

Ordinance No. 977

AN ORDINANCE to amend The Code of the City of Alexandria, Virginia, 1953, as amended, by adding a new chapter thereto numbered Chapter 15A, which new Chapter 15A relates to the PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE BY ESTABLISHING MINIMUM STANDARDS FOR THE CONDITION AND MAINTENANCE OF HOUSING, DWELLINGS, DWELLING UNITS AND ROOMING HOUSES AND FACILITIES THEREIN, PROHIBITING SUBSTANDARD CONDITIONS, PROVIDING FOR THE REPAIR, ALTERATION, VACATION, PLACARDING AND DEMOLITION OF NUISANCES, HOUSING, DWELLINGS, OR DWELLING UNITS AND THEIR FACILITIES, PROVIDING FOR A BOARD OF HOUSING HYGIENE AND PRESCRIBING ITS POWERS AND DUTIES, PROVIDING FOR ENFORCEMENT AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, there are, or may exist in the future, dwellings and dwelling units in the City of Alexandria, Virginia, which are unhygienic, insanitary, unsafe, dangerous, and public nuisances, and

WHEREAS, such conditions adversely affect public health, safety and general welfare, and

WHEREAS, adequate protection of the public health, safety and welfare require the establishment and enforcement of minimum housing standards, therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That The Code of the City of Alexandria, Virginia, 1953, as amended, be and the same hereby is amended by adding a new chapter thereto numbered Chapter 15A to read as follows:

CHAPTER 15A

HOUSING, MINIMUM STANDARDS

ARTICLE I Title and Definitions

SEC. 15A-1 SHORT TITLE

This chapter shall be known as and may be cited as the "Minimum Housing-Hygiene Standards, Code of the City of Alexandria, Virginia."

SEC. 15A-2 DEFINITIONS

For the purpose of this chapter the words "used for" include "designed for," and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the

word "structure;" the word "dwelling" includes the word "residence;" the word "lot" includes the word "plot;" the word "shall" is mandatory and not directory; "premises" shall mean lot and "appurtenances thereon;" and the words "dwelling," "dwelling unit," "rooming house," "rooming unit," and "premises," when they are used in this chapter, shall be construed as though they were followed by the words "or any part thereof;" and the following phrases, and words shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning.

Approved: Complying with the appropriate laws in regard thereto;

Basement: A portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Cellar: A portion of a building located partly or wholly underground and having more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Director: The Director of Public Health of the City of Alexandria, Virginia, or his authorized representative.

Dwelling: Any building which is wholly or partly used or intended to be used as a home or residence or for living or sleeping by human beings, except that temporary housing as hereinafter defined shall not be regarded as a dwelling.

Dwelling Unit: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Extermination: The control and elimination of insects, rodents, vermin, or other pests; by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Director.

Garbage: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food and any other putrescible material.

Habitable Room: A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets, storage spaces and recreation rooms.

Infestation: The presence within or around a dwelling of insects, rodents, or vermin.

Multiple Dwelling: Any dwelling containing more than two dwelling units having a common entrance or entrances.

Occupant: Any person in control of or in actual possession of or who actually occupies, lives, sleeps, cooks, or eats in a dwelling,

dwelling unit or habitable room. The occupant may be the same person as the owner.

Operator: Any person who has charge, care, or control of a dwelling or building, or part thereof, in which dwelling units or rooming units are let.

Ordinary Minimum Winter Conditions: Those conditions which prevail in the period between October 1 and April 1.

Owner: Any person who, alone or jointly or severally with others:

- (a) Has legal title to any dwelling, dwelling unit, rooming house, rooming unit or habitable room, with or without accompanying actual possession thereof; or
- (b) Has charge, care, or control of any dwelling, dwelling unit, rooming house, rooming unit or habitable room, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such persons thus representing the actual owner shall be bound to comply with the provisions of this chapter, to the same extent as if he were the owner.

Person: Any person, individual, firm, corporation, association, or partnership.

