

ORDINANCE 4669

AN ORDINANCE to amend and reordain Section 8-1-6 (CIVIL PENALTIES) of 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 Subsection 8-1-6 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 8-1-6 Violations and penalties.

(a) Criminal 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 \$350 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 \$4,000.
- (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.

Section 9. That this ordinance shall become effective on July 1, 2010.

WILLIAM D. EUILLE  
Mayor

Final Passage: June 12, 2010