SUPPLEMENT NO. 119
September 2016

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 5031, adopted June 28, 2016.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
TOC-i, TOC-ii	TOC-i, TOC-ii
SH-5, SH-6	SH-5, SH-6
171—174	171—174.1
497, 498	497, 498
510.1—510.7	510.1—510.8
921, 922	921, 922
1337—1340.1	1337—1340.1
1847	1847
1901	1901
1937	1937
1981	1981, 1982
2518.23	2518.23
2565, 2566	2565, 2566

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SUPPLEMENT NO. 118
August 2016

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 5018, adopted May 14, 2016.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
Title page	Title page
	cxlix
SH-5, SH-6	SH-5, SH-6
257, 258	257, 258
263, 264	263—264.1
275—278	274.1—277
281—282.2	281—282.2.1
423, 424	423, 424
429, 430	429—430.1
446.1, 446.2	446.1, 446.2
468.1—470.1	469—470.2
494.20.1—494.22	494.20.1—494.21
507—508.1	507—508.1
510.3, 510.4	510.3, 510.4
977—980	977—981
1126.1, 1126.2	1126.1, 1126.2
1131, 1132	1131, 1132
1285—1288.40.1	1285—1288.40.3
1333—1335	1333—1335
1847	1847
1899—1901	1899—1901
1937	1937
1947	1947, 1948
1981	1981
2518.19—2518.22	2518.19—2518.23
2555—2558.1	2555—2558.1
2565—2569	2565—2569
2583—2588.1	2583—2588.1

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SUPPLEMENT NO. 117
March 2016

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4990, adopted March 12, 2016.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxlvii
TOC-i, TOC-ii	TOC-i, TOC-ii
SH-5, SH-6	SH-5, SH-6
423, 424	423, 424
431, 432	431, 432
445—446.2	445—446.3
501, 502	501, 502
1105—1106.1	1105—1106.2
1901	1901
1937	1937
2518.21	2518.21, 2518.22
2583, 2584	2583—2584.1

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SUPPLEMENT NO. 116
December 2015

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4982, adopted December 12, 2015.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxlv
SH-5	SH-5, SH-6
414.1—416.2	415—416.3
510.3, 510.4	510.3, 510.4
977—980	977—980
1901	1901
1935, 1936	1935—1937
1947, 1948	1947, 1948
1979, 1980	1979—1981
2518.21	2518.21
2555, 2556	2555, 2556

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September 2015

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4966, adopted September 12, 2015.

See the Ordinance Comparative Table for further information.

Included in the Charter is:

H.B. 1682ER, effective July 1, 2015.

See the Charter Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
cxli	cxli
	cxliii
TOC:i—TOC:iii	TOC:i—TOC:iii
SH-5	SH-5
175, 176	175, 176
190.5, 190.6	190.5—190.6.1
192.6.1—192.8	192.7, 192.8
251—252.3	251—252.1
278.1, 278.2	278.1—278.4
300.3—302	301—302.3
311—318.2.2	311—318.2.4
351—382	351—382.5
455—462.2	455—462.1
510.1—510.4.1	510.1—510.4.1
971—974	971—974
1287—1288.4	1287—1288.4.1
1288.39, 1288.40	1288.39, 1288.40.1
1901	1901
1935, 1936	1935, 1936
2518.19, 2518.20	2518.19—2518.21
2535, 2536	2535, 2536
2545, 2546	2545, 2546
2557, 2558	2557—2558.1

Remove Old Pages	*Insert New Pages*
2573, 2574	2573, 2574
2583, 2584	2583, 2584
2587, 2588	2587—2588.1

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SUPPLEMENT NO. 114
June 2015

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4950, adopted May 16, 2015.

See the Ordinance Comparative Table for further information.

Included in the Charter is:

H.B. 1682ER, effective July 1, 2015.

See the Charter Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
cxxxvii	cxxxvii
	cxxxix
	cxli
SH-5	SH-5
2.1—6	3—6.1
15—34	15—34.1
49—58	49—57
89	89
190.11, 190.12	190.11, 190.12
252.1—252.3	252.1—252.3
268.1—270	269—270.5
275—278.2	275—278.2
281—282.4	281—282.4
943—964.1	943—964.2
1847	1847
	1901
1935	1935, 1936
1977—1980	1977—1980
2518.15, 2518.16	2518.15, 2518.16
2518.19, 2518.20	2518.19, 2518.20
2587—2590	2587—2590.1

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SUPPLEMENT NO. 113
April 2015

CODE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4933, adopted March 14, 2015.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxxxvii
SH-5	SH-5
173, 174	173, 174
190.7—190.10	190.7—190.10
791—794	791—794
951—954	951—954
959—962.1	959—962.1
1126.1, 1126.2	1126.1, 1126.2
1129, 1130	1129, 1130
1935, 1936	1935, 1936
1947	1947, 1948
1979, 1980	1979, 1980
2518.19, 2518.20	2518.19, 2518.20
2565, 2566	2565, 2566

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SUPPLEMENT NO. 112
January 2015

CODE

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4918, adopted December 13, 2014.

See the Ordinance Comparative Table for further information.

Included in the Charter is:

Chapter 400, Acts of 2014.

See the Charter Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
SH-3, SH-4	SH-3—SH-5
1, 2	1, 2
16.1, 16.2	16.1, 16.2
43, 44	43—44.1
89	89
182.1—184	183, 184
192.5, 192.6	192.5—192.6.1
195—196.1	195—196.1
979, 980	979, 980
1899, 1900	1899, 1900
1935, 1936	1935, 1936
1979, 1980	1979, 1980
2518.19, 2518.20	2518.19, 2518.20
2519, 2520	2519, 2520
2533	2533

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October 2014

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4902, adopted September 14, 2014.

See the Ordinance Comparative Table for further information.

Included in the Charter is:

Chapter 400, Acts of 2014.

See the Charter Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxxxv
SH-3, SH-4	SH-3, SH-4
49—52	49—52
55—58	55—58
89	89
189, 190	189, 190
949—954	949—954
2051, 2052	2051, 2052
2518.19, 2518.20	2518.19, 2518.20

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SUPPLEMENT NO. 110
July 2014

CODE

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4896, adopted June 24, 2014.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxxxiii
TOC-i—TOC-iii	TOC-i—TOC-iii
SH-3, SH-4	SH-3, SH-4
167, 168	167—168.1
252.3	252.3
259—264.1	259—264.1
268.5—272	269—272.1
275—278.2	275—278.2
281—282.2	281—282.2.1
298.3, 298.4	298.3, 298.4
300.2.1, 300.2.2	300.2.1, 300.2.2
510.3, 510.4	510.3, 510.4
857, 858	857, 858
974.1—976	975—980
1105, 1106	1105, 1106
1109, 1110	1109, 1110
1114.1—1114.3	1114.1—1114.4
1193—1202	1193—1201
1432.1—1435	1432.1—1434
1899, 1900	1899, 1900
1935	1935, 1936
1947	1947
1979	1979, 1980
2051, 2052	2051, 2052
2518.19	2518.19, 2518.20
2549—2569	2549—2569
2577—2594	2577—2593
2599, 2600	2599, 2600

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April 2014

CODE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4863, adopted March 15, 2014.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxxxi
SH-1—SH-3	SH-1—SH-4
423, 424	423, 424
429, 430	429, 430
435, 436	435, 436
496.1—498	497—498.2
857, 858	857, 858
865, 866	865, 866
931—936	931—933
954.1—956	955—956.2
1423, 1424	1423, 1424
1430.1, 1430.2	1430.1, 1430.2
1847	1847
1899, 1900	1899, 1900
1935	1935
1979	1979
2518.19	2518.19
2537, 2538	2537, 2538
2545—2550	2545—2550
2559, 2560	2559, 2560
2567, 2568	2567, 2568
2573—2578	2573—2578
2581, 2582	2581, 2582
2593, 2594	2593, 2594
2597—2600	2597—2600

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December 2013

CODE

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4838, adopted November 12, 2013.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxxix
TOC-i, TOC-ii	TOC-i, TOC-ii
SH:3	SH:3
252.1—252.3	252.1—252.3
277, 278	277—278.2
301—304	301—304
307, 308	307—308.1
317	317
430.1—432	431, 432
857, 858	857, 858
873, 874	873—874.1
1141, 1142	1141, 1142
1249—1256.1	1249—1251
1423, 1424	1423, 1424
1432.1—1432.4	1432.1, 1432.2
1979	1979
2518.17, 2518.18	2518.17—2518.19
2537—2542	2537—2542
2549, 2550	2549, 2550
2561, 2562	2561, 2562
2585—2586.1	2585—2586.1

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SUPPLEMENT NO. 107
October 2013

CODE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4830, adopted September 21, 2013.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
Title page	Title page
iii	iii
	cxxvii
TOC-iii	TOC-iii
SH:3	SH:3
291, 292	291, 292
298.1, 298.2***	298.3, 298.4
510.1—510.4	510.1—510.4
1141—1144	1141—1144
1191, 1192	1191, 1192
1267—1274	1267—1269
1847	1847
2051, 2052	2051, 2052
2518.17, 2518.18	2518.17, 2518.18
2537—2540	2537—2540
2549, 2550	2549, 2550
2557—2558.1	2557, 2558
2565—2570	2565—2569
2577, 2578	2577, 2578

***NOTE—Two pages were inadvertently misnumbered 298.1, 298.2 in the code. Remove the one with Supp. No. 59.

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SUPPLEMENT NO. 106
July 2013

CODE

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4820, adopted June 15, 2013.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxxv
TOC-i, TOC-ii	TOC-i, TOC-ii
SH:3	SH:3
173, 174	173, 174
179, 180	179—180.1
192.11, 192.12	192.11—192.13
247, 248	247, 248
263, 264	263—264.1
275—278	275—278
281—282.4	281—282.4
466.3—468	467—468.2
494.13—494.14.1	494.13—494.14.2
501, 502	501, 502
953—954.1	953—954.1
971—974	971—974.1
1899, 1900	1899, 1900
1935	1935
1947	1947
1977, 1978	1977—1979
2518.17, 2518.18	2518.17, 2518.18
2535—2538	2535—2538.1
2599—2603	2599—2603

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SUPPLEMENT NO. 105
April 2013

CODE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4794, adopted March 12, 2013.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxxiii
SH-3	SH-3
171—174	171—174
963, 964	963, 964
1899, 1900	1899, 1900
1977, 1978	1977, 1978
2518.17	2518.17, 2518.18

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SUPPLEMENT NO. 104
January 2013

CODE

City of

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Ordinance No. 4780, adopted December 15, 2012.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxxi
SH-1, SH-2	SH-1—SH-3
195—196.1	195—196.1
468.1—470.1	469—470.1
1933, 1934	1933—1935
2518.15—2518.17	2518.15—2518.17

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SUPPLEMENT NO. 103
October 2012

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4772, adopted June 26, 2012.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxix
SH:1, SH:2	SH:1, SH:2
1899, 1900	1899, 1900
2518.17	2518.17

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July 2012

CODE

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4772, adopted June 26, 2012.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxvii
TOC-i, TOC-ii	TOC-i, TOC-ii
SH-1, SH-2	SH-1, SH-2
173—178	173—176
190.1, 190.2	190.1, 190.2
193—196	193—196.1
247—250	247—250
275—278	275—278
281—282.2	281—282.2
293—296	293—296
300.3, 300.4	300.3, 300.4
307—316.3	307—316.3
318.2.1, 318.2.2	318.2.1, 318.2.2
319—322	319—322
494.17—494.20.1	494.17—494.20.1
496.1, 496.2	496.1, 496.2
510.3, 510.4	510.3—510.4.1
1126.1—1126.2	1126.1, 1126.2
1128.1—1132	1129—1132
1899, 1900	1899, 1900
1933, 1934	1933, 1934
1947	1947
1977	1977, 1978
2518.17	2518.17
2545, 2546	2545, 2546
2553, 2554	2553, 2554
2567, 2568	2567, 2568
2571, 2572	2571, 2572

Remove Old Pages	*Insert New Pages*
2601, 2602	2601, 2602

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SUPPLEMENT NO. 101
April 2012

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4748, adopted February 14, 2012.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxv
SH-1, SH-2	SH-1, SH-2
463—466.1	463—466.3
2051, 2052	2051, 2052
2518.15, 2518.16	2518.15—2518.17
2601—2603	2601—2603

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SUPPLEMENT NO. 100
December 2011

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4745, adopted November 22, 2011.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxiii
TOC-i—TOC-iii	TOC-i—TOC-iii
SH-1, SH-2	SH-1, SH-2
275—278	275—278
291—294	291—294.1
494.14.1	494.14.1
494.17—494.20	494.17—494.20.1
494.25, 494.26	494.25, 494.26
885—913	885—918.16
1899, 1900	1899, 1900
1933, 1934	1933, 1934
2518.15, 2518.16	2518.15, 2518.16
2541—2546.1	2541—2546
2551—2554	2551—2554
2563—2566	2563—2566
2571, 2572	2571, 2572
2599, 2600	2599, 2600.1

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SUPPLEMENT NO. 99
October 2011

CODE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4736, adopted September 17, 2011.

See the Ordinance Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cxi
SH-1, SH-2	SH-1, SH-2
510.1, 510.2	510.1, 510.2
1977	1977
2518.15, 2518.16	2518.15, 2518.16

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SUPPLEMENT NO. 98
July 2011

CODE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4733, adopted June 28, 2011.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
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TOC-i—TOC-iii	TOC-i—OC-iii
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496.1—496.3	496.1—496.3
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1933, 1934	1933, 1934
1947	1947
1975, 1976	1975—1977
2051, 2052	2051, 2052
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2535—2538	2535—2538
2543—2546	2543—2546.1
2549—2552	2549—2552
2555—2558	2555—2558.1
2561—2566	2561—2566
2585—2586.1	2585—2586.1

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SUPPLEMENT NO. 97
March 2011

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4706, enacted February 12, 2011.

See the Ordinance Comparative Table for further information.

Included in the Charter is:

Chapter 221, Acts of 2010.

See the Charter Comparative Table for further information.

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SUPPLEMENT NO. 96
January 2011

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4691, enacted November 13, 2010.

See the Ordinance Comparative Table for further information.

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SUPPLEMENT NO. 95
October 2010

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4683, enacted October 16, 2010.

See the Ordinance Comparative Table for further information.

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SUPPLEMENT NO. 94
July 2010

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4676, enacted June 22, 2010.

See the Code Comparative Table for further information.

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SUPPLEMENT NO. 93
April 2010

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4649, enacted March 13, 2010.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
	xcix
TOC-iii	TOC-iii
179, 180	179, 180
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January 2010

CODE

City of

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Looseleaf Supplement

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Ordinance No. 4640, enacted December 12, 2009.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
	xcvii
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November 2009

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4629, enacted October 17, 2009.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
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August 2009

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4610, enacted June 23, 2009.

See the Ordinance Comparative Table for further information.

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SUPPLEMENT NO. 89
June 2009

CODE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4584, enacted March 24, 2009.

See the Ordinance Comparative Table for further information.

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TOC-i—TOC-iii	TOC-i—TOC-iii
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December 2008

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4564, enacted November 19, 2008.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
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179, 180	179, 180
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SUPPLEMENT NO. 87
October 2008

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4555, enacted June 14, 2008.

See the Ordinance Comparative Table for further information.

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SUPPLEMENT NO. 86
July 2008

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4529, enacted April 12, 2008.

See the Ordinance Comparative Table for further information.

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TOC-i—TOC-iii	TOC-i—TOC-iii
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SUPPLEMENT NO. 85
March 2008

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

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Ordinance No. 4520, enacted February 23, 2008.

See the Ordinance Comparative Table for further information.

Included in the Charter is:

Acts 2004, Ch. 511.

See the Charter Comparative Table for further information.

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SUPPLEMENT NO. 84
September 2007

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

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Ordinance No. 4495, enacted July 26, 2007.

See the Ordinance Comparative Table for further information.

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SUPPLEMENT NO. 83
June 2007

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

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Ordinance No. 4482, enacted May 12, 2007.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
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SUPPLEMENT NO. 82
May 2007

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4475, enacted February 24, 2007.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
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1899	1899
1931	1931
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SUPPLEMENT NO. 81
December 2006

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4456, enacted June 17, 2006.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
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SUPPLEMENT NO. 80
July 2006

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

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Ordinance No. 4451, enacted May 20, 2006.

See the Ordinance Comparative Table for further information.

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2518.9	2518.9
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SUPPLEMENT NO. 79
March 2006

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

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Ordinance No. 4435, enacted January 21, 2006.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
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SUPPLEMENT NO. 78
December 2005

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4431, enacted November 12, 2005.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
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SUPPLEMENT NO. 77
November 2005

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

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Ordinance No. 4420, enacted June 28, 2005.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
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500.1—510.3	501—510.7
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943—969	943—973
1109—1114.2	1109—1114.3
1287—1291	1287—1291
1899	1899
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2535—2540.1	2535—2540.1
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SUPPLEMENT NO. 76
July 2005

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4397, enacted May 14, 2005.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
	lxv
TOC-i—TOC-iii	TOC-i—TOC-iii
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SUPPLEMENT NO. 75
May 2005

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

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Ordinance No. 4378, enacted January 25, 2005.

See the Ordinance Comparative Table for further information.

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SUPPLEMENT NO. 74
December 2004

CODE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4364, enacted October 16, 2004.

See the Ordinance Comparative Table for further information.

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1929, 1930	1929, 1930
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July 2004

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Ordinance No. 4332, enacted January 24, 2004.

See the Ordinance Comparative Table for further information.

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1929	1929, 1930
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December 2003

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City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4314, enacted September 13, 2003.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
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Ordinance No. 4309, enacted June 14, 2003.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
171—173	171—173
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1929	1929
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Ordinance No. 4301, enacted May 17, 2003.

See the Ordinance Comparative Table for further information.

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	lvii
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Looseleaf Supplement

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Ordinance No. 4292, enacted March 15, 2003.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
	lv
TOC-i, TOC-ii	TOC-i, TOC-ii
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December 2002

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City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4279, enacted November 16, 2002.

See the Ordinance Comparative Table for further information.

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	liii
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Looseleaf Supplement

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Ordinance No. 4266, enacted September 14, 2002.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
	li
TOC-1, TOC-2	TOC-1, TOC-2
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July 2002

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Ordinance No. 4255, enacted May 28, 2002.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
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419, 420	419—420.1
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2023	2023
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April 2002

CODE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4243, enacted March 16, 2002.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
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311—318.2	311—318.2.2
319—322	319—322
348.1—361	349—368
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1349—1352.1	1349—1352.1
1899	1899
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January 2002

CODE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4230, enacted December 15, 2001.

See the Ordinance Comparative Table for further information.

Remove old pages	*Insert new pages*
TOC-1—TOC-3	TOC-1—TOC-3
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SUPPLEMENT NO. 63
December 2001

CODE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4219, enacted September 25, 2001.

See the Ordinance Comparative Table for further information.

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SUPPLEMENT NO. 62
May 2001

CODE

City of

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Ordinance No. 4194, enacted April 10, 2001.

See the Code Comparative Table for further information.

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SUPPLEMENT NO. 61
March 2001

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

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Ordinance No. 4189, enacted February 24, 2001.

See the Code Comparative Table for further information.

Remove old pages	*Insert new pages*
TOC-3	TOC-3
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February 2001

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4185, enacted January 23, 2001.

See the Code Comparative Table for further information.

Remove old pages	*Insert new pages*
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190.9, 190.10	190.9, 190.10
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SUPPLEMENT NO. 59
December 2000

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4169, enacted October 14, 2000.

See the Code Comparative Table for further information.

Remove old pages	*Insert new pages*
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624.1—627	625—627
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861—864.1	861—864.1
875—878	875—878
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1191, 1192	1191, 1192
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2581—2592	2581—2588
2595—2596.1	2595—2596.1

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SUPPLEMENT NO. 58
August 2000

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4148, enacted June 27, 2000.

See the Code Comparative Table for further information.

Remove old pages	*Insert new pages*
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178.1	178.1
190.1, 190.2	190.1, 190.2
190.13	190.13, 190.14
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271—278.1	271—278.1
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435—436.1	435—436.1
455—465	455—465
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496.1—496.3	496.1—496.3
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1114.1, 1114.2	1114.1, 1114.2
1116.5—1118.1	1117—1118.3
1259—1260.1	1259—1260.2
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1897, 1898	1897, 1898
1927	1927
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1973	1973
2023	2023
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2593—2596.1	2593—2596.1
2601, 2602	2601, 2602

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February 2000

CODE

City of

ALEXANDRIA, VIRGINIA

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Ordinance No. 4100, enacted January 11, 2000.

See the Code Comparative Table for further information.

Remove old pages	*Insert new pages*
	xxxiii, xxxiv
175, 176	175, 176
190.1, 190.2	190.1, 190.2
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504.1—510	504.1—509
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2555, 2556	2555, 2556
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December 1999

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City of

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Ordinance No. 4080, enacted October 16, 1999.

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SUPPLEMENT NO. 55
March 1999

CODE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4034, enacted February 23, 1999.

See the Code Comparative Table for further information.

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CODE

CITY OF

ALEXANDRIA, VIRGINIA

The Charter and The General Ordinances

Published in 1982 by Order of the City Council

Codification by: PRM Law Publishers
Washington/Atlanta
1981

Supplement Service by:

municode

Municipal Code Corporation | P.O. Box 2235 Tallahassee, FL 32316
info@municode.com | 800.262.2633
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CITY OFFICIALS

CITY OF

ALEXANDRIA, VIRGINIA

MAYOR
William D. Euille

VICE MAYOR
Allison Silberberg

COUNCIL MEMBERS
John Taylor Chapman
Timothy Lovain
Redella S. Pepper
Paul C. Smedberg
Justin Wilson

CITY MANAGER
Rashad Young

CITY ATTORNEY
James L. Banks, Jr.

CITY CLERK AND CLERK OF COUNCIL
Jackie M. Henderson

PREFACE

PRM LAW PUBLISHERS, a division of Public Research and Management, Inc. of Washington and Atlanta, is pleased to publish this code of ordinances of the City of Alexandria, Virginia. This volume contains the city charter and the code of ordinances of the city.

The code of ordinances is an entirely new codification of all ordinances of a general and permanent nature. All obsolete, illegal or superseded ordinances have been repealed as part of the codification. The code has been adopted by the city council through the enactment of a single ordinance and thus constitutes the general body of ordinance enactments of the city.

The code includes several features that will facilitate its use. The various chapters and articles of the code follow one another in a natural, logical order. The table of contents, with a complete outline of this order, will often provide sufficient reference points for the reader. In addition, the reader may consult the index at the end of the volume. At the beginning of each chapter there is a section-by-section listing of the articles within the chapter.

Nontextual provisions such as severability clauses, repeals and enacting clauses are omitted from the text but are covered in title 1 of the code that applies to the entire code. In most instances, references to "this ordinance" in the text of an ordinance have been changed to "this chapter" or "this article" as deemed appropriate. Various editorial notes such as state law references and cross references have been included throughout the code to clarify its provisions.

This code is designed to serve as a complete compilation of ordinances and as a reliable reference guide. The citations included at the end of sections refer to the official source and date of former code sections and original ordinances. Sections of the code which do not have a citation represent new ordinances that have been added to fill in gaps or to replace ordinances which have become outdated.

Supplementation service is available to keep the code current. Supplements are printed in loose-leaf form so that all new ordinances may be inserted in the code on a regular basis.

We gratefully acknowledge the cooperation and assistance rendered by the municipal officials in the preparation of this code.

PRM LAW PUBLISHERS
Washington/Atlanta

ORDINANCE NO. 2657

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE CITY OF ALEXANDRIA, VIRGINIA, ENTITLED "THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981," PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN WITH CERTAIN EXCEPTIONS AND FOR OTHER PURPOSES HEREINAFTER SET OUT.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1: That there is hereby adopted by the city council that certain code entitled "The Code of the City of Alexandria, Virginia, 1981," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed in titles 1 through 13, both inclusive, of which code not less than three (3) copies have been for more than two (2) weeks and are now filed in the office of the city clerk. Said code shall be known as "The Code of the City of Alexandria, Virginia, 1981" or as the "City Code."

Section 2: That the provisions of such code shall be in force on and after May 1, 1982, and all ordinances of a general and permanent nature adopted on final reading and passage on or before June 24, 1981, and not contained in such code are hereby repealed from and after May 1, 1982, except as hereinafter provided.

Section 3. That the repeal provided for in the proceeding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before May 1, 1982; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to May 1, 1982; nor shall such repeal affect any ordinance of resolution promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness or any contract or obligation assumed by the city; nor shall it affect any annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the city on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special although permanent in effect; nor shall it affect any ordinance relating to the salaries of the city officers or employees; nor shall it affect any ordinance annexing territory to the city; nor shall it affect any ordinance naming, renaming, opening, accepting, relocating, closing or vacating streets or alleys in the city; nor shall it affect any city zoning ordinance; nor shall it affect any ordinance adopted on final reading and passage after June 24, 1981; nor shall it affect any ordinance listed in Appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1963, as amended, or any page supplemental to such appendices through and including those pages added by the Twenty-Third and Twenty-Fourth Supplements to The Code of the City of Alexandria, Virginia, 1963, as amended; nor shall it affect any ordinance establishing a community unit plan or any ordinance amendatory thereof; nor shall it affect any ordinance enacting or amending a zoning map; nor shall it affect any ordinance amending or adopting a master plan, highway plan or major thoroughfare plan for the city.

Section 4. That whenever in the code adopted by this ordinance any of the conditions, requirements, provisions or contents of any section, division, article or chapter of The Code of the City of Alexandria, Virginia, 1963, as amended, as the same existed on or before June 24, 1981, are transferred in the same or modified form to a new section, division, article, chapter or title of the code adopted by this ordinance, and whenever any such former section, division, article or chapter is given a new number in the code adopted by this ordinance, all references to any such former section, division, article or chapter of the former code shall be construed to apply to the new or renumbered section, division, article, chapter or title containing such conditions, requirements, provisions or contents or portions thereof. The aforesaid references include, but are not limited to, all preprinted tickets, summons to appear and answer, and other preprinted forms used by the city and which are in stock prior to February 23, 1982.

Section 5. That whenever in the code adopted by this ordinance or in any other ordinance or resolution of the city or in any rule, regulation or order promulgated by any officer or agency of the city under authority

duly vested in him or if any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of the code or any other ordinance or resolution of the city of such rule, regulation or order shall be punished as prescribed in section 1-1-7 of the code or as provided in any other applicable section of the code in which case the latter shall control.

Except where otherwise provided, every day any violation of such code or any other ordinance or resolution of the city or such rule, regulation or order shall continue shall constitute a separate offense.

Section 6. That it is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the code hereby adopted are severable; and if any phrase, clause, sentence, paragraph or section of this ordinance or the code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the code hereby adopted.

Section 7. That three (3) copies of "The Code of the City of Alexandria, Virginia, 1981," bearing the manual signatures of the mayor and city clerk, shall be filed in the office of the city clerk, and shall be made available for public inspection during normal business hours.

Section 8. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective on and after May 1, 1982.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: February 23, 1982

ORDINANCE NO. 2718

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left hand corner by the notation "Supp. No. 1," are hereby adopted as and shall constitute "The First Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after October 13, 1982, and all ordinances of a general and permanent nature adopted between February 23, 1982 and June 22, 1982, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after October 13, 1982, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to October 13, 1982; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to October 13, 1982; nor shall it affect any ordinance saved from repeal by Ordinance 1250; nor shall it affect any ordinance listed in Appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after June 22, 1982.

Section 4. That one complete set of pages comprising "The First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective October 13, 1982. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: October 12, 1982

ORDINANCE NO. 2746

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left hand corner by the notation "Supp. No. 2," are hereby adopted as and shall constitute "The Second Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after November 24, 1982, and all ordinances of a general and permanent nature adopted between June 22, 1982, and September 28, 1982, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after November 24, 1982, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to November 24, 1982; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to November 24, 1982; nor shall it affect any ordinance saved from repeal by Ordinance Number 1250; nor shall it affect any ordinance listed in Appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after September 28, 1982.

Section 4. That one complete set of pages comprising "The Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective November 24, 1982. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: November 23, 1982

ORDINANCE NO. 2782

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left hand corner by the notation "Supp. No. 3," are hereby adopted as and shall constitute "The Third Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after February 23, 1983, and all ordinances of a general and permanent nature adopted between September 28, 1982 and December 14, 1982, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after February 23, 1983, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to February 23, 1983, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to February 23, 1983; nor shall it affect any ordinance saved from repeal by Ordinance Number 1250; nor shall it affect any ordinance listed in Appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after December 14, 1982.

Section 4. That one complete set of pages comprising "The Third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective February 23, 1983. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: February 23, 1983

ORDINANCE NO. 2813

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left hand corner by the notation "Supp. No. 4," are hereby adopted as and shall constitute "The Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after June 15, 1983, and all ordinances of a general and permanent nature adopted between December 14, 1982 and Februrary 23, 1983, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after June 15, 1983, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to June 15, 1983, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to June 15, 1983; nor shall it affect any ordinance saved from repeal by Ordinance Number 1250; nor shall it affect any ordinance listed in Appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after February 23, 1983.

Section 4. That one complete set of pages comprising "The Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective June 15, 1983. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: June 14, 1983

ORDINANCE NO. 2850

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left hand corner by the notation "Supp. No. 5," are hereby adopted as and shall constitute "The Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after September 28, 1983, and all ordinances of a general and permanent nature adopted between February 23, 1983 and July 13, 1983, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after September 28, 1983, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to September 28, 1983, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to September 28, 1983; nor shall it affect any ordinance saved from repeal by Ordinance Number 1250; nor shall it affect any ordinance listed in Appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after July 13, 1983.

Section 4. That one complete set of pages comprising "The Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective September 28, 1983. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: September 27, 1983

ORDINANCE NO. 2901

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left hand corner by the notation "Supp. No. 6," are hereby adopted as and shall constitute "The Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after January 25, 1984, and all ordinances of a general and permanent nature adopted between July 13, 1983, and November 1, 1983, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after January 25, 1984, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to January 25, 1984, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to January 25, 1984; nor shall it affect any ordinance saved from repeal by Ordinance Number 1250; nor shall it affect any ordinance listed in Appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after November 12, 1983.

Section 4. That one complete set of pages comprising "The Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective January 25, 1984. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: January 24, 1984

ORDINANCE NO. 2913

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left hand corner by the notation "Supp. No. 7," are hereby adopted as and shall constitute "The Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after April 11, 1984, and all ordinances of a general and permanent nature adopted between November 12, 1983 and December 19, 1983, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after April 11, 1984, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to April 11, 1984, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to April 11, 1984; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in Appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after December 19, 1983.