Plumbing: All supplied gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, house drains and sewers, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

Rooming House: Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let with or without compensation by the owner or operator to three or more persons, but not exceeding nine persons, not including husband, wife, son or daughter, mother or father, or sister or brother of the owner or operator. The words "rooming house" shall include but not be limited to tourist homes.

Rooming Unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping, but not for cooking or eating purposes.

Rubbish: Combustible and noncombustible waste materials, except garbage; including but not limited to the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and like matter.

Supplied: Paid for, furnished or provided by or under the control of the owner or operator.

Temporary Housing: Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

ARTICLE II Standards for Basic Facilities

SEC. 15A-3 SINKS, FLUSH WATER CLOSETS, LAVATORY BASINS, BATHTUBS, AND HOT WATER

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or if the dwelling contains more than one dwelling unit, any dwelling unit therein, which does not comply with the following requirements:

- (a) Contain a kitchen sink in good working condition and properly connected to an approved water and sewer system.
- (b) Contain a room (which affords privacy to a person within said room and) which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to an approved water and sewer system.
- (c) Contain, within a room (which affords privacy to a person within said room,) a bathtub or shower in good working condition and properly connected to an approved water and sewer system.
- (d) Every kitchen sink, lavatory basin, and bathtub, or shower required under the provisions of (a), (b), and (c) above shall be properly connected with both hot and cold water lines.
- (e) Every dwelling or dwelling unit shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of (d) above, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120° Fahrenheit.

ARTICLE III Standards for Light, Heating and Ventilation

SEC. 15A-4 HABITABLE ROOMS, BATHROOMS, PUBLIC HALLS, STAIRWAYS, AND SCREENS

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:

- (a) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of such room. Whenever walls or other portions of structure face a window of any such room and such light-obstruction structures are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight

shall equal at least 15% of the total floor area of such room. Provided that rooms opening on enclosed porches or rooms lighted through sun porches where such porches are at least 70% glazed and the glazed area of the exterior wall is equal to one-fourth the floor area of the porch plus twice the required area of the windows opening into the habitable rooms and where 50% of the glazed areas are openable, such rooms shall be deemed to have adequate light and ventilation.

- (b) Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight-type window size, as required in (a) above, except where there is supplied some other device affording adequate ventilation and approved by the Director.
- (c) Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 68° Farenheit, at a distance three feet above floor level, under ordinary minimum winter conditions. Where heat is furnished to a dwelling unit or rooming unit by a landlord, agent or person in possession, the minimum temperature of 68° Farenheit shall be maintained at all times, except during the hours of midnight to 5:00 o'clock a.m., when the temperature may be reduced to not less than 62° Farenheit.
- (d) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in (a) and (b) above, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is kept in continuous operation and approved by the Director.
- (e) Every public hall and stairway in every multiple dwelling shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than two dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.
- (f) Every door opening directly from a dwelling unit to outdoor space shall have screens with a self-closing device and every window or other device with openings to outdoor space, used for ventilation, shall be supplied with screens, during that portion of each year marked by the presence of mosquitoes, flies, and insects.
- (g) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which

may provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

ARTICLE IV Standards for Space, Use, and Location**SEC. 15A-5 FLOOR SPACE, CEILING HEIGHT, CELLAR SPACE, BASEMENT SPACE AND MEANS OF EGRESS**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:

- (a) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 70 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area. For the purpose of this subsection every two persons under the age of seven years shall be considered as one occupant.
- (b) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
- (c) At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than 4 feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof. Where a basement meets all other provisions of this section, the ceiling height limitations are not required.
- (d) No cellar space shall be used as a habitable room or dwelling unit.
- (e) No basement space shall be used as a habitable room or dwelling unit unless
 - (1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;
 - (2) The total of window area in each room is equal to at least the minimum window area sizes as required in paragraph (a), Section 15A-4 of this chapter.
 - (3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and
 - (4) The total of openable window area in each room is equal to at least the minimum as required under paragraph (b),

Section 15A-4 of this chapter, except where there is supplied some other device affording adequate ventilation, sanctioned by the Director.

