumber, with inspection by the building official; however, a certified journeyman plumber may make the tap. All material necessary for making the sewer tap shall be furnished by the owner of the property for which the sewer tap is to be made. The connection of a saddle house sewer to a public sanitary sewer shall be made using a saddle approved by the building official. The sewer tap shall be made with a one-sixteenth bend with the sewer tap entering the upper air space of the trunk sewer, unless otherwise approved by the building official.

(2) The maximum size house sewer which may be connected directly to a 10 inch or larger public sanitary sewer is six inches. All other connections of a house sewer to a public sanitary sewer require the installation of an approved manhole, at the property owner's expense; except that a wye (Y) connection may be permitted to be installed in the construction of a new public sewer if approved by the building official and the director of transportation and environmental services before construction begins.

(c) Protection--Minimum cover (protection against freezing). Water service piping and sewers shall be installed below recorded frost penetration but not less below grade than three feet zero inches for water piping and one foot six inches for sewers; except that when a building sewer terminates in a septic tank its minimum cover shall be 12 inches.

Sec. 8-1-18 Water conservation.

(a) Car wash installations. Commercial car wash installation shall be equipped with a water recycling system approved by the building official.

(b) Continuous flow equipment. Any water-connected device or appliance requiring a continuous flow of five gallons per minute or more and not previously listed in this section shall be equipped with a water recycling system approved by the building official.

Sec. 8-1-19 Inspection of electrical work; removal or correction of defects; disconnection of premises.

(a) Whenever in the judgment of the building official the electrical wiring within any structure in the city is deemed a dangerous and unsafe condition, he shall notify the public service company furnishing electric energy to the structure. The companies, shall, within 72 hours after receipt of the notice, disconnect the structure from its distribution system and not again connect the structure until receiving notice in writing that the wiring in the structure has been approved by the building official.

Sec. 8-1-20 Display of house number prerequisite to concealment of wiring.

No wiring shall be concealed nor shall service approval be issued unless the house street number is displayed on the front of the building.

Sec. 8-1-21 Interference with wires during building operations.

It shall be unlawful, except as herein provided, for any person erecting any scaffolding, putting up any sign, altering or changing any plumbing, repairing, painting or erecting any building or structure or engaged in any manner of work, to cut, break or in any manner interfere with arrangements of any electrical wires whatsoever, inside or outside of any building or other place, unless and until the owner of the building or structure or the contractor engaged in the work shall notify the building official in writing of the necessity to do so at least 24 hours before the intended work is begun. It shall thereupon be the duty of the building official to inspect the place where the work is intended to be done, and if satisfied that it is necessary to do so, he shall at once direct the owner of the wires to remove them, and upon failure on the part of the owner to do so within 24 hours thereafter, the wires may be removed by the contractor.

Sec. 8-1-22 Building permit required for replacement siding, roofing and windows in historic districts.

In accordance with the provisions authorized by the Virginia Uniform Statewide Building Code, a permit and inspections are required for the installation of replacement windows and over 100 square feet of replacement siding or roofing in buildings located within historic districts or in buildings over 100 years old and designated by the City of Alexandria as such.

Sec. 8-1-23 Fees for building, electrical, mechanical, fire protection, elevator and plumbing permits, inspections and certificates.

(a) The fees for permits, inspections and certificates required by the VUSBC shall be as established by resolution of the city council and as they may be amended from time to time by further resolution of the city council.

(b) The payment of any fee or fees required by this section shall not relieve the applicant for or holder of a permit from the payment of any other fee or fees required by law.

(c) Refunds. In case of abandonment or withdrawal of any permit or application, refunds where applicable shall be given to the applicant in accordance with the provisions of the VUSBC.

(d) Exceptions.

(1) The Washington Metropolitan Area Transit Authority (WMATA), the Alexandria Sanitation Authority (ASA) Alexandria City Public Schools (ACPS), and the City of Alexandria shall not be required to pay the fees established pursuant to this section.

(2) The Alexandria Redevelopment and Housing Authority (ARHA) shall be exempt from the payment of the fees established pursuant to this section upon a finding provided that the project for which a building permit is being sought will consist of housing for low and/or moderate-income persons.

Sec. 8-1-24 Violations and penalties.

(a) 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.

Secs. 8-1-25 through 8-1-35 Reserved.

ARTICLE C
Remedies and Appeals

Sec. 8-1-36 Failure of owner to act; action by city; costs to be lien on property.

(a) If any owner, agent of the owner or person in control of a building which is found by the code official or the building official to be unsafe under the VUSBC fails or refuses timely to comply with any notice delivered, mailed or posted as provided by law, or if the official deems it necessary, without providing notice, to take such emergency measures as are set forth in the VUSBC, including the demolition of a building, the appropriate official is authorized in his discretion to utilize city employees and agents to take all actions necessary to carry out the requirements set forth in the notice which have not been complied with or, in the case of an emergency, to undertake the emergency measures deemed necessary to protect the public's health and safety.

(b) The department of finance shall cause all costs incurred by the city in undertaking actions pursuant to subsection (a) to be paid upon the certification of the code or building official. Such city costs shall be charged to and paid by the owner of the affected property and may be collected by the city as taxes and levies are collected. In no

case shall the charges be less than \$100. All city costs hereby authorized with which the property owner has been charged and which, after a reasonable time, remain unpaid shall constitute a lien against such property. The lien shall continue until actual payment of the charges, plus legal interest and a penalty of 10 percent, has been made to the city.

Sec. 8-1-37 Board of Building Code Appeals.

There is hereby created within the Department of Code Administration a board of appeals to be known as the Alexandria Board of Building Code Appeals. This board shall hear appeals of the Virginia Uniform Statewide Building Code, Construction Code and Virginia Maintenance Code, and their referenced documents and standards. The Board shall consist of six members appointed by the City council in accordance with the appeal provisions of the VUSBC. Members shall be selected on the basis of their ability to render fair, competent, and VUSBC code based decisions regarding application of the VUSBC.