Section 4. That one complete set of pages comprising "The Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective April 11, 1984. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: April 10, 1984

ORDINANCE NO. 2946

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left hand corner by the notation "Supp. No. 8," are hereby adopted as and shall constitute "The Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after June 27, 1984, and all ordinances of a general and permanent nature adopted between December 19, 1983 and March 17, 1984, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after June 27, 1984, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to June 27, 1984, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to June 27, 1984; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in Appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after March 17, 1984.

Section 4. That one complete set of pages comprising "The Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective June 27, 1984. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: June 27, 1984

ORDINANCE NO. 2972

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left hand corner by the notation "Supp. No. 9," are hereby adopted as and shall constitute "The Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after September 25, 1984, and all ordinances of a general and permanent nature adopted between March 17, 1984 and June 27, 1984, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after September 25, 1984, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to September 25, 1984, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to September 25, 1984; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in Appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after September 25, 1984.

Section 4. That one complete set of pages comprising "The Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective September 25, 1984. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: September 25, 1984

ORDINANCE NO. 3004

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left hand corner by the notation "Supp. No. 10," are hereby adopted as and shall constitute "The Tenth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Tenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after January 8, 1985, and all ordinances of a general and permanent nature adopted between June 27, 1984 and September 25, 1984, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after January 8, 1985, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to January 8, 1985, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to January 8, 1985; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in Appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after January 8, 1985.

Section 4. That one complete set of pages comprising "The Tenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective January 8, 1985. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: January 8, 1985

ORDINANCE NO. 3030

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left hand corner by the notation "Supp. No. 11," are hereby adopted as and shall constitute "The Eleventh Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Eleventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after March 26, 1985, and all ordinances of a general and permanent nature adopted between September 25, 1984 and December 15, 1984, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after March 26, 1985, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to March 26, 1985, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to March 26, 1985; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in Appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after March 26, 1985.

Section 4. That one complete set of pages comprising "The Eleventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective March 26, 1985. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: March 26, 1985

ORDINANCE NO. 3062

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left hand corner by the notation "Supp. No. 12," are hereby adopted as and shall constitute "The Twelfth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Twelfth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after June 25, 1985, and all ordinances of a general and permanent nature adopted between December 15, 1984 and March 16, 1985, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after June 25, 1985, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to June 25, 1985, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to June 25, 1985; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in Appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after June 25, 1985.

Section 4. That one complete set of pages comprising "The Twelfth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective June 25, 1985. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: June 25, 1985

ORDINANCE NO. 3088

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapter and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left hand corner by the notation "Supp. No. 13," are hereby adopted as and shall constitute "The Thirteenth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Thirteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after October 22, 1985, and all ordinances of a general and permanent nature adopted between March 16, 1985, and July 2, 1985, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after October 22, 1985, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to October 22, 1985, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to October 22, 1985; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in Appendices A through J, both inclusive, of the Code of The City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after October 22, 1985.

Section 4. That one complete set of pages comprising "The Thirteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective October 22, 1985. The city clerk shall note the date of the introduction and the date of final passage in the minutes of the meeting.

JAMES P. MORAN, JR.
Mayor

Final Passage: October 22, 1985

ORDINANCE NO. 3109

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower lefthand corner by the notation "Supp. No. 14," are hereby adopted as and shall constitute "The Fourteenth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Fourteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after February 25, 1986, and all ordinances of a general and permanent nature adopted between July 2, 1985 and October 22, 1985, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after February 25, 1986, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to February 25, 1986, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to February 25, 1986; nor shall it affect any ordinance saved from repeal by Ordinance Number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, to the Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after February 25, 1986.

Section 4. That one complete set of pages comprising "The Fourteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective February 25, 1986. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

JAMES P. MORAN, JR.
Mayor

Final Passage: February 25, 1986

ORDINANCE NO. 3130

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower lefthand corner by the notation "Supp. No. 15," are hereby adopted as and shall constitute "The Fifteenth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Fifteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after June 10, 1986, and all ordinances of a general and permanent nature adopted between October 22, 1985 and February 25, 1986, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after June 10, 1986, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to June 10, 1986, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to June 10, 1986; nor shall it affect any ordinance saved from repeal by Ordinance Number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any ordinance adopted after June 10, 1986.

Section 4. That one complete set of pages comprising "The Fifteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective June 10, 1986. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

JAMES P. MORAN, JR.
Mayor

Final Passage: June 10, 1986

ORDINANCE NO. 3155

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and section embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower lefthand corner by the notation "Supp. No. 16," are hereby adopted as and shall constitute "The Sixteenth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Sixteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after October 14, 1986, and all ordinances of a general and permanent nature which were adopted between February 25, 1986, and June 25, 1986, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after October 14, 1986, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to October 14, 1986, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to October 14, 1986; nor shall it affect any ordinance saved from repeal by Ordinance Number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between February 25, 1986, and June 25, 1986, which is inadvertently omitted from or erroneously incorporated into the Sixteenth Supplement or any other supplement to The Code of the City of Alexandria, Virginia, 1981; nor shall it affect any ordinance adopted after October 14, 1986.

Section 4. That one complete set of pages comprising "The Sixteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective October 14, 1986. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

JAMES P. MORAN, JR.
Mayor

Final Passage: October 14, 1986

ORDINANCE NO. 3173

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower lefthand corner by the notation "Supp. No. 17," are hereby adopted as and shall constitute "The Seventeenth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Seventeenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after January 13, 1987, and all ordinances of a general and permanent nature which were adopted between June 25, 1986, and October 18, 1986, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after January 13, 1987, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to January 13, 1987, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to January 13, 1987; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 25, 1986, and October 18, 1986, which is inadvertently omitted from or erroneously incorporated into The Seventeenth Supplement or any other supplement to The Code of the City of Alexandria, Virginia, 1981; nor shall it affect any ordinance adopted after January 13, 1987.

Section 4. That one complete set of pages comprising "The Seventeenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective January 13, 1987. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

JAMES P. MORAN, JR.
Mayor

Final Passage: January 13, 1987

ORDINANCE NO. 3202

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower lefthand corner by the notation "Supp. No. 18," are hereby adopted as and shall constitute "The Eighteenth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Eighteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after April 28, 1987, and all ordinances of a general and permanent nature which were adopted between October 18, 1986, and December 13, 1986, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after April 28, 1987, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to April 28, 1987, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to April 28, 1987; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between October 18, 1986, and December 13, 1986, which is inadvertently omitted from or erroneously incorporated into The Eighteenth Supplement or any other supplement to The Code of the City of Alexandria, Virginia, 1981; nor shall it affect any ordinance adopted after April 28, 1987.

Section 4. That one complete set of pages comprising "The Eighteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective April 28, 1987. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

JAMES P. MORAN, JR.
Mayor

Final Passage: April 28, 1987

ORDINANCE NO. 3232

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 19, " are hereby adopted as and shall constitute "The Nineteenth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Nineteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after September 8, 1987, and all ordinances of a general and permanent nature which were adopted between December 13, 1986 and May 26, 1987, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after September 8, 1987, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to September 8, 1987, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to September 8, 1987; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between December 13, 1986 and May 26, 1987, which is inadvertently omitted from or erroneously incorporated into The Nineteenth Supplement or any other supplement to The Code of the City of Alexandria, Virginia, 1981; nor shall it affect any ordinance adopted after September 8, 1987.

Section 4. That one complete set of pages comprising "The Nineteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective September 8, 1987. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

JAMES P. MORAN, JR.
Mayor

Final Passage: September 8, 1987

ORDINANCE NO. 3262

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 20," are hereby adopted as and shall constitute "The Twentieth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Twentieth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after January 12, 1988, and all ordinances of a general and permanent nature which were adopted between May 26, 1987 and September 22, 1987, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after January 12, 1988, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to January 12, 1988, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to January 12, 1988; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between May 26, 1987 and September 22, 1987, which is inadvertently omitted from or erroneously incorporated into The Twentieth Supplement or any other supplement to The Code of the City of Alexandria, Virginia, 1981; nor shall it affect any ordinance adopted after January 12, 1988.

Section 4. That one complete set of pages comprising "The Twentieth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective January 12, 1988. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

JAMES P. MORAN, JR.
Mayor

Final Passage: January 12, 1988

ORDINANCE NO. 3288

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981; PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the chapters and sections embraced in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 21," are hereby adopted as and shall constitute "The Twenty-First Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That all provisions of "The Twenty-First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after April 26, 1988, and all ordinances of a general and permanent nature which were adopted between September 22, 1987 and January 26, 1988, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed from and after April 26, 1988, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to April 26, 1988, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to April 26, 1988; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of the Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between September 22, 1987 and January 26, 1988, which is inadvertently omitted from or erroneously incorporated into The Twenty-First Supplement or any other supplement to The Code of the City of Alexandria, Virginia, 1981; nor shall it affect any ordinance adopted after April 26, 1988.

Section 4. That one complete set of pages comprising "The Twenty-First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective April 26, 1988. The city clerk shall note the date of introduction and the date of final passage in the minutes of the meeting.

JAMES P. MORAN, JR.
Mayor

Final Passage: April 26, 1988

ORDINANCE NO. 3319

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 22," are hereby adopted as and shall constitute "The Twenty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in of "The Twenty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between January 26, 1988, and April 26, 1988, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between January 26, 1988, and April 26, 1988, which is inadvertently omitted from or erroneously incorporated into The Twenty-Second Supplement or any other supplement to The Code of the City of Alexandria, Virginia, 1981; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Twenty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective September 13, 1988.

JAMES P. MORAN, JR.
Mayor

Final Passage: September 13, 1988

ORDINANCE NO. 3336

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 23," are hereby adopted as and shall constitute "The Twenty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in of "The Twenty-third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between April 26, 1988, and June 28, 1988, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between April 26, 1988, and June, 1988, which is inadvertently omitted from or erroneously incorporated into The Twenty-Third Supplement or any other supplement to The Code of the City of Alexandria, Virginia, 1981, nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Twenty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person to inspect the same.

Section 5. That this ordinance shall become effective November 9, 1988.

JAMES P. MORAN, JR.
Mayor

Final Passage: November 9, 1988

ORDINANCE NO. 3356

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 24," are hereby adopted as and shall constitute "The Twenty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in of "The Twenty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 28, 1988, and November 9, 1988, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 28, 1988, and November 9, 1988, which is inadvertently omitted from or erroneously incorporated into The Twenty-Fourth Supplement or any other supplement to The Code of the City of Alexandria, Virginia, 1981; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Twenty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective February 14, 1989.

JAMES P. MORAN, JR.
Mayor

Final Passage: February 14, 1989

ORDINANCE NO. 3383

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 25," are hereby adopted as and shall constitute "The Twenty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in of "The Twenty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between November 9, 1988, and February 25, 1989, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between November 9, 1988, and February 25, 1989, which is inadvertently omitted from or erroneously incorporated into The Twenty-Fifth Supplement or any other supplement to The Code of the City of Alexandria, Virginia, 1981; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Twenty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective June 13, 1989.

JAMES P. MORAN, JR.
Mayor

Final Passage: June 13, 1989

ORDINANCE NO. 3397

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 26," are hereby adopted as and shall constitute "The Twenty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in of "The Twenty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between February 25, 1989, and May 20, 1989, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between February 25, 1989, and May 20, 1989, which is inadvertently omitted from or erroneously incorporated into The Twenty-Sixth Supplement or any other supplement to The Code of the City of Alexandria, Virginia, 1981; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Twenty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective September 12, 1989.

JAMES P. MORAN, JR.
Mayor

Final Passage: September 12, 1989

ORDINANCE NO. 3409

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 27," are hereby adopted as and shall constitute "The Twenty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in of "The Twenty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between May 20, 1989, and June 27, 1989, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between May 20, 1989, and June 27, 1989, which is inadvertently omitted from or erroneously incorporated into The Twenty-Seventh Supplement or any other supplement to The Code of the City of Alexandria, Virginia, 1981; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Twenty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective October 10, 1989.

JAMES P. MORAN, JR.
Mayor

Final Passage: October 10, 1989

ORDINANCE NO. 3435

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES AS HEREINAFTER SET FORTH.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 28," are hereby adopted as and shall constitute "The Twenty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portion thereof set forth in of "The Twenty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 27, 1989, and October 10, 1989, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 27, 1989, and October 10, 1989, which is inadvertently omitted from or erroneously incorporated into The Twenty-Eighth Supplement or any other supplement to The Code of the City of Alexandria, Virginia, 1981; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Twenty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective February 13, 1990.

JAMES P. MORAN, JR.
Mayor

Final Passage: February 13, 1990

ORDINANCE NO. 3469

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 29," are hereby adopted as and shall constitute "The Twenty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in of "The Twenty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between October 10, 1989, and March 24, 1990, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by ordinance number 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between October 10, 1989, and March 24, 1990, which is inadvertently omitted from or erroneously incorporated into The Twenty-Ninth Supplement or any other supplement to The Code of the City of Alexandria, Virginia, 1981; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Twenty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective on and at the time of its final passage.

JAMES P. MORGAN, JR.
Mayor

Final Passage: June 26, 1990

ORDINANCE NO. 3482

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 30," are hereby adopted as and shall constitute "The Thirtieth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in of "The Thirtieth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between March 25, 1990, and June 26, 1990, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between March 25, 1990, and June 26, 1990, which is inadvertently omitted from or erroneously incorporated into The "Thirtieth Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Thirtieth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

James P. Moran, Jr.
Mayor

Final Passage: November 13, 1990

ORDINANCE NO. 3505

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 31," are hereby adopted as and shall constitute "The Thirty-First Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in of "The Thirty-First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 26, 1990, and December 15, 1990, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 26, 1990, and December 15, 1990, which is inadvertently omitted from or erroneously incorporated into "The Thirty-First Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Thirty-First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any persons desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: April 9, 1991

ORDINANCE NO. 3532

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 32," are hereby adopted as and shall constitute "The Thirty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in of "The Thirty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between December 15, 1990, and May 18, 1991, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between December 15, 1990, and May 18, 1991, which is inadvertently omitted from or erroneously incorporated into The "Thirty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Thirty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: September 10, 1991

ORDINANCE NO. 3557

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 33," are hereby adopted as and shall constitute "The Thirty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Thirty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between May 18, 1991, and June 25, 1991, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between May 18, 1991, and June 25, 1991, which is inadvertently omitted from or erroneously incorporated into "The Thirty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Thirty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: January 28, 1992

ORDINANCE NO. 3566

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 34," are hereby adopted as and shall constitute "The Thirty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Thirty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 25, 1991, and December 14, 1991, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 25, 1991, and December 14, 1991, which is inadvertently omitted from or erroneously incorporated into "The Thirty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Thirty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: April 28, 1992

ORDINANCE NO. 3595

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE, AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 35," are hereby adopted as and shall constitute "The Thirty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Thirty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between December 14, 1991, and June 24, 1992 and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between December 14, 1991 and June 24, 1992 which is inadvertently omitted from or erroneously incorporated into The "Thirty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Thirty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: October 14, 1992

ORDINANCE NO. 3617

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE, AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 36," are hereby adopted as and shall constitute "The Thirty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Thirty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 24, 1992, and October 17, 1992 and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 24, 1992, and October 17, 1992 which is inadvertently omitted from or erroneously incorporated into The "Thirty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Thirty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: March 9, 1993

ORDINANCE NO. 3655

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE, AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 37," are hereby adopted as and shall constitute "The Thirty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Thirty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between October 17, 1992, and May 15, 1993, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between October 17, 1992, and May 15, 1993, which is inadvertently omitted from or erroneously incorporated into "The Thirty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Thirty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: September 14, 1993

ORDINANCE NO. 3678

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE, AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 38," are hereby adopted as and shall constitute "The Thirty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Thirty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between May 15, 1993, and June 22, 1993, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between May 15, 1993, and June 22, 1993, which is inadvertently omitted from or erroneously incorporated into "The Thirty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Thirty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: November 9, 1993

ORDINANCE NO. 3700

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE, AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 39," are hereby adopted as and shall constitute "The Thirty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Thirty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 22, 1993, and September 18, 1993, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 22, 1993, and September 18, 1993, which is inadvertently omitted from or erroneously incorporated into "The Thirty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Thirty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: February 8, 1994

ORDINANCE NO. 3715

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE, AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 40," are hereby adopted as and shall constitute "The Fortieth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Fortieth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between September 18, 1993, and December 16, 1993, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between September 18, 1993, and December 16, 1993, which is inadvertently omitted from or erroneously incorporated into "The Fortieth Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Fortieth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: April 12, 1994

ORDINANCE NO. 3748

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE, AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 41," are hereby adopted as and shall constitute "The Forty-First Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Forty-First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between December 17, 1993, and April 16, 1994, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between December 17, 1993, and April 16, 1994, which is inadvertently omitted from or erroneously incorporated into "The Forty-First Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Forty-First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: September 13, 1994

ORDINANCE NO. 3757

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE, AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 42," are hereby adopted as and shall constitute "The Forty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Forty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between April 17, 1994, and June 28, 1994, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between April 17, 1993, and June 28, 1994, which is inadvertently omitted from or erroneously incorporated into "The Forty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Forty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: October 25, 1994

ORDINANCE NO. 3776

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE, AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 43," are hereby adopted as and shall constitute "The Forty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Forty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 29, 1994, and November 12, 1994, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 29, 1994, and November 12, 1994, which is inadvertently omitted from or erroneously incorporated into "The Forty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Forty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: January 24, 1995

ORDINANCE NO. 3791

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE, AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 44," are hereby adopted as and shall constitute "The Forty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Forty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between November 13, 1994, and January 24, 1995, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between November 13, 1994, and January 24, 1995, which is inadvertently omitted from or erroneously incorporated into "The Forty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981" or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Forty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: April 25, 1995

ORDINANCE NO. 3815

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE, AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 45," are hereby adopted as and shall constitute "The Forty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Forty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between January 25, 1995 and April 25, 1995, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between January 25, 1995 and April 25, 1995, which is inadvertently omitted from or erroneously incorporated into The "Forty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Forty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: June 27, 1995

ORDINANCE NO. 3816

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1981, AS AMENDED, AND PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN, EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE, AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of The City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 46," are hereby adopted as and shall constitute "The Forty-Sixth Supplement to the Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Forty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between April 26, 1995 and June 17, 1995, and which are not included in such supplement or in The Code of the City of Alexandria, 1981, as amended are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between April 26, 1995 and June 17, 1995, which is inadvertently omitted from or erroneously incorporated into The "Forty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Forty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: September 12, 1995

[The next page is xv]

ORDINANCE NO. 3833

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 47," are hereby adopted as and shall constitute "The Forty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Forty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 18, 1995 and September 16, 1995, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 18, 1995 and September 16, 1995, which is inadvertently omitted from or erroneously incorporated into The "Forty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Forty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: November 14, 1995

ORDINANCE NO. 3883

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 48," are hereby adopted as and shall constitute "The Forty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Forty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between September 17, 1995 and March 23, 1996, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between September 17, 1995 and March 23, 1996, which is inadvertently omitted from or erroneously incorporated into The Forty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Forty-Eighth Supplement to the Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: June 25, 1996

ORDINANCE NO. 3890

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 49," are hereby adopted as and shall constitute "The Forty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Forty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between March 24, 1996 and June 25, 1996, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between March 24, 1996 and June 25, 1996, which is inadvertently omitted from or erroneously incorporated into The Forty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Forty-Ninth Supplement to the Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: October 23, 1996

ORDINANCE NO. 3906

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 50," are hereby adopted as and shall constitute "The Fiftieth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Fiftieth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 26, 1996, and October 23, 1996, inclusive and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 26, 1996 and October 23, 1996, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fiftieth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Fiftieth Supplement to the Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: January 14, 1997

ORDINANCE NO. 3925

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 51," are hereby adopted as and shall constitute "The Fifty-First Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Fifty-First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between October 24, 1996, and January 25, 1997, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between October 24, 1996, and January 25, 1997, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-First Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Fifty-First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: May 13, 1997

ORDINANCE NO. 3947

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 52," are hereby adopted as and shall constitute "The Fifty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Fifty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between January 26, 1997, and June 24, 1997, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between January 26, 1997, and June 24, 1997, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Fifty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: 9/9/97

First Reading: 9/9/97

Second Reading: 9/9/97

Final Passage: 9/9/97

ORDINANCE NO. 3978

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 53," are hereby adopted as and shall constitute "The Fifty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Fifty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 25, 1997, and December 13, 1997, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 25, 1997, and December 13, 1997, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Fifty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: March 10, 1998

ORDINANCE NO. 4024

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 54," are hereby adopted as and shall constitute "The Fifty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Fifty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between December 14, 1997, and June 24, 1998, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after December 14, 1997, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between December 14, 1997, and June 25, 1998, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Fifty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: October 27, 1998

ORDINANCE NO. 4036

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 55," are hereby adopted as and shall constitute "The Fifty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Fifty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 25, 1998, and February 23, 1999, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1998, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 25, 1998, and February 23, 1999, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Fifty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: April 13, 1999

ORDINANCE NO. 4100

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 56," are hereby adopted as and shall constitute "The Fifty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Fifty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between February 24, 1999, and October 16, 1999, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after February 24, 1999, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between February 24, 1999, and October 16, 1999, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Fifty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: January 11, 2000

ORDINANCE NO. 4108

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 57," are hereby adopted as and shall constitute "The Fifty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Fifty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between October 17, 1999 and January 11, 2000, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after October 17, 1999, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between October 17, 1999, and January 11, 2000, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Fifty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: March 14, 2000

ORDINANCE NO. 4149

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 58," are hereby adopted as and shall constitute "The Fifty- Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Fifty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between January 12, 2000 and June 27, 2000, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after January 12, 2000, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between January 12,2000, and June 27, 2000, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Fifty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: September 12, 2000

ORDINANCE NO. 4185

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 59," are hereby adopted as and shall constitute "The Fifty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Fifty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 28, 2000 and October 14, 2000, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 28, 2000, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 28, 2000, and October 14, 2000, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Fifty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: January 23, 2001

ORDINANCE NO. 4190

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 60," are hereby adopted as and shall constitute "The Sixtieth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Sixtieth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between October 15, 2000 and January 23, 2001, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after October 15, 2000, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between October 15, 2000 and January 23, 2001, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixtieth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Sixtieth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: 02/28/01

First Reading: 02/28/01

Second Reading: 02/28/01

Final Passage: 02/28/01

ORDINANCE NO. 4197

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 61," are hereby adopted as and shall constitute "The Sixty-First Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Sixty-First Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between October 15, 2000 and January 23, 2001, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after October 15, 2000, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between January 24, 2001 and February 24, 2001, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-First Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Sixty First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: May 8, 2001

ORDINANCE NO. 4204

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 62," are hereby adopted as and shall constitute "The Sixty-First Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Sixty-First Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between February 25, 2001 and April 10, 2001, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 25, 1992, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between February 25, 2001 and April 10, 2001, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Sixty Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: June 12, 2001

ORDINANCE NO. 4231

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 63," are hereby adopted as and shall constitute "The Sixty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Sixty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between April 11, 2001 and September 25, 2001, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after April 11, 2001, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between April 11, 2001 and September 25, 2001, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Sixty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: January 8, 2002

ORDINANCE NO. 4241

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 64," are hereby adopted as and shall constitute "The Sixty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Sixty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between September 26, 2001 and December 15, 2001, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after September 26, 2001, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between September 26, 2001 and December 15, 2001, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Sixty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: February 26, 2002

ORDINANCE NO. 4255

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 65," are hereby adopted as and shall constitute "The Sixty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Sixty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between December 15, 2001, and March 16, 2002, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after December 15, 2001, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between December 15, 2001, and March 16, 2002, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Sixty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: May 28, 2002

ORDINANCE NO. 4264

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 66," are hereby adopted as and shall constitute "The Sixty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Sixty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between March 17, 2002 through May 28, 2002, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after March 17, 2002, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between March 17, 2002 through May 28, 2002, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Sixty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: September 10, 2002

ORDINANCE NO. 4267

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 67," are hereby adopted as and shall constitute "The Sixty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Sixty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between May 29, 2002 through September 14, 2002, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after May 29, 2002, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between May 29, 2002 through September 14, 2002, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Sixty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: October 8, 2002

ORDINANCE NO. 4286

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 68," are hereby adopted as and shall constitute "The Sixty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Sixty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between September 14, 2002 through November 16, 2002, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after September 14, 2002, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between September 14, 2002 through November 16, 2002, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Sixty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: January 14, 2003

ORDINANCE NO. 4298

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 69," are hereby adopted as and shall constitute "The Sixty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Sixty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between November 17, 2002 through March 15, 2003, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after November 17, 2002, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between November 17, 2002 through March 15, 2003, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Sixty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: May 13, 2003

First Reading: May 13, 2003

Second Reading: May 13, 2003

Final Passage: May 13, 2003

ORDINANCE NO. 4315

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 71," are hereby adopted as and shall constitute "The Seventy-First Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Seventy-First Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between May 18, 2003, through June 14, 2003, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after May 18, 2003, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between May 18, 2003, through June 14, 2003, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventy-First Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Seventy-First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: October 14, 2003

ORDINANCE NO. 4333

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 72," are hereby adopted as and shall constitute "The Seventy-Second Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Seventy-Second Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 15, 2003, through September 13, 2003, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 15, 2003, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 15, 2003, through September 13, 2003, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventy-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Seventy-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: March 9, 2004

ORDINANCE NO. 4359

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 73," are hereby adopted as and shall constitute "The Seventy-Third Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Seventy-Third Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between September 13, 2003, through January 24, 2004, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after September 13, 2003, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between September 13, 2003, through January 24, 2004, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventy-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Seventy-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: September 14, 2004

ORDINANCE NO. 4379

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 74," are hereby adopted as and shall constitute "The Seventy-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Seventy-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between January 24, 2004, through October 16, 2004, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after January 24, 2004, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between January 24, 2004, through October 16, 2004, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventy-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Seventy-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: January 11, 2005

ORDINANCE NO. 4420

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 75," are hereby adopted as and shall constitute "The Seventy-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Seventy-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between October 16, 2004, through January 25, 2005, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after October 16, 2004, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between October 16, 2004, through January 25, 2005, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventy-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Seventy-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: June 28, 2005

ORDINANCE NO. 4422

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 76," are hereby adopted as and shall constitute "The Seventy-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Seventy-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between January 25, 2005, through May 14, 2005, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after January 25, 2005, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between January 25, 2005, through May 14, 2005, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventy-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Seventy-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: October 11, 2005

ORDINANCE NO. 4432

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 77," are hereby adopted as and shall constitute "The Seventy-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Seventy-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between May 14, 2005, through June 28, 2005, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after May 14, 2005, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between May 14, 2005, through June 28, 2005, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventy-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Seventy-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: December 13, 2005

ORDINANCE NO. 4437

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 78," are hereby adopted as and shall constitute "The Seventy-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Seventy-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 28, 2005 through November 12, 2005, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 28, 2005, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 28, 2005 through November 12, 2005, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventy-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Seventy-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: February 14, 2006

ORDINANCE NO. 4439

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 79," are hereby adopted as and shall constitute "The Seventy-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Seventy-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between November 12, 2005 through January 21, 2006, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after November 12, 2005, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between November 12, 2005 through January 21, 2006, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventy-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Seventy-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: April 11, 2006

ORDINANCE NO. 4458

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 80," are hereby adopted as and shall constitute "The Eightieth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Eightieth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between January 21, 2006 through May 20, 2006, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after January 21, 2006, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between January 21,2006 through May20, 2006, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eightieth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Eightieth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: September 12, 2006

ORDINANCE NO. 4471

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 81," are hereby adopted as and shall constitute "The Eighty-First Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Eighty-First Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between May 20, 2006 through June 17, 2006, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after May 20, 2006, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between May 20, 2006 through June 17, 2006, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eighty-First Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Eighty-First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: January 9, 2007

ORDINANCE NO. 4484

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 82," are hereby adopted as and shall constitute "The Eighty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Eighty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 17, 2006 through February 24, 2007, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 17, 2006, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 17, 2006 through February 24, 2007, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eighty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Eighty-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: June 12, 2007

ORDINANCE NO. 4496

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 83," are hereby adopted as and shall constitute "The Eighty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Eighty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between February 24, 2007 through May 12, 2007, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after February 24, 2007, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between February 24, 2007 through May 12, 2007, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eighty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Eighty-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: September 11, 2007

ORDINANCE NO. 4504

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 84," are hereby adopted as and shall constitute "The Eighty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Eighty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between May 12, 2007 through July 26, 2007, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after May 12, 2007, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between May 12, 2007 through July 26, 2007, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eighty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Eighty-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: November 19, 2007

ORDINANCE NO. 4537

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 85," are hereby adopted as and shall constitute "The Eighty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Eighty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between July 26, 2007 through February 23, 2008, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after July 26, 2007, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between July 26, 2007 through February 23, 2008, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eighty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Eighty-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: May 13, 2008

ORDINANCE NO. 4558

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 86," are hereby adopted as and shall constitute "The Eighty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Eighty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between February 23, 2008 through April 12, 2008, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after February 23, 2008, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between February 23, 2008 through April 12, 2008, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eighty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Eighty-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: September 9, 2008

ORDINANCE NO. 4564

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 87," are hereby adopted as and shall constitute "The Eighty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Eighty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between April 12, 2008 through June 14, 2008, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after April 12, 2008, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between April 12, 2008 through April 12, 2008, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eighty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Eighty-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: November 19, 2008

ORDINANCE NO. 4577

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 88," are hereby adopted as and shall constitute "The Eighty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Eighty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 14, 2008 through November 19, 2008, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 14, 2008, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 14, 2008 through November 19, 2008, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eighty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Eighty-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: February 10, 2009

ORDINANCE NO. 4610

AN ORDINANCE adopting supplemental pages for the Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 89," are hereby adopted as and shall constitute "The Eighty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Eighty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between November 19, 2008 through March 24, 2009, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after November 19, 2008, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between November 19, 2008 through March 24, 2009, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eighty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Eighty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: June 23, 2009

ORDINANCE NO. 4636

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 91," are hereby adopted as and shall constitute "The Ninety-First Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Ninety-First Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 23, 2009, through October 17, 2009, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 23, 2009, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 23, 2009 through October 17, 2009, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Ninety-First Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Ninety-First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: December 8, 2009

ORDINANCE NO. 4648

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 92," are hereby adopted as and shall constitute "The Ninety-Second Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Ninety-Second Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between October 17, 2009, through December 12, 2009, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after October 17, 2009, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between October 17, 2009 through December 12, 2009, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Ninety-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Ninety-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: February 23, 2010

ORDINANCE NO. 4658

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 93," are hereby adopted as and shall constitute "The Ninety-Third Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Ninety-Third Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between December 12, 2009, through March 13, 2010, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after December 12, 2009, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between December 12, 2009 through March 13, 2010, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Ninety-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Ninety-Third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: May 11, 2010