- (f) Every dwelling and dwelling unit shall have a safe, unobstructed means of egress leading to safe and open space at ground level.

ARTICLE V Standards for Safe and Sanitary Maintenance of Dwellings, Dwelling Units, Premises and Parts thereof

SEC. 15A-6 FOUNDATIONS, FLOORS, WALLS, CEILINGS, BASEMENTS, WINDOWS, DOORS, HATCHWAYS, STAIRS, PORCHES, PLUMBING FIXTURES, UTILITIES, AND EQUIPMENT AND FACILITIES

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:

- (a) Every foundation, floor, wall, ceiling, and roof shall be reasonably weathertight, watertight and rodentproof; shall be capable of affording privacy; and shall be kept in good repair. Any portion of a building or structure located below grade, including but not limited to basement or cellar, shall be kept dry and free of standing water.
- (b) Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight and rodentproof; and shall be kept in sound working condition and good repair.
- (c) Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in good sound condition and good repair.
- (d) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions, and in accordance with the requirements of all laws relating to their installation and maintenance.
- (e) Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (f) Every supplied facility, piece of equipment or utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- (g) No owner, operator or occupant shall cause any service, facility, equipment, or utility which is required under this chap-

ter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is sanctioned by the Director.

ARTICLE VI Rooming Houses

SEC. 15A-7 PERMIT TO OPERATE

No person shall conduct, keep, manage, operate, or cause to be conducted, kept, managed or operated any rooming house within the City without having first obtained and kept in force a valid permit issued by the Director. Each rooming house shall have a separate permit, and the permit shall at all times be displayed in a conspicuous place within the rooming house. No permit shall be transferable and every permit shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked as hereinafter provided. Every person holding such a permit shall give notice in writing to the Director within twenty-four hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house.

SEC. 15A-8 INSPECTION AND REQUIREMENTS FOR PERMIT

The Director shall, before granting a rooming house permit, cause the rooming house to be inspected, and shall not issue a permit unless the rooming house is in compliance with this chapter. In instances where a permit is denied, the Director shall serve a notice of that fact stating the reasons therefor.

SEC. 15A-9 FLOOR SPACE, BED LINEN, TOWELS, BEDDING, FLUSH WATER CLOSET, LAVATORY, BATHTUB, EGRESS AND SANITARY MAINTENANCE

No person shall operate a rooming house or let to another for occupancy any rooming unit therein which does not comply with the following requirements:

- (a) Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.
- (b) The operator shall change supplied bed linen and towels at least once each week, and each time prior to the letting of any room to any occupant and shall maintain all other supplied bedding in a clean and sanitary manner.
- (c) At least one flush water closet, one lavatory basin and a bathtub or shower, properly connected to an approved water and sewer system, and in good working condition, shall be supplied for each nine persons or fraction thereof residing within a rooming house, including members of the operator's family

wherever they share the use of the said facilities. In a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the Director.

- (d) Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.
- (e) The operator shall be responsible for the Sanitary maintenance of all walls, floors, ceilings, and shall keep the rooming house and all parts thereof, including the premises on which it is located, free from any accumulation of dirt, filth, rubbish, and garbage, and effectively protected against infestation.

SEC. 15A-10 SUSPENSION AND REVOCATION OF PERMITS

Whenever conditions or practices violating any provision of this article are found to exist in a rooming house operating under a permit issued by virtue of this article, the Director shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period to be determined by the Director, the operator's rooming house permit will be suspended. At the end of such period the Director shall have such rooming house inspected, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the later's permit has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein.

**SEC. 15A-11 APPEALS WHEN PERMIT DENIED
OR SUSPENDED**

Any person who is denied a permit to operate a rooming house or whose permit has been suspended may appeal to the Alexandria Board of Housing Hygiene as provided in Article X of this chapter. In cases of suspension, if the petition for hearing is not filed within ten days after the notice of suspension is served, such permit shall be deemed revoked.