Secs. 8-1-38 through 8-1-52 reserved.

ARTICLE D
Smoke Detectors

Sec. 8-1-53 Smoke detectors in existing buildings.

- (1) Any building containing one or more dwelling units;
- (2) Any hotel or motel;
- (3) Any rooming house.

Smoke detectors may be battery or AC powered units installed in conformance to the Uniform Statewide Building Code. The owner shall inspect and furnish a certificate to a tenant at the beginning of each tenancy and at least annually thereafter that all detectors are present, have been inspected, and are found to be in good working order. With exception of hallways, stairwells, and other common or public areas of multifamily buildings, interim testing, repair, and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair or replace any malfunctioning smoke detector within five days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement.

Sec. 8-1-54 Enforcement authority.

Except where otherwise provided by law, the fire marshal and the Director of the Department of Code Administration of the city is hereby given jurisdiction to administer and enforce the provisions of this article in accordance with the powers and procedures provided for in the fire prevention code of the City of Alexandria, Virginia.

Sec. 8-1-55 Compliance with other laws.

Nothing in this article shall excuse any owner of any building or structure subject to the requirements of this article from compliance with all other applicable provisions of the VUSBC and the provisions of title 8, chapter 1 of the city code.

Secs. 8-156 through 8-1-86 reserved.

ARTICLE E Reserved

ARTICLE F
Reserved

ARTICLE G-1
Residential Rental Inspection Districts

DIVISION 1 Generally

Sec. 8-1-110 Purpose and intent.

The purpose of this article is to require the inspection of residential rental dwelling units for compliance with the Building Code and to promote safe, decent and sanitary housing, in accordance with Code of Virginia § 36-105.1:1.

Sec. 8-1-111 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning;

Building Code means the Virginia Uniform Statewide Building Code.

Code official means the director of the Department of Code Administration, any technical assistants who are employees of the Department, or any designee of the director.

Conditions which immediately affect safe, decent and sanitary living conditions of persons occupying a residential rental dwelling unit include items that violate fire safety; lack of or poor condition of sanitary facilities; absence of adequate heating systems or equipment; items which affect the safe operation of electrical and mechanical systems; items which affect structural integrity of the building and/or the ability of the building envelope to keep out weather, or one or more other conditions that if not corrected would be reasonably expected to become conditions that affect the safe, decent and sanitary living conditions of the occupants.

Disqualifying violation includes those conditions which affect safe, decent and sanitary living conditions of persons occupying a residential rental dwelling unit, or other conditions that violate the provisions of the Building Code, or multiple building code

violations that indicate in their totality that the dwelling unit is not being properly maintained.

Dwelling unit means a building or structure or part thereof that is used for a home or residence by one or more persons who maintain a household. The term "dwelling unit" shall not include hospitals, nursing homes, convalescent homes or similar facilities providing medical care to the aged, infirm or disabled.

Multiple-family development means any structure, consisting of 10 or more residential rental dwelling units under common ownership and occupied for valuable consideration. The term "multiple-family development" shall not include mobile homes under common ownership in a mobile home park or subdivision; nor shall such term include single-family detached dwellings, duplex dwellings, or townhouse dwellings under common ownership.

Owner means the person or entity shown on the current real estate assessment books or current real estate assessment records of the city or the fee simple titleholder of the property if ownership has changed since such tax assessment records were last updated.

Residential rental dwelling unit means a dwelling unit that is leased or rented to one or more tenants month to month or for any period in excess of 30 days including, but not limited to, condominiums, manufactured or mobile homes, single-family detached dwellings, duplex dwellings, townhouse dwellings or multi-family dwellings (which shall include efficiency apartments and condominiums). However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a residential rental dwelling unit unless a tenant occupies a part of the dwelling unit which has its own cooking and sleeping areas, and a bathroom, unless otherwise provided in the zoning ordinance by the local governing body.

DIVISION 2
Rental Inspection Districts

Sec. 8-1-112 Factors for establishing rental inspection districts.

After holding a duly advertised public hearing as required by the Code of Virginia, § 36-105.1:1(C)(1), having duly given notice as required, city council finds that within the inspection districts described in section 8-1-113 herein below, (i) there is a need to protect the public health, safety and welfare of the occupants of dwelling units inside the designated rental inspection districts; (ii) the residential rental dwelling units within the designated rental inspection districts are either (a) blighted or in the process of deteriorating, or (b) the residential rental dwelling units are in the need of inspection by the code official to prevent deterioration, taking into account the number, age and condition of residential dwelling rental units inside said rental inspection districts, and (iii) the inspection of residential rental dwelling units inside the rental inspection districts is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents living in the rental inspection districts.

Sec. 8-1-113 Rental inspection districts established.

Based upon the findings of city council as set forth in section 8-1-112 herein above, the following areas are included and hereby declared to be rental inspection districts which are subject to the requirements of this article;

East District: Census tracts 7.00, 8.02, 12.02, 12.03, 12.04, 13.00, 14.00, 16.00, 18.01, 18.02, and 20.01.

West District. Census tracts 1.01,1.03, 1.04, 1.05, 3.01, 3.02, 3.03, 4.01, 4.02, 5.00, and 6.00.

A map showing the rental inspection districts described in section 8-1-113 is hereby adopted as a part of this article, and shall be available for public inspection in the code enforcement bureau. Said districts are hereinafter referred to collectively as "inspection districts" and individually as "inspection district."

Sec. 8-1-114 Applicability.

The provisions of this article shall apply to residential rental dwelling units located within the districts identified in section 8-1-113–of this article and shall further apply to certain structures located outside of such districts but meeting the requirements of section 8-1-115(g) herein below.

DIVISION 3
Inspection

Sec. 8-1-115 Inspection and certificate required.