ORDINANCE NO. 4679

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 94," are hereby adopted as and shall constitute "The Ninety-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Ninety-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between March 13, 2010, through Uune 22, 2010, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after March 13, 2010, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between March 13, 2010 through June 22, 2010, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Ninety-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Ninety-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: September 14, 2010

ORDINANCE NO. 4692

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 95," are hereby adopted as and shall constitute "The Ninety-Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Ninety-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 22, 2010, through October 16, 2010, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 22, 2010, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 22, 2010, through October 16, 2010, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Ninety-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Ninety-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: December 14, 2010

ORDINANCE NO. 4705

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 96," are hereby adopted as and shall constitute "The Ninety-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Ninety-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 22, 2010, through November 13, 2010, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 22, 2010, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 22, 2010 through November 13, 2010, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Ninety-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Ninety-Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: February 8, 2011

ORDINANCE NO. 4713

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. that the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 97," are hereby adopted as and shall constitute "The Ninety-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Ninety-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between November 13, 2010, through February 12, 2011, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after November 13, 2010, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between November 13, 2010 through February 12, 2011, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Ninety-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Ninety-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: April 12, 2011

ORDINANCE NO. 4735

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. that the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 98," are hereby adopted as and shall constitute "The Ninety-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Ninety-Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between February 12, 2011 through June 28, 2011, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after February 12, 2011, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between February 12, 2011 through June 28, 2011, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Ninety-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Ninety-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: September 13, 2011

ORDINANCE NO. 4745

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 99," are hereby adopted as and shall constitute "The Ninety-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Ninety-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 28, 2011 through September 17, 2011, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 28, 2011, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 28, 2011, through September 17, 2011, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Ninety-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Ninety-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: November 22, 2011

ORDINANCE NO. 4748

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 100," are hereby adopted as and shall constitute "The One Hundredth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundredth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between September 17, 2011 through November 22, 2011, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after September 17, 2011, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between September 17, 2011, through November 22, 2011, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundredth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundredth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: February 12, 2012

ORDINANCE NO. 4763

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 101," are hereby adopted as and shall constitute "The One Hundred and First Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and First Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between September 17, 2011 through February 14, 2012, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after September 17, 2011, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between September 17, 2011 through February 14, 2012, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and First Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and First Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: June 13, 2012

ORDINANCE NO. 4773

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 102," are hereby adopted as and shall constitute "The One Hundred and First Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Second Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between February 14, 2012 through June 26, 2012, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 26, 2012, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between February 14, 2012 through June 26, 2012, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Second Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: September 11, 2012

ORDINANCE NO. 4779

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 103," are hereby adopted as and shall constitute "The One Hundred and Third Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Third Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between February 14, 2012 through June 26, 2012, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 26, 2012, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between February 14, 2012 through June 26, 2012, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Third Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Third Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE, Mayor

Final Passage: December 11, 2012

ORDINANCE NO. 4794

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 104," are hereby adopted as and shall constitute "The One Hundred and Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 26, 2012 through December 15, 2012, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after December 15, 2012, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 26, 2012 through December 15, 2012, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Fourth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE, Mayor

Final Passage: March 12, 2013

ORDINANCE NO. 4803

An ordinance adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 105," are hereby adopted as and shall constitute "The One Hundred and Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between December 14, 2012 through March 12, 2013, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after March 12, 2013, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between December 14, 2012 through March 12, 2013, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE, Mayor

Final Passage: May 14, 2013

ORDINANCE NO. 4824

An ordinance adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 106," are hereby adopted as and shall constitute "The One Hundred and Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between March 12, 2013 through June 15, 2013, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 15, 2013, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between March 12, 2013 through June 15, 2013, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Sixth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE, Mayor

Final Passage: September 10, 2013

ORDINANCE NO. 4838

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 107," are hereby adopted as and shall constitute "The One Hundred and Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 15, 2013 through September 21, 2013, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after September 21, 2013, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 15, 2013 through September 21, 2013, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Seventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE, Mayor

Final Passage: November 12, 2013

ORDINANCE NO. 4848

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 108," are hereby adopted as and shall constitute "The One Hundred and Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between September 21, 2013 through November 12, 2013, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after November 12, 2013, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between September 21, 2013 through November 12, 2013, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE, Mayor

Final Passage: January 14, 2014

ORDINANCE NO. 4884

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 109," are hereby adopted as and shall constitute "The One Hundred and Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between November 12, 2013 through March 15, 2014, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after March 15, 2014, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between November 12, 2013 through March 15, 2014, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: May 27, 2014

ORDINANCE NO. 4899

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 110," are hereby adopted as and shall constitute "The One Hundred and Tenth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Tenth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between March 15, 2014 through June 24, 2014, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after June 24, 2014, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between March 15, 2014 through June 24, 2014, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Tenth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Tenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: September 9, 2014

ORDINANCE NO. 4907

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 111," are hereby adopted as and shall constitute "The One Hundred and Eleventh Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Eleventh Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 24, 2014 through September 14, 2014, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after September 14, 2014, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 24, 2014 through September 14, 2014, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Eleventh Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Eleventh Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: November 11, 2014

ORDINANCE NO. 4923

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 112," are hereby adopted as and shall constitute "The One Hundred and Twelfth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Twelfth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between September 14, 2014 through December 13, 2014, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after December 13, 2014, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between September 24, 2014 through December 13, 2014, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Twelfth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Twelfth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: February 10, 2015

ORDINANCE NO. 4945

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 113," are hereby adopted as and shall constitute "The One Hundred and Thirteenth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Thirteenth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between December 13, 2014 through March 14, 2015, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after March 14, 2015, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between December 13, 2014 through March 14, 2015, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Thirteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Thirteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: May 12, 2015

ORDINANCE NO. 4964

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 114," are hereby adopted as and shall constitute "The One Hundred and Fourteenth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Fourteenth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between March 14, 2015 through May 16, 2015, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after May 16, 2015, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between March 14, 2015 through May 16, 2015, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Fourteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Fourteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: September 9, 2015

ORDINANCE NO. 4972

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 115," are hereby adopted as and shall constitute "The One Hundred and Fifteenth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Fifteenth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between May 16, 2015 through September 12, 2015, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after September 12, 2015, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between May 16, 2015 through September 12, 2015, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Fifteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Fifteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: November 10, 2015

ORDINANCE NO. 4985

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 116," are hereby adopted as and shall constitute "The One Hundred and Sixteenth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Sixteenth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between September 12, 2015 through December 12, 2015, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after December 12, 2015, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between September 12, 2015 through December 12, 2015, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Sixteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Sixteenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

/s/ ALLISON SILBERBERG
Mayor

Final Passage: February 9, 2016

ORDINANCE NO. 5002

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 117," are hereby adopted as and shall constitute "The One Hundred and Seventeenth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Seventeenth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between December 12, 2015 through March 12, 2016, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after March 2016, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between December 12, 2015 through March 12, 2016, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Seventeenth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The One Hundred and Seventeenth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

/s/ ALLISON SILBERBERG
Mayor

Final Passage: May 10, 2016

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Included/ Omitted
Supp. No. 96		
4684	11-13-10	Included
4685	11-13-10	Included
4687	11-13-10	Included
4689	11-13-10	Included
4690	11-13-10	Included
4691	11-13-10	Included
Supp. No. 97		
Acts of 2010	4- 7-10	Included
4692	12-18-10	Included
4693	12-18-10	Included
4694	12-18-10	Included
4695	12-18-10	Included
4696	12-18-10	Included
4697	12-18-10	Included
4698	12-18-10	Included
4699	12-18-10	Included
4700	12-18-10	Included
4701	12-18-10	Included
4702	12-18-10	Included
4703	1-22-11	Included
4705	2- 8-11	Included
4706	2-12-11	Included
Supp. No. 98		
4707	3-12-11	Included
4708	3-12-11	Included
4710	3-12-11	Included
4713	4-12-11	Included
4714	4-16-11	Included
4716	5- 2-11	Included
4717	5- 2-11	Included
4718	5-14-11	Included
4719	5-14-11	Included
4720	5-14-11	Included
4721	6-24-11	Included
4722	6-25-11	Included
4725	6-25-11	Included
4726	6-25-11	Included

Ord. No.	Date Adopted	Included/ Omitted
4727	6-25-11	Included
4728	6-25-11	Included
4729	6-25-11	Included
4730	6-25-11	Included
4733	6-28-11	Included
Supp. No. 99		
4735	9-13-11	Included
4736	9-17-11	Included
Supp. No. 100		
4738	10-15-11	Included
4739	10-15-11	Included
4740	10-15-11	Included
4741	11-12-11	Included
4742	11-12-11	Included
4743	11-12-11	Included
4744	11-12-11	Included
4745	11-22-11	Included
Supp. No. 101		
4746	1-21-12	Included
4747	1-21-12	Included
4748	2-14-12	Included
Supp. No. 102		
4749	2-25-12	Included
4750	2-25-12	Included
4751	2-25-12	Included
4752	2-25-12	Included
4753	2-25-12	Included
4755	3-17-12	Included
4756	3-17-12	Included
4757	4-14-12	Included
4758	4-14-12	Included
4760	4-14-12	Included
4761	5- 7-12	Included
4762	5-12-12	Included
4763	6-13-12	Included
4764	6-16-12	Included
4765	6-16-12	Included
4766	6-16-12	Included
4767	6-16-12	Included
4768	6-16-12	Included
4770	6-26-12	Included
4771	6-26-12	Included
4772	6-26-12	Included
Supp. No. 103		
4773	9-11-12	Included
4775	10-13-12	Included
4776	10-13-12	Included
Supp. No. 104		
4777	11-17-12	Included
4778	11-17-12	Included
4779	12-11-12	Included

Ord. No.	Date Adopted	Included/ Omitted
4780	12-15-12	Included
Supp. No. 105		
4784	1-22-13	Included
4785	2-23-13	Included
4786	2-23-13	Included
4788	2-23-13	Included
4790	2-23-13	Included
4792	2-23-13	Included
4794	3-12-13	Included
Supp. No. 106		
4796	4-13-13	Included
4799	4-13-13	Included
4800	4-13-13	Included
4801	5- 6-13	Included
4802	5- 6-13	Included
4803	5-14-13	Included
4805	5-18-13	Included
4806	5-18-13	Included
4807	5-18-13	Included
4808	5-18-13	Included
4809	5-18-13	Included
4810	5-28-13	Included
4811	6-15-13	Included
4812	6-15-13	Included
4816	6-15-13	Included
4817	6-15-13	Included
4818	6-15-13	Included
4819	6-15-13	Included
4820	6-15-13	Included
Supp. No. 107		
4822	6-25-13	Included
4823	6-25-13	Included
4824	9-10-13	Included
4826	9-21-13	Included
4827	9-21-13	Included
4828	9-21-13	Included
4829	9-21-13	Included
4830	9-21-13	Included
Supp. No. 108		
4831	10-19-13	Included
4833	10-19-13	Included
4834	10-19-13	Included
4835	10-19-13	Included
4836	10-19-13	Included
4837	10-19-13	Included
4838	11-12-13	Included
Supp. No. 109		
4845	12-14-13	Included
4846	12-14-13	Included
4847	12-14-13	Included
4848	1-14-14	Included

Ord. No.	Date Adopted	Included/ Omitted
4850	1-25-14	Included
4853	1-25-14	Included
4854	1-25-14	Included
4855	1-25-14	Included
4856	1-25-14	Included
4860	3-15-14	Included
4862	3-15-14	Included
4863	3-15-14	Included
Supp. No. 110		
4867	4-12-14	Included
4868	4-12-14	Included
4869	4-12-14	Included
4870	4-12-14	Included
4871	5- 1-14	Included
4872	5- 1-14	Included
4873	5- 1-14	Included
4875	5-17-14	Included
4876	5-17-14	Included
4877	5-27-14	Included
4878	5-17-14	Included
4879	5-17-14	Included
4880	5-17-14	Included
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4882	5-17-14	Included
4883	5-17-14	Included
4884	5-27-14	Included
4885	6-14-14	Included
4886	6-14-14	Included
4887	6-14-14	Included
4888	6-14-14	Included
4889	6-14-14	Included
4890	6-14-14	Included
4891	6-14-14	Included
4893	6-14-14	Included
4896	6-24-14	Included
Supp. No. 111		
Acts 2014, ch. 400	3-31-14	Included
4899	9- 9-14	Included
4900	9-13-14	Included
4901	9-13-14	Included
4902	9-14-14	Included
Supp. No. 112		
Acts 2009, ch. 539	3-27-09	Included
4905	10-18-14	Included
4906	10-18-14	Included
4908	11-15-14	Included
4909	11-15-14	Included
4912	11-15-14	Included
4913	11-15-14	Included

Ord. No.	Date Adopted	Included/ Omitted
4916	12-13-14	Included
4917	12-13-14	Included
4918	12-13-14	Included
Supp. No. 113		
4920	1-24-15	Included
4921	1-24-15	Included
4922	1-24-15	Included
4923	2-10-15	Included
4926	2-21-15	Included
4928	2-21-15	Included
4931	3-14-15	Included
4932	3-14-15	Included
4933	3-14-15	Included
Supp. No. 114		
4722	6-25-11	Included
4840	11-16-13	Included
4907	11-11-14	Included
4934	4-18-15	Included
4935	4-18-15	Included
4937	4-18-15	Included
4938	4-18-15	Included
4944	5- 7-15	Included
4945	5-12-15	Included
4947	5-16-15	Included
4949	5-16-15	Included
4950	5-16-15	Included
H.B. 1682ER	7- 1-15	Included
Supp. No. 115		
4951	6-13-15	Included
4952	6-13-15	Included
4953	6-13-15	Included
4954	6-13-15	Included
4955	6-13-15	Included
4956	6-13-15	Included
4957	6-13-15	Included
4958	6-13-15	Included
4959	6-13-15	Included
4960	6-13-15	Included
4961	6-13-15	Included
4964	9- 9-15	Included
4966	9-12-15	Included
Supp. No. 116		
4967	10-17-15	Included
4968	10-17-15	Included
4969	10-17-15	Included
4970	10-17-15	Included
4972	11-10-15	Included
4973	11-14-15	Included
4975	11-14-15	Included
4976	11-14-15	Included

Ord. No.	Date Adopted	Included/ Omitted
4977	12-12-15	Included
4978	12-12-15	Included
4980	12-12-15	Included
4981	12-12-15	Included
4982	12-12-15	Included
Supp. No. 117		
4983	1-30-16	Included
4984	1-30-16	Included
4985	2- 9-16	Included
4987	2-20-16	Included
4989	3-12-16	Included
4990	3-12-16	Included
Supp. No. 118		
4859	2-22-14	Included
4991	4-16-16	Included
4992	4-16-16	Included
4993	4-16-16	Included
4994	4-16-16	Included
4995	4-16-16	Included
4997	4-16-16	Included
4998	4-16-16	Included
5000	5-16-16	Included
5001	5- 5-16	Included
5002	5-10-16	Included
5004	5-14-16	Included
5005	5-14-16	Included
5006	5-14-16	Included
5007	5-14-16	Included
5008	5-14-16	Included
5009	5-14-16	Included
5010	5-14-16	Included
5011	5-14-16	Included
5013	5-14-16	Included
5016	5-14-16	Included
5017	5-14-16	Included
5018	5-14-16	Included
Supp. No. 119		
5019	6-18-16	Included
5020	6-18-16	Included
5021	6-18-16	Included
5022	6-18-16	Included
5023	6-18-16	Included
5024	6-18-16	Included
5025	6-18-16	Included
5026	6-18-16	Included
5028	6-18-16	Included
5030	6-18-16	Included
5031	6-28-16	Included

PART I

The City Charter

Editorial Note: This part contains the Charter of the City of Alexandria, as provided by an act of the General Assembly of Virginia, approved April 7, 1950 (Acts 1950, ch. 536, p. 1038 et seq.) and all acts amendatory thereof. The original catchlines have been retained. In any instance in which the charter has no catchline, a catchline has been added by the editor.

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§ 1.01 Repealed by Acts 1973, ch. 258. § 2.
§ 1.01.1 Corporate limits as changed by agreement with Arlington County.
§ 1.01.2 Corporate limits as changed by agreement with Fairfax County.
§ 1.02 Incorporation as body politic.
§ 1.03 Jurisdiction over harbor and vessels therein.

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§ 2.02 Financial powers.
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§ 2.04 Power to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the city and its inhabitants.
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An Act to provide a new charter for the City of Alexandria, Virginia, and to repeal Chapter 280 of the Acts of Assembly of 1932, entitled "An Act to provide a new charter for the City of Alexandria, Virginia," approved March 24, 1932, and acts amendatory thereto.

Be It Enacted By The General Assembly of Virginia:

CHAPTER 1

Incorporation

Sec. 1.00 City boundary limits.

The boundary limits of the City of Alexandria shall be as set forth in Chapter 838 of the Acts of Assembly of 1972, and that Act is incorporated herein by reference as though fully set out. (Acts 1973, ch. 258, § 1)

Sec. 1.01 Repealed by Acts 1973, ch. 258. Sec. 2.

Sec. 1.01.1 Corporate limits as changed by agreement with Arlington County.

The boundaries of the city shall be as described in section 1.00 of this charter as modified by an agreement between Arlington County and the City of Alexandria, authorized by Chapter 314 of the Acts of Assembly of 1962, approved March 30, 1962. The modified boundary is delineated in a resolution of the city council of the City of Alexandria, Virginia, recorded December 21, 1965, in deed book 641 at page 188 et seq. among the land records of the City of Alexandria, Virginia, and a resolution of the county board of Arlington County recorded December 21, 1965, in deed book 641 at page 201 et seq. among said land records. (Acts 1968, ch. 510, Sec. 1; Acts 1973, ch. 258. Sec. 1)

Sec. 1.01.2 Corporate limits as changed by agreement with Fairfax County.

The boundaries of the city shall be as described in section 1.00 of this charter as modified by the agreement referred to in section 1.01.1 of this charter, and as further modified by an agreement between Fairfax County and the City of Alexandria, authorized by Chapter 867 of the Acts of Assembly, 1972, approved April 10, 1972. The modified boundary between the City of Alexandria and Fairfax County is delineated in a resolution of the city council of the City of Alexandria, recorded December 28, 1972, in deed book 750 at page 583 et seq. among the land records of the City of Alexandria, Virginia, and a resolution of the board of supervisors of Fairfax County recorded December 28, 1972, in deed book 750 at page 617 et seq. among the said land records. (Acts 1973, ch. 258, Sec. 1)

Sec. 1.02 Incorporation as body politic.

The inhabitants of the territory comprised within the present limits of the City of Alexandria as hereinbefore described or as the same may be hereafter altered and established by law, shall continue to be one body politic in fact and in name under the style and denomination of the City of Alexandria, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all duties and obligations now appertaining to and incumbent on said city as a municipal corporation, and the said City of Alexandria as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew or amend at its pleasure.

Sec. 1.03 Jurisdiction over harbor and vessels therein.

The jurisdiction of said city council of Alexandria shall extend over the harbor of Alexandria and over vessels of every description which may arrive and be in the harbor.

CHAPTER 2

Powers

Sec. 2.01 General grant of powers.

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government the exercise of which is not expressly prohibited by the said Constitution and laws and which in the opinion of the council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

Sec. 2.02 Financial powers.

In addition to the powers granted by other sections of this charter the city shall have power:

(a) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient, provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the city shall have power:

(1) To levy and collect ad valorem taxes on real estate and personal property and machinery and tools not exempt by law from taxation, or segregated to the State for exclusive taxation, all corporations located in the city or having their principal office therein and not exempt by law from taxation, all money owned by or credits due to any person living in the city and doing business therein and employed in said business though the said business may extend beyond the city; provided, that so much of said capital as is invested in real estate, or employed in the manufacture of articles outside of the city limits, shall not be taxed as capital; all stocks in incorporated joint stock companies doing business in the city and by whomsoever owned and not exempt by law from taxation; income, interest or money, dividends of banks or other corporations, provided that no capital, interest or dividend shall be taxed, when a license or other tax is imposed upon the business in which said capital is employed, or upon the principal, money, credits or stocks from which the interest, income or dividend is derived; nor shall a tax be imposed upon stocks of a corporation and upon the dividends thereon; and provided, further, that such property has not been segregated to the State for exclusive taxation. Assessments upon stocks and bonds shall be according to the market value thereof. The council may by curative ordinances, ratify and confirm assessments and levies of taxes heretofore or hereafter made, and the acts of all ministerial officers in connection therewith, and any such ordinance heretofore passed is hereby ratified and confirmed. The rate of the tax that is levied on real estate shall be fixed once each calendar year and such rate shall not thereafter be changed during the same calendar year.

(2) Reserved. (Deleted by House Bill 1682ER.)

(3) To levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge.

(4) To levy on and collect taxes from purchasers of any public utility service, which taxes may be added to and collected with the bills rendered purchasers of such service.

(5) Unless prohibited by general law to require licenses for the privilege of engaging in any business, profession, occupation, or trade, prohibit the conduct of any business, profession, occupation, or trade without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, occupations, and trades, and to refuse such license to any person not entitled by law thereto.

(6) To require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such licenses. In any prosecution of a violation of any ordinance requiring such licenses, proof that the motor vehicle, trailer or semitrailer was located in the city and was displaying a current license plate of any state, shall constitute in evidence a prima facie presumption that such motor vehicle, trailer or semitrailer was operated on the public streets of the city.

(7) To impose penalties on persons following any business, profession, or trade in the city without the license prescribed therefor.

(b) To borrow money for the purposes and in the manner provided by chapter 7 of this charter.

(c) To make appropriations, subject to the limitations imposed in chapters 5 and 6 of this charter, for the support of the city government and any other purposes authorized by this charter and not prohibited by the laws of the Commonwealth.

(d) To appropriate, without being bound by other provisions of this charter, such sums as the council may deem necessary in any one fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city; provided, that any such appropriation shall require at least a two-thirds affirmative vote of council members present and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.

(e) To accept or refuse gifts, donations, bequests or grants from any source for any purpose relating to the powers and duties of the city government.

(f) To provide, or aid in the support of, public libraries and public schools, to appropriate funds for educational purposes which may be expended in furtherance of elementary, secondary, collegiate or graduate education of Virginia students in public and nonsectarian private schools and institutions of learning in addition to those owned or exclusively controlled by the city and to make appropriations to nonsectarian schools of manual, industrial or technical training and also to any school or institution of learning owned or exclusively controlled by the city.

(g) To establish a system of pensions for injured, retired or superannuated city officers and employees, subject to the limitations imposed by chapter 8 of this charter.

(h) To provide for the control and management of the fiscal affairs of the city, and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, courts or other agencies of the city government provided for by this charter or otherwise by law as may be necessary to give full and true accounts of the affairs, resources and revenues of the city and the handling, use and disposal thereof. (Acts. 1970, ch. 492; Acts 1972, ch. 808, § 1; Acts 1976, ch. 669; Acts 1977, ch. 122; H.B. 1682ER, § 1, 7-1-2015)

Sec. 2.03 Powers relating to public works, utilities and properties.

In addition to the powers granted by other sections of this charter the city shall have power:

(a) To lay out, open, extend, widen, narrow, establish or change the grade, or close, vacate, abandon, construct, pave, curb, gutter, grade, regrade, adorn with shade trees, otherwise improve, maintain, repair, clean and light streets, including limited access or express highways, alleys, bridges, viaducts, subways and underpasses, and make and improve walkways upon streets and improve and pave alleys within the city; and the city shall have the same power and authority over any street, alley or other public place ceded or conveyed to the city or dedicated or devoted to public use as over other streets, alleys and other public places; provided, further, that whenever any ground shall have been opened to and used by the public as a street or alley for ten years it shall be considered as dedicated to the public and the city shall have the same authority and jurisdiction over and right and interest therein as it has over other streets.

(b) To acquire, by purchase, condemnation, or otherwise and to construct, own, maintain and operate, within and without the city, public parks, parkways, playfields and playgrounds, and to lay out, equip and improve them with all suitable devices, buildings and other structures, and to charge admissions and fees for the use of such facilities.

(c) To collect and dispose of garbage and other refuse and to impose and collect reasonable charges for such service, and to construct, maintain and operate, within and without the city, incinerators, dumps or other facilities or means of disposal of such garbage and other refuse.

(d) To construct, maintain and operate, within and without the city, sanitary sewers, storm sewers, drains, and culverts.

(e) To assess the whole or part of the cost of making and improving walkways on the existing streets, improving or paving existing alleys or constructing sewers, culverts and drains, upon the owners of land abutting thereon or on the street or alley in which such sewer, culvert or drain is laid, provided that the amount of such assessment shall not exceed the peculiar benefit resulting to the landowner from the improvement; provided further, that in lieu of any such assessment for the construction of a sewer, culvert or drain, the city may assess and collect an annual sewer tax as compensation for the use

thereof, and may provide for the commutation thereof, upon such terms and conditions as the council may provide by ordinance, but such assessment shall not be in excess of the peculiar benefit resulting therefrom to such abutting landowners; and provided further, that the city may acquire by condemnation or otherwise any interest or right of any owner of abutting property in the use of any sewer, culvert or drain, and thereafter charge such landowner for the use of such sewer, culvert or drain. The city may order such improvements to be made and the cost thereof apportioned in pursuance of an agreement between the city and the abutting landowners. In the absence of such an agreement the improvements may be ordered on a petition from not less than three-fourths of the landowners to be affected thereby or by a majority affirmative vote of the council.

(f) To construct, maintain and equip all buildings and other structures necessary or useful in carrying out the powers and duties of the city.

(g) To sell, lease or dispose of, except as otherwise provided in this chapter and in the Constitution and laws of the Commonwealth, land, buildings and other property of the city, real and personal.

(h) To control and regulate the use and management of all property of the city, real and personal.

(i) To acquire, by purchase, condemnation, lease, or otherwise, and to construct and maintain or authorize the construction and maintenance of bridges, viaducts, subways or underpasses over or under any stream, creek or ravine when any portion of such bridge, viaduct, subway or underpass is within the city limits, and to charge or authorize the charging of tolls for their use by the public, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned; provided, that the council shall have authority to exempt from the payment of tolls for the use of any such bridge, viaduct, subway or underpass all vehicles, licenses to operate which have been paid to the city.

(j) To authorize by ordinance, in accordance with the Constitution and laws of the Commonwealth, the use of the streets for the laying down of street railway tracks and the operation of street railways therein under such conditions and regulations as may be prescribed by such ordinance or by any future ordinance, or to acquire by agreement or condemnation any such street railway and maintain and operate the same.

(k) To acquire, by purchase, condemnation, lease, or otherwise and to construct, own, maintain and operate within and without the city, places for the parking or storage of vehicles by the public, which shall include but not be limited to parking lots, garages, buildings and other land, structures, equipment and facilities, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use; provide for their management and control by a department of the city government or by an agency established by ordinance for the purpose; authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the council may determine; and charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places.

(l) To acquire, by purchase, condemnation, lease, or otherwise and to construct, own, maintain and operate, within and without the city, airports and all the appurtenances thereof; provide for their management and control by a department of the city government; charge or authorize the charging of compensation for the use of any such airport or any of its appurtenances; lease any appurtenance of any such airport or any concession incidental thereto or, in the discretion of the council, lease any such airport and its appurtenances with the right to all concessions thereon to, or enter into a contract for the management and operation of the same with any person, firm or corporation on such terms and conditions as the council may determine.

(m) To acquire, by purchase, condemnation, lease, or otherwise, and to construct, own, maintain and operate, within and without the city, stadia, arenas, swimming pools and other sport and recreational facilities; provide for their management and control by a department of the city government; charge or authorize the charging of compensation for the use of or admission to such stadia, arenas, swimming pools and other sport and recreational facilities, including charges for any service incidental thereto; lease, subject to such regulations as may be established by ordinance, any such stadium, arena, swimming pool or other sport or recreational facility or any concession

incidental thereto, or enter into a contract with any person, firm or corporation for the management and operation of any such stadium, arena, swimming pool or other sport or recreational facility, including the right to all concessions incident to the subject of such contract, on such terms and conditions as the council may determine.

(n) To acquire, by purchase, condemnation, lease, or otherwise and to construct, own, maintain and operate, within and without the city, water works, gas plants and electric plants, with the pipe and transmission lines incident thereto, and to charge and collect compensation therefor, and to provide penalties for the unauthorized use thereof; to acquire by purchase, condemnation or otherwise from lower riparian owners the right to divert streams into the present or any future reservoir.

(o) To acquire, by purchase, condemnation, lease, or otherwise and to construct, own, maintain and operate, within and without the city, landings, wharves, docks, canals and the approaches to and appurtenances thereof, tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise; perform any and all services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, icing, storing and handling of goods, wares and merchandise; prescribe and collect charges from vessels coming into or using any of the landings, wharves and docks, and from persons using any of the facilities above prescribed; provide for the management and control of such facilities or any of them by a department of the city government; lease any or all of such facilities or any concessions properly incident thereto to any person, firm or corporation for the maintenance and operation of any or all of such facilities on such terms and conditions as the council may determine; apply to the proper authorities of the United States to grant to the city the privilege of establishing, maintaining and operating a foreign trade zone within or without the city; regulate the use of other landings, wharves and docks located on the Potomac River within or near the city; prevent and remove obstructions from the harbor in, upon or near the landings, wharves, docks or canals adjacent thereto, and collect from the person or persons responsible for such obstructions the cost of their removal; close or discontinue the use of any such wharf, landing, dock or canal now owned or hereafter acquired by the city and upon the closing or discontinuance of such use the same shall thereupon be forever discharged from any public use or easement or from any obligation theretofore imposed by reason of such public use or easement by statute or otherwise.

(p) To acquire, by purchase, condemnation, lease, or otherwise such other utilities, abattoirs and other enterprises within as well as without the city, as may be deemed to be in the public interest.

(q) To compel persons sentenced to confinement in the city jail for petty larceny or other misdemeanor or other violations of the city ordinances to work on the public streets, parks or other public works of the city; and on the requisition of the judge of the circuit court it shall be the duty of the sheriff of the city to deliver such person to the duly authorized agent of the city for such purposes from day to day as he may be required.

(r) To give names to or alter the names of streets.

(s) To contribute funds or other aid to the building or improvements of permanent public roads leading to the city or of bridges on such roads, or to the purchase of such roads by an affirmative vote of two-thirds of the council provided that no such appropriation shall be made towards the building, purchase, or improvement of any road or bridge at a point more than five miles beyond the corporate limits of the city measured along the route of such road.

(t) To sell any product or by-product of any utility owned and operated by the city.

(u)(1) To acquire, establish, construct, improve, enlarge, operate and maintain a sewage disposal system with all necessary sewers, conduits, pipe lines, pumping and ventilating stations, treatment plants and works, plants and facilities for the manufacture of by-products, and other plants, structures, boats, conveyances and other real and personal property necessary for the operation of the sewage disposal system.