ARTICLE VII Responsibilities of Owners and Occupants**SEC. 15A-12 CLEANLINESS**

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

SEC. 15A-13 CLEANLINESS, TWO OR MORE DWELLING UNITS

Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

SEC. 15A-14 PLUMBING FIXTURES

Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

SEC. 15A-15 SCREENS

Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens furnished by the owner whenever the same are required under the provisions of this chapter, except where the owner has agreed to supply such service.

SEC. 15A-16 INSECTS, RODENTS AND VERMIN

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or vermin therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is infested. When, however, infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

SEC. 15A-17 DRAINAGE

The owner shall properly grade and drain all courts, yards or other areas on the premises of every dwelling. Each occupant shall fully utilize and keep free from obstruction the provided facilities for drainage, so as to maintain the premises free from the accumulation of rain, waste or surface water.

SEC. 15A-18 TRASH, GARBAGE, RUBBISH, AND ASHES

Every occupant of a dwelling unit shall dispose of all his trash, garbage, rubbish, and ashes as provided in Chapter 14 of this Code.

**ARTICLE VIII Inspection of Dwellings, Dwelling Units,
Rooming Units and Premises****SEC. 15A-19 INSPECTION BY DIRECTOR OF PUBLIC
HEALTH**

The Director and his duly authorized representatives are hereby authorized and directed to make inspections to determine the con-

dition of dwellings, dwelling units, and premises located within the City of Alexandria, Virginia, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Director and his duly authorized representatives are hereby authorized to enter, examine, and survey during daylight at reasonable times and hours and in such manner to cause the least possible inconvenience, all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the Director or his representatives free access to such dwelling, dwelling unit or rooming unit and its premises, at such times for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter.

ARTICLE IX Enforcement

SEC. 15A-20 DIRECTOR OF PUBLIC HEALTH

Whenever the Director finds:

- (a) That any dwelling, dwelling unit or habitable room is unfit for human habitation because of the character of the construction thereof, or
- (b) That the plumbing, sewage disposal facilities, draining, light or ventilation thereof constitutes a threat or is detrimental to life or health, or
- (c) That there exists on the premises any condition likely to cause sickness or injury to the occupants thereof or other persons, or
- (d) That the provisions of this chapter are being otherwise violated,

he shall give notice of such violation to the person or persons failing to comply with this chapter, ordering them to do so. Such notice shall:

- (e) Be put in writing,
- (f) Include a statement of the reasons why it is being issued,
- (g) Allow a specified reasonable time to commence the performance of any such act it directs, and allow a specified reasonable time to complete such performance, and
- (h) Be served upon the owner, or occupant as the case may require, such notice shall be deemed properly served if a copy thereof is delivered personally, or if he or she be not found at his or her usual place of abode, by mailing a copy thereof by certified mail to the last known address and posting a

copy thereof in a conspicuous place in or about the dwelling affected by the notice. Whenever such notice is served on an occupant, a copy thereof shall also be sent by certified mail to the last known address of the owner.

SEC. 15A-21 TIME OF COMPLIANCE

If such person or persons do not:

- (a) Within the specified time after serving upon him such notice commence compliance with the directions thereof, or
- (b) Within the specified time after serving upon him such notice complete such compliance, or
- (c) Within ten days after such service perfect an appeal to the Alexandria Board of Housing Hygiene,

he shall be guilty of a violation of the provisions of this chapter.

SEC. 15A-22 PENALTY FOR VIOLATION

Any person who shall fail, refuse or neglect to comply with the provisions of this chapter shall, upon conviction, be punished by a fine not exceeding Five Hundred Dollars (\$500.00), and every failure, refusal or neglect to fully and completely comply with the provisions of this chapter and each day's continuance thereof beyond the time specified shall constitute a separate offense. Violations of the provisions of the chapter may also be restrained, prohibited, or enjoined by appropriate proceedings.