(a) The code official may, in conjunction with the written notifications provided for in section 8-1-112, proceed to inspect dwelling units in the designated rental inspection districts to determine if the dwelling units are being used as a residential rental property and for compliance with the provisions of the Building Code that affect the safe, decent and sanitary living conditions for tenants of such property.

(b) The owner of each residential rental dwelling unit located in an inspection district shall arrange for and permit an initial inspection and subsequent inspections of such residential rental dwelling unit as provided in this section and section 8-1-116. Inspections under this article shall be conducted by the city's code official who is charged with the enforcement of this article, or his designee. If the unit to be inspected is occupied at the time of a required inspection, it shall be the duty of the owner thereof to notify the occupants of such inspection and make the residential rental dwelling unit available for inspection.

(c) If inspection reveals that a residential rental dwelling unit has no disqualifying violations, the code official shall issue a 48-month certificate of compliance for such unit. However, if one or more violations of the property maintenance provisions of the Building Code are found that do not constitute a disqualifying violation, the existence of such non-disqualifying violations shall be noted on the 48-month certificate of compliance together with the date by which such non-disqualifying violations must be remedied, which date shall be determined by the code official and which date shall be reasonable. The issuance of a certificate of compliance shall not be evidence of a lack of any and all building code violations, and shall not prevent the code official from conducting follow-up inspections regarding building code violations in the residential rental unit, whether or not the violations affect the safe, decent and sanitary occupancy of said unit. If a follow-up inspection reveals that the owner has failed to remedy the noted violations by the specified date, the code official shall issue a notice of violation, revoke the 48-month certificate of compliance and the unit shall thereafter be subject to annual inspections pursuant to section 8-1-116.

(d) If inspection of a residential rental dwelling unit reveals one or more disqualifying violations, the code official shall not issue a certificate of compliance until the disqualifying violations are satisfactorily remedied. However, the code official may issue a temporary certificate of compliance if in the opinion of the code official such disqualifying violations do not constitute an immediate threat of injury to the occupants of such residential rental dwelling unit. If conditions warrant, however, the code official may require that the residential rental dwelling unit be vacated or remain unoccupied until brought into compliance, pursuant to his authority under Code of Virginia § 36-98, et. seq., the Virginia Uniform Statewide Building Code. Upon compliance, the code official shall, as provided in section 8-1-116 of this article, issue an annual certificate of compliance.

(e) No annual inspection pursuant to this article shall take place more than one time each year, calculated from the date of the first inspection, unless additional inspections are necessary to ensure compliance. Nothing in this article shall alter the duties or responsibilities of the code official to conduct any other inspections, as allowed under the provisions of the Building Code, and inspections for obtaining a certificate of compliance under this article do not supplant or preclude any other inspection authorized under the Building Code.

(f) Unless a current certificate or temporary certificate of compliance is in force for a residential rental dwelling unit in accordance with the provisions of section 8-1-116 of this article, and such certificate remains in effect, no owner of such unit shall permit any person to occupy such unit as a tenant or otherwise.

(g) An individual residential rental dwelling unit located outside of a rental inspection district shall nevertheless be subject to the terms of this article upon city council making a separate finding for each such individual residential rental dwelling unit that (i) there is a need to protect the public health, welfare and safety of the occupants of that individual residential rental dwelling unit; (ii) the individual residential dwelling unit is either (a) blighted or (b) in the process of deteriorating; or (iii) there is evidence of

violations of the Building Code that affect the safe, decent and sanitary living conditions for occupants of such individual dwelling unit. Upon said finding by the city council, said residential rental dwelling unit shall be subject to this article, notwithstanding its location outside the inspection districts.

(h) Should the owner fail to timely contact the Department of Code Administration within the required time in order to schedule any inspection required under this article, or should such owner fail to allow such inspection to proceed on the date for which it was scheduled, the owner shall be in violation of this article and shall be subject to such civil penalties and enforcement remedies as provided in section 8-1-6.

Sec. 8-1-116 Certificates of compliance; applications and exemptions.

(a) The following provisions shall apply to all residential rental dwelling units located within inspection districts, which are not exempted under paragraph (b) of this section:

(1) The initial inspection of each residential rental dwelling unit which is subject to inspection under this article, unless the initial inspection is delayed under paragraph (a) of this section, shall take place no later than 120 days from the date that the owner thereof contacts the Department of Code Administration to schedule such inspection. The code official shall inspect such unit within a reasonable time. Each residential rental unit, for which a certificate of compliance or 48-month certificate of compliance as described in (a)(7) below has been issued, shall be inspected again within 30 days from the expiration of either the certificate or the revocation of a 48-month certificate of compliance.

(2) Prior to expiration of the certificate of compliance or 48-month certificate of compliance, or upon revocation of a 48-month certificate of compliance, the owner of such residential rental dwelling unit shall contact the Department of Code Administration and arrange for an inspection of such unit. Except in the case of an inspection following revocation of a 48-month certificate of compliance, should the date scheduled for inspection fall after expiration of the current certificate, and more than 30 days from the day on which the owner contacted the Department of Code Administration to schedule inspection, a 30-day temporary certificate of compliance shall be issued. Said inspection shall take place no later than 30 days from the date of application for said inspection, and such temporary certificate shall expire on the date of the inspection.

(3) For Building Code violations which do not immediately affect the safe, decent and sanitary living conditions for persons living in such unit, provided that all inspection fees shall have been remitted in advance of the issuance of such temporary certificate of compliance, the code official shall issue one temporary certificate of compliance valid for 30 days, and may permit such extensions thereof as the code official shall deem reasonably necessary to allow for remediation of the violations. However, as to Building Code violations which are disqualifying violations and which pose an immediate threat to the safe, decent and sanitary living conditions for persons living in such unit, then the code official shall not issue a temporary certificate of compliance.

(4) Temporary certificates of compliance shall expire upon the earlier of either their stated expiration dates or the completion of an inspection which finds all violations have been remedied.