(2) To acquire by purchase gift, condemnation or otherwise, real estate, or rights to easements therein, necessary or convenient for establishment, enlargement, maintenance or operation of such sewage disposal system, and the right to dispose of property so acquired no longer necessary for the use of such system; provided, that the provisions of section 25-233 of the Code of Virginia shall apply to any property belonging to any corporation possessing the power of eminent domain that may be sought to be taken by condemnation hereunder.

(3) To borrow money for the purpose of acquiring, establishing, constructing, improving and enlarging the sewage disposal system and to issue

bonds therefor in the name of the City of Alexandria, as hereinafter provided.

(4) To accept gifts or grants of real or personal property, money, material, labor or supplies for the establishment and operation of such sewage disposal system, and to make and perform such agreements or contracts as may be necessary or convenient in the procuring or acceptance of such gifts or grants.

(5) To enter on any lands, waters and premises for the purpose of making surveys, borings, soundings and examinations for acquiring, constructing and operating the sewage disposal system and for the prevention of pollution of state waters.

(6) To enter into contracts with the United States of America, or any department or agency thereof, or with the Commonwealth of Virginia or any other government or public agency in the United States, or with any person, firm or corporation providing for or in relation to the use, treatment and disposal of sewage and industrial wastes and by-products.

(7) To require that all sewage and industrial waste created or originating upon any and all real estate or anywhere within the city be disposed of through the sewage disposal system.

(8) To fix, charge and collect fees, rents or other charges for the use and services of the sewage disposal system. Such fees, rents and charges may be charged to and collected from any person contracting for the same, or from the owner or the occupant, or some or all of them, who uses or occupies any real estate which directly or indirectly is, or has been or will be connected with the sewage disposal system or from which originates, has originated or will originate sewage or industrial wastes, or either, which directly or indirectly have entered or will enter the sewage disposal system; and the owner or occupant of any such real estate shall pay to the city such fees, rents and charges at the time and place where the same are due and payable.

Such fees, rents and charges, being in the nature of use or service charges for use of the sewage disposal system, shall be in addition to tap charges heretofore or hereafter collected for connection to and use of the regular sewer pipes of the city, and shall, as nearly as the council shall deem practicable and equitable, be uniform for the same type, class and amount of use or service of the sewage disposal system, and may be based or computed either on the consumption of water on or in connection with the real estate, making due allowances for commercial use of water, or on the number and kind of water outlets on or in connection with the real estate or on the number and kind of plumbing or sewage fixtures or facilities on or in connection with the real estate, or on the number or average number of persons residing or working on or otherwise connected or identified with the real estate, or any other factors determining the type, class and amount of use or service of the sewage disposal system, or on any combinations of such factors, or on such other basis as the council may determine. Such fees, rents and charges shall be due and payable at such time as the council may determine, and the council may require the same to be paid in advance for periods of not more than six months. The revenue derived from any or all of such fees, rents and charges is hereby declared to be revenue of such sewage disposal system.

In the event the fees, rents or charges charged for the use and services of the sewage disposal system by or in connection with any real estate shall not be paid when due, interest shall at the time begin to accrue thereon at the annual rate of six percent, plus such penalty as the council may determine, and the person or corporation supplying water for the use of such real estate, or the owner or occupant thereof, shall cease supplying water thereto at the request of the city manager.

Such fees, rents and charges and the interest due thereon may be recovered by the City of Alexandria by action at law or suit in equity and shall constitute a lien against the property ranking on a parity with liens for unpaid city taxes.

(v) To acquire by purchase, exchange, gift, lease or otherwise real estate or any interest therein, whether located within or without the city or State, lying between the center line of the George Washington Memorial Parkway (also known as Washington Street) on the west, the present established bulkhead line in the Potomac River on the east and the corporate limits of the City of Alexandria on the north and south as projected to said present established bulkhead line, for the purpose of public use, or sale, lease or exchange for such reasonable and fair condition and upon such terms and conditions as the city council shall determine. Such sale, lease or exchange by the city may be to or with any person, firm, corporation or entity and for any purpose which the city council may determine to be in the public interest.

(w) To acquire by purchase, exchange, gift, lease or otherwise, real or personal property or any

interest therein for contribution and conveyance to the Washington Metropolitan Area Transit Authority as a portion of the city's participating share of the costs of the Authority's Mass Transit Plan.

(x) With the use of parking meters, to assess charges for the privilege of parking on designated public streets and to use the revenues derived therefrom for any public purpose incident to the acquisition, maintenance or provision of places for the parking and storage of vehicles by the public at any location in the city. (Acts 1971, Ex. Sess., ch. 166, § 1; Acts 1975, ch. 511, § 1; Acts 1976, ch. 669; Acts 1983, ch. 314, § 1; Acts 1986, ch. 459, § 1)

Sec. 2.04 Power to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the city and its inhabitants.

In addition to the powers granted by other sections of this charter the city shall have power to adopt ordinances, not in conflict with this charter or prohibited by the general laws of the Commonwealth, for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants. Among such powers, but not in limitation thereof, the city shall have power:

(a) To provide for the prevention of vice, immorality, vagrancy and drunkenness; prevention and quelling of riots, disturbances and disorderly assemblages; suppression of houses of ill-fame and gambling places and gambling devices of all kinds; restraint of mendicants; prevention of lewd and disorderly conduct or exhibitions; prevention of loitering, and prevention of conduct in the streets dangerous or annoying to the public.

(b) To regulate the construction, maintenance, repair and demolition of buildings and other structures and the plumbing, electrical, heating, elevator, escalator, boiler, unfired pressure vessel, and air conditioning installations therein, for the purpose of preventing fire and other dangers to life and health; to establish fire zones and to prohibit the construction of wooden buildings and wooden repairs and additions to buildings.

(c) To provide for the protection of the city's property, real and personal, the prevention of the pollution of the city's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, landings, docks, wharves, canals, airports and other public property, whether located within or without the city. For the purpose of enforcing such regulations all city property wherever located shall be under the police jurisdiction of the city. Any member of the police force of the city or employee thereof appointed as a special policeman shall have power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section and the appropriate district court shall have jurisdiction in all cases arising thereunder.

(d) To grant or authorize the issuance of permits under such terms and conditions as the council may impose for the use of streets, alleys and other public places of the city by railroads, street railways, buses, taxicabs, pedicabs and other vehicles for hire; prescribe the location in, under or over, and grant permits for the use of, streets, alleys, and other public places for the maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges, subways, vaults, areas, parking places, bus stops, and cellars; require tracks, poles, wires, cables, pipes, conduits and bridges to be altered, removed or relocated either permanently or temporarily; charge and collect compensation for the privileges so granted; and prohibit such use of the streets, alleys and other public places of the city, and no such use shall be made of the streets, alleys or other public places of the city without the consent of the council.

(e) To prevent any obstruction of or encroachment over, under or in any street, alley, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment; remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and collect the sum charged in any manner provided by law for the collection of taxes; require the owner or owners or the occupant or occupants of the property, so obstructing or encroaching to remove the same; pending such removal charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, alley, sidewalk or other public place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied if it were owned by the owner or owners of the property so obstructing or encroaching, and, if such removal shall not be made within the time ordered, impose penalties for each and every day that such obstruction or encroachment is allowed to continue thereafter; authorize encroachments upon streets, alleys, sidewalks or

other public places, subject to such terms and conditions as the council may prescribe, but such authorization shall not relieve the owner or owners, occupant or occupants of the property encroaching, of any liability for negligence on account of such encroachment; and recover possession of any street, alley, sidewalk or other public place or any other property of the city by suit or action in ejectment.

(f) To prescribe the route and grade of any railroad laid in the city, regulate the operation of locomotives and cars, and exclude such locomotives and cars from the city provided no contract between the city and the corporation operating such locomotives or cars is violated by such action.

(g) To regulate the operation of motor and other vehicles and exercise control over traffic in the streets of the city and provide penalties for the violation of such regulations, provided that ordinances or administrative regulations adopted by virtue of this subsection shall not be inconsistent with the provisions of the Motor Vehicle Code of Virginia. All fines imposed for the violation of such ordinances and regulations shall be paid into the city treasury.

(h) To regulate, in the interest of public health, the production, preparation, distribution, sale and possession of milk, other beverages and foods for human consumption, and the places in which they are produced, prepared, distributed, sold, served or stored; regulate the construction, installation, maintenance and condition of all water and sewer pipes, connections, toilets, water closets and plumbing fixtures of all kinds; regulate the construction and use of septic tanks and dry closets, where sewers are not available, and the sanitation of swimming pools and lakes; provide for the removal of night soil, and charge and collect compensation for the removal thereof; compel the use of sewers, the connection of abutting premises therewith, and the installation in such premises of suitable sanitary facilities; regulate or prohibit connections to and use of sewers; provide for the quarantine of any person afflicted with a contagious or infectious disease, and for the removal of such person to a hospital or ward specially designated for contagious or infectious diseases; inspect and prescribe reasonable rules and regulations in the interest of public health, with respect to private hospitals, sanatoria, convalescent homes, clinics and other private institutions, homes and facilities for the care of the sick, of children, the aged and the destitute; provide and maintain hospitals and compel the removal of patients to the same; require the registration of births in the city; regulate in the interest of public health the construction, maintenance and operation of laundries; and make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the city from contagious, infectious or other diseases.

(i) To regulate cemeteries and burials therein, prescribe the records to be kept by the owners of such cemeteries, prohibit all burials except in a public burying ground, and to prohibit burial of the dead within the city limits.

(j) To regulate or prohibit the exercise of any dangerous, offensive or unhealthful business, trade or employment, and the transportation of any offensive or dangerous substance.

(k) To regulate the light, ventilation, sanitation and use and occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding the same.

(l) To regulate the emission of smoke, the construction, installation and maintenance of fuel burning equipment, and the methods of firing and stoking furnaces and boilers.

(m) To compel the removal of weeds from private and public property and snow from sidewalks; to compel the covering or removal of offensive, unwholesome, unsanitary or unhealthful substances allowed to accumulate in or on any place or premises; to require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; to compel the raising or draining of grounds subject to be covered by stagnant water; to require the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public; to require the repair of any damaged, defective or deteriorated condition of dwellings or dwelling units when such condition adversely affects the health or safety of the occupants or the general public; to compel the abatement of smoke and dust and the elimination of unnecessary noise; to regulate or prevent slaughterhouses or other offensive business within the city; to regulate the transportation of articles through the streets; to provide means for and to regulate the cleaning of all dry closets and to assess against the owner or occupant of the premises where same is located a reasonable charge therefor, which shall be collected as other city taxes; and to compel the

abatement or removal of any and all other nuisances whatsoever within the city or upon property owned by the city beyond its limits. If after such reasonable notice as the council may prescribe by ordinance the owner or owners, occupant or occupants of the property or premises affected by the provisions of this subsection shall fail to abate or obviate the condition or nuisance, the city may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of taxes. There shall be a lien for said cost upon the real estate from which the nuisance or condition was abated or removed by the city, the lien to continue until actual payment of such cost shall have been to the city.

(n) To regulate or prohibit the making of fires in the streets, alleys and other public places in the city and to regulate the making of fires on private property.

(o) To regulate or prohibit the manufacture, storage, transportation, possession and use of explosive or inflammable substances and the use and exhibition of fireworks and discharge of firearms.

(p) To regulate or prohibit the running at large and the keeping of animals and fowl and provide for the impounding and confiscation of any such animal or fowl found at large or kept in violation of such regulations; and to provide for the appointment of dog wardens and deputy dog wardens who, in the enforcement of the dog laws of the city, shall have the powers of a state game warden, within the city only.

(q) To prevent cruelty to and abuse of animals and the driving of horses and other animals at improper speeds.

(r) To regulate the sale of goods, wares or merchandise at auction; regulate the conduct of and prescribe the number of pawn shops and dealers in secondhand goods, wares and merchandise; regulate or prohibit the peddling or hawking of any article for sale on the streets of the city; regulate the soliciting of goods, wares, merchandise or services; prevent fraud or deceit in the sale of goods, wares and merchandise; regulate junk dealers; require the weighing, measuring, gauging and inspection of goods, wares and merchandise offered for sale; require weights and measures to be sealed and subject to inspection; and provide for the appointment of a sealer and one or more weighmaster who shall perform such duties and functions as may be prescribed by ordinance.

(s) To establish markets in the city and regulate the same and to make and enforce regulations regarding the keeping and sale of fresh meat, eggs, vegetables and other perishable groceries.

(t) To regulate livery stables, garages, gasoline filling stations, theatrical performances or other public shows or exhibitions, the hiring or use for pay of carriages, automobiles and other vehicles, billiard parlors, bowling alleys, pistol galleries, establishments that sell or display animals, and to grant or refuse licenses to these and similar occupations and employments as may be deemed proper.

(u) To require a permit for the removal of household goods and chattels from a residence in the City of Alexandria to a place outside said city.

(v) To provide a complete building code for the city, and to provide setback lines on the streets beyond which no building may be constructed and to provide for a city planning commission and define its powers, subject to the limitations imposed in Chapter 9 of this charter.

(w) To adopt plans and adopt and modify the official map of the city; divide the city into land use zones in accordance with the provisions of Chapter 9 of this charter; regulate and restrict the height and number of stories of buildings and other structures, the size of yards and courts, the density of populations, and the location and use of buildings for trade, industry, business, residence or other purposes; provide for safe and sanitary housing accommodation for families of low income; create a housing authority; adopt, modify and carry out plans proposed by the planning commission for the clearance of slum districts and rehabilitation of blighted areas; adopt, modify and carry out plans proposed by the planning commission for replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

(x) To adopt by reference an electrical code promulgated by a national association or organization.

(y) To provide for a curfew if, in the opinion of council, an emergency exists and the ordinance adopting a curfew contains a specific statement of the emergency claimed.

(z) To regulate health, athletic, massage and bath clubs or establishments.

(aa) To regulate security guards and private detectives.

(bb) To provide a burglary prevention code for the city.

(cc) Notwithstanding any other provision of law, to require that owners and operators of multifamily rental dwellings constructed in the city prior to September 1, 1974, provide and install dead bolt locks and peepholes on exterior solid doors to each dwelling unit and locks on all exterior glass doors at all levels and windows at a ground level which are capable of being opened.

(dd) To control or attempt eradication of *Lymantria dispar* (gypsy moths) on private and public property.

Notwithstanding any limitation as to place that may be imposed by section 2.04 or any other section of this charter, the powers granted by this charter may be applied to any place, public or private.

(ee) Notwithstanding any contrary provision of law, general or special, to prohibit or regulate the possession of an opened alcoholic beverage container (a) in or on a street, alley, sidewalk or other pedestrian walkway, park, playground, or parking lot so long as "the public has, or is permitted to have, access" to such areas, as that phrase is used in the definition of "public place" set out in § 4.1-100 of the Code of Virginia (1950), as amended, and (b) in a motor vehicle on any such street, alley or parking lot, whether or not such vehicle is moving. Violation of this subdivision shall be a Class 4 misdemeanor. The prohibitions or regulations shall not apply to the licensed establishments identified in subsection B of § 4.1-308 of the Code of Virginia or in the case of events identified in subsection C of § 4.1-308. (Acts 1964, ch. 288; Acts 1970, ch. 492; Acts 1971, Ex. Sess., ch. 166, § 1; Acts 1972, ch. 808, § 1; Acts 1976, ch. 669; Acts 1980, ch. 591, § 1; Acts 1983, ch. 314, § 1; Acts 1984, ch. 486, § 1; Acts 1995, ch. 782, § 1)

Sec. 2.04.1 Powers relating to relationship between landlord and tenant.

In addition to the powers granted by other sections of this charter the city may by ordinance:

(a) Require that any security deposit of money, or prepaid rent, however, denominated, furnished by a tenant or a lessee to a landlord or lessor or agent of same to secure the performance of any part of a written or oral lease or agreement, or as the security for damages to the leased premises, shall be returned to the tenant or lessee within one month after the date the tenancy terminates; provided, however, that the tenant must furnish the landlord or lessor or agent with a forwarding address. Notwithstanding this, the landlord or lessor may retain all or any portion of the deposit as is reasonably necessary to repair unreasonable wear or damage to the leased premises, or as accrued rent, or to compensate the landlord or lessor for actual damages suffered as a result of a default of the lease or agreement by the tenant or lessee. At the inception of the tenancy, the landlord or lessor shall provide the tenant or lessee with a written list of all existing damages, if any, to the leased premises. If any portion of the security deposit is retained upon the termination of the tenancy, the landlord or lessor shall forward to the tenant or lessee, within one month of such termination, an itemized statement accounting for the proceeds retained and giving the reasons therefor.

Such ordinance may further provide that the landlord or lessor or agent of same shall pay interest of four per centum per annum computed in six month increments, on deposits of $100 dollars or more held for more than one year; provided, however, that the interest on all security deposits or deposit on the effective date of such ordinance shall be computed beginning 60 days following such effective date. Such interest shall be paid within 30 days of termination of the tenancy.

The rights and obligations of any landlord or lessor agent of same under such ordinance shall apply to any successor in interest to whom the deposit is given and such security deposit shall be free from attachment by creditors of the tenant, landlord, lessor or agent of same.

Any landlord or lessor or agent of same who is found by a court of competent jurisdiction to have willfully failed to comply with the requirements of the ordinance shall be liable to the lessee in an amount equal to twice the amount of the security deposit. Nothing hereinabove contained shall apply to a business lease or a commercial tenancy.

(b) Provide that any lease, written or oral, entered into by owners and operators of rental dwellings or dwelling units in the city shall be deemed to include a warranty that applicable laws of the City of Alexandria, Virginia, and the Commonwealth of Virginia, as may be determined by city council, shall be complied with throughout any tenancy.

(c) Require that owners and operators of rental dwellings or dwelling units in the city exclude from their leases all provisions whereby the tenant agrees;

(1) To waive the provisions of the Code of Virginia relating to the landlord's taking possession of the premises or of the tenant's personal property, other than for nonpayment of rent;

(2) To pay the landlord's attorney's fees for any legal action instituted by the landlord against the tenants other than for nonpayment of rent; or

(3) To indemnify the landlord or hold the landlord harmless, or preclude or exonerate the landlord from any or all liability to the tenant, or to any other person, for any injury, loss, damage or liabilities arising from any omission, fault, negligence or other misconduct of the landlord or the landlord's employees.

(d) Grant to the city landlord-tenant relations board the power to arbitrate a landlord and tenant dispute when the landlord and tenant voluntarily agree to same. (Acts 1974, ch. 595, § 1; Acts 1975, ch. 511, § 1; Acts 1976, ch. 669; Acts 1982, ch. 480, § 1)

Sec. 2.04.2 Powers relating to housing and community development.

In addition to the powers granted by other sections of this charter and any other provision of law, the city shall have the power:

(a) To acquire, by purchase, exchange, gift, lease, condemnation or otherwise, land or buildings in the city for the purpose of providing housing for low or moderate income persons or for elderly or handicapped persons, to rehabilitate and dispose of any such land and buildings by lease or sale to low or moderate income persons or elderly or handicapped persons; or to dispose of such land and buildings by lease or sale to a nonprofit or limited profit organization which has as a principal purpose the provision or development of housing for low or moderate income persons or elderly or handicapped persons; to construct residential buildings in the city for lease or sale to low or moderate income persons or elderly or handicapped persons, or for lease or sale to a nonprofit or limited profit organization which has as its principal purpose the provision or development of housing for low or moderate income persons or elderly or handicapped persons; and to make grants and loans of funds to low or moderate income persons to aid in the purchase of any land or building in the city including, but not limited to, land and buildings which have been rehabilitated by the city or by a nonprofit or limited profit organization which has as its principal purpose the development of housing for low or moderate income persons.

(b) To acquire, by purchase, exchange, gift, lease, condemnation or otherwise, real property in the city which is blighted, deteriorated, deteriorating, a blighting influence on the neighborhood, or in nonconformance with the city's zoning code or master land use plan; to clear, demolish or rehabilitate any such real property; and to dispose of any such real property by lease or sale to any person.

(c) To make grants of funds to owners of dwellings or dwelling units in the city for the purpose of subsidizing, in part, the rental payments due and owing to any such owner by a low or moderate income person; to acquire, by purchase, exchange, gift, lease, condemnation or otherwise, any dwellings or dwelling units in the city for the purpose of providing housing to low or moderate income persons, and to dispose of such dwellings or dwelling units, by sale or lease, to low or moderate income persons or to a nonprofit organization which has as its principal purpose the provision or development of housing for low or moderate income persons; and to make grants and loans of funds to low and moderate income persons to aid in the purchase of dwellings or dwelling units in the city.

(d) To issue tax-exempt bonds for the acquisition, rehabilitation and provision of housing for low or moderate income persons; provided, that prior to any action authorizing the issuance of such bonds, the city council finds affirmatively that such action is necessary to provide an adequate supply of such housing in the city.

(e) Notwithstanding any other provision of law, general or special, the city, in order to ensure competitiveness as an employer, may by ordinance, and subject to such reasonable terms and conditions as set forth in such ordinance, provide for the use of funds, other than state funds, to provide loans or grants to individuals who prior to receiving such funds were employees of the city, local school division, local constitutional officers, and local offices of state government for which employee salaries are supplemented by the city, or any of them, to purchase or rent residences within the city, for use as the employee's principal residence. Individual grants shall not exceed $5,000 per employee, nor shall lifetime cumulative grants exceed $5,000 per employee.

(f) For purposes of this section, the phrase "low or moderate income persons" has the same meaning as the phrase "persons and families of low and moderate income," as in § 36-55.26 of the Code of Virginia, and shall be applied in the city using the income guidelines issued by the Virginia Housing Development Authority for use in its single family mortgage loan program authorized by § 36-55.33:1.

(g) In addition to being able to exercise the above-mentioned powers with city funds, the city is authorized to participate in any state or federal program related thereto and use state, federal or private funds in the exercise of such powers.

(h) The exercise of any of the powers granted in this section is hereby declared to be a public purpose and public use. (Acts 1976, ch. 669; Acts 1982, ch. 480, § 1; Acts 1984, ch. 486, § 1; Act 1995, ch. 782, § 1; Acts 2004, Ch. 511, § 1)

§ 2.04.3. Alexandria Redevelopment and Housing Authority Board of Directors.

Notwithstanding any contrary provision of law, general or special, the council may, by ordinance adopted from time to time, alter from between seven and nine the number of members comprising the board of directors of the Alexandria Redevelopment and Housing Authority.
(Acts 2002, Ch. 149, § 1)

Sec. 2.05 Miscellaneous powers.

The city shall also have power:

(a) To establish, maintain and operate public employment bureaus and public baths.

(b) To establish, maintain and operate, within and without the city, and to make advances to public hospitals, sanatoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of the sick, children, the aged and the destitute.

(c) To provide care for the poor and have all the powers and duties conferred and imposed on cities by the laws of the Commonwealth relating to public assistance.

(d) To acquire, establish, own, maintain and operate, within and without the city, cemeteries for the interment of the dead, fix the price at which graves and lots therein shall be sold, make contracts for their perpetual care and establish the rates to be charged for the digging of graves, construction of vaults and other services.

(e) To establish, maintain and operate, within or without the city, a jail for the confinement of prisoners, ordered or sentenced to be confined therein, and a jail farm.

(f) To cooperate and enter into cooperative agreements or contracts with any state, county, city, political subdivision or any department or agency thereof, or with the government of the United States, or any department or agency thereof, or with any public agency, entity or authority, regional or otherwise, or with any person, firm, public utility or corporation regarding the construction and operation of any airport, incinerator, sewage disposal system, jail or workhouse, the use, treatment, reclamation, carrying or disposal of solid wastes and refuse, or the discharge of any other function or power vested by this charter in the City of Alexandria.

(g) To authorize and regulate the erection of party walls and fences, and to prescribe how the cost thereof shall be borne by the respective owners.

(h) To grant aid to military companies, to bands maintained within the city, to hospitals, to associations for the advancement of agriculture or the mechanic arts, to scientific, literary, educational or benevolent organizations or institutions, to public libraries, provided such action is not prohibited by the Constitution of the Commonwealth, and that all such societies, organizations or institutions be located in or near the city and provided further that no appropriation for any such purposes shall be made, nor aid be otherwise granted through exemption from charge for use of water or light facilities or otherwise either with or without charge, beyond the city limits, unless two-thirds of the council vote therefor.

(i) To provide for aid in the support or maintenance of public free schools.

(j) To determine the value and to levy and collect, after January one of each year, a personal property tax on motor vehicles, boats, and trailers for which Alexandria is the situs for personal property taxation and which are first registered by the present owner after January one. In the case of such motor vehicles, boats, and trailers which are first registered after January one of each year, the city shall have the power to:

(1) Establish the date or dates in addition to and after January one of each year, upon which such motor vehicles, boats, and trailers shall be returned and valued for taxation.

(2) Establish the methods by which such tax shall be prorated and computed.

(3) Establish the procedures for filing returns and ascertaining the dates of purchases, exchanges, and first registration for all persons concerned, including both taxpayers and dealers in automobiles, boats, and trailers.

(4) Establish the methods by which a return or returns previously submitted by the owner shall be amended to reflect, on a prorated basis, the purchase or exchange of motor vehicles, boats, or trailers after January one of each year.

(k) In the event the city adopts an ordinance creating a service district under section 15.1-18.3 of the Code of Virginia to provide transportation services or public parking, it shall create a board or other body, pursuant to section 15.1-18.2(b)(6.1), whose makeup and responsibilities with respect to the district shall be set out in the ordinance. (Acts 1968, ch. 510, § 1; Acts 1970, ch. 492; Acts, 1971, Ex. Sess., ch. 166, § 1; Acts 1977, ch. 122; Acts 1984, ch. 486, § 1; Acts 1989, ch. 536, § 1)

Sec. 2.06 Enforcement of regulations.

(a) When by the provisions of this charter or the constitution and general laws of the Commonwealth, the city is authorized to pass ordinances on any subject, the council, by ordinance, may provide suitable penalties, civil or criminal misdemeanor, for the violation of any such ordinances, including ordinances effective outside the city as provided in this charter. Designation of such a violation for a civil penalty under the authority of any ordinance enacted pursuant to this charter provision shall be in lieu of criminal sanctions. Further, except for any violation resulting in personal injury to or death of any person or persons, such designation shall preclude the prosecution of such a violation as a criminal misdemeanor.

(b) No penalty provided pursuant to subsection (a) shall exceed a fine of $2,500 or imprisonment for 12 months or both. Upon conviction for violation of any ordinance, the court trying the case may require bond of the person so convicted with proper security in the penalty of not more than $2,500, conditioned to keep the peace and be of good behavior and especially for the period of not more than 12 months not to violate the ordinance for the breach of which he has been convicted. From any criminal misdemeanor fine or imprisonment imposed, an appeal shall lie as in other cases of misdemeanor.

(c) Unless otherwise authorized by this charter, no civil penalty provided pursuant to subsection (a) shall exceed the sum of $5,000. Any person summoned for a civil violation may make appearance, either in person before or in writing by mail, to the treasurer of the city prior to the date fixed for trial in court. Any persons so appearing may enter a waiver of trial, admit liability and pay the civil penalty established for the offense charged. Any persons so summoned shall be informed of the right to request an administrative hearing, if one is provided by ordinance, or stand trial and that their admission of liability or a finding of their liability in an administrative hearing will have the same force and effect as a judgment in court. If a person charged with a civil violation does not elect to enter a waiver of trial and admit liability or request an administrative hearing, if one is provided by ordinance, the violation shall be tried in the general district court or circuit court in the same manner and with the same right of appeal as provided for in general law. In any administrative hearing or trial for a civil violation authorized by this section, it shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose. The council, by ordinance, may provide suitable procedures, generally consistent with the provisions of Article 3 (Section 9-6.14:15 et seq.) of the Administrative Process Act of the Code of Virginia for the conduct of administrative hearings under this subsection.

(d) The court may issue a writ of fieri facias directed to the sheriff of the city for the collection of the fine or civil penalty due, returnable within 60 days from its issuance.

(e) The city is hereby expressly authorized and empowered to institute and maintain a suit or suits to restrain by injunction the violation of any ordinance legally adopted by it notwithstanding such ordinance may provide civil or criminal penalties for its violation. (Acts 1968, ch. 510, § 1; Acts 1983, ch. 314, § 1; Acts 1992, ch. 512, § 1)

Sec. 2.07 Licenses, permits and service fees.

Whenever in the judgment of the council it is advisable in the exercise of any of the powers of the city or in the enforcement of any ordinance or regulation, it may provide for the issuance of licenses or permits in connection therewith, establish the amount of the fee to be charged the licensee or permittee and require from the licensee or permittee a bond and an insurance policy of such character and in such amount and upon such terms as it may determine.

Whenever in the judgment of the council it is advisable in the exercise of any of the powers of the city or in the enforcement of any ordinance or regulation, it may establish and collect such fees as it may determine to be reasonable for the rendering of city services. (Acts 1970, ch. 492)

Sec. 2.08 Injunctions against the city.

No injunction shall be awarded by any court or judge to stay the proceedings of the city or any of its officers, employees or agents in the exercise of any of their powers unless it be manifest that the city, its officers, employees or agents are transcending the authority given the city by this charter and the general laws of the Commonwealth, and also that the intervention of a court of equity is necessary to prevent injury that cannot be compensated by damages.

CHAPTER 3

Council

Sec. 3.01 Composition of the council.

The Council shall consist of the mayor and six members at large elected as provided in Chapter 10 of this charter, and they shall serve for terms of three years or until their successors shall have been elected and take office. (Acts 1956, ch. 262, § 1; H.B. 1682ER, § 1, 7-1-2015)

Sec. 3.02 Compensation of the council.

Members of the council and the mayor shall receive in full compensation for their services the rate of compensation set by ordinance, except that no such rate of compensation shall be increased to become effective during the term of office of the members of council and the mayor in which the vote to increase the compensation is cast. (Acts 1962, ch. 61, § 1; Acts 1968, ch. 510, § 1; Acts 1971, Ex. Sess., ch. 166, § 1; H.B. 1682ER, § 1, 7-1-2015)

Sec. 3.03 Qualifications of council members.

If a councilman shall cease to reside within the territorial limits of the City of Alexandria or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant. Neither the mayor nor any other member of the council shall during the term for which he was elected and for one year thereafter be appointed to any office of profit under the government of the city.

Sec. 3.04 Powers.

All powers of the city as granted in chapter 2 of this charter and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

(a) Appoint and remove the city manager.

(b) Adopt the budget of the city.

(c) Authorize the issuance of bonds by a bond ordinance.