ARTICLE X ALEXANDRIA BOARD OF HOUSING HYGIENE**SEC. 15A-23 CREATION AND COMPOSITION**

There is hereby created and established the Alexandria Board of Housing Hygiene herein sometimes referred to as the Board, which shall consist of five members, all of whom shall reside in and be qualified voters of the City of Alexandria, Virginia, and shall hold no office or position in the City government with pay or compensation. The members shall be appointed by the City Council and of those first appointed, one shall be appointed to serve for one year, two for two years, and two for three years. Thereafter members shall be appointed for terms of three years each. Vacancies shall be filled by the Council for the unexpired portion of a term. Members shall serve without compensation but may receive such reimbursement for travel and other expenses incurred in the interest of the City as the Council may from time to time allow.

SEC. 15A-24 CONDUCT OF BOARD

The Board shall elect its Chairman from its membership. All members of the Board shall be entitled to vote and its decisions shall be determined by a majority vote of the members present. A quorum of four members present is required before the Board may take any official action. All meetings of the Board shall be

open to the public and a full and impartial hearing shall be granted on all appeals. Insofar as reasonably possible, all hearings shall be informal and free from technical rules of law and evidence.

When voting on any question, the determination may be made by secret ballot, but no proxy shall be allowed at any time. The Board shall keep minutes of its proceedings and all findings, decisions, and orders shall be reduced to writing and entered as a matter of public record in the office of the Director. In matters concerning the procedure for meetings not covered by this article, the Board may establish its own rules, provided they are not contrary to the spirit of this article or chapter.

SEC. 15A-25 APPEALS TO BOARD

Any person affected by any notice or order which has been issued in connection with the enforcement of any provision of this chapter, may request and shall be granted a hearing on the matter by the Board, provided such person shall, within ten days after service of a notice or order, file in the office of the Director a signed written notice of appeal, requesting a hearing and setting forth a brief statement of the reasons therefor. Upon receipt of such notice of appeal, the Director shall forthwith notify the Board, and the Board shall set a time and place for such hearing and shall give the person appealing and the Director notice thereof. The Board shall schedule hearings for and determine such appeals as promptly as practicable. However, when there is a proceeding pursuant to Article XII of this chapter it shall not be necessary for the person affected to file any notice of appeal, and he shall be heard if he appears before the close of the scheduled meeting on the emergency.

After such hearing the Board may affirm, amend, modify or withdraw the notice or order appealed from. The decision of the Board shall constitute an order and any person who shall fail, refuse or neglect to comply with any such order shall be guilty of violating the provisions of this chapter.

SEC. 15A-26 APPEAL FROM BOARD DECISION

The decision of the Board shall in all cases be final except that any appellant or party directly aggrieved by a decision of the Board, may, provided he do so within thirty days after the rendering of such decision, appeal to a court of record of competent jurisdiction for a further review, and the findings of fact of such Board shall be conclusive and such review shall be limited solely to errors of law and questions of constitutionality. The decision of the Board in any case on appeal shall be stayed pending a decision by the court.

ARTICLE XI Vacation of Dwelling Unfit for Human Habitation

SEC. 15A-27 PROCEDURE

Whenever the Director finds that a dwelling, dwelling unit or habitable room is unfit for human habitation and constitutes an immediate serious danger or hazard to the life, health, or safety

of the occupants or to the public because such dwelling, unit, or room does not meet one or more of the requirements of this chapter, the Director may placard the property and declare such dwelling, dwelling unit or habitable room as unfit for human habitation and issue an order requiring same to be vacated. Such order shall be in writing, include a statement of the reasons why it is being issued and direct vacation of the premises by a specified time.

A copy of such order shall be posted on the front of the premises, a copy shall be served on the occupant, and a copy shall be served on the owner. Such order shall be deemed properly served if it is delivered personally or if the owner or occupant be not found at his or her usual place of abode by mailing a copy thereof by certified mail to the last known address.

The dwelling, dwelling unit, or habitable room so ordered to be vacated shall be vacated on or before the time specified in the order, and shall not be occupied again until the Director finds that the hazard has been eliminated and given written approval for occupancy.

Any occupant who does not:

- (a) Within the time specified, after serving upon him such order, comply with the directions thereof, or
- (b) Within ten days after such service perfect an appeal to the Alexandria Board of Housing Hygiene,

shall be guilty of a violation of the provisions of this chapter unless the owner perfects an appeal to the Board.