(5) Unless a residential rental unit in an inspection district is exempted from inspection under this article, or receives a 48-month certificate of compliance as provided in subsection (a)(6) below, the term of a certificate of compliance issued for any residential rental dwelling unit in an inspection district shall be for a term of 12 months, beginning with the first day of the month next following the month of issuance.

(6) A residential rental dwelling unit which, upon inspection under this article, either has no disqualifying violations, or has only one or more violations of such code that do not affect the safe, decent and sanitary living conditions for persons living in such unit, shall not be subject to further annual inspection under this article for 48 months from date of such annual inspection, except as provided in section 8-1-115, and a 48-month certificate of compliance shall be issued for such unit. However, if a residential rental dwelling unit covered by a 48-month certificate of compliance is found in violation of the Building Code during the term of such 48-month certificate of compliance, the code official may revoke such 48-month certificate of compliance and such unit shall thereupon become subject to annual inspections and the issuance of annual certificates of compliance. If an annual certificate of compliance is issued after the inspection necessitated by the violation of the Building Code and revocation of the extended certificate of compliance, then said residential rental dwelling unit shall again be eligible for an extended certificate of compliance only after the annual certificate of compliance has expired and as of the first subsequent annual inspection when no disqualifying violations are found.

(7) Should a residential rental dwelling unit be sold, or the title thereto be otherwise transferred to another owner during the term of any certificate of compliance issued for such unit, the term of such certificate shall continue and will expire 48 months from the original issuance date, unless disqualifying Building Code violations are found, in which case the exemption previously granted may be revoked.

(b) The following shall be exempt from the requirements of this article for the time periods indicated:

(1) No inspection of a newly constructed residential rental dwelling unit located in an inspection district shall be required within 48 months of the issuance of a certificate of occupancy for such newly constructed unit. Thereafter, said unit shall in all respects become subject to the requirements of this article.

(2) All hotels, motels, inns, bed and breakfast establishments, and other similar facilities, to the extent occupied by transients, shall be exempt from compliance with this article.

Sec. 8-1-117 Multiple-family developments.

(a) If a multiple-family development contains more than 10 residential rental dwelling units during the initial and annual inspections, the code official shall inspect no less than two units and not more than 10 percent of the residential rental dwelling units.

(b) Notwithstanding the number of residential rental dwelling units inspected in a multi-family development, the code official shall charge the fee authorized by this article for inspection of no more than 10 dwelling units.

(c) If the code official determines upon inspection of a sampling of dwelling units in accordance with subsection (a) above that there are violations of the Building Code that affect the safe, decent and sanitary living conditions for the tenants of such multi-family development, the code official may inspect as many dwelling units as he deems reasonably necessary to enforce the Building Code, in which case the fee shall be based upon a charge per dwelling unit inspected, notwithstanding the provisions of subsection (b) of this section.

DIVISION 4
Certificate Issuance, Fees and Enforcement

Sec. 8-1-118 Issuance of certificate; fees.

(a) Except as provided in section 8-1-117(c) above, there shall be a \$75 inspection fee for the inspection of each dwelling unit. If repairs or corrections are deemed necessary by the code official, and a reinspection is required, no additional fee shall be charged for the reinspection. If however, subsequent re-inspections are required, there shall be charged an additional fee of \$60 per dwelling unit for each subsequent unit reinspection. No reinspection shall be performed, nor any certificate of compliance be issued, until all fees have been paid.

(b) Requests for an inspection may be made by telephone; provided, however, that the Department of Code Administration must, in all cases, receive notice from the owner and payment of the applicable inspection fees prior to conducting any inspection required under this article.

(c) The code official shall issue a 48-month certificate, as provided in section 8-1-116 when, upon inspection, the code official determines that the residential rental dwelling unit has no disqualifying violations. The 48-month certificate of compliance shall be issued immediately upon completion of an inspection in which no disqualifying violations are found.

(d) If the dwelling unit fails to comply with any one or more provisions of the Building Code, and any amendments thereto, the code official shall furnish the owner with a written list of specific violations. Failure to list any violation shall not be deemed a waiver of enforcement of such violation. Upon the completion of all corrections and repairs, the owner shall arrange a reinspection of the residential rental dwelling unit.

Reinspection shall be for the purpose of determining compliance by the owner with the written list of specific violations furnished to the owner by the code official. However, if upon reinspection, the code official discovers other violations that were not listed on the written list of specific violations previously furnished to the owner, the code official shall furnish the owner with a supplemental list of violations and shall provide the owner a reasonable opportunity to make corrections. This provision, however, shall not preclude the code official from revoking the 48-month certificate of compliance if the subsequently discovered violations are disqualifying violations or if the non-disqualifying violations have not been corrected pursuant to sections 8-1-115 and 8-1-116.

Sec. 8-1-119 Appeals; effects.

(a) Any person aggrieved by any determination or decision of the code official made pursuant to this article shall have the right to appeal such determination or decision in accordance with the provisions of the Building Code, and amendments thereto.

(b) Nothing in this article shall be construed to limit, impair, alter or extend the rights and remedies of persons in their relationship of landlord and tenant as such rights and remedies exist under applicable law.

(c) Nothing in this article shall be construed to relieve or exempt any person from otherwise complying with all applicable laws, ordinances, standards and regulations pertaining to the condition of buildings and other structures.

(d) Nothing in this article shall be construed to limit the authority of the code official to perform housing inspections in accordance with applicable law

Sec. 8-1-120 Right of entry.

Any person failing to comply with the inspection requirements of this article shall be subject to the civil penalties as stated in section 8-1-6.

Sec. 8-1-121 Regulations implementing article.

The City Manager may establish regulations which shall be approved by resolution of city council, governing the implementation of the provisions of this article\

Secs. 8-1-122 through 8-1-129 reserved.

ARTICLE H
Registration of Vacant Buildings

Sec. 8-1-130 Vacant building registration.