(d) Inquire into the conduct of any office, department or agency of the city and make investigation as to municipal affairs.

(e) Establish administrative departments, offices or agencies.

(f) Appoint the members of the planning commission and the board of zoning appeals.

(g) Establish advisory boards and commissions and appoint their members.

(g-01) Notwithstanding any contrary provisions of law, general or special, establish by ordinance term limits for the members appointed by the council to any or all governmental or advisory boards or commissions.

(h) Provide for an independent audit.

(i) Provide for the number, titles, qualifications, powers, duties, and compensation of all officers and employees of the city.

(j) Provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city. (Acts 1962, ch. 61, § 1; Acts 1970, ch. 492; Acts 2009, Ch. 539, § 1; H.B. 1682ER, § 1, 7-1-2015)

Sec. 3.05 Mayor and vice-mayor.

The mayor shall be elected as provided by chapter 10 of this charter. The vice-mayor shall be a councilman and shall be elected by a majority vote of all the members of the council, including the mayor. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members. The mayor shall not have the power of veto. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. If a vacancy shall occur in the office of mayor, such vacancy shall be filled as provided in chapter 10 of this charter. If a vacancy shall occur in the office of vice-mayor, the council shall forthwith fill such vacancy for the unexpired term by majority vote of all the remaining members of council, including the mayor. In the absence or disability of the mayor, the vice-mayor shall perform the duties of mayor. (Acts 1956, ch. 262, § 1; Acts 1968, ch. 510, § 1; Acts 1971, Ex. Sess., ch. 166, § 1; H.B. 1682ER, § 1, 7-1-2015)

Sec. 3.06 City clerk.

The council shall appoint a city clerk and shall have power to remove him from office. He shall be the clerk of council, shall keep the journal of its proceedings and shall record all ordinances in a book kept for the purpose. He may incorporate into the said journal by reference various documents, including, but not limited to, agreements, ordinances, resolutions, reports and maps. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. All records in his office shall be public records and open to inspection at any time. He shall receive compensation to be fixed by the council.

The city clerk may appoint a deputy city clerk and shall have the power to remove said deputy clerk from office. Any such appointed deputy city clerk shall, while holding office, have the power and authority to perform all of the duties and functions of the city clerk of council. (Acts 1966, ch. 12, § 1; Acts 1966, ch. 83, § 1; Acts 1972, ch. 808, § 1; Acts 1975, ch. 511, § 1)

Sec. 3.06.1 Administrative assistants.

Notwithstanding any other provision of this charter, the mayor and each council member may appoint one administrative assistant. No member of the immediate family of a member of the council shall be eligible for appointment as an administrative assistant. For the purpose of this section, the spouse, parent, child, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law of a council member shall be considered a member of the member's immediate family. (Acts 1974, ch. 595, § 1; Acts 1976, ch. 669; Acts 1995, ch. 782, § 1; H.B. 1682ER, § 1, 7-1-2015)

Sec. 3.07 Induction of members.

The first meeting of a newly elected council shall take place at 7:00 P.M. on the second day of January following their election, or if such day shall fall on Saturday, Sunday or a legal holiday, then on the next business day following the second day of January. (Acts 1968, ch. 510, § 1; Acts 1971, Ex. Sess., ch. 166, § 1; Acts 2002, Ch. 149; Acts 2002, Ch. 149, § 1; H.B. 1682ER, § 1, 7-1-2015)

Sec. 3.07.1 Adjudication of election and qualifications of council and mayor.

The general laws of the Commonwealth relative to election recounts and election contests shall be applicable to mayor and council election recounts and contests. The council shall be the judge of the election and qualifications of its members, including the mayor, with respect to any matters not covered by the said general laws and the decision of the council shall be final and there shall be no right of appeal or review. (Acts 1971, Ex. Sess., ch. 166, § 1)

Sec. 3.08 Rules of procedure.

The council shall be a continuing body and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office of or removal of the members of the body

or any of them. Except as herein provided, the council shall establish its own rules of procedure. They shall provide that the council shall meet in regular session at least twice each month, except during the months of July and August. They shall also provide for the calling of special meetings by the mayor, the city manager or any two members of the council, provided that at least 12 hours' written notice of each special meeting is served personally on each member or left at his usual place of business or residence, which notice shall contain a statement of the specific item or items of business to be transacted at such meeting except by the unanimous consent of all members of the council; provided, however, that a special meeting may be held at any time without notice if all members of the council attend said meeting or waive notice thereof. Regular and special meetings may be held at any suitable location in the city. Whenever a regular or special meeting is held at a location other than at city council chambers, notice of the time and location of any such meeting shall be published in a newspaper of general circulation in the city at least five days prior to the meeting. In the event of an emergency no such notice need be published, provided the city manager, the mayor, or any two members of the council attempt to give the news media such notice as can reasonably be given under the circumstances. A majority of the members of the council shall constitute a quorum for the transaction of business. No ordinance or resolution appropriating money exceeding the sum of five hundred dollars, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to council. On final vote on any ordinance or resolution the name of each member voting and how he voted shall be recorded. No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public and unless it shall have received the affirmative votes of a majority of the members present. No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken. No ordinance or resolution appropriating money exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money, shall be passed by the council on the same day on which it is introduced, nor shall any such ordinance or resolution be valid unless at least three days intervene between its introduction and its passage. (Acts 1971, Ex. Sess., ch. 166, Sec. 1; Acts 1972, ch. 808, § 1; Acts 1988, ch. 157)

Sec. 3.09 Ordinances.

In addition to such acts of the council which are required by the Constitution or general laws of the Commonwealth or by this charter to be by ordinance, every act of the council creating, altering or abolishing any department or creating, assigning, abolishing any bureau, division, office, agency or employment, making an appropriation in excess of five thousand dollars, except as provided by section 5.16, authorizing the borrowing of money, except as provided by sections 7.04, 7.19, 7.20 and 7.21, levy a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed shall be by ordinance. (Acts 1971, Ex. Sess., ch. 166, S. 1)

Sec. 3.10 Form of ordinance.

Every ordinance except the annual appropriation ordinances and an ordinance codifying ordinances shall be confined to a single subject which shall be clearly expressed in its title. All ordinances shall be introduced in typewritten or printed form or a combination of both. All ordinances which repeal or amend existing ordinances shall identify by title the section or subsection to be repealed or amended. The enacting clause of all ordinances shall be: "The City Council of Alexandria hereby ordains." Unless another date is specified therein and except as otherwise provided in this charter, an ordinance shall take effect on the day of its final passage. (Acts 1972, ch. 808, Sec. 1, Acts 1976, ch. 669)

Sec. 3.11 Procedure for passing ordinances.

Any ordinance may be introduced by any member of the council or by the city manager at any regular meeting of the council or at any special meeting when the subject thereof has been included in the notice for such special meeting or been approved by the unanimous consent of all members of the council. Upon introduction, the ordinance shall receive its first reading and, provided it shall receive an affirmative vote of the majority of members present at this meeting, and provided further, it is not a matter that by this charter or some other provision of law requires more than a majority vote, a time, not less than three days after such introduction, and place shall be set at which the council will hold a public

hearing concerning it. If all members of the council present at such introduction have received a copy of the proposed ordinance not less than twenty-four hours before said introduction, then only the item as it appears on the docket of matters to be considered by city council need be read for the first reading, otherwise the ordinance shall be read verbatim. The hearing may be held at a regular or special meeting of the council and may be adjourned from time to time. It shall be the duty of the city clerk to cause to be published in a newspaper of general circulation in the city, not later than the fifth day following the introduction of the ordinance, a notice containing the time and place of the hearing and the title of the proposed ordinance. It shall also be his duty to have the title or the full text of the proposed ordinance printed in sufficient numbers to supply copies to meet request or to cause it to be published as a paid advertisement in a newspaper of general circulation in the city. It shall also be the duty of the city clerk to place a copy of the ordinance in a file provided for each member of the council for this purpose. A proposed ordinance, unless it be an emergency ordinance, may be finally passed upon its second reading at either a regular or special meeting of the council following the introduction, publication and conclusion of the public hearing thereon.

Amendments or additions to an ordinance may be made at any time after introduction and further publication of an amendment is not necessary, except that if said amendments or additions introduce an entirely new subject matter and radically change the overall purpose of said ordinance, then they shall be handled separately and introduced as a new ordinance. At the second reading only the item as it appears on the docket of matters to be considered by the city council need be read, unless amendments or additions have been made subsequent to the introduction, in which case said amendments or additions shall be read in full prior to passage. (Acts 1956, ch. 262, Sec. 1; Acts 1966, ch. 12, Sec. 1: Acts 1966, ch. 83, Sec.1; Acts 1971, Ex. Sess., ch. 166, Sec. 1; Acts 1976, ch. 669; Acts 1988, ch. 157)

Sec. 3.12 Emergency ordinances.

Except for ordinances appropriating money exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money, if, in the opinion of council, an emergency exists, an ordinance pertinent to the emergency may be read a second time and passed with or without amendment at the same meeting at which it is introduced, and no publication or specific time interval between introduction and passage is necessary. An emergency ordinance must contain a specific statement of the emergency claimed, and must be passed by a two-thirds affirmative vote of the members of the city council present. (Acts 1971, Ex. Sess., ch. 166, § 1)

Sec. 3.13 Submission of ordinances or issues to the qualified voters of the city.

The Council shall have authority to submit by resolution directed to the circuit court of the City of Alexandria or the judge thereof in vacation, any proposed ordinance, question or issue to the qualified voters of the city for an advisory referendum thereon. Upon the receipt of such resolution, the circuit court of the City of Alexandria or the judge thereof in vacation shall order an election to be held thereon not less than thirty nor more than sixty days after the receipt of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by the general law of the Commonwealth for the conduct of referendum elections, and by the regular election officials of the city. (H.B. 1682ER, § 1, 7-1-2015)

Sec. 3.14 Record and codification of ordinances.

Every ordinance after passage shall be given a serial number and shall be recorded by the clerk in a properly indexed book kept for that purpose. The council may cause to be prepared under the direction of the city attorney, a codification of all ordinances in force. Such codification shall be passed by the council as a single ordinance and without hearings or prior publication. This codification, to be known and cited officially as the City Code, shall be printed and distributed as the council may direct.

In so codifying such ordinances, the council may, without limitation of the foregoing, arrange the various ordinances and assign to them appropriate places and section numbers, create new titles, chapters, articles and sections, correct unmistakable printers' errors or other unmistakable errors, make consequential changes in the titles of offices, agencies and references which are no longer appropriate, and make such other consequential changes, alterations, modifications, additions and substitutions therein as it may deem best to the end that a complete simplified code of

ordinances in force shall be presented, but with errors, inconsistencies, repetitions, ambiguities and conflicts eliminated. (Acts 1956, ch. 262, Sec. 1)

Sec. 3.15 Appointments and removals.

The council in making appointments and removals shall act only by the affirmative votes of at least four members.

Notwithstanding any other provision of this charter or any provision of law, the council in making appointments and removals shall vote openly and publicly and the vote of each council member by name for each person voted upon shall be recorded in the minutes and journal of the council proceedings. The failure of any councilman to vote in the above described manner shall result in his vote not being counted for the particular ballot, poll, vote or roll call under consideration but any such failure shall not prevent his vote from being counted in any subsequent ballot, poll, vote or roll call for the same or another appointment or removal if his vote is cast in the required manner. (Acts 1970, ch. 492)

Sec. 3.16 Removal of council members.

Any member of the council may be removed by the council but only for malfeasance in office or neglect of duty; provided that the member of the council sought to be removed shall have been served with a written notice of the intention of the council to remove him, which notice shall contain a clear statement of the grounds for such removal and shall fix the time and place, not less than ten days after the service of such notice, at which he shall be given opportunity to be heard thereon. After the hearing which shall be public at the option of the council member sought to be removed and at which he may be represented by counsel, he may be removed by a vote of six members. It shall be the duty of the council, at the request of the council member sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council removing one of its members, an appeal may be had to the circuit court of the City of Alexandria. Any council member who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude shall cease to be a member of the council. (H.B. 1682ER, § 1, 7-1-2015)

Sec. 3.17 Power of investigation.

The council shall have power to investigate any or all of the departments, boards, commissions, offices and agencies of the city government, and any officer or employee of the city. The council, in an investigation or hearing held by it, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Council shall have the power to apply to the judge of the circuit court for a subpoena or subpoena duces tecum against any person refusing to appear and testify or who refuses to produce books and papers as ordered by the council, and the judge of said court shall, upon good cause shown, cause said subpoena to be issued. Any person refusing to obey the issuance of said subpoena as directed by the judge of the circuit court, upon failure to give satisfactory excuse to said judge may be fined not exceeding the sum of one hundred dollars or imprisoned not exceeding thirty days or both, such person to have the right of appeal, as in cases of misdemeanor, to the circuit court of Alexandria. Witnesses may be sworn by the officer presiding at investigations conducted by the council and shall be liable to prosecution for perjury for any false testimony given at such investigations. (H.B. 1682ER, § 1, 7-1-2015)

CHAPTER 4

City Manager

Sec. 4.01 The city manager; qualifications.

The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state, but during his tenure of office he shall reside within the city.

Sec. 4.02 The city manager; powers and duties.

The city manager shall be the chief executive officer of the city government. He shall be responsible to the council for the proper administration of all affairs of the city, except those responsibilities vested by law in the school board, and to that end he shall have power and shall be required to:

(a) Attend all meetings of the council with the right to introduce ordinances and to speak but not to vote.

(b) Keep the council advised of the financial condition and future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable.

(c) Prepare and submit the annual budget to the council as provided in chapter 6 of this charter and be responsible for its administration after its adoption.

(d) Prepare in suitable form for publication and submit to the council each year at its first meeting in the fifth month following the end of the preceding fiscal year a concise, comprehensive report of the financial transactions and administrative activities and all other operations of the city government during the fiscal year ending on the last day of the preceding fiscal year, which report shall become a part of the minutes of the council and shall be printed if the council so directs.

(e) Present adequate monthly financial and activity reports at a regular meeting of the council.

(f) Give such bond as the council may require.

(g) Perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth, other than the duties conferred on the mayor by this charter.

(h) Prepare and submit to the council, whenever required by the council, a program of capital improvement projects and a budget therefor, covering such a term of years as council may designate. (Acts 1956, ch. 262, Sec. 1; Acts 1976, ch. 669)

Sec. 4.03 Powers of appointment and removal.

The city manager shall appoint for an indefinite term and remove, except as otherwise provided in this charter, the heads of all departments and all other officers and employees of the city; provided, however, that such powers shall not extend to the employees of the school board and provided further that, where the council is given power by this charter to establish an advisory board or advisory commission for any purpose, the council may provide for the appointment of the members of such board or commission by the city manager or by the council, and for the appointment by such board or commission of its employees and may specify which, if any, of such employees shall not be included under such personnel regulations as may be established by the manager for the service of the city under chapter 8 of this charter.

Sec. 4.04 Council and council members not to interfere in appointments or removals or direction of personnel.

Neither the council nor any of its members shall direct the appointment of any person to or his removal from any office or employment by the city manager or by any of his subordinates, except as specifically provided in this charter. Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the city manager, and neither the council nor any member thereof shall give orders either publicly or privately to any subordinate of the city manager. Any councilman violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilman. Provided, however, that nothing herein contained shall be construed as prohibiting any councilman from discussing with the city manager any appointment or removal.

Sec. 4.05 Absence of city manager.

To perform the duties of the city manager in the event of his temporary absence, disability, death or resignation, the council may by resolution appoint an officer of the city or any person other than a member of the council to perform the duties of manager until said manager returns to duty or his successor is duly appointed.

Sec. 4.06 Directors of departments.

There shall be a single executive head of each department of the city government who shall be an officer of the city and shall have direction and control of his department, subject to the supervision of the city manager. Two or more departments may be headed by the same individual, the manager may head one or more departments, and the directors of departments may also serve as chiefs of divisions.

Sec. 4.07 Relations with boards, commissions and agencies.

The city manager shall have the right to attend and participate in the proceedings of, but except as otherwise provided in this charter or by law not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance.

Sec. 4.08 Assessment and equalization.

(a) The City Manager shall provide for the annual assessment and equalization of assessments of real estate for local taxation, and to that end may establish a city real estate assessment office and appoint an assessor to assess such real estate for taxation and to equalize such assessment. The budget for the city real estate assessment office shall be approved by the city council.

(b) All duties imposed and all powers conferred by law on the Commissioner of the Revenue with respect to the assessment of real estate shall be transferred to the assessor appointed pursuant hereto. The director of finance shall continue to prepare the land book and make disposition of the copies thereof as required by law. The land book shall be prepared by the director of finance on the basis of the assessments made by the assessor and certified to him. Transfers shall be verified by the director of finance.

(c) All real estate shall be assessed at its fair market value as of January first of each year by such assessor, and shall not be reassessed during such year subject to such modifications as may have been lawfully made, and taxes for each year on such real estate shall be extended by the director of finance on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made; provided, however, no notices of assessment shall be mailed or delivered during the month of December of any year and any such notices mailed or delivered during such month shall be void, unenforceable and of no effect.

(d) Notwithstanding any of the provisions of §§ 58.1-3370 and §§ 58.1-3373 to 58.1-3376, inclusive, of the Code of Virginia, as amended, there shall be appointed to three-year staggered terms a board of review of real estate assessments composed of nine members, five of whom shall be appointed by the circuit court of said city or the judge thereof in vacation and four of whom shall be appointed by the council of said city. All members of the board shall be residents of and own real property within the city. Members serving on the board as of July 1, 2010, shall continue in office until the completion of their terms. Beginning July 1, 2010, the circuit court or the judge thereof in vacation shall appoint one additional member for a two-year term and one additional member for a three-year term. Also beginning July 1, 2010, the Alexandria City Council shall appoint one additional member for a two-year term and one additional member for a three-year term. After these initial appointments, all subsequent appointments shall be for three-year terms.

The terms of all members shall commence on their appointment and shall expire on the thirty-first day of December of the year in which their term ends. The circuit court or the judge thereof in vacation and the council of said city shall fill any vacancy therein for the unexpired term of their respective appointees. The members of the said board shall receive per diem compensation for the time actually engaged in the duties of the board, to be fixed by the council of said city, and to be paid out of the treasury of said city; provided, however, that the council of said city may limit the per diem compensation to such number of days as, in its judgment, is sufficient for the completion of the work of the board.

Such board of review shall have and may exercise the power to revise, correct and amend any assessments of real estate made by said assessor in the year in which such assessments are effective, within such time as the council shall provide in accordance with § 58.1-3378 of the Code of Virginia, as amended, and to that end shall have all the powers conferred upon the

boards of equalization by §§ to 58.1-3378 to 58.1-3387, inclusive, of the Code of Virginia, as amended. Notwithstanding any provision of said sections, however, the board of review may adopt any regulations providing for the oral presentation, without formal petitions or other pleadings of requests for review, and looking to the further facilitation and simplification of proceedings before the board, except that all matters before the board whether on behalf of the taxpayer or assessor, shall be presented in public session.

The board of review may sit in panels of at least three members each under the following terms and conditions:

1. The presence of all members in the panel shall be necessary to constitute a quorum.

2. The chairman of the board of review shall assign the members to panels and, insofar as practicable, rotate the membership of the panels.

3. The chairman of the board of review shall preside over any panel of which he is a member and shall designate the presiding member of the other panels.

4. Each panel shall perform its duties independently of the others.

The board of review shall sit en banc (i) when there is a dissent in the panel to which the matter was originally assigned and an aggrieved party requests an en banc hearing or (ii) upon its own motion at any time, in any matter in which a majority of the board of equalization determines it is appropriate to do so. The board of review sitting en banc shall consider and decide the matter and may affirm, reverse, overrule or modify any previous decision by any panel.

Any person of said city aggrieved by any assessment made by said assessor or board of review may apply for relief in the manner provided by §§ to 58.1-3984 to 58.1-3989, inclusive, of the Code of Virginia, as amended; provided, however, that no person aggrieved by any assessment made by the assessor may apply for or be entitled to relief pursuant to said sections of the Code of Virginia until the assessment complained of has first been reviewed by and acted upon by the board of review.

(e) This law shall not apply to the assessment of any real estate assessable under the law by the State Corporation Commission.

(f) All acts and parts of acts relating to the assessment of real estate in cities not in conflict with the provisions hereof shall apply to the assessments made hereunder.

(g) The Council may require that the owners of income producing real estate in the city subject to local taxation, except property producing income solely from the rental of no more than four dwelling units, furnish to the said assessor on or before a specified time statements of the income and expenses attributable over a specified period of time to each such parcel of real estate. Each such statement shall be certified as to its accuracy by an owner of the real estate for which the statement is furnished, or a duly authorized agent thereof. Any statement required by this section shall be kept confidential as required by § 58.1-3 of the Code of Virginia, as amended. (Acts 1956, ch. 262, Sec. 1; Acts 1964, ch. 288; Acts 1968, ch. 510, § 1; Acts 1970, ch. 492; Acts 1973, ch. 258, Sec.1; Acts 1977, ch. 122; Acts 1983, ch. 314, § 1; Acts 2010, ch. 221, § 1)

CHAPTER 5

Finance

Sec. 5.01 Department of finance.

There shall be a Department of Finance, which shall include the functions of accounting and control, purchasing, and such other functions as may be provided by ordinance. The Department of Finance shall include all the functions of the administration of the financial affairs of the city, including the powers conferred and duties imposed by §§ 5.04(i), (j), (k) and (l) of this charter. (Acts 1973, ch. 258, § 1; Acts 1981, ch. 512, § 1; H.B. 1682ER, § 1, 7-1-2015)

Sec. 5.02 Director of finance.

The head of the department of finance shall be the director of finance, who shall be or be appointed by, the city manager. If appointed, he shall be a person skilled in accounting and financial control.

Sec. 5.03 Director of finance to give bond.

The director of finance shall provide a bond with such surety and in such amounts as the council may require.

Sec. 5.04 Director of finance; powers and duties.

The director of finance, under the supervision of the city manager, shall have charge of the administration of the financial affairs of the city and to that end he shall have authority and shall be responsible for the department of finance in order to discharge the following functions:

(a) Compile the current expense estimates for the budget for the city manager.

(b) Compile the capital estimates for the budget for the city manager.

(c) Supervise and authorize the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded. This subsection shall not apply to the administration of school funds.

(d) Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial and budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; and require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient. This subsection shall not apply to the administration of school funds.

(e) Submit to the council through the city manager a monthly statement of all receipts, disbursements and encumbrances of funds in sufficient detail to show the exact financial condition of the city.

(f) Prepare for the city manager, as of the end of each fiscal year, a complete financial statement and report.

(g) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government.

(h) Approve all proposed expenditures. No appropriation shall be encumbered and no expenditure shall be made unless the director of finance shall certify that there is an unencumbered balance of appropriated and available funds.

(i) Exercise all the powers conferred and perform all the duties imposed by law upon commissioners of the revenue.

(j) Exercise all the powers conferred and perform all the duties imposed by law upon city treasurers.

(k) Collect all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all deposits and all other money receivable by the city from whatever source.

(l) Exercise all the powers conferred and perform all the duties otherwise imposed by law upon city collectors or similar officers.

(m) Exercise such other functions as may be provided by ordinance. (Acts 1973, ch. 258, Sec 1; Acts 1981, ch. 512, Sec 1)

Sec. 5.04.1 Signatures on city checks.

All city checks shall be signed by the director of finance. When the city manager so directs, designated city checks shall also be countersigned by such other officials as the city manager may select. Any such signature or countersignature may be a facsimile one which is made by means of such mechanical or electrical devices as the director of finance may select. Before any facsimile is

used the city manager shall establish a security method for storing and using such facsimile. (Acts 1974, ch. 595, Sec. 1)

Sec. 5.05 Work programs; allotments.

Before the beginning of the budget year, the head of each office, department or agency shall submit to the director of finance, at such time as may be set by him, a work program for the year, which program shall show the requested allotments of the appropriations for such office, department or agency, for such periods as may be designated by the city manager, for the entire budget year. The city manager shall review the requested allotments and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to said office, department or agency for the budget year.

Sec. 5.06 Allotments constitute basis of expenditures and are subject to revision.

The director of finance shall authorize all expenditures for the offices, departments and agencies to be made from the appropriations on the basis of approved allotments and not otherwise. An approved allotment may be revised during the budget year in the same manner as the original allotment was made. If, at any time during the budget year, the city manager shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, he shall reconsider the work programs and allotments of the several offices, departments and agencies and revise the allotments so as to prevent the making of expenditures in excess of the said income.

Sec. 5.07 Transfers of appropriations.

The city manager may at any time transfer any unencumbered appropriation balance or portion thereof within the accounts of an office, department or agency. The council when advised of the details by the city manager may by duly docketed resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another. (Acts 1968, ch. 510, Sec. 1)

Sec. 5.08 Accounting supervision and control.

The director of finance, except as to public schools, shall have power and shall be required to:

(a) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city government.

(b) Examine and approve all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that funds have been appropriated and allotted and will be available when the obligation shall become due and payable.

(c) Audit and approve before payment all bills, invoices, payrolls and other evidence of claims, demands or charges against the city government and with the advise of the city attorney determine the regularity, legality and correctness of such claims, demands or charges.

(d) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his office.

Sec. 5.09 When contracts and expenditures prohibited.

No officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this charter shall be null and void. Any officer or employee of the city who shall violate this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to hold his office or employment. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

Sec. 5.10 Appropriations lapse at end of year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

Sec. 5.11 Fees shall be paid to city government.

All fees payable to the city received by any officer or employee shall belong to the city government and shall be paid to the department of finance as and when directed by the director of finance.

Sec. 5.12 Division of purchases.

There shall be established in the department of finance a division of purchases, the head of which shall be the city purchasing agent. The purchasing agent, pursuant to rules and regulations established by ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the city government. (Acts 1981, ch. 512, § 1)

Sec. 5.13 Competitive bidding.

Before the city purchasing agent makes any contract, he shall give ample opportunity for competitive bidding, or competitive negotiation, under such rules and regulations, and with such exceptions, as the council may prescribe; provided, however, that the council shall not except individual contracts, purchases or sales from the requirement of competitive bidding or competitive negotiation. (Acts 1981, ch. 512, § 1; Acts 1983, ch. 314, Sec. 1) Secs. 5.14, 5.14.1 Repealed by Acts 1981, ch. 512, Sec 2.

Sec. 5.15 No contract executed until bond ordinance effective.

No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds until the ordinance authorizing the issuance of such bonds shall have taken effect and any contract executed before such day shall be unenforceable in any court of law.

Sec. 5.16 Emergency appropriations.

At any time in any budget year, the council may make emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriations shall be by resolution adopted by the favorable votes of two-thirds of all members of the council. The total amount of all emergency appropriations made in any budget year shall not exceed three per centum of the total operating appropriations made in the budget for that year. (Acts 1971, Ex. Sess., ch. 166, Sec.1; Acts 1981, ch. 512, Sec. 1)

Sec. 5.17 Auditor of municipal accounts.

There may be an auditor of municipal accounts to be appointed by the council for an indefinite term. He shall be qualified by training and experience for the duties of his office. It shall be his duty to examine and audit all accounts, books, records and financial transactions of the city, and of any department, court, board, commission, office or agency thereof, excluding such accounts as are audited by the auditor of public accounts of the Commonwealth but including all trust and special funds. It shall be his duty to make annually to the council, as soon after the end of the fiscal year as possible but in any event not later than ninety days, a complete audit report covering the transactions of the preceding fiscal year as they appear in the accounts, books and records kept in the department of finance, with such comments and recommendations as he may deem advisable. He shall make examinations and audits of the accounts, books and records of other departments, courts, boards, commissions, offices, and agencies subject to examination and audit by him at such times as he or the council shall deem necessary and upon completion of each such examination or audit shall file with the council a report thereof in writing. He shall also transmit a copy of each such report to the city manager and to the department, court, board, commission, office or agency covered thereby. If he shall at any time discover any unauthorized, illegal, irregular or unsound practice he shall forthwith lay such facts before the city manager and council. In performing his duties he shall have access at any and all times to all books, records and accounts of each department, court, board, commission, office or agency of the city, subject to examination and audit by him. A copy of each audit report made to the council by the auditor of municipal accounts shall always be available for public inspection in the office of the city clerk during regular business hours.

Sec. 5.18 Independent audit.

The council shall cause to be made at least every year from the date of the adoption of this charter an independent audit of all accounts, books, records and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall be always available for public inspection in the office of the city manager during regular business hours.

Sec. 5.19 Power to sell property for taxes.

The director of finance shall have any or all of the powers which are now or which may be hereafter vested in any office of the state charged with the collection of state taxes and any powers granted by state law for the collection of local taxes, and may collect the same in the same manner in which state taxes are collected by any officer of this state, unless and except as otherwise provided by law. No deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained or sold for taxes assessed thereon, no matter in whose possession such goods and chattels may be found. A tenant from whom payment of taxes on his landlord's property shall be obtained by distress or otherwise shall have credit for the same against such person on account of his rent, unless by contract the tenant is to pay such taxes. The council may require a list of all real estate in the City of Alexandria delinquent for the nonpayment of taxes thereon for the preceding year to be recorded in a book of delinquent taxes to be kept in the office of the director of finance. (Acts 1973, ch. 258, Sec 1; Acts 1975, ch. 511, Sec. 1)

Sec. 5.20 Penalties for nonpayment of taxes.

The council may impose penalties for the nonpayment of city taxes and levies by the day fixed by ordinance for payment thereof, and for the failure to make any return required by law for the assessment of taxes, and may cause such penalties to be added to the amount of taxes and levies due from taxpayers, as it may by ordinance or resolution from time to time prescribe; and the council may charge interest at a rate fixed by ordinance, not to exceed fifteen per centum per annum, on such unpaid taxes and levies and penalties for nonpayment thereof. The director of finance shall have the power of distress, garnishment, or action and any powers granted by state law for the collection of delinquent local taxes and any other power now possessed or that may hereafter be given to any person charged with the collection of delinquent state taxes. Should it come to the knowledge of the director of finance that any person, firm or corporation owing taxes or levies to the city is moving or contemplating moving therefrom prior to the day fixed by ordinance for payment thereof, he shall have the right to collect taxes by distress, garnishment, suit or action or otherwise at any time after such bills for taxes have come into his hands unless and except as otherwise provided by law. (Acts 1973, ch. 258, Sec. 1; Acts 1975, ch. 511, Sec. 1; Acts 1980, ch. 591, § 1; Acts 1981, ch. 512, Sec. 1)

Sec. 5.21 Foreclosure of tax liens by city.