SEC. 15A-28 APPEALS

Any occupant or owner aggrieved by such an order may appeal to the Board as provided in section 15A-25 of this chapter.

ARTICLE XII Nuisances, Repair, or Demolition in Emergency

SEC. 15A-29 NUISANCES

All dwellings, dwelling units, or habitable rooms found to be of immediate danger to the life, health or safety of any person or persons within the terms of this article are hereby declared to be public nuisances and shall be repaired or demolished as hereinafter provided.

SEC. 15A-30 PROCEDURE BY DIRECTOR

Whenever the Director finds that it reasonably appears there is immediate danger to the life, health, or safety of any person or persons, due to the condition of any dwelling, dwelling unit or habitable room because:

- (a) There exists on the premises insanitary conditions likely to

cause sickness or disease to the occupants thereof or to others, or

- (b) A person fails, refuses or neglects to comply with an order authorized by this chapter, the result of which may be sickness, disease, or injury to occupants or others, or
- (c) The provisions of this chapter are being otherwise violated so that there may be sickness, disease, or injury to occupants or others.

The Director shall at once attempt to notify and order the person or persons responsible to take immediate action to meet the emergency. In the event that the Director is unable to contact such persons promptly or in spite of notice, immediate action to meet the emergency is not undertaken, the Director shall take such immediate temporary safety precaution as he can, at once notify the Board of the existing emergency, and seek the immediate and summary repair or demolition of such dwelling, dwelling unit or habitable room subject to the provisions of Section 15A-31.

SEC. 15A-31 PROCEDURE BY THE BOARD

The Board shall at once attempt to notify the person or persons responsible that there will be a meeting of the Board at a specified time, date, and place, which shall be not less than ten nor more than fifteen days after its attempt to notify such person, to consider action on the emergency. At such meeting any person affected shall be given an opportunity to be heard, but whether or not any such person shall appear to be heard, the Board shall conduct a hearing, consider factors relevant to the emergency and decide that there is or is not such immediate danger. If the Board finds that because of any reason set forth in Section 15A-30, it reasonably appears there is immediate danger to the life, health or safety of any person or persons unless a dwelling, dwelling unit or habitable room is immediately repaired or demolished, it shall order the Director to either repair such dwelling, unit, or room, or tear down and destroy such dwelling, unit, or room if it appears to the Board that it is in such condition as not to warrant the expenditure thereon of a sufficient sum of money to make such repairs that will put the same in a safe and sanitary condition. A finding that there does not reasonably appear to be such immediate danger to the life, health, or safety of any person or persons shall not preclude the Director from proceeding pursuant to Article IX or XI of this chapter.

ARTICLE XIII Hardship Cases

SEC. 15A-32 LESS THAN FULL COMPLIANCE WHEN APPROVED BY THE BOARD

The Director, with the approval of the Board, may, on written application, permit less than full compliance with any of the foregoing sections of this chapter except for those contained in Article XII, when, in his judgment, full or immediate compliance would work a clearly demonstrable undue hardship.

ARTICLE XIV Agreements

SEC. 15A-33 CHAPTER NOT TO AFFECT AGREEMENT

The provisions of this chapter shall not affect any obligation, responsibility or liability imposed by any agreement or contract between any owner and any occupant, operator or another, but no such agreement or contract shall relieve any such owner, occupant, or operator from the duties, responsibilities or liabilities imposed by the provisions of this chapter.

ARTICLE XV Conflict of Ordinances, Separability

SEC. 15A-34 CONFLICT

In any case where a provision of this chapter is found to be in conflict with a provision of any law of the City of Alexandria, Virginia, existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this chapter is found to be in conflict with a provision of any other law of the City of Alexandria, Virginia, existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail.

SEC. 15A-35 SEPARABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this chapter, which shall remain in full force and effect; and to this end the provisions of this chapter are hereby declared to be severable.

Section 2. That this ordinance shall be published in a newspaper of general circulation in the City not later than five days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

LEROY S. BENDHEIM
Mayor