(a) The owner of a building which has been continuously vacant for a period of 12 months or more must register the building with the; Director of the Department of Code

Administration provided, that a building shall be deemed "continuously vacant," as that term is used in this subsection, even if it is sporadically or intermittently occupied during the twelve-month period.

(b) "Director" shall mean the, Director of the Department of Code Administration or the director's designee.

(c) To register a building, the owner, or the owner's agent for the building, shall provide the following information to the director:

(1) the address of the vacant building;

(2) the name, address and telephone number of the owner and the owner's agent;

(3) a detailed statement which estimates how long the building is likely to remain vacant, and the reasons for it remaining vacant during that period;

(4) a description of the measures that will be taken while the building is vacant to ensure that the property is maintained in compliance with all applicable building and health codes;

(5) proof that the owner or agent has implemented an on-going rodent abatement and prevention plan for the interior and exterior of the building; and

(6) if the building is located in a historic district established by Article X of the Zoning Ordinance of the City of Alexandria, or in any conservation or rehabilitation district established by city council, or in an area that has been declared blighted by city council, a description of the measures that will be taken to ensure that the building does not sustain significant structural damage due to neglect.

(d) The building owner shall pay an annual registration fee of \$25. The fee shall be paid at the time that the building is initially registered. For each subsequent year, or any part of such year, that the building remains continuously vacant, an annual and non-refundable fee of \$25 shall be paid within 15 days of the anniversary date of the building's initial registration.

(e) The director shall develop and make available a standardized form for registration. Completed forms shall be filed with and maintained by the director.

Sec. 8-1-131 Violations and penalties.

(a) Failure to register a vacant building as required by this article shall be a civil violation punishable by a civil penalty of \$50; provided, that failure to register a vacant building in a historic district established by Article X of the Zoning Ordinance of the City of Alexandria, or in a conservation or rehabilitation district established by city council, or

in an area that has been designated as blighted by city council, shall be punishable by a civil penalty of \$250.

(b) The director shall mail to the owner of a registered vacant building notice of the upcoming anniversary of the initial registration date and of the need to renew the registration of the building if it remains vacant. The notice shall warn the owner that a civil penalty will be imposed pursuant to this section if the owner fails to renew the registration within 15 days of the anniversary of the building's initial registration.

(c) Notice of the imposition of a civil penalty pursuant to this section shall be mailed to the owner, at the address to which property tax notices are sent, at least 30 days prior to the imposition of the penalty. The notice and any subsequent enforcement action shall comply with the provisions of city code section 1-1-11.

Secs. 8-1-132 through 8-1-140 reserved.

ARTICLE I
Spot Blight Abatement and Derelict Buildings

Division 1 General

Sec. 8-1-141 Purpose.

The purpose of this article is to provide for the repair or other disposal, or the acquisition and repair or other disposal, by the city of blighted or derelict property.

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.* Any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to Code of Virginia § 36-49.1:1, under the process for determination of "spot blight."

(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) *Derelict building.* A residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety or welfare and for a continuous period in excess of six months has been:

- (i) Vacant;
- (ii) Boarded up; and
- (iii) Not lawfully connected to electric service from a utility service provider or not lawfully connected to any water or sewer service from a utility service provider.

(d) *Dilapidated*. 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.

Sec 8-1-143 Enforcement.

The Director of the Department of Code Administration, or his designee, is hereby vested with the authority to require the abatement of blighted property and derelict buildings pursuant to the provisions of this Chapter and other applicable codes, laws and regulations.

Sec 8-1-144 Violations.

Unless otherwise specified, any person violating any provision of this article shall be guilty of a Class 2 misdemeanor. Each day a violation continues shall be deemed a new and separate violation. In addition to any penalties imposed for each violation, a judge hearing the case shall order the person responsible for such condition to remove, restore, remediate or correct the violation or condition, and each day's default in such removal, restoration, remediation or correction after being so ordered shall constitute a violation of and a separate offense under this article.

Sec 8-1-145 Additional remedies of city.

Notwithstanding the provisions of this article, the city may proceed to make repairs, secure the derelict or blighted building, demolish the derelict or blighted building, abate the derelict or blighted conditions, or exercise any and all other remedies, pursuant to Code of Virginia, title 15.2, the Uniform Statewide Building Code, the City of Alexandria Code and the City of Alexandria Charter.

Division 2. Derelict Buildings

Sec 8-1-146 Notice of declaration of derelict building.

(a) Whenever it shall come to the knowledge of the Director that there exists upon land in the city any derelict building, after consultation with the real estate assessor, he may notify the owner of the derelict building that the owner must submit a work plan within ninety (90) calendar days to either demolish the derelict building or renovate the derelict building to address the items that endanger the public's health, safety, or welfare as listed on the notification.

(b) The notice of declaration of derelict building shall be sent by certified mail to the owner at the address in the real estate tax assessment records. If the owner's address on the real estate tax assessment records is the address of the derelict building, the Director may also post a copy of the notice on the derelict building.

(c) Any person sent a notice of declaration of derelict building pursuant to this section who shall fail to comply with the time specified for submitting a work plan shall be guilty of a class 2 misdemeanor.

(d) Nothing in this article shall prohibit an owner from requesting that his building or structure be evaluated for a declaration of derelict building.

Sec. 8-1-147 Submittal of work plan by owner; approval by director.

(a) The work plan required to be submitted by the owner shall be on a form prescribed by the Director. The work plan must provide a proposed time within which the plan must be commenced and completed. The work plan may include one or more adjacent properties of the owner, whether or not all have been declared to contain a derelict building. The contents of the plan and the proposed schedule shall be subject to approval by the Director and shall be deemed noncompliant until such plan is approved.

(b) Once the Director approves the work plan, the contents of the work plan and the schedule for commencement and completion of the work plan shall be binding on the owner. Failure to comply with the contents of the approved work plan or the dates for commencement and completion, shall constitute a class 2 misdemeanor.