There shall be a lien on all real estate within the corporate limits and on each and every interest therein for all taxes, levies, or charges assessed thereon or against the same, or upon or against the owner or owners thereof, under the provisions of this charter, or by ordinance, which lien shall have priority over all other liens except the lien for state taxes. When any such taxes or levies or charges have not been paid by the third anniversary of the original due date thereof, the council may require such real estate to be sold for said taxes, levies, or charges in accordance with the provisions of article 8 of chapter 21 of title 58 of the Code of Virginia. (Acts 1972, ch. 808, § 1; Acts 1973, ch. 258, Sec. 1; Acts 1975, ch. 511, Sec. 1; Acts 1980, ch. 591, Sec. 1)

Secs. 5.22 to 5.27 Repealed by Acts 1975, ch. 511, Sec. 2.

Sec. 5.28 Deputy director of finance.

The director of finance shall have the power to appoint and remove a deputy director of finance. The deputy director of finance shall have such powers and duties as the director of finance may lawfully authorize him to perform. The deputy director of finance shall also have the power to authenticate city bonds by manual signature when the city council by resolution shall so determine. (Acts 1964, ch. 288; Acts 1973, ch. 258, Sec. 1; Acts 1981, ch. 512, § 1)

CHAPTER 6

Budget

Sec. 6.01 Fiscal year.

The fiscal year of the city government shall be established by ordinance. Such fiscal year shall constitute the budget and accounting year. As used in this charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Sec. 6.02 Submission of budget.

The city manager shall submit to the council a general budget, a capital budget and an explanatory budget message in the form and with the contents provided by this chapter at such time as the council may by ordinance require. (Acts 1970, ch. 492; Acts 1981, ch. 512, Sec. 1)

Sec. 6.03 Preparation of budgets.

It shall be the duty of the head of each department, the judges of all courts, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, including the Sheriff, the Attorney for the Commonwealth, and clerks of courts to file with the City Manager or with another employee of the city designated by him, at such time as the City Manager may prescribe, estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the City Manager or his designee and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information which the City Manager may require to be submitted thereon. The employee designated by the City Manager shall assemble and compile these estimates and supply such additional information relating to the financial transactions of the city as may be necessary or valuable to the City Manager in the preparation of the budgets. The City Manager shall hold such hearings as he may deem advisable, and with the assistance of city staff shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board he may recommend a revision only in its total estimated expenditure. (Acts 1973, ch. 258, § 1; Acts 1981, ch. 512, § 1; H.B. 1682ER, § 1, 7-1-2015)

Sec. 6.04 Scope of the general budget.

The general budget shall contain:

(a) An estimate of such portion of the general fund cash surplus, if any, at the end of the current fiscal year as it is proposed to use for meeting expenditures in the general budget.

(b) An estimate of the receipts for current ad valorem taxes on real estate and personal property during the ensuing fiscal year, assuming that the proportion of the levy collected be no greater than the average proportion of the levy collected in the last three completed tax years.

(c) An estimate of receipts from all other sources of revenue provided that the estimated receipts from no such source shall exceed the amount estimated to be received from such source in the current fiscal year by more than the average rate of increased collections from that source during the preceding two fiscal years, unless the reasons for an increase greater than the average rate are contained in a written statement furnished by the city manager.

(d) A statement to be furnished by the director of finance of the debt service requirements for the ensuing year.

(e) An estimate of the city's cash deficit, if any, at the end of the current fiscal year and of any other obligations required by this charter to be budgeted for the ensuing fiscal year.

(f) An estimate of expenditures for all other purposes to be met in the ensuing fiscal year.

All the estimates shall be in detail, showing receipts by sources and expenditures by operating units, functions, character and object, so arranged as to show receipts and expenditures as estimated for the current fiscal year and actual receipts and expenditures for the last preceding fiscal year in comparison with estimated receipts and recommended expenditures for the ensuing year. At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and by departments and kinds of expenditures, in such a manner as to present a simple and clear summary of the detailed estimates of the budget. (Acts 1968, ch. 510, § 1)

Sec. 6.05 A balanced budget.

In no event shall the expenditures recommended by the city manager in the general budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, unless property assessments have been raised or unless the city manager shall recommend an increase in the rate of and valorem taxes on real estate and tangible personal property or other new or increased taxes, licenses or other sources. Receipts from increased taxes, licenses or other sources shall be estimated on the basis of the average rate of increased collections during the preceding two fiscal years except in instances in which the city manager submits as a part of the budget a written statement explaining any estimate that is made on some other basis. Receipts from new taxes, licenses, or other sources shall be estimated on information available from other cities, the State of Virginia or other states, the federal government or other appropriate sources. If estimated receipts exceed estimated expenditures, the city manager may recommend revisions in the tax, license or other ordinances of the city in order to bring the general fund budget into balance. (Acts 1968, ch. 510, Sec.1; Acts 1981, ch. 512, § 1)

Sec. 6.06 Repealed by Acts 1981, ch. 512, Sec. 2.

Sec. 6.07 Appropriation and additional tax ordinances.

At the same time that he submits the general fund budget the city manager may introduce in the council a general appropriation ordinance. The appropriation ordinance shall be based on the general fund budget but need not be itemized further than by departments and the major operating units thereof, and by courts, bureaus, boards, commissions, offices and agencies submitting separate budget estimates, and by the principal object of the expenditure. At the same time the city manager shall also introduce any proposals for altering the tax rate on real estate and personal property or other proposals for levying a new tax or altering the rate of any other tax necessary to balance the general fund budget as hereinbefore provided. New ordinances altering the tax rate or levying a new tax may, however, be introduced and passed at any other time of the year, except that the rate of the tax that is levied on real estate shall be fixed as set forth in section 2.02(a)(1). (Acts 1964, ch. 288; Acts 1970, ch. 492)

Sec. 6.08 Budget a public record.

The budget and budget message and all supporting schedules shall be a public record in the office of the city manager open to public inspection after the budget has been submitted to the council and made public by it; provided, however, except as stated in section 6.08.1, no department or agency, head or judge or board or commission, manager, or director of finance shall divulge details of the proposed budget nor make public statements regarding budget estimates until the budget has been submitted to the council and made public by it. The city manager on authorization from the council shall cause sufficient copies of the budget message to be prepared for distribution to interested persons. (Acts 1968, ch. 510, Sec. 1)

Sec. 6.08.1 School budget hearings.

The school board shall, prior to the time work has begun on the school budget, hold a public informational hearing to receive suggestions from the public concerning the school budget. The school board shall also hold a public hearing on its proposed budget prior to submitting it to the city manager. The school board shall cause a notice of the time and place of each public hearing to be published in a newspaper of general circulation in the city at least seven days prior to the hearing. The school board shall also cause copies of the proposed budget to be available to the public at least seven days prior to the public hearing on the proposed budget. The school board may submit to the city manager as its proposed budget the same proposed budget considered at the public hearing or it may, subsequent to said public hearing, submit a revised proposed budget. (Acts 1968, ch. 510, Sec.1; Acts 1981, ch. 512, § 1)

Sec. 6.09 Publication of notice of public hearing.

At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget, which time shall beat least sixty days prior to the beginning of each budget year, and shall cause to be published a notice of the place and time, not less than seven days after date of publication, at which the council will hold a public hearing. (Acts 1970, ch. 492)

Sec. 6.10 Public hearing on budget.

The council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof. (Acts 1981, ch. 512, § 1)

Sec. 6.11 Action by the council on the general budget.

After the conclusion of the public hearing on the general budget, the council may insert new items of expenditure or may increase, decrease or strike out items of expenditure in the general fund budget, except that no item of expenditure for debt service or other provision of law shall be reduced or stricken out. The council shall in no event adopt a general budget in which the total of expenditures exceeds the receipts, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, estimated as hereinbefore provided, sufficient to make up the difference. (Acts 1981, ch. 512, § 1)

Sec. 6.12 Adoption of budget.

The budget shall be adopted by the votes of at least a majority of all the members of the council. The budget shall be finally adopted not later than the twenty-seventh day of the last month of the fiscal year. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council.

Sec. 6.13 Additional appropriations.

An appropriation in addition to those contained in the general appropriation ordinance, except for the purpose of meeting a public emergency as provided for elsewhere in this charter, may be made by the council, by not less than a majority affirmative vote of all members of council, only if there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation. (Acts 1972, ch. 808, Sec. 1; Acts 1981, ch. 512, Sec. 1)

Sec. 6.14 Capital budget.

At the same time that he submits the general budget the city manager shall submit to the council a budget of the proposed capital improvement projects for the ensuing fiscal year and for the five fiscal years thereafter, with his recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The city manager shall obtain and transmit to the council the advisory recommendations of the planning commission with regard to the consistency of proposed capital improvement projects with the master plan and the priority and timing of those projects in comparison to other elements in the master plan. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year but, except in the case of emergency as provided in subsection (d) of section 2.02 of this charter, the council shall not authorize any capital improvement project or make any appropriation therefor unless such project is included in the capital budget as adopted by it. The council shall hold at least one public hearing on said budget and shall take final action on the budget not later than twenty calendar days after the date prescribed for the adoption of the general budget. A capital project in the budget may lapse at the end of one year but once an appropriation has been made for such project it shall not lapse until approved by the city council at a meeting open to the public at which meeting the matter of lapse of the specified project involved is a duly docketed item. (Acts 1968, ch. 510, § 1; Acts 1982, ch. 480, § 1)

Sec. 6.15 Reserve for permanent public improvements.

The council may by ordinance establish a reserve fund or account or both for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. It may likewise assign to the said fund or account or both a specified portion of the ad valorem tax on real estate and tangible personal property not to exceed ten cents on the hundred dollars of the assessed valuation thereof or the whole or part of the proceeds of any other tax. Appropriations from the said fund or account or both shall be made only to finance improvements included in the capital budget. (Acts 1968, ch. 510, § 1)

CHAPTER 7

Borrowing

Sec. 7.01 Borrowing power.

The city council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner and to the extent provided in this chapter.

Sec. 7.02 Purposes for which bonds may be issued.

Bonds may be issued for the purpose of financing the whole or any part of the cost of any capital improvement project, paying all costs incurred in any extension of the city's boundaries and to refund outstanding bonds. A capital improvement is hereby defined to include any public improvement or utility which the city is authorized to undertake, including the acquisition of any property, real or personal, incident thereto, the construction or reconstruction in whole or in part of any building, plant, structure, or facility necessary or useful in carrying out the powers of the city, and in the equipment or re-equipment of the same. (Acts 1968, ch. 510, Sec. 1)

Sec. 7.03 Limitation on indebtedness.

The city shall not issue any bonds or other interest bearing obligations which, including existing indebtedness, shall, at any time, exceed eighteen per centum of the assessed valuation of real estate in said city subject to taxation, as shown by the last preceding assessment for taxes. In determining the limitation for the city there shall not be included the classes of indebtedness enumerated in paragraphs (1), (2), (3) and (4) of subsection (a) of section 10, article VII of the Constitution of Virginia.

All contract obligations, heretofore or hereafter incurred, by the city to provide payments to the Washington Metropolitan Area Transit Authority on account of transit facilities in the Washington Metropolitan Area shall not be included as a class of indebtedness in determining the debt limitation of the city pursuant to article VII, section 10 of the Constitution of Virginia. (Acts 1972, ch. 808, Sec. 1)

Sec. 7.04 Notes in anticipation of bonds.

Whenever an issue of bonds has been authorized as provided in this charter, the director of finance, when authorized by resolution, shall have power to issue notes of the city in anticipation of such bonds, for the purpose of defraying the whole or any part of the cost of such project. Such notes shall be authenticated by the signature of the mayor and the director of finance and shall mature not later than two years after the date of issue. (Acts 1973, ch. 258, § 1; Acts 1981, ch. 512, Sec. 1)

Sec. 7.05 Form of bonds.

All bonds issued pursuant to this charter shall be paid in consecutive annual installments, no one of which shall be more than three times the smallest prior installment. The first annual installment of any issue or of any block or series of bonds shall be payable not later than two years from the date of sale of such issue or block or series thereof. Bonds shall be authenticated by the manual signature of the director of finance, or the deputy director of finance, as the city council by resolution shall determine, and shall bear the facsimile signature of the mayor and a facsimile of the seal of the city attested by the facsimile signature of the city clerk. Should interest payments on such bonds be evidenced by coupons attached thereto, such coupons shall be authenticated by the facsimile signature of the mayor. (Acts 1964, ch. 288;Acts 1971, Ex. Sess., ch. 166, Sec. 1; Acts 1973, ch. 258, Sec. 1; Acts 1981, ch. 512, § 1)

Sec. 7.06 Ordinance for bond issue.

(a) *Ordinance required:* All bonds shall be authorized by ordinance, the procedure for the passage of which shall be the same as for the passage of any ordinance, except that such ordinance shall not be passed as an emergency ordinance and that two-thirds affirmative votes of all members of the council shall be necessary for its adoption.

(b) *What ordinance must show:* The ordinance shall state:

1. In brief and general terms the purpose or purposes for which the bonds are to be issued, including, in the case of funding or refunding bonds, a brief description of the indebtedness to be funded or refunded sufficient to identify such indebtedness;

2. If the purpose of the bonds is to finance one or more capital improvement projects, a general description of each such project and an estimate of the maximum cost of each thereof;

3. The maximum aggregate principal amount of the bonds.

4. That the debt limit as prescribed herein and by the Constitution of the Commonwealth is not exceeded.

(c) *When the ordinance takes effect:* A bond ordinance shall take effect at the time and upon the condition stated therein. (Acts 1968, ch. 510, Sec. 1)

Sec. 7.07 Period of limitation.

When thirty days shall have elapsed from the date of publication of the bond ordinance, or in case of submission to a referendum, from the date of approval by the voters, any recitals or statements of fact contained in said ordinance shall be deemed to be true for the purpose of determining the validity of the bonds, and the city and all other parties interested shall thereafter be estopped from denying them; the ordinance shall be conclusively presumed to have been duly and regularly passed by the city and to comply with the provisions of this charter and all laws; and the validity of such bond ordinance shall not thereafter be questioned in court action except in action commenced prior to the expiration of such thirty days. The city manager within five days after the enactment of a bond ordinance shall cause to be published a notice in a newspaper of general circulation in the city to the effect that the thirty days provided for in this subsection within which action questioning the validity of the ordinance can be commenced has begun to run. (Acts 1971, Ex. Sess., ch. 166, Sec. 1; Acts 1988, ch. 157)

Sec. 7.08 Consolidated bond issue.

Bonds for two or more unrelated purposes may be authorized by the same ordinance or by separate ordinances in the discretion of the council. After two or more ordinances have been passed, the council may, in its discretion, direct by resolution that all or any of the bonds authorized by the ordinances shall be issued as one consolidated bond issue. Separate issues of funding and/or refunding bonds may be made under authority of the same bond ordinance for the retirement of two or more different debts or classes of debts. (Acts 1968, ch. 510, Sec. 1)

Sec. 7.09 Within what time bonds issued.

After a bond ordinance takes effect, bonds may be issued in conformity with its provisions at any time within three years after the ordinance takes effect, unless the ordinance is repealed, which repeal is permitted unless notes shall have been issued in anticipation of such bond issue and are outstanding.

Sec. 7.10 Amount and nature of bonds determined.

The aggregate amount of bonds to be issued under a bond ordinance, the maximum rate or rates of interest they shall bear and the times and places of payment of the principal and interest of the bonds shall be fixed by resolution or resolutions of the council. The bonds may be issued either all at one time or from time to time in blocks, and different provisions may be made for different blocks.

Sec. 7.11 Determining periods for which bonds to run.

(a) *How periods estimated.* Either in the bond ordinance or in a resolution passed after the bond ordinance, but before any bonds are issued thereunder, the council shall, within the limits of subsection (d) of this section, determine and declare:

1. The probable period of usefulness of the improvements, undertakings or properties for which the bonds are to be issued; or

2. If the bonds are to be funding or refunding bonds, either the shortest period in which the debt to be funded or refunded can be finally paid without undue burden upon the taxpayers, or, at the option of the council, the probable unexpired period of usefulness of the improvements, undertaking or property for which the debt was incurred.

(b) *Average of periods determined.* In the case of a bond issue authorized by different ordinances and consolidated by resolution and in the case of a bond issue authorized by one ordinance for two or more unrelated purposes in respect of which several different periods are determined as aforesaid, the council shall also determine the average of the different periods so determined, taking into consideration the amount of bonds to be issued on account of each purpose or item in respect of which a period is determined.

The period required to be determined as aforesaid shall be computed from a date not more than one year after the time of passage of any bond ordinance authorizing the issuance of bonds. The determination of any such period by the council shall be conclusive.

(c) *Maturity of bonds.* The bonds must mature within the period determined as aforesaid, or, if several different periods are to be determined, then within such average period.

(d) *Periods of usefulness.* In determining, for the purpose of this section, the probable period of the usefulness of an improvement, undertaking or property, the council shall not deem said period to exceed the following periods for the following improvements, undertakings and properties, respectively.

(1) Water systems, including water treatment facilities, forty years.

(2) Sewer system (either sanitary or storm water), forty years.

(3) Plants or structures for the treatment, disposal or filtration of sewage, either with or without such additional sewer lines as may be necessary to divert sewage thereto, forty years.

(4) Gas systems, thirty years.

(5) Electric light and power systems, separate or combined, thirty years.

(6) Public parks (including or not including a playground as a part thereof, and any buildings thereon at the time of acquisition thereof, or to be erected thereon with the proceeds of the bonds issued for the same) forty years.

(7) Playgrounds, forty years.

(8) The acquisition of real property for purposes other than parks or playgrounds, thirty years.

(8.1) Public hospitals, sanatoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of the sick, of children, the aged and the destitute, forty years.

(9) All other purposes, thirty years. (Acts 1968, ch. 510, Sec. 1)

Sec. 7.12 Procedure for sale of bonds.

All bonds issued under this charter shall be sold by the city council at public sale upon sealed proposals after at least ten days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds, published in the City of New York, New York, and at least ten days' notice published in the City of Alexandria and such other places as the council may designate.

Sec. 7.13 Payment of bonds and notes.

The faith and credit of the city and all taxes and revenues paid thereto are hereby pledged for the payment of the principal of and interest on all bonds and notes of the city issued pursuant to this charter, except bonds for revenue producing utilities issued pursuant to this charter and which bonds are by their terms payable solely from the revenues derived from such utilities, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issue.

Sec. 7.14 Sinking fund.

There shall be a sinking fund for the amortization of the outstanding term bonds of the city. There shall be paid into the sinking fund annually the sum determined by the director of finance, and by him certified to the city manager for inclusion in the budget, to be necessary on actuarial principles to amortize such term bonds at maturity. The sinking fund may be invested only in bonds or other direct obligations of the city, the Commonwealth, or the United States. The sinking fund shall be administered by the director of finance, and such person or persons as the council may designate. (Acts 1973, ch. 258, § 1; Acts 1981, ch. 512, § 1)

Sec. 7.15 Bond issues for revenue producing utilities.

The city is hereby empowered to issue from time to time in the manner prescribed by paragraph (2) of subsection (a) of section 10, article VII of the Constitution of Virginia bonds of the City of Alexandria for the purpose of acquiring, establishing, constructing, improving or enlarging any sewage disposal system, water work, gas plant, electric plant, garbage and trash disposal system, incinerator, toll bridge, motor vehicle parking area or building, airport, hospital, or other public utility from which the city may derive a revenue; for the purpose of reimbursing the general fund or other fund of the city for monies paid from said fund or funds for such purposes; and/or for the purpose of funding or refunding any existing indebtedness incurred for such purposes. Such bonds shall not be included in determining the power of the city to incur indebtedness within the limitation prescribed by article VII, section 10 of the Constitution of Virginia or section 7.03 hereof; but, from and after a period to be determined by the council, not exceeding five years from the date of the election authorizing such bonds, whenever and for so long as any such revenue producing utility fails to produce sufficient revenue to pay for cost of operation and administration, including the interest and amortization of such bonds, and the cost of insurance against loss by injury to

persons or property, all such bonds outstanding shall be included in determining the limitation of the power of the city to incur indebtedness under any provision of this charter or under the provisions of article VII, section 10 of the Constitution of Virginia. The city may, however, issue bonds from time to time for any or all of such purposes, including reimbursement of funds and the funding or refunding of existing indebtedness, in the manner prescribed by paragraph (3) of subsection (a) of section 10, article VII of the Constitution of Virginia, the principal and interest of which bonds shall be payable exclusively from the revenue of such revenue producing utilities and for which payment of principal and interest the full faith and credit of the city shall not be deemed to be pledged notwithstanding any other provision of this charter, and such bonds shall never be included in determining the limitation of the power of the city to incur indebtedness under the provisions of this charter or under the provisions of article VII, section 10 of the Constitution of Virginia. (Acts 1972, ch. 808. Sec. 1)

Sec. 7.16 Contents of bond ordinance for revenue producing utilities.

In addition to the requirements of § 7.06 of this chapter, the ordinance authorizing the issuance of any bonds for any revenue producing utility shall state either:

(a) That the bonds shall be payable from the ad valorem taxes without limitation of rate or amount; the full faith and credit of the city is deemed to be pledged for the payment of principal and interest thereof; and the bonds are to be issued pursuant to the provisions of the Constitution of Virginia and are not to be included in determining the power of the city to incur indebtedness within the limitation prescribed by the Constitution of Virginia; provided, however, that from and after a period specified in such ordinance not exceeding five years from the date of the election authorizing the bonds, whenever and for so long as such revenue producing utility fails to produce sufficient revenue to pay for the cost of operation and administration, including the interest on such bonds, and the cost of insurance against loss by injury to persons or property, and an annual amount to be covered into a sinking fund sufficient to pay all such bonds outstanding shall be included in determining the limitation of the power of the city to incur indebtedness; or

(b) That the principal and interest of such bonds shall be payable exclusively from the revenue of such revenue producing utility, the faith and credit of the City of Alexandria shall not be deemed to be pledged for the payment of such principal and interest; and the bonds are to be issued pursuant to the provisions of the Constitution of Virginia and are never to be included in determining the power of the city to incur indebtedness within the limitation prescribed by the Constitution of Virginia. (H.B. 1682ER, § 1, 7-1-2015)

Sec. 7.17 Funding of revenues derived from utilities.

The council shall provide that revenues derived from revenue producing utilities shall be maintained separately from the general fund, with a special fund for each such utility, and monies from such fund, shall not be transferred to the general fund until the operating expenses and the amortization of the bond of such utility have been provided for.

Sec. 7.18 Borrowing to meet emergency appropriations.

In the absence of unappropriated available revenues to meet emergency appropriations under the provisions of section 5.16 of this charter, the council may by resolution authorize the issuance of notes, each of which shall be designated "emergency note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made.

Sec. 7.19 Borrowing to pay judgment.

In the absence of unappropriated available revenues to pay a final judgment for money which may be recovered against the city, the council may by resolution authorize the issuance of a note or notes, the proceeds of which shall be used to pay such judgment, which note or notes may be renewed from time to time, but such note or all such notes of any fiscal year and any renewals thereof, shall be paid not later than the last day of the fiscal year next succeeding the budget year in which such judgment was paid.

Sec. 7.20 Borrowing in anticipation of property taxes.

In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year 20___" (stating the budget year). Such notes may be issued for periods not exceeding one year and may be renewed from time to time for periods not exceeding one year, but together with renewals shall mature and be paid not later than the end of the third fiscal year after the budget year in which the original notes have been issued. The amount of the tax anticipation notes originally issued in any budget year shall not exceed fifty per centum of the amount of the property tax levied in that year for city purposes. On renewal of tax anticipation notes of any given fiscal year, the amount renewed in the next succeeding fiscal year shall not exceed twenty per centum of the amount originally issued, and the amount renewed in the second fiscal year succeeding the year of levy shall not exceed four per centum of the amount originally issued. (H.B. 1682ER, § 1, 7-1-2015)

Sec. 7.21 Borrowing in anticipation of other revenues.

In any budget year, in anticipation of the collection or receipt of other revenues of that year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "special revenue notes for the year 19..."(stating the budget year). Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year after the budget year in which the original notes shall have been issued.

Sec. 7.22 Notes redeemable prior to maturity.

No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

Sec. 7.23 Sale of notes.

All notes issued pursuant to the provisions of this chapter when authorized by the council, may be sold at private sale without previous advertisement by the director of finance, with the approval of the city manager. (Acts 1970, ch. 492)

Sec. 7.24 Payment of notes.

The power and obligation of the city to pay any and all notes hereafter issued by it pursuant to the provisions of this chapter shall be unlimited and the city shall levy ad valorem taxes on all the taxable property within the city for the payment of such notes and interest thereon without limitation of rate or amount; provided, however, that the provisions of this section shall not be applicable to notes issued in anticipation of the issuance of bonds for revenue producing utilities except within the terms of sections 7.15 and 7.16 of this chapter.

Sec. 7.25 Interest rate and interest cost of bonds and notes.

Notwithstanding any limitations contained in any other laws, the city shall be empowered to issue the bonds and notes authorized by this chapter at such rate or rates not exceeding eight per centum (8%) per annum or such higher rate or rates as may be permitted by general law, and to sell such bonds and notes for such price as the city council may determine to be for the best interests of the city, but no such sale shall be made at a price so low as to require the payment of interest on the moneys received therefor at more than eight per centum (8%) per annum, or such higher rate or rates as may be permitted by general law, computed with relation to the absolute maturity of such bonds or notes in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on the redemption of any bonds or notes prior to maturity. (Acts 1970, ch. 492)

CHAPTER 8

Personnel

Sec. 8.01 Merit basis of appointment.

Appointments and promotions in the administrative service of the city shall be made according to merit and fitness. The council shall have all necessary powers to carry out this purpose. The following powers are vested in the city manager, who may delegate them to any officer or department of the city government as he may decide; provided, however, that such powers do not extend to employees of the school board.

(a) To prepare and submit to the council from time to time rules designed to give effect to the provisions of this chapter.

(b) To prepare and submit to the council classification plans covering all positions in the city service.

(c) To advise the council on problems concerning personnel administration.

(d) To make any investigation which he may consider desirable concerning personnel management in the city service, and report to the council his findings, conclusions and recommendation.

(e) To conduct open competitive examinations for original appointments and for promotions whenever it seems desirable to him.

(f) To enter into agreements with other public personnel departments or agencies for the joint administration of examinations and the joint use of eligible lists.

(g) To prepare and recommend to the council a pay plan covering all employees in the city service.

(h) To direct and enforce the maintenance by all departments, boards, commissions, offices and agencies of the city, of such personnel records and service ratings of members of the city service as he shall prescribe.

(i) To maintain a roster of all persons in the city service.

(j) To certify all payrolls.

(k) To develop and establish training programs for persons in the city service.

(l) Such other powers and duties as may be assigned to him by ordinance.

Sec. 8.02 Repealed by Acts 1981, ch. 512, § 2.

Sec. 8.03 Classification.

The city manager shall allocate each position in the city service to the appropriate class therein on the basis of its authority, duties, and responsibilities. (Acts 1981, ch. 512, § 1)

Sec. 8.04 Pay plan.

Amendments in the pay plan may be adopted by the council from time to time; provided, however, that in increasing or decreasing items in the city budget, the council shall not increase or decrease any individual salary items in the city budget, but shall act solely with respect to classes of positions as established in the classification and pay plan. In no event shall the council reduce the salary of a class below the minimum or raise it above the maximum salary established by the pay plan except by amendment of the pay plan. (Acts 1981, ch. 512, § 1)

Sec. 8.05 Removals.

No employee in the service of the city appointed by the city manager shall be removed from the service except for due cause shown in a written statement to such employee made by the city manager. The decision of the city manager in all removals shall be final. The city manager may delegate the authority granted by this section to any officer or employee of the city appointed by him. (Acts 1956, ch. 262, § 1; Acts 1981, ch. 512, § 1)

Sec. 8.06 Pension and retirement system.

The council shall have authority to establish a pension and retirement system for any and all officers and employees in the service of the city including the following elective officers and their employees: Sheriff and commonwealth attorney, but excluding the mayor and members of city council. Any such pension and retirement system shall not include any provisions that would entitle the elective officers or their employees to any benefit or a greater benefit than the benefits granted to other officers and employees of the city. Any such pension and retirement system shall be established on a jointly contributory basis, except as to prior service charges for which may be borne entirely by the city. The cost of the system shall be determined actuarially on the basis of such

mortality and service tables as the council shall approve. Any officer or employee of the city at the time of the establishment of such system shall have a reasonable time thereafter to elect the privilege of becoming a member of the system so established. Officers and employees thereafter appointed to any position which has been included in a retirement system by the council shall be required to join the system as a condition of employment. Nothing in this section shall be construed to prevent the council from making appropriations for pensions for or relief of persons retired from the service of the city prior to the establishment of the retirement system authorized herein. If the council shall deem it inadvisable to establish an independent retirement system for the City of Alexandria, it may make arrangements for group insurance for employees or it may affiliate its retirement system with that of the Commonwealth, if permissible under general law, or with that of any other local government in the Commonwealth or any combination thereof. Any pension and retirement system established under this section shall be administered as provided by ordinance. The benefits accrued or accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever nor shall any assignment of such benefits be enforceable in any court. (Acts 1968, ch. 510, § 1; Acts 1983, ch. 314, § 1)

Sec. 8.07 Prohibited practices.

No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test held or certification or appointment made under the personnel provisions of this charter or any ordinance adopted hereunder or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or of the rules made thereunder. No person seeking appointment to or promotion in the service of the city shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his test, appointment, proposed appointment, promotion or proposed promotion. The soliciting of campaign contributions in any city office, building or premises during regular working hours is hereby prohibited. Any person who by himself or with others willfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not more than one hundred dollars or by imprisonment for a term not exceeding sixty days or by both such fine and imprisonment. Any person who is convicted under this section shall for a period of five years be ineligible for appointment to or employment in a position in the city service and shall, if he be an officer or employee of this city, immediately forfeit the office or position he holds.

Sec. 8.08 Repealed by Acts 1956, ch. 262, §2.

Sec. 8.08.1 Supplemental salaries for department of public health employees.

The council shall have authority to enter into agreements with the state department of health to supplement the salaries of the department of public health of the city. Such supplement shall be in accord with the pay plan adopted pursuant to this chapter. (Acts 1968, ch. 510, § 1)

CHAPTER 9

Planning, Zoning, and Subdivision Control

Sec. 9.01 Power to adopt master plan.

In addition to the powers granted elsewhere in this charter, the council shall have the power to adopt by ordinance a master plan for the physical development of the city to promote health, safety, morals, comfort, prosperity and general welfare. The master plan may include but shall not be limited to the following:

(a) the general location, character and extent of all streets, highways, super-highways, freeways, avenues, boulevards, roads, lanes, alleys, walks, walkways, parks, parkways, squares, playfields, playgrounds, recreational facilities, stadia, arenas, swimming pools, waterways, harbors, waterfronts, landings, wharves, docks terminals, canals, airports and other public places or ways and the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension thereof.

