

ORDINANCE NO. 4995

AN ORDINANCE to amend and reordain Section 5-2-27 (HAULING OF WASTE MATERIALS, CONSTRUCTION MATERIALS, ETC., PROHIBITED) of Article A (GENERAL PROVISIONS), Chapter 2 (STREETS AND SIDEWALKS), 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 Section 5-2-27 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 5-2-27 - Hauling of waste materials, construction materials, etc., prohibited.

- (a) Hauling waste materials of any type, building or construction supplies of any type, bulk materials or commodities of any type, heavy vehicles or equipment of any type not licensed for street use, or dirt, debris or fill of any type is prohibited on all streets within the ~~city~~ City, except pursuant to a permit issued under subsection (b) of this section, or pursuant to an exemption under subsection (e) of this section.
- (b) The director of transportation and environmental services is hereby authorized to issue permits to haul such materials, supplies or equipment over the streets within the ~~city~~ City, subject to ~~such~~ conditions and restrictions specifying the time and route for such hauling, and subject to such additional conditions and restrictions, as the director may deem appropriate to promote traffic safety ~~and or~~ to minimize disruption to established residential, commercial, institutional and other areas in the ~~city~~ City.
- (c) Any person who, as the owner, lessee, operator or driver of a motor vehicle or trailer, commits, permits, directs, assists in or attempts any violation of this section shall be ~~guilty of a class two misdemeanor~~ liable for a civil violation as prescribed by subsection (f) of this Section.
- (d) Any person who, as the owner of any land, building or structure to or from which such materials, supplies or equipment are hauled, or the agent thereof having possession or control of such property as an employee, lessee, tenant, architect, builder, contractor or otherwise, commits, permits, directs, assists in or attempts any violation of this section shall be ~~guilty of a class two misdemeanor~~ liable for a civil violation as prescribed by subsection (f) of this Section.
- (e) The prohibitions set forth in subsection (a) of this section shall not apply to the hauling of such materials, supplies or equipment:

- (1) to or from any specific location or site at the rate of five or fewer trips for pickup or delivery of such materials, **supplies** or equipment in any consecutive 30-day period,
- (2) to the business location of a retail merchant for use by such merchant in the ordinary course of such merchant's business or from the business location of such a merchant in the ordinary course of such merchant's business to specific locations or sites, but subject to the limitation in clause (1) for each such location or site, nor
- (3) to the non-commercial hauling of such materials or equipment to or from a dwelling unit, by a resident ~~therein~~ **thereof**.

(f) Civil violations,

- (1) **Any person who commits, permits, assists in or attempts, whether by act or omission, any violation of this section, shall be liable for a class four civil violation in accordance with section 1-1-11 of this Code.**
- (2) **The procedures described in section 1-1-11 of this Code shall apply to violations of this Section 5-2-27.**
- (3) **The imposition of a civil penalty for violating any provision of this section 5-2-27 shall neither excuse the violation nor permit it to continue.**
- (4) **The remedies provided in this section 5-2-27 are cumulative and not exclusive, and the designation of a violation of the provisions of this ordinance as a civil violation shall not be construed as prohibiting City officials from initiating appropriate administrative or civil procedures to prevent, correct, restrain, or abate violations of this section.**

Section 2. That Section 5-2-27 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

ALLISON SILBERBERG
Mayor

Final Passage: April 16, 2016