(c) Any approval granted by the Director under this section shall not relieve the owner of property located in any historic district from complying with the approval requirements established by relevant provisions of the zoning ordinance before any demolition or renovation permit can be issued or any demolition or renovation can commence.

Sec 8-1-148 Work plan completion; permit fee refund.

(a) If the approved work plan calls for demolition of the derelict building, upon submittal of proof of demolition within within 90 days of the date of the building permit issuance, the owner shall be given a refund of the demolition permit fees. This section shall not supersede any ordinance adopted pursuant to Code of Virginia §15.2-2306 relative to historic districts.

(b) If the approved work plan calls for renovation of the derelict building, in the discretion of the Director:

(1) The site plan or subdivision fees may be refunded, all or in part, but in no event shall the site plan or subdivision fees exceed the lesser of 50 percent of the

fees for site plan or subdivision applications for the proposed use of the property, or \$5,000 per property.

(2) The building permit fees may be refunded, all or in part, but in no event shall the building permit fees exceed the lesser of 50 percent of the fees for building permit applications for the proposed use of the property, or \$5,000 per property.

Sec. 8-1-149 Tax abatement.

(a) Prior to commencement of a plan to demolish or renovate the derelict building, at the request of the property owner, the real estate assessor shall make an assessment of the property in its current derelict condition. On the building permit application, the owner shall declare the costs of demolition, or the costs of materials and labor to complete the renovation.

(b) At the request of the property owner, after demolition or when the renovation of the derelict building is either substantially completed or the property is fit for use and occupancy, the real estate assessor shall reflect the fair market value of the demolition costs or the fair market value of the renovation improvements, and reflect such value in the real estate tax assessment records. The real estate tax on an amount equal to the costs of demolition or an amount equal to the increase in the fair market value of the renovations shall be abated for a period of 15 years, and is transferable with the property.

(c) The abatement of taxes for demolition shall not apply if the structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Division 3. Blighted Property

Sec. 8-1-150 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. 8-1-151 Determination by city council.

(a) If the owner of a property that has been preliminarily determined to be blighted fails to timely present the plan required by section 8-1-150(b), which is acceptable to the city manager, or fails to implement a plan found to be acceptable, the manager may request

that the city council adopt an ordinance declaring the property to be blighted and make findings and recommendations regarding the property, including approving a plan for the repair or other disposal, or for the acquisition and repair or other disposal, of the property (“spot blight abatement plan”).

(b) Prior to the council meeting to consider the ordinance to declare the property as blighted and the spot blight abatement plan, 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 spot blight abatement plan.

(c) If city 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. 8-1-152 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. In addition, if city council exercises the powers of eminent domain in accordance with Code of Virginia Title 25.1, may provide for temporary relocation of any person living in the blighted property provided the relocation is within the financial means of such person.

Sec. 8-1-153 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.

(c) The lien on such property shall bear interest at the legal rate of interest established in Code of Virginia § 6.1-330.53, beginning on the date the repairs are completed through the date on which the lien is paid.

Sec. 8-1-154 Alternative spot blight abatement procedures.

In lieu of the acquisition of blighted property by the exercise of eminent domain, and in lieu of the exercise of other powers granted in Secs. 8-1-150 and 8-1-151, the city may, by ordinance, declare any blighted property to constitute a nuisance, and thereupon abate the nuisance pursuant to § 15.2-900 or § 15.2-1115 of the Code of Virginia. Such ordinance shall be adopted only after written notice by certified mail to the owner or owners at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records. If the owner does not abate or remove the nuisance and the city abates or removes the nuisance at its expense, the costs of the removal or abatement of the nuisance shall be a lien on the property and such lien shall bear interest at the legal rate of interest established in § 6.1-330.53, beginning on the date the removal or abatement is completed through the date on which the lien is paid.

Sec. 8-1-155 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.

CHAPTER 2 Reserved

CHAPTER 3 Reserved

Section 2. That Chapter 6 of Title 4 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, established and ordained to read as follows:

TITLE 4 PUBLIC SAFETY
CHAPTER 6

Burglary Prevention Devices

- § 4-6-1 Applicability
- § 4-6-2 Definitions.
- § 4-6-3 Responsibility for compliance.
- § 4-6-4 Responsibility and methods for enforcement.
- § 4-6-5 Standards.
- § 4-6-6 Alternate security provisions.

§ 4-6-7 Violations.

§ 4-6-8 Penalties; injunction.

Sec. 4-6-1 Applicability.

This chapter shall apply to all multi-family rental dwellings constructed in the city prior to September 1, 1974. For purposes of this chapter any such dwelling is deemed to be constructed at the time work authorized by the department commences.

Sec. 4-6-2 Definitions.

(a) *Charlie bar*. A metal or wooden bar mounted to the door frame or laid in the door track which when placed in position prevents lateral movement of the door.

(b) *Department*. The Police Department

(c) *Director*. The Chief of Police, or his duly authorized representative.

(d) *Double cylinder dead bolt lock*. A dead bolt lock that is key-operated on both the exterior and interior surfaces.

(e) *Flush bolt*. A metal rod installed in the surface of the side of the door to extend vertically into the top of the door frame or into the floor or the threshold.

(f) *Horizontal dead bolt lock*. A heavy metal bar which moves horizontally into the strike plate of the doorjamb, thus locking the two together. It is called a dead bolt because it cannot be pushed back from the outside unless the cylinder is turned by the correct key. For all locks installed on or after July 1, 1984, the throw of the bolt must be at least one (1) inch; for all locks installed prior to July 1, 1984, the lock must penetrate the jamb a minimum of one-half (1/2) inch. This lock is designed for both wood and metal doors.

(g) *Multifamily rental dwelling*. A building, or portion thereof, containing three (3) or more rental dwelling units, located on a single lot or parcel of ground.