(b) the general location, character and extent of all public buildings, schools and other public property and of utilities whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration or extension thereof.

(c) the general location, character and extent of slum clearance housing and neighborhood rehabilitation projects, including the demolition, repair or vacation of substandard, unsafe or unsanitary buildings.

(d) a general plan for the control and routing of railways, streetcar lines, bus lines and all other vehicular traffic.

(e) the general character, location and extent of all roads, streets, highways, super-highways, freeways, boulevards, parks, parkways and public buildings and public facilities and of such other general features as may affect the health, welfare, safety and prosperity of the city.

Before the council considers an ordinance proposing the adoption of a new master plan or an amendment of an existing master plan, it shall first conduct a public hearing proceeded by notice as provided in subsection G of Section 9.12. (Acts 1968, ch. 510, § 1; Acts 1970, ch. 492; Acts 1971, Ex. Sess., ch. 166, § 1; Acts 1982, ch. 480, § 1; Acts 1988, ch. 157; Acts 1995, ch. 782, § 1)

Sec. 9.02 The city planning commission; composition.

There shall be a city planning commission which shall consist of seven members, who shall be qualified resident voters of the city who hold no office of profit under the city government, appointed by the council for terms of four years.

The city manager shall designate an officer or employee to sit with the commission with the right to discuss and advise but without the right to vote. Vacancies shall be filled by the council for the unexpired portion of the term. Members of the city planning commission shall serve as such without compensation, but may receive reimbursement for travel and expenses incurred by attendance at conventions, meetings, and such other travel as they may perform in the interest of the City of Alexandria in the performance of the duties and activities of the planning commission. (Acts 1958, ch. 105, § 1; Acts 1958, ch. 132, § 1; Acts 1982, ch. 480, § 1; Acts 1992, ch. 512, § 1)

Sec. 9.03 City planning commission; organization and expenditures.

The commission shall elect a chairman and vice chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for reelection, and appoint a secretary. The commission shall hold at least one regular meeting in each month, shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. The city manager may appoint such employees as he may deem necessary for the work of the commission and may enter into contracts for and on behalf of the commission or permit it to contract directly with city planners, engineers, architects and other consultants for service it may require. All expenditures, exclusive of gifts to the commission, shall not exceed the sums appropriated by the city council therefor. (Acts 1956, ch. 262, § 1; Acts 1982, ch. 480, § 1)

Sec. 9.04 Duty to adopt master plan.

It shall be the duty of the commission to make and adopt a master plan which with accompanying maps, plats, charts, and descriptive matter shall show the commission's recommendations for the development of the territory covered by the plan.

Sec. 9.05 Adoption of master plan by commission.

The commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said

parts corresponding to major geographical sections or geographical or topographical division of the city or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto, and from time to time at intervals not exceeding five years prepare and submit to the council such changes in or revisions of said plan as changing conditions may make necessary. The adoption of the plan or any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto adopted thereby shall be certified to the council.

Sec. 9.06 Effect of adoption of master plan.

Whenever the commission shall have adopted a master plan for the city or one or more parts thereof, geographical, topographical or functional, and the master plan of such part or parts thereof shall have been approved by the council and it has been certified by the council to the clerk of the corporation court and filed by him with the court records, then and thereafter no street, square, park or other public way, ground, open space, public building or structure, shall be construed or authorized in the city or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the commission. No widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the city, nor the sale of any land held by the city, shall be authorized to take place unless such transactions shall have been first submitted to and approved by the commission; and no public utility, whether publicly or privately owned, shall be constructed or authorized in the city or in the planned section or division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission; and no ordinance giving effect to, or amending the comprehensive zoning plan as provided in section 9.09 of this chapter shall be adopted until such application on motion for such change has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above the commission shall communicate its reasons to the council which shall not have the power to overrule such action except by a recorded affirmative vote of three-fourths of the members of the council, except as otherwise provided in section 9.12 of this chapter. The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval. The foregoing provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, underground pipes and conduits, drainage, or other work in or upon any existing street or other existing public way. (Acts 1956, ch. 262, § 1; Acts 1962, ch. 61, § 1)

Sec. 9.07 Repealed by Acts 1956, ch. 262, § 2.

Sec. 9.07.1 Amendment of master plan initiated by council.

Amendment of the master plan may be initiated by a majority vote of the city council to submit a proposed amendment to the planning commission. Notwithstanding any provision in this charter or the general law to the contrary, if the planning commission disapproves the proposed amendment, the council shall have the power to overrule such action and adopt the amendment by an affirmative vote of not less than six members. The failure of the planning commission to act within sixty days from the date of the official sub-

mission to it shall be deemed approval; however, the council may extend such sixty-day period for an additional period not to exceed sixty days upon a recorded vote of the majority of all the members of council that good cause exists for such extension. The authority of the council under this section shall be concurrent with the authority of the planning commission to initiate a master plan amendment on its own motion. (Acts 1994, bill no. 22, § 1)

Sec. 9.08 Further powers and duties of the commission.

The commission shall have the power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or any report relating thereto, and may employ such other means of publicity and education as it may determine. All public officials shall upon request furnish to the commission within a reasonable time such available information as it may require for its work. The commission, its members, officers and employees in the performance of their duties may enter upon any land in the city and make examinations and surveys and place and maintain necessary monuments and markers thereon. In general, the commission shall have such powers as may be necessary to enable it to fulfill its function, promote planning and carry out the purposes of this charter. The commission shall make an annual report to the council concerning its activities.

Sec. 9.09 Zoning powers.

In addition to the powers granted elsewhere in this charter, the council shall have the power to adopt by ordinance a comprehensive zoning plan designed to lessen congestion in streets, secure safety from fire, panic and other danger, promote health, sanitation and general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate public and private transportation and the supplying of public utility services and sewage disposal, preserve existing and facilitate the provision of new housing that is affordable to all segments of the community, and facilitate provision for schools, parks, playgrounds and other public improvements and requirements. The comprehensive zoning plan shall include the division of the city into zones with such boundaries as the council deems necessary to carry out the purposes of this charter and shall provide for the regulation and restriction of the use of land, buildings and structures in the respective zones and may include but shall not be limited to the following:

(a) It may permit specified uses of land, buildings and structures in the zones and prohibit all other uses.

(b) It may restrict the height, area and bulk of buildings and structures in the zones.

(c) It may establish setback building lines and prescribe the area of land that may be used as front, rear and side yards and courts and open spaces.

(d) It may restrict the portion of the area of lots that may be occupied by buildings and structures.

(e) It may prescribe the area of lots and the space in buildings that may be occupied by families.

(f) It may require that spaces and facilities deemed adequate by the council shall be provided on lots for parking vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the council shall be provided on lots for off-street loading or unloading of vehicles.

(g) It may provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the zone in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the zone or zones in which they are situated whenever they are enlarged, extended, reconstructed or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the zone or zones in which they are situated, in any event within a reasonable period of time to be specified in the ordinance.

(h) It may require that permits be granted for special uses of property within a zone.

(i) It may, in order to promote the general welfare through the preservation and protection of historic places and any other buildings or structures within the city having an important historic, architectural or cultural interest and other areas of historic interest in the city and through the preservation of the memorial character of the George Washington Memorial Highway, provide for old and historic districts or designated preservation districts in which no building or structure

shall be erected, reconstructed, altered, restored, moved, removed, capsulated or razed until approved by a board of architectural review and in which, notwithstanding any contrary provision of general law, no building or structure shall be allowed to deteriorate so that the building or structure or any exterior architectural feature thereof shall be lost or threatened with loss.

(j) It may create boards of architectural review which shall have the power to pass upon the appropriateness of exterior architectural features, including signs, of buildings and structures to be erected, reconstructed, altered or restored in any old and historic districts or in designated preservation districts established in the city and prohibit the moving, removing, capsulation, demolition or razing of any building in such a district without a permit if any such building is of such historic, architectural or cultural interest that its removal would be to the detriment of the public interest.

In addition to the provisions of section 2.06 of this charter, the council may adopt an ordinance which establishes a civil penalty for the moving, removing, capsulation, demolition or razing of a building or structure which is located in an old and historic or a designated preservation district without the prior approval from either the board of architectural review or the council. The civil penalty established for a violation of any such ordinance shall not exceed the market value of the property as determined by the assessed value of the property at the time of the violation, and that market value shall include the value of any improvements together with the value of the land upon which any such improvements are located. Such ordinances may be enforced by the city attorney by bringing an action in the name of the city in the circuit court. Such actions shall be brought against the party or parties deemed responsible for the violation. It shall be the burden of the city in any such action to show the liability of the violator by a preponderance of the evidence.

The council shall establish standards, rules, regulations and procedures for the operation of any such boards of architectural review, and, to carry out the purposes and provisions of subsection (i) above and of this subsection (j), it shall provide for appeals to the city council from any final decision of a board, which appeal shall stay a board's decision pending the outcome of the appeal before the council. The council, on appeal, shall apply the same standards as those established for such boards and may affirm, reverse or modify the decision of such boards, in whole or in part. The city council shall determine, by ordinance, the parties entitled to appeal decisions of the city council; such parties shall have the right to appeal to the circuit court of the city for review by filing a petition, at law, setting the alleged illegality of the city council's action, provided such petition is filed within thirty days after the final decision is rendered by the city council. The filing of the said petition shall stay the council's decision pending the outcome of the appeal to the court. Findings of fact by the council shall be conclusive on the court in any such appeal. The court may reverse or modify the decision of the council, in whole or in part, if it finds upon review that the decision of the council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of council.

In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the moving, removal, capsulation, the razing or demolition of which is subject to the provisions of subsection (i) above and of this subsection (j), shall, as a matter of right, be entitled to move, remove, capsulate, raze or demolish such building or structure provided that: (1) he has applied to the board for such right and has also been a party to an appeal from the board's decision to the council, (2) that the owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure, and the land pertaining thereto, to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto, and (3) that no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one year after a final decision by the city council. The time schedule for offers to sell shall be as follows: three months when the offering price is less than $25,000; four months when the offering price is $25,000 or more but less than

$40,000; five months when the offering price is $40,000 or more but less than $55,000; six months when the offering price is $55,000 or more but less than $75,000; seven months when the offering price is $75,000 or more but less than $90,000; and twelve months when the offering price is $90,000 or more.

(j-01) It may, in order to promote the general welfare through the preservation and protection of properties in the city which are located outside of any old and historic or designated preservation district but which are over 100 years old and are of historic, architectural or cultural interest, provide by ordinance for the listing of such buildings and structures for preservation which shall not be moved, removed, demolished, razed, capsulated, reconstructed, altered or restored until approved by the board of architectural review except as hereinafter indicated and which, notwithstanding any contrary provision of general law, shall not be allowed to deteriorate so that the building or structure or any exterior architectural feature thereof shall be lost or threatened with loss.

Boards of architectural review shall have the power to prohibit moving, removal, capsulation, razing, reconstruction, alteration or restoration of any building or structure so listed that is over 100 years old and is of such historical, architectural or cultural interest that its removal would be to the detriment of the public interest.

In addition to the provisions of section 2.06 of this charter, the council may adopt an ordinance which establishes a civil penalty for the moving, removing, capsulation, demolition or razing of a building or structure which has been designated by the council as an historic building or structure or landmark without the prior approval from either the board of architectural review or the council. The civil penalty imposed for a violation of any such ordinance shall not exceed the market value of the property as determined by the assessed value of the property at the time of the violation, and that market value shall include the value of any improvements together with the value of the land upon which any such improvements are located. Such ordinances may be enforced by the city attorney by bringing an action in the name of the city in the circuit court. Such actions shall be brought against the party or parties deemed responsible for the violation. It shall be the burden of the city in any such action to show the liability of the violator by a preponderance of the evidence.

The council shall establish standards, rules, regulations and procedures for the operation of such board to carry out the purposes and provisions of this subsection (j-01); it shall provide for appeals to the city council from any final decision of any board, which appeal shall stay the board's decision pending the outcome of the appeal before the council. The council, on appeal, shall apply the same standards as those established for the board and may affirm, reverse or modify the decision of a board, in whole or in part. The city council shall determine, by ordinance, the parties entitled to appeal decisions of the city council; such parties shall have the right to appeal to the circuit court of the city for review by filing a petition, at law, setting forth the alleged illegality of the city council's action, provided such petition is filed within thirty days after the final decision is rendered by the city council. The filing of the said petition shall stay the council's decision pending the outcome of the appeal to the court. Findings of fact by the council shall be conclusive on the court in any such appeal. The court may reverse or modify the decision of the council, in whole or in part, if it finds upon review that the decision of the council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of council. In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the moving, removal, capsulation, razing or demolition of which is subject to the provisions of this subsection (j-01), shall, as a matter or right, be entitled to move, remove, capsulate, raze or demolish such building or structure provided that: (1) he has applied to a board for such right and has also been a party to an appeal from a board's decision to the council, (2) that the owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure, and the land pertaining thereto, to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to in this paragraph. No offer to sell shall

begin more than one year after a final decision by the city council. The time schedule for offers to sell shall be as follows: three months when the offering price is less than $25,000; four months when the offering price is $25,000 or more but less than $40,000; five months when the offering price if $40,000 or more but less than $55,000; six months when the offering price is $55,000 or more but less than $75,000; seven months when the offering price is $75,000 or more but less than $90,000; and twelve months when the offering price is $90,000 or more.

(j-1) To acquire, in the manner provided in Chapter 13 of this charter, areas, properties, lands or any estate or interest therein, of old and historic interest which, in the opinion of the council, should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people, provide for their renovation, preservation, maintenance, management and control as places of old and historic interest by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the old and historic character of the area, property or lands shall be preserved and maintained; or to enter into contracts with any person, firm or corporation for the management, preservation, maintenance or operation of any such area, property, lands or estate or interest therein so acquired as a place of old and historic interest, provided, the city shall not use the right of condemnation under this paragraph unless the historic value of such area, property, lands or estate or interest therein is about to be destroyed.

(k) To restrict, and regulate the erection of buildings and structures in areas subject to floods. (Acts 1956, ch. 262, § 1; Acts 1964, ch. 288; Acts 1966, ch. 12, § 1; Acts 1966, ch. 83, § 1; Acts 1975, ch. 511, § 1; Acts 1976, ch. 669; Acts 1982, ch. 480, § 1; Acts 1983, ch. 314, § 1; Acts 1986, ch. 459, § 1; Acts 1989, ch. 536, § 1; Acts 1992, ch. 512, § 1)

Sec. 9.10 Consideration to be observed in adoption and alteration of regulations.

The regulations and restrictions shall be enacted with reasonable consideration, among other things, of the character of each zone and its peculiar suitability for particular uses, and with a view of conserving the value of land, buildings, and structures and encouraging the most appropriate use thereof throughout the city. (Acts 1960, ch. 8, § 1; Acts 1966, ch. 12, § 1; Acts 1966, ch. 83, § 1; Acts 1992 ch. 512, § 1)

Sec. 9.11 Duties of the city planning commission with relation to zoning.

It shall be the duty of the city planning commission to prepare and submit to the council a comprehensive zoning plan as referred to in section 9.09 of this chapter and from time to time, at intervals not exceeding two years, prepare and submit such changes in or revisions of the said plan as changing conditions may make necessary. The provisions of sections 9.06 and 9.13 shall apply to zone boundary changes adopted under section 9.10; provided, however, that said sections 9.06 and 9.13 shall not apply to city-owned property. (Acts 1960, ch. 8, § 1; Acts 1962, ch. 61, § 1; Acts 1964, ch. 288; Acts 1982, ch. 480, § 1)

Sec. 9.12 Adoption and amendment of regulations and restrictions and determination of zone boundaries.

A. Subject to the other provisions of this chapter, the council shall have power by ordinance to adopt the regulations and restrictions herein before described and determine the boundaries of the zones in which they shall apply, provide for their enforcement, and from time to time amend, supplement or repeal the same. The council shall also have authority to provide for the collection of fees to cover costs involved in the consideration of any application for amendment of any such determination of boundaries, to be paid to the Director of Finance by the applicant upon filing such request. No ordinance to adopt the regulations and restrictions herein before described or to determine the boundaries of zones or to provide for their enforcement, and no ordinance to amend, supplement or repeal the same shall be enacted until the application or motion for such change has been considered by the city planning commission and until after a public hearing in relation thereto has been held by the commission. The commission may recommend approval or disapproval of the matter by the city council, or the commission may request that the council refer the matter back to the commission for further study. The commission shall vote on the application or motion at the public hearing; provided, that the commission may defer a vote for a period not to

exceed 90 days upon a recorded vote of a majority of the members of the commission that good cause exists for such deferral.

B. A public hearing on the application or motion shall be held by the council, at which time the parties in interest shall have an opportunity to be heard. Council may, by ordinance, provide for the consideration of applications or motions or both by the commission or council only at specified intervals of time, not exceeding ninety 90 days. The council may approve or disapprove recommendations of the planning commission on the matter, subject to the provisions of § 9.06 of this charter. It may also refer back the matter to the commission for further study.

C. The commission shall act on any matter referred back from the council for further study within 25 calendar days of the date of the council referral and shall resubmit its reviewed recommendations to council. Such commission action shall follow a public hearing on the matter which shall be preceded by at least 10 days' notice thereof published in a newspaper of general circulation in the city. If two-thirds of the entire membership of the commission votes to recommend disapproval of any matter referred back to the commission by the council for further study, such recommendation may be overruled only by a recorded affirmative vote of three-fourths of all the members of the council. If the commission fails to act on such a referral back within 25 days of the date of the council referral or fails to recommend disapproval of the matter referred back or by a two-thirds vote of its entire membership, the council may adopt said application or motion for change by a simple majority. An additional public hearing shall be held by the council, preceded by at least 10 days' notice thereof published in a newspaper of general circulation in the city, on any matter referred by council to the planning commission for further study 45 days from the date on which the matter was referred back to the planning commission by the council; provided, that the council may extend such 45-day period for an additional period not to exceed 45 days upon a recorded vote of the majority of all the members of council that good cause exists for such extension.

D. Should the council approve the application or motion, 75 days may be taken to follow the proper procedure for the passage of an ordinance implementing the approval.

E. The time constraints and limitations listed and described above in this section shall not apply to any motion, or to any ordinance, to adopt, amend, supplement or repeal the regulations and restrictions herein before described, or to provide for their enforcement. In addition, notwithstanding any of the procedural requirements set forth in this chapter or by other law, ordinances adopting or amending zoning regulations and restrictions or determining zone boundaries may be enacted under the emergency ordinance provisions of this charter without compliance with such requirements.

F. The council, in determining the boundaries of zones, may approve an application or motion for, and may adopt an ordinance for, a zone change to a more restrictive zone than that originally applied for or moved; provided, in cases where the zone change procedure is initiated by other than the planning commission or the council on its own motion: (1) that the planning commission recommends in favor of such more restrictive zone change at a public hearing held to consider the application for a zone change amendment; (2) that the applicant agrees to the more restrictive zone change at or before the said planning commission hearing; and (3) that at least 10 days' notice of the more restrictive zone change and of the time and place of the public hearing before council required by this section shall be given by publication thereof in a newspaper of general circulation in the city. A protest under § 9.13 of this charter against a less restrictive zone change shall not be effective against a more restrictive change. This shall not, however, preclude the filing of an effective new protest against a more restrictive zone change under § 9.13, nor shall it preclude the effectiveness of a protest filed against both a less restrictive and a more restrictive zone change.

G. Whenever a public hearing is required or provided under the provisions of this chapter or any related provision of general law, or under any local ordinance adopted pursuant to this chapter or such general law, at least 10 days' notice of the time and place of such hearing, together with a general description of the matter being heard, shall be published in a newspaper of general circulation in the city. The council may, by ordinance, prescribe additional newspaper notice requirements for particular hearings or classes of hearings. This subsection shall preempt all other newspaper notice requirements of general or special law.

H. Any ordinance adopted, or other action taken, under the authority of this chapter or any related provision of general law prior to April 1, 2004, shall not be declared to be invalid by reason of a

failure to advertise or give notice as required by general law, so long as advertisement and notice of such adoption or action was given in compliance with the then applicable local law; however, this subsection shall not affect any litigation concluded before, or pending on, April 1, 2004.

I. Whenever written notice of a public hearing is required to be given to an owner of property affected by the adoption or amendment of regulations or restrictions or zone boundaries under the provisions of this chapter or any related provision of general law, such notice shall be given for the public hearing on the application or motion for such adoption or amendment, as provided in subsection A or subsection B of this section, and not for the public hearing on the ordinance implementing the approval, as provided in subsection D of this section. (Acts 1956, ch. 262, § 1; Acts 1964, ch. 288; Acts 1968, ch. 510, § 1; Acts 1971, Ex. Sess., ch. 166, § 1; Acts 1973, ch. 258, § 1; Acts 1974, ch. 595, § 1; Acts 1982, ch. 480, § 1; Acts 1988, ch. 157; Acts 1989, ch. 536, § 1; Acts 1990, ch. 652, § 1; Acts 1994, bill no. 22, § 1; Acts 1995, ch. 6782, § 1; Acts 2004, Ch. 511, § 1)

Sec. 9.12.1 Parties to applications and motions for amendments, supplements or repeal of regulations and restrictions and determination of boundaries.

Applications for changes in zone boundaries shall be accepted only from parties having a legal interest in the property, from the duly authorized representative of any such party or from persons exhibiting the consent of parties having a legal interest in the property. The planning commission may initiate on its own motion the adoption, amendment, supplement or repeal of any regulation, restriction or determination of boundaries of zones. The council may initiate on its own motion the adoption, amendment, supplement or repeal of any regulation, restriction or determination of boundaries of zones. All such applications and motions shall be subject to the procedures set forth in this chapter. This section shall preempt all provisions of general law applicable to the initiation by the planning commission or city council of the adoption, amendment, supplement or repeal of any regulation, restriction or determination of boundaries of zones. (Acts 1968, ch. 510, § 1; Acts 1989, ch. 536, § 1; Acts 2004, Ch. 511, § 1)

Sec. 9.12.2 Disclosure by applicants.

(a) The zoning ordinance may provide that each applicant for a land use or land development approval pursuant to such ordinance make full public disclosure of parties having an ownership interest in the real estate that is the subject of the application and of parties having any other financial interest in such application or approval.

(b) The zoning ordinance may further provide that a party having an ownership interest in such real estate or any other financial interest in such application or approval make full public disclosure of any business or financial relationship that such party presently has, or has had within the 12-month period prior to the public hearing on the application, to each member of the planning commission, board of zoning appeals, boards of architectural review, or city council, as the case may be.

(c) The zoning ordinance may further provide that a member of the planning commission, board of zoning appeals, board of architectural review, and city council, as the case may be, who has or has had a business or financial relationship subject to disclosure under subsection B shall be ineligible to vote or participate in any way in consideration of the application; provided, however, that for purposes of this subsection, a business or financial relationship arising out of a campaign contribution, which has been disclosed as required by law, shall not render a member ineligible to vote or participate.

(d) The ordinance may establish reasonable classifications and definitions of the nature and extent of the ownership and other financial interests subject to the disclosures provided under subsections (a) and (b), provided that such classifications and definitions shall not be more inclusive or stringent than the classifications and definitions established by § 15.2-852 of the Code of Virginia.

(e) The ordinance may establish reasonable classifications and standards for the disclosures provided under subsection (a) and (b), and for the recusal provided under subsection (c), provided that such classifications and standards shall not be more inclusive or stringent than the classifications and standards established by § 15.2-852 of the Code of Virginia, and may establish reasonable procedures for the administration of the ordinance.

(f) Any person who knowingly and willfully violates the provisions of the zoning ordinance adopted pursuant to this section shall be guilty of a Class 1 misdemeanor.

(g) The provisions of this section preempt any conflicting provisions of law, general or special, except that any provision of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) of the Code of Virginia that is more stringent than the provisions of any ordinance adopted pursuant to this section shall not be preempted. (Acts 2009, Ch. 539, § 1)

Sec. 9.13 Effect of protest by twenty per cent of the owners of property.

If a protest is filed with the city clerk against an application of motion to amend the boundaries of a zone or to amend the terms of an adopted conditional zoning proffer or zoning condition, signed by the owners of twenty percent or more either of the area of land within the boundaries of such proposed change or of the area of land within 300 feet of the boundaries of the land affected by such proposed change, the council shall not approve the application or motion, or adopt the ordinance making such amendment, by less than three-fourths affirmative votes of the members of council. Streets, alleys and lands dedicated to public use or lands owned by the city, Commonwealth, or federal government shall not be included in computing the abovementioned areas.

Any such protest shall be filed not later than 12 o'clock noon on the last working day before the day on which a public hearing on the application or motion is first conducted by the city council. Once any such protest has been filed no changes thereto by way of addition, substitution, amendment or withdrawal, may be made after said 12 o'clock noon deadline. (Acts 1960, ch. 8, § 1; Acts 1966, ch. 12, § 1; Acts 1966, ch. 83, § 1; Acts 1971, Ex. Sess., ch. 166, § 1; Acts 1974, ch. 595, § 1, Acts 1988, ch. 157; Acts 1990, ch. 652, § 1)

Sec. 9.14 Board of zoning appeals; composition.

There shall be a board of zoning appeals which shall consist of seven members. They shall be qualified resident voters of the city, shall hold no office of profit under the city government and shall be appointed by the city council for terms of four years. Vacancies shall be filled by the city council for the unexpired portion of the term. A member may be removed by the council for neglect of duty or malfeasance in office, upon written charges and after a public hearing. Members of the board of zoning appeals shall serve without compensation, but may receive reimbursement for travel and expenses incurred by attendance at conventions, meetings and such other travel as may be in the interest of the city and the performance of the duties and activities of the board of zoning appeals. (Acts 1982, ch. 480, § 1; Acts 1992, ch. 512, § 1)

Sec. 9.15 Board of zoning appeals; organization.

The board shall elect one of its members as chairman. The chairman shall preside at all meet-

ings of the board and in his absence a member designated by the board shall act as chairman and shall preside. The board shall appoint a secretary and the city manager shall appoint such other employees as may be needed for the conduct of the work of the board. (Acts 1982, ch. 480, § 1)

Sec. 9.16 Board of zoning appeals; procedure.

The meetings of the board shall be held at the call of the chairman and such other time as the board may determine. The board shall keep minutes of its proceedings showing the vote of each member on each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the board and shall be a public record.

Sec. 9.17 Appeals of board of zoning appeals.

Appeals to the board may be taken by any person aggrieved, or by any officer, department, board, commission or agency of the city affected, by any decision of the director of planning, who shall enforce the ordinance establishing zones and regulating and restricting the use of land, buildings and structures therein. Appeals shall be taken within such reasonable time as shall be prescribed by the board by general rule by filing with the said director of planning and with the board a notice of appeal specifying the grounds thereof. The director of planning shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the director of planning from whose decision the appeal is taken certifies to the board that by reason of the facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application and on notice to the director of planning and on due cause shown.

The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the issue within a reasonable time. At the hearing any party may appeal in person, by agent or by attorney and shall be given opportunity to be heard. The board may prescribe a fee to be paid whenever an appeal is taken which fee shall be paid into the city treasury.

Sec. 9.18 Powers of board of zoning appeals.

The board shall have the following powers and it shall be its duty:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the director of planning in the administration and enforcement of the provisions of the ordinance.

(b) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of the exceptional topographical condition or other extraordinary situation, or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds:

(1) That the strict application of the ordinance would produce undue hardship.

(2) That such hardship is not shared generally by other properties in the same zone and the same vicinity and is not created by the owner of such property.

(3) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the zone will not be changed by the granting of the variance.

No variance shall be authorized unless the board finds that the condition or situation of the

property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance the board may impose such reasonable conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of public health, safety or welfare and to assure that the variance authorized shall be in harmony with the intended spirit and purpose of this chapter and the ordinance.

(c) To permit, when reasonably necessary in the public interest, the use of land, or the construction or use of buildings or structures, in any zone in which they are prohibited by the ordinance, by any agency of the city, state, or the United States, provided such construction or use shall adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise affect public safety.

(d) To permit the following exceptions to the zone regulations and restrictions, provided such exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase public danger from fire or otherwise unreasonably affect public safety, and shall not diminish or impair the established property values in surrounding areas:

(1) (Deleted by Acts 1968, ch. 510, § 1)

(2) Extension of a zone where the boundary line of a zone divides a lot in single ownership as shown of record at the time of the effective date of the ordinance.

(3) Reconstruction of buildings or structures that do not conform to the comprehensive zoning plan and regulations and restrictions prescribed for the district in which they are located, which have been damaged by explosion, fire, act of God or the public enemy, to the extent of more than sixty per cent of their fair market value as established by the opinion of three disinterested appraisers to be appointed by the city council, when the board finds some compelling public necessity for a continuance of the use and such continuance is not primarily to continue a monopoly, provided that nothing herein shall relieve the owner of any such building or structure from obtaining the approval of such reconstruction by the council or any department or officer of the city when such approval is required by any law or ordinance. (Acts 1958, ch. 105, § 1; Acts 1958, ch. 132, § 1; Acts 1968, ch. 510, § 1; Acts 2010, ch. 221, § 1)

Sec. 9.19 Form and scope of decisions by board of zoning appeals.

In exercising the powers conferred upon it the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, appealed from, and make such order, requirement, decision or determination as should be made, and to that end shall have all the power of the director of planning. The concurring affirmative vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as should be made, and to that end shall have all the powers of the director of planning. The concurring affirmative vote of four members of the board shall be necessary to reverse any order, requirement and decision or determination of the director of planning or to decide in favor of the applicant in any matter of which it has jurisdiction. The board shall render a written decision which shall set forth the reason for its decision and the vote of each member participating therein shall be spread upon its records and shall be open to public inspection. (Acts 1956, ch. 262, § 1; Acts 1992, ch. 512, § 1)

Sec. 9.20 Appeals from board of zoning appeals.

Any person, firm or corporation, jointly or severally aggrieved or in fact affected by a decision of the board of zoning appeals, or any officer, department, board or agency of the city government charged with the enforcement of any order, requirement or decision of said board, may appeal from such decision by filing a petition in the circuit court of the city, verified by affidavit, setting forth the alleged illegality of the action of the board and the grounds thereof. The petition shall be filed within thirty calendar days from the date of the decision of the board. (Acts 1982, ch. 480, § 1)

Sec. 9.21 Powers and duties of the court.

The circuit court shall review the record documents and actions taken by the board and may

receive evidence. The court may reverse or modify the decision reviewed, in whole or in part, when it is satisfied that the decision of the board is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. (Acts 1983, ch. 314, § 1)

Sec. 9.22 Proceedings against violators of zoning ordinance.