(h) *Owner or operator*. The owner or owners of the freehold of the multi-family rental dwelling or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation responsible for the control or management of the multi-family rental dwelling.

(i) *Peephole*. A one-way door viewer with a minimum of five-eighths-inch hole size providing a view through the door from inside to outside only.

(j) *Pin*. A metal rod that is at least one-eighth (1/8) inch in diameter and approximately two (2) to three (3) inches long.

(k) *To rent.* Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy the premises not owned by the occupant.

(1) *Strike plate.* A metal plate on the jamb side of the door. When the dead bolt lock is engaged, it locks the door to the frame. For any dead bolt lock installed on or after July 1, 1984, the strike plate shall be secured by screws which penetrate the subframe a minimum of one (1) inch.

(m) *Vertical dead bolt lock.* Two (2) metal bars which fit vertically into eyeholes or sockets attached to the jamb, thus locking the door and the jamb together. It is called a dead bolt because it cannot be pushed back from the outside unless the cylinder is turned by the correct key.

(n) *Window latch.* A device capable of being turned by the hand from the inside which prevents the window from being opened from the outside

Sec. 4-6-3 Responsibility for compliance.

The owner or operator of the premises shall be responsible for compliance with this chapter.

Sec. 4-6-4 Responsibility and methods for enforcement.

The Police Department is hereby authorized and directed to administer and enforce the provisions of this chapter.

(1) *Right of entry.* When requested by a tenant and upon presentation of proper credentials, the director or his duly authorized representative may, with the consent of the owner, operator or occupant, or in accordance with law, enter at reasonable times any multi-family rental dwelling unit subject to the provisions of this chapter for the purpose of inspecting the premises to ensure that the standards enumerated in this chapter are being met.

(2) *Time for inspections.* The director shall make such periodic inspections as he deems necessary to ensure that the requirements of this chapter are being met.

(3) *Procedure when noncompliance discovered.* When an inspection reveals that any multifamily rental dwelling unit does not meet the requirements of this chapter, the following procedure shall be followed:

a. Written notice of the deficiencies discovered during the inspection shall be given the owner or operator of the premises by the director. The notice shall be deemed properly served if a copy thereof is delivered personally or by mailing a copy thereof by certified mail to the last known address of the owner or operator.

b. The notice shall set forth the amount of time within which the deficiencies are to be corrected; however, in no event shall the time allowed for corrections be less than five (5) days or more than 30 days.

c. Upon correcting the deficiencies, the owner or operator of the premises shall give notice to the department that the violations have been corrected.

d. The director shall upon receipt of notice of correction, reinspect the premises and either approve or disapprove the corrections. In case of disapproval, the director may then grant a reasonable extension of time to correct deficiencies if, in his judgment, the owner has made a good faith effort to correct these deficiencies.

Sec. 4-6-5 Standards.

(a) *Doors from the exterior or from interior corridors or hallways to individual rental dwelling units.* All doors, other than sliding patio doors or glass panel doors, from the exterior to individual rental dwelling units or from interior corridors or hallways to individual rental dwelling units shall be equipped with a peephole and a horizontal dead bolt lock or vertical dead bolt lock, none of which impairs the fire resistance rating of the door. Locks on such doors shall be so constructed that the dead bolt can be easily retracted from the inside without the use of a key. The outer cylinder guard shall be constructed of hardened steel, tapered or beveled to resist gripping by pliers and similar type tools and either by free-spinning to prevent twisting of the cylinder or flush-mounted to prevent disabling of the locking system. The horizontal dead bolt lock must be constructed of hardened material which resists sawing. Locking systems involving a combination of a snap latch and a dead bolt should be designed so that the defeat of the snap latch or exterior knob does not defeat the dead bolt.

(b) *Sliding patio doors.* Sliding patio doors and nonsliding portions thereof in a rental dwelling unit opening onto patios or balconies which are less than 10 feet above ground level or otherwise readily accessible from the outside must be equipped with devices with hardened steel inserts with mounting screws for the device inaccessible from the outside. The device shall engage the frame sufficiently to prevent its being disengaged by any possible movement of the door within the space of clearance provided for installation and operation.

(c) *Sliding glass doors.* On and after July 1, 1985, exterior sliding glass doors at any level in a rental dwelling unit shall be equipped with the manufacturer's lock and with a locking device or combination thereof that prevents both horizontal and vertical movement of the door. Every such door shall be equipped with a removable metal pin that secures the frames of the moving and nonmoving portions of the door to each other and to the track or frame of the door to prevent horizontal and vertical movement of the door, or such door shall be equipped with a charlie bar to prevent horizontal movement of the door and with at least two (2) screws placed in the top of the door frame to prevent vertical movement of the door.

(d) *Glass panel doors.* On and after July 1, 1985, exterior glass panel doors at any level in a rental dwelling unit shall be equipped as follows:

(1) For all double glass panel doors, such as French doors or modified French doors, the inactive door, if it is capable of being opened, must be secured by a flush bolt. A double cylinder dead bolt lock is required to secure the active door to the inactive door.

(2) For any door, having a glass panel within 40 inches of the lock, a double cylinder dead bolt lock shall be used.

(3) Provided, however, when such door is a required means of egress, double cylinder dead bolt locks shall not be used and locks shall be so constructed that the dead bolt can be easily retracted from the inside without the use of a key.

(e) *Operable windows.* All operable windows which are less than 10 feet above ground level or otherwise readily accessible from the outside shall have a window lock or latch.

Sec. 4-6-6 Alternate security provisions.

(a) The provisions of this chapter are not intended to prevent the use of other devices or methods than those provided herein; provided, the other devices or methods provide the same or greater degree of security within the minimum requirements of this chapter.

(b) When the person responsible for compliance with the provisions of this chapter desires to use any other device or method, the burden of proving to the director that the requirements of this chapter have been met or surpassed shall rest with the person responsible for compliance.

(c) Any other device or method may only be used upon the approval of the director. The director may require the person responsible for compliance to submit the device or method to such tests as he deems necessary and proper to determine if it meets or surpasses the requirements of this chapter. Such tests shall be performed at the expense of the person responsible for compliance.

Sec. 4-6-7 Violations.

On and after January 1, 1978, it shall be unlawful for the owner or operator of any rental dwelling unit in a multifamily dwelling to rent any unit that does not comply with the standards of section 4-6-5 or 4-6-6 after such owner or operator has been notified by the director of his noncompliance and the period for correcting such noncompliance as specified in the notice issued by the director has expired without the necessary corrections having been made.

Sec. 4-6-8 Penalties; injunction.

(a) Any owner or operator violating any provision of this chapter shall upon conviction be punished by a fine not to exceed \$500 or by imprisonment not to exceed five days in jail, or by both such fine and imprisonment. Each individual violation shall be considered a separate offense, and each day that any violation continues shall constitute a separate offense.

(b) Violations of any provisions of this chapter may also be restrained, prohibited or enjoined by appropriate action or proceeding in a court of competent jurisdiction.

Section 3. That Sec. 5-2-30 of Article A (General Provisions) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, established and ordained to read as follows:

Formatted: Left

Sec. 5-2-30 Curb, gutter and sidewalk construction required.

(a) Before any building permit is issued for the erection of a building or the alteration of a building which will increase the fair market value of the building by more than 50 percent, the applicant shall be required to provide for the installation of, at his own expense, the curbs, gutters and sidewalks, where they do not exist, in the streets abutting the property subject to the building permit. The installation of the curbs, gutters and sidewalks shall conform to the applicable requirements of the city code. The above-mentioned values shall be ascertained by the city assessor and shall be computed as of the time of application. This section shall not apply when curb, gutter and sidewalk construction is required by any other law of the city.

(b) The city manager may waive the application of this section whenever he finds that curb, gutter or sidewalk construction will not be compatible with the character of the neighborhood or serve a substantial useful purpose.

Section 4. That Sec. 5-2-128 of Article E (Excavation) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, established and ordained to read as follows:

Sec. 5-2-128 Excavations adjacent to public right-of-way.

Where excavation adjacent to a right-of-way extends within the right-of-way or includes the normal angle of repose of the right-of-way, approved bracing shall be provided if necessary to protect public facilities such as streets, sewers, storm drains and public utilities from lateral movement or damage.

Section 5. That Sec. 5-2-141 of Article E (Excavation) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) of the Code of the

City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, established and ordained to read as follows:

Sec 5-2-141 Required; exception for emergency work

(a) It shall be unlawful for any person, except as specified in this section, to dig up, break, excavate, tunnel, undermine or in any manner break up any street, to make or cause to be made any excavation in or under the surface of any street, or excavate in the right-of-way or in the normal angle of repose of the right-of-way, for any purpose unless such person shall have first obtained a valid permit for such work from the director of transportation and environmental services. Authorized personnel of the department of transportation and environmental services shall be exempt from the provision of this section when engaged in their official capacity.

(b) When an emergency demands the work to be done immediately, provided the permit could not reasonably and practicably have been obtained beforehand, the person may proceed with an opening without a permit; provided, however, that notification of such emergency work shall be given to the director of transportation and environmental services by telephone before proceeding with the work. The person shall thereafter apply for a permit on the first regular business day on which the office of the director of transportation and environmental services is open for business, and the permit shall be retroactive to the date when the work was begun.

Section 6. That Sec. 5-3-44 of Division 1 (General Provisions) of Article C (Excavation and Utility Line Installation) of Chapter 3 (Underground Utilities) of Title 5 (Transportation and Environmental Services) of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, established and ordained to read as follows:

Sec. 5-3-44 Survey plats.

An as-built underground utility plan showing the installed location of all on-site underground utilities, for example, but not limited to, cable television, electrical, gas, plumbing, sewer, telephone and water, shall be filed with the zoning administrator upon the completion of their installation. The zoning administrator may require that the as-built underground utility plan be prepared and/or certified by a licensed, certified public land surveyor or engineer

Section 7. That Sec. 5-6-25 of Division 1 (General Provision) of Article B (Sewage Disposal and Drains) of Chapter 6 (Water and Sewer) of Title 5 (Transportation and Environmental Services) of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, established and ordained to read as follows:

Sec 5-6-25 Sewer taps; Clearance for sewer or water systems

(a) Sewer taps shall be at least two feet apart. Sewer taps into public manholes must be approved by the director of transportation and environmental services before the tap is made. Taps into public storm sewers shall be made as directed by the director of transportation and environmental services. Trenches and excavations shall be kept free from water to permit adequate inspection.

(b) All sewer taps and laterals in public streets, roads, pavements, alleys and utility rights-of-way must be free of jumps; and grades shall not exceed one-quarter inch per foot until they reach the property line or the limit of the public sewer easement unless approved in advance by the director of transportation and environmental services.

(c) Clearance required. A house sewer or water system shall be laid in such a manner that the system can be serviced and maintained without entering or disturbing adjacent property unless an easement has been recorded which is adequate for that purpose.

Section 8. That Article C (Storm Water Disposal) of Chapter 6 (Water and Sewer) of Title 5 (Transportation and Environmental Services) of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, established and ordained to read as follows:

Sec. 5-6-224 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 and 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 and 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 and 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 committed to the discretion of the director or deputy director/city engineer, and shall not be subject to judicial review.

Sec. 5-6-225 Violations and penalties.

(a) A violation of any section or provision 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.

(b) 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 5-6-224, and those representations prove to be incorrect, the director of transportation and 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 5-6-224.

(c) A violation of any section or provision of this article 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 9. That this ordinance shall become effective on June 1, 2010.

WILLIAM D. EUILLE
Mayor

Final Passage: May 15, 2010