Whenever any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or whenever any land, building or structure is used in violation of any ordinance adopted in accordance with section 9.12 of this chapter, the city may institute and prosecute appropriate action or proceedings to prevent such unlawful act and to restrain, correct or abate such violation or to prevent any unlawful act, conduct or use of such property.

Sec. 9.23 Penalties for violation of zoning ordinance.

The council may in the zoning ordinance provide that penalties, civil or criminal, as provided in § 2.06 of this charter shall be imposed for violations of the ordinance by owners of land, buildings or structures, their agents having possession or control of such property, lessees, tenants, architects, builders, contractors or any other persons, firms or corporations who take part in or assist in any such violations or who maintain any land, building or structure in which such violations exist. This section shall preempt all provisions of general law authorizing the establishment of penalties for the violation of the zoning ordinance. (Acts 1992, ch. 512, § 1; Acts 2004, Ch. 511, § 1)

Sec. 9.24 Land subdivisions.

In order to provide for the orderly subdivision of land within the city, there is hereby conferred upon the city, the power to adopt resolutions relative to the subdivision of land in the manner hereinafter provided. Such regulations may prescribe standards and requirements for the subdivision of land which may include but shall not be limited to the following: Location, size and layout of lots so as to prevent congestion of population and to provide for light and air; the width, grade, location, alignment and arrangement of streets

and sidewalks with relation to other existing streets, planned streets and the master plan; access for fire fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; suitable sites for schools, parks and playgrounds; planting of shade trees and shrubs; the restriction or regulation of the erection of buildings and structures in areas subject to flood; naming and designation of streets and other public places; laying out, constructing and improving streets, alleys and sidewalks and the installation of storm and sanitary sewers or any other utilities owned by the city and apportioning the cost thereof; and the guarantee of payment by the developer of his proportionate share of such cost; procedure for making variations in such regulations and restrictions; requirements for plats of subdivisions and their size, scale, contents and other matters; for the erection of monuments of specified type for making and establishing property, street, alleys, and other lines and provide penalties for the unauthorized removal of such monuments. (Acts 1966, ch. 12, § 1; Acts 1966, ch. 83, § 1; Acts 1982, ch. 480, § 1)

Sec. 9.25 Repealed by Acts 1982, ch. 480, § 2.

Sec. 9.26 *Adoption of regulations and restrictions applicable only within the city limits.*

After hearing as above provided the council shall adopt by ordinance the regulations referred to in section 9.24 which shall become effective when recorded in the office of the clerk of the circuit court. (Acts 1982, ch. 480, § 1)

Sec. 9.27 Approval of plats and subdivisions.

From and after the date on which such regulations and restrictions become effective in the city the owners of tracts of land within the city to which such regulations and restrictions are applicable who subdivide them into two or more lots, shall cause plats of such subdivisions, in the form prescribed by the applicable regulations and restrictions, to be made and submitted to the city planning commission. It shall be the duty of such commission to consider such plat in the light of the regulations and restrictions applicable to the same and approve or disapprove the plat in accordance therewith. Before taking any action thereon the city planning commission shall afford the owner and other interested parties an opportunity to be heard after such reasonable notice as may be provided in such regulations and restrictions. Failure to act on any plat for a period of forty-five days shall be deemed to constitute approval. Approval shall be attested on the plat by the signature of the chairman or vice-chairman of the city planning commission. The council may by ordinance provide for appeals to the city council in cases in which the city planning commission approves or disapproves a plat of subdivision; provided, that in the instance of an appeal from an approval the appeal must be made by the owners of at least twenty percent of the area of the land within three hundred feet of the boundaries of the proposed subdivision. Streets, alleys and land dedicated to public use or land owned by the city, state or federal governments or public agencies shall not be included in computing said area. (Acts 1972, ch. 808, § 1; Acts 1974, ch. 595, § 1)

Sec. 9.28 Recording of plats of subdivisions.

From and after the date on which such regulations and restrictions become effective in the city no plat of any subdivision to which such regulations and restrictions are applicable shall be received or recorded by the clerk of any court unless the plat has been approved as provided in the preceding section. No owner of land in the city who has subdivided the same into two or more lots, shall sell or offer for sale any such lot by reference to or exhibition of or by the use of a plat of such subdivision or otherwise before the plat of such subdivision has been approved as provided in the preceding section and has been recorded in the office of the clerk of the court in which a deed conveying such lot would be required to be recorded.

Sec. 9.29 Penalty for transfer of lots in unapproved subdivisions.

Whoever being the owner or agent of the owner of any land subject to such regulations and restrictions, the plat of which has not been approved and recorded as above provided, shall transfer, sell or offer for sale or agree to sell a portion of any such land by reference to or exhibition of an unapproved and unrecorded plat or otherwise, shall be punishable by fine not exceeding three hundred dollars or imprisonment in the

city jail for not more than ninety days or both, for each lot or similar parcel of land transferred or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalty or from the remedies herein provided. The city may enjoin such transfer or sale or agreement in a court having jurisdiction of the land to which the injunction applies. (Acts 1968, ch. 510, § 1)

Sec. 9.30 Transfer of portion for public use.

The recording of the plat shall operate to transfer in fee simple to the city such portion thereof as is on the plat set apart for streets, alleys, easements or other public use or purpose and to create a public right of passage over or use of the same.

Sec. 9.31 Vacation of plats.

Any plat or part thereof recorded may be vacated in accordance with the provisions of sections 15-792 and 15-793 of the Code of 1950.

Sec. 9.32 Present master plan and comprehensive zoning plan.

The master plan and the comprehensive zoning plan as heretofore adopted, approved and filed, with all amendments, additions and extensions thereto, in force and effect at the effective date of this charter, are hereby validated and confirmed as if the same had been prepared, adopted, approved and filed in accordance with the provisions of this chapter. Every amendment or addition thereto or extension thereof and every other master plan or comprehensive zoning ordinance henceforth adopted shall be in accordance with the provisions of this chapter. Where existing ordinances are at variance with the provisions of this chapter they shall be deemed to be amended in accordance with the provisions of this chapter.

Sec. 9.33 Land development and site plans.

In order to provide for the orderly and proper development of land within the city and to protect the public safety, health and welfare the city council shall have the power to adopt by ordinance regulations and restrictions relative to the development of land. Such regulations and restrictions may prescribe standards and requirements which provide for, but shall not be limited to, the following: Access for fire, police, emergency and service vehicles; width, grade, location, alignment and arrangement of streets and sidewalks with relation to existing streets and sidewalks, planned streets and sidewalks and the master plan; easements for public utilities; facilities for off-street parking; laying out, constructing and improving streets, alleys, and sidewalks; access to adjacent land and to existing or proposed streets; water mains for servicing fire hydrants; disposition of storm water; disposition of sewage; control of flooding; control of slippage, shifting, erosion, accretion and subsidence of soil; dedication of public streets, alleys, sidewalks, curbs, gutters, sewers, drains and other public improvements; protection to other land, structures, persons and property; guarantee of payment by the developer of all costs or a proportionate share of costs for public streets, alleys, sidewalks, curbs, gutters, sewers and drains; the submission and approval of site plans and plats prior to developments; and procedures, enforcement and penalties. The procedures may include but shall not be limited to authorizing the city planning commission to consider the site plans and plats in light of the regulations and restrictions applicable thereto and approve or disapprove site plans and plats in accordance therewith. (Acts 1962, ch. 61, § 1)

Sec. 9.34 Incorporation by reference of plans, maps, etc.

Plans, maps, plats, charts, descriptive matter, regulations, restrictions, zone boundaries, and amendments, recommended or adopted under the powers conferred by this chapter may be incorporated by reference. Whenever there is incorporation by reference the matter incorporated shall be reasonably identified. When advertisement is required, the matter incorporated by reference need not be advertised in full but may be advertised by reference. In such cases, the advertisement shall designate a place where the matter incorporated may be examined. (Acts 1972, ch. 808, § 1; Acts 1982, ch. 480, § 1)

CHAPTER 10

Elections

Sec. 10.01 Election of mayor and councilmen.

On the day of the November general election in 2015, and every third year thereafter, the qualified voters of the city at large shall choose a mayor and six members at large of the council for terms of three years from the first day of January following their election. A candidate for mayor shall file his petition therefor specifically; and a candidate for city council shall file his petition therefor specifically, provided, however, that a candidate who files his petition for mayor shall not have his name printed on the ballot for city council. The names of all candidates for city council and mayor shall be placed on the ballot in accordance with general law. Immediately above the list of names of candidates for city council shall appear the words "For City Council, vote for no more than six (6)," or some similar designation. Immediately above the list of names of candidates for mayor shall appear the words "For Mayor, vote for one," or some similar designation.

In the event no candidate shall file a petition for the office of mayor, the ballot shall show no candidates for that office and the member of council who receives the largest popular vote shall be the mayor of the city and persons receiving the next six highest votes shall be the city council members.

The said election shall be held in accordance with the general laws of the Commonwealth relating to primary and general elections wherever applicable. (Acts 1956, ch. 262, § 1; Acts 1972, ch. 808, § 1; Acts 1995, ch. 782, § 1; Acts 2014, ch. 400, § 1)

Sec. 10.02 Filling of mayor and council vacancies.

Any vacancy in the office of mayor or the membership of the council from whatever cause which shall occur on or before 180 days prior to the next ensuing regular council election shall be filled by a special popular election for the unexpired term. In the event of such vacancy, the council shall by resolution certify that such vacancy exists to the circuit court of the City of Alexandria or the judge thereof in vacation, and said court or judge thereof in vacation shall order a special election to be held not less than 40 nor more than 60 days after the filing of the resolution to fill such vacancy for the unexpired term. Candidates shall file the declaration of the candidacy and petitions required by general law not less than 30 days before said election. The election shall be conducted and the results thereof ascertained in the manner provided by law for the conduct of general elections and by the regular election officials of the city. Should a vacancy in the office of mayor occur within 180 days of the next ensuing regular council election, the vice-mayor shall serve as mayor for the unexpired term unless he declines, in which case, the council shall forthwith fill such vacancy for the unexpired term by majority vote of all the remaining members of council. Vacancies in the council occurring within 180 days of the next ensuing regular council election shall be filled for the unexpired term by appointment by the chief judge of the circuit court of the City of Alexandria. (Acts 1964, ch. 288; Acts 1971, Ex. Sess., ch. 166, § 1; Acts 1983, ch. 314, § 1)

Sec. 10.03.1 Voter registration offices.

It shall be the duty of the general registrar of the city to maintain and the City to provide and furnish, in the city hall, or other building, an office wherein all qualified voters of the city may be registered. It shall also be the duty of the general registrar to maintain as many other temporary or permanent offices, wherein qualified voters of the city may be registered, as city council may, in its sole judgment, deem necessary or desirable; provided, however, that such offices shall not be established, located or maintained in any private home. (Acts 1968, ch. 510, § 1; H.B. 1682ER, § 1, 7-1-2015)

CHAPTER 11

Law

Sec. 11.01 City attorney.

The city attorney shall be an attorney at law licensed to practice under the laws of the Commonwealth who has actively practiced law for at least five years immediately preceding his appointment. The city manager shall review the applications of all applicants for the office and forward his recommendations to the city council.

The council shall appoint the city attorney and the terms and conditions of such appointment shall be set forth in an employment agreement consistent with the provisions of this Charter.

The entire compensation of the city attorney shall be fixed by the council on a salary basis. (Acts 1968, ch. 510, § 1; Acts 1972, ch. 808, § 1; Acts 1980, ch. 591, § 1; H.B. 1682ER, § 1, 7-1-2015)

Sec. 11.02 City attorney; powers and duties.

The city attorney shall:

(a) Be the legal adviser of the council, the city manager, and all departments, boards, commissions and agencies of the city in all matters affecting the interest of the city and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties. The city attorney may also be the legal advisor of and counsel to the school board in all matters affecting the interests of the school division with the concurrence of both the council and the school board.

(b) At the request of the city manager or any member of the council, prepare ordinances for introduction and, at the request of the council or any member thereof, examine any ordinances after introduction and render his opinion as to the form and legality thereof.

(c) Draw or approve all bonds, deeds, leases, contracts or other instruments to which the city is a part or in which it has an interest.

(d) Represent the city as council in any civil cases in which it is interested and in criminal cases in which the constitutionality or validity of any ordinances is brought in issue or in which the city is a party.

(e) Institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the city.

(f) Attend in person or assign one of his assistants to attend all meetings of the council.

(g) Appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, subject to the provisions of Chapter 8 of this charter, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon him in this charter.

(h) Have such other powers and duties as may be assigned to him by ordinance.

Notwithstanding the provisions of this section or any other law the council may, from time to time enter into agreements with the commonwealth's attorney for such attorney to represent the city in any criminal case in which the city is a party. The council shall only consent to such an agreement by resolution adopted at a regular meeting and agreed to by a majority of all of its members. The agreement shall specify the types of cases to be handled by the commonwealth's attorney. Prior to the adoption of any such resolution the council shall request the recommendation of the city attorney on the feasibility and operation of the agreement, but such recommendation shall not be binding on the council. The council may, at any time, modify or appeal its consent to such an agreement provided it follows the procedure provided herein for the giving of its consent and such right of council shall be a part of every such agreement. So long as such agreement is effective the city attorney shall have no power or duty with respect to the types of cases specified therein.

Notwithstanding any other provisions of law the council may provide supplements to the office of the commonwealth's attorney for performing the functions and duties covered by the agreement. (Acts 1970, ch. 492; Acts 1972, ch. 808, § 1; Acts 2014, ch. 400, § 1)

Sec. 11.03 Restrictions on actions for damages against city; notice to be given of claims.

(a) Whenever in any action, suit or proceeding against the city any person, firm or corporation may be liable or responsible with the city, such person, firm or corporation shall, upon motion of the city, be joined as defendant with the city, and whenever there is a judgment, order or decree rendered against or affecting the city and any person, firm or corporation is so joined, the court shall determine which of the defendants is primarily liable or responsible. If it shall be ascertained by the judgment of the court that some person, firm or corporation other than the city is

primarily liable, there shall be a stay of execution against the city until execution against such person, firm or corporation shall have been returned without realizing the full amount of said judgment. If the city, where not primarily liable, shall pay the said judgment in whole or in part, the plaintiff shall, to the extent that said judgment is paid by the city, assign the said judgment to the city without recourse on the plaintiff, and the city shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit in equity to enforce the said judgment, or an action at law, or scire facias to revive or enforce said judgment.

(b) No action shall be maintained against the city for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any officer, employee or agent thereof, unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed with the city attorney, mayor or city manager within six months after such cause of action shall have accrued, except if the complainant during such six-month period is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the six-month period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from said injury so as to be able to give such notice. Neither the city attorney nor any other officer, employee or agent of the city shall have authority to waive the foregoing conditions precedent or any of them. (Acts 1974, ch. 595, § 1)

CHAPTER 12

Repealed

Secs. 12.01 to 12.05 Repealed by Acts 1976, ch. 669.

CHAPTER 13

Acquisition of Property for Public Purposes

Sec. 13.01 Acquisition, ownership and use of property.

The city shall have, for the purpose of carrying out any of its powers and duties, power to acquire by gift, bequest, purchase or lease, and to own and make use of within and without the city and state, lands, buildings, other structures and personal property, including any interest, right, easement or estate therein and in acquiring such property to exercise, within and without the city but not without the state, the right of eminent domain, as hereinafter provided in this chapter. In any acquisition by eminent domain or purchase the city may provide relocation assistance in city projects in which federal or state funds are not used. (Acts 1971, Ex. Sess., ch. 166, Sec. 1; Acts 1974, ch. 595, § 1)

Sec. 13.02 Eminent domain.

The city is hereby authorized to acquire by condemnation proceedings lands, buildings, structures and personal property or any interest, right, easement or estate therein of any person or corporation, whenever in the opinion of the council a public necessity exists therefor, which shall be expressed in the resolution or ordinance directing such acquisition, and whenever the city cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of the incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the State or cannot with reasonable diligence be found in the State or is unknown.

Such proceedings may be instituted in the circuit court of the city, if the subject to be acquired is located within the city, or, if it is not located within the city, in the circuit court of the county in which it is located. If the subject is situated partly within the city and partly within any county the circuit court of such county shall have concurrent jurisdiction in such condemnation proceedings with the courts of the city hereinbefore enumerated. The judge or the court exercising such concurrent jurisdiction shall appoint five disinterested freeholders, any or all of whom reside either in the county or city, any three of whom may act as commissioners, as provided by law, provided, however, that the provisions of § 25.1-102 of the Code of Virginia, 1950, shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act. (Acts 1983, ch. 314, § 1; H.B. 1682ER, § 1, 7-1-2015)

Sec. 13.03 Alternative procedures in condemnation.

The city may, in exercising the right of eminent domain conferred by the preceding section, make use of the procedure prescribed by the general law as modified by said section or may elect to proceed as hereinafter provided. In either event the date of valuation shall be the time of the lawful taking by the petitioner, or the date of the filing of the petition in condemnation, whichever occurs first. The resolution or ordinance directing the acquisition of any property as set forth in the preceding section, shall provide therein in a lump sum the total funds necessary to compensate the owners thereof for such property to be acquired or damaged. Upon the adoption of such resolution or ordinance the city may file a petition in the clerk's office of a court enumerated in the preceding section, having jurisdiction of the subject, which shall be signed by the city manager and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, or other contemplated structures if any, and a description of the property which, or an interest or estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners of the property, if known, and showing also the quantity or property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners of the property, if known, copies of which shall be served on such owners or tenants of the freehold of such property, if known. If the owner or tenant of the freehold be unknown or a nonresident of the State

or cannot with reasonable diligence be found in the State, or if the residence of the owner or tenant be unknown, he may be proceeded against by order of publication which order, however, need not be published more than once a week for two successive weeks and shall be posted at a main entrance to the courthouse. The publication shall in all other respects conform to §§ 8.01-316, 8.01-317, and 8.01-319 of the Code of Virginia.

Upon the filing of said petition and the deposit of the funds provided by the council for the purpose in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceedings are instituted shall make and certify a copy of the petition, exhibits filed therewith, and orders, and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in his deed book and index them in the name of the person or persons who had the property before and in the name of the city, for which he shall receive the same fees prescribed for recording a deed, which shall be paid by the city.

If the city and the owner of the property so taken or damaged agreed upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court the court or judge thereof in vacation shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given of the making of such inquiries by such special commissioner.

If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in § 25.1-227.2 of the Code of Virginia, as amended, or as provided for in § 13.02, and all proceedings thereafter shall be had as provided in Article 6 (§ 25.1-230 et seq.) of Chapter 2 of Title 25.1 of the Code of Virginia, as amended, insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding section, and the court shall order the deposit in bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of said property by said improvements in making their award. (Acts 1964, ch. 288; Acts 1970, ch. 492; Acts 1976, ch. 669; H.B. 1682ER, § 1, 7-1-2015)

Sec. 13.04 Enhancement in value when considered.

In all cases under the provisions of sections 13.02 and 13.03, the enhancement, if any, in value of the remaining property of the owner by reason of the construction or improvement contemplated or made by the city, shall be offset against the damage, if any, resulting to such remaining property of such owner by reason of such construction or improvement, provided such enhancement in value shall not be offset against the value of the property taken, and provided further, that if such enhancement in value shall exceed the damage there shall be no recovered over against the owner for such excess.

Sec. 13.05 Unclaimed funds in condemnation cases.

Whenever any money shall have remained for five years in the custody or under the control of any of the courts enumerated in section 13.02 in any condemnation proceeding instituted therein by the city, without any claim having been asserted thereto such court shall, where the amount is one hundred dollars or more, cause a publication to be made once a week for two successive weeks in a newspaper of general circulation in the city, setting forth the amount of such money, the source from which it was derived and the proceeding in which it is held, and requiring all persons

having any claim to said money to appear before said court within such time after the completion of the publication as the court may prescribe, and establish their claim. If the sum be less than one hundred dollars, the court shall direct the same to be paid into the treasury of the city, and a proper receipt for the payment taken and filed among the records of the proceeding. If no person shall appear and show title in himself the court shall order the money, after deducting therefrom the costs of such publication if such publication is made, and any other proper charges, to be paid into the treasury of the city and a proper receipt for the payment to be taken and filed among the records of the proceeding. The director of finance shall, in a book provided for the purpose, keep an account of all money thus paid into the city treasury, showing the amount thereof, when, by whom, and under what order it was paid, and the name of the court and as far as practicable, a description of the suit or proceeding in which the order was made and, as far as known, the names of the parties entitled to said funds. Money thus paid into the treasury of the city shall be paid out on the order of the court having jurisdiction of the proceeding, to any person entitled thereto who had not asserted a claim therefor in the proceeding in which it was held, upon satisfactory proof that he is entitled to such money. If such claim be established the net amount thereof, after deducting costs and other proper charges, shall be paid to the claimant out of the treasury of the city on the warrant of the director of finance. No claim to such money shall be asserted after ten years from the time when such court obtained control thereof; provided, however, if the person having such claim was an infant, insane, or imprisoned at the time the claim might have been presented or asserted by such person, claim to such money may be asserted within five years after the removal of such disability. (Acts 1971, Ex. Sess., ch. 166, Sec. 1; Acts 1988, ch. 157)

CHAPTER 14

Repealed

Secs. 14.01 to 14.04 Repealed by Acts 1983, ch. 314, § 2.

CHAPTER 15

Miscellaneous Provisions

Sec. 15.01 Transfer and destruction of books and papers.

If any person having been an officer of the city, shall not, within 10 days after he shall have vacated or been removed from office, deliver over to his successor in office all the property, books and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of $500, to be sued for and recovered with costs. All books, records and documents used in any such office, by virtue of any provision of this charter or of any ordinance or order of the council or any superior office of the city, shall be deemed the property of the city and appertain to said office, and the chief officer thereof shall be responsible therefor. The council shall have authority to determine or to delegate to an agency of its creation the authority to determine which books, records and documents shall be stored, which shall be microfilmed or otherwise preserved, and which shall be destroyed. (Acts 1958, ch. 105, § 1; Acts 1958, ch. 132, § 1)

Sec. 15.01.1 Definition of "officer" of the city.

As used in this charter an officer of the city is defined as one whose office was created by or pursuant to the charter of the city or general law and who has performed or is performing a municipal service for the city and who is not a constitutional officer of the State of Virginia. (Acts 1958, ch. 105, § 1; Acts 1958, ch. 132, § 1)

Sec. 15.01.2 Residence requirements of officers.

The residence requirements of § 15.1-51 of the Code of Virginia, as amended, shall not apply to an officer of the city unless otherwise specifically provided by this charter, or by a duly enacted ordinance or resolution. (Acts 1968, ch. 510, § 1)

Sec. 15.02 Enforcement of surety bonds.

In all cases where a bond is required of any officer such bond shall be with corporate surety and conditioned for the faithful discharge by himself, his deputies, assistants or other subordinates, of the duties imposed on him by this charter and all ordinances passed in pursuance thereof. The director of finance shall be the custodian of all personnel surety bonds.

Sec. 15.03 Rules and regulations to be filed.

All departments, boards, commissions, officers and agencies of the city, authorized to make rules and regulations by this or any previous charter of the city or by the general laws of the Commonwealth, shall within three months after this charter takes effect file with the city manager copies of all such rules and regulations previously issued by them and in force on such day and shall thereafter file with said city manager copies of all rules and regulations and amendments thereof subsequently issued by them upon their issuance. It shall be the duty of the city manager to keep in his office for public inspection a well indexed file of the rules and regulations so filed.

Sec. 15.04 Repealed by Acts 1971, Ex. Sess., ch. 166, § 1.

Sec. 15.05 Officers to hold over until their successors are appointed and qualified.

Whenever under the provisions of this charter any officer of the city, judge or member of any board or commission is elected or appointed for a fixed term, such officer, judge or member shall continue to hold office until his successor is elected or appointed and qualified.

Sec. 15.06 Posting of bonds unnecessary.

Whenever the general law requires the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the city, without giving such bond, may exercise such right, provided all other conditions precedent be complied with, and no officer shall fail or refuse to act because the city has not filed or executed the bond that might otherwise be required, and the city shall be bound to the same extent that it would have been bound had the bond been given.

Sec. 15.07 More than one salary for officers and employees.

In instances where an officer or employee of the city holds more than one full-time position in the city service such officer shall not receive salary for more than one such position except by specific authorization of the council

Sec. 15.08 Severability.

If any provision of this charter or the applicability thereof to any person or circumstance is held invalid the remainder of this charter and the applicability thereof and of such provision to other persons or circumstances shall not be affected thereby.

Sec. 15.09 Repealed by Acts 1970, ch. 492, § 2.

Sec. 15.10 School board and school districts.

(a) The City of Alexandria shall constitute a single school division.

(b) The supervision of schools in the City of Alexandria shall be vested in a school board consisting of nine members. Members of the school board shall be selected by direct election by the voters, unless and until a referendum is passed in favor of changing the method of selecting board members to appointment by the city council, as provided in § 22.1-57.4 of the Code of Virginia, 1950, as amended. The school board members shall be elected from election districts, and the council shall establish by ordinance the number and boundaries of the election districts. Elections for school board members shall be held to coincide with the elections for members of the city council which, pursuant to § 10.01 of this charter, are held every three years on the day of the November general election. The terms of office of school board members shall commence on the January 1 following the members' elections, shall be for three years and shall run concurrently. Elections for school board members shall be held in accordance with the general laws of the Commonwealth relating to general elections; however, where the provisions of such laws are inconsistent with the provisions of this section, the provisions of this section shall apply.

(c) Notwithstanding any contrary provision of law, general or special, a vacancy from whatever cause in the office of school board member filled by direct election by the voters shall be filled as follows:

(1) A vacancy which occurs on or before 180 days prior to the next ensuing regular school board election shall be filled by a special popular election for the unexpired term of the office. In the event of such vacancy, the school board shall by resolution certify that such vacancy exists to the Circuit Court of the City of Alexandria, and the said court shall order a special election to be held not less than 40, nor more than 60 days after the filing of the resolution to fill the vacancy. Candidates shall file their declarations of candidacy and any statements or petitions required by general law not less than 30 days before said election. The election shall be conducted, and the results thereof ascertained, in the manner provided by law for the conduct of elections and by the regular election officials of the city;

(2) A vacancy which occurs within 180 days of the next ensuing regular school board election shall be filled for the unexpired term by appointment by the chief judge of the Circuit Court of the City of Alexandria;

(3) When a vacancy on the school board is created by the departure of the board chairman, the remaining members of the board shall, as soon as practicable and by majority vote, select a new chairman from among the members. (Acts 1962, ch. 61, § 1; Acts 1964, ch. 288; Acts 1972, ch. 808, § 1; Acts 1976, ch. 669; Acts 1996, ch. 885, § 1; Acts 2014, ch. 400, § 1)

Sec. 15-10.1 Counsel for school board.

Counsel approved by the school board of the city may be employed by the school board of the city to serve as legal adviser for and represent the school board of the city. Nothing in this section shall be construed to prevent the school board of the city from employing the attorney for the Commonwealth or other counsel to defend pursuant to section 22-56.1 of the Code of Virginia, 1950, as amended. (Acts 1972, ch. 808, § 1)

Sec. 15.11 Service by United States government employees.

No person otherwise eligible, shall be disqualified, by reason of his accepting or holding employment, an office, post, trust or emolument under the government of the United States, from serving as an officer or employee of the city, or as a member, officer, or employee of any body, including but not limited to the council, any board, commission, authority, committee or agency. (Acts 1968, ch. 510, § 1)

Sec. 15.12 Elimination of elective offices of city treasurer and commissioner of the revenue.

The elective offices of city treasurer and commissioner of the revenue are hereby eliminated, effective January 1, 1974. (Acts 1973, ch. 258, § 1)

Sec. 15.13 Board of health.

The city council shall have the power to establish by ordinance a board of health which shall have such composition as the city council may determine and set forth in any such ordinance and such powers and duties so set forth as do not conflict with the general law of the Commonwealth. (Acts 1976, ch. 669)

CHAPTER 16

Transitional Provisions

Sec. 16.01 Present ordinances and rules and regulations continued in effect.

All ordinances of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent with the provisions of this charter, shall remain in force until amended or repealed in accordance with the provisions of this charter.

Sec. 16.02 Repealed by Acts 1976, ch. 669.

2.

Chapter 280 of the Acts of Assembly of 1932, entitled "An Act to provide a new charter for the City of Alexandria, Virginia," approved March 24, 1932, and acts amendatory thereto, are hereby repealed.

3.

An emergency exists and this act is in force from passage.

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CHARTER COMPARATIVE TABLE

The table below lists those Acts of the Assembly which have amended the City Charter. Rpld stands for "repealed."

Year	Chapter	Section		Section this Charter
1956	262	1		3.01
				3.05
				3.11
				3.14
				4.02
				4.08
				8.05
				9.03
				9.06
				9.09
				9.12
				9.19
				10.01
		2	Rpld	8.08
			Rpld	9.07
1958	105	1		9.02
				9.18
				15.01, 15.02
	132	1		9.02
				9.18
				15.01, 15.02
1960	8	1		9.10, 9.11
				9.13
1962	61	1		3.02
				3.04
				9.06
				9.11
				9.34
				15.10
1964	288			2.04
				4.08
				5.28
				6.07
				7.05
				9.09
				9.11, 9.12
				10.02
				13.03
				14.03
				15.10
1966	12	1		3.06
				3.11
				9.09, 9.10
				9.13
				9.24
	83	1		3.06
				3.11
				9.09, 9.10
				9.13
				9.24
1968	510	1		1.01.1

Year	Chapter	Section		Section this Charter
				2.05, 2.06
				3.02
				3.05
				3.07
				4.08
				5.07
				5.14, 5.14.1
				6.04, 6.05
				6.08, 6.08.1
				6.14, 6.15
				7.02
				7.06
				7.08
				7.11
				8.06
				8.08.1
				9.01
				9.12, 9.12.1
				9.18
				9.29
				10.03.1
				11.01
				15.01.2
				15.11
1970	492			2.02
				2.04
				2.05
				2.07
				3.04
				3.15
				4.04
				4.08
				6.02
				6.07
				6.09
				7.25
				9.01
				13.03
		2	Rpld	15.09
1971 (Ex. Sess.)	166	1		2.03, 2.04
				2.05
				3.02
				3.05
				3.07—3.09
				3.11, 3.12
				5.16
				7.05
				7.07
				9.01
				9.12
				9.13
				9.25
				10.02
				13.01
				13.05

Year	Chapter	Section		Section this Charter
			Rpld	15.04
1972	808	1		2.02
				2.04
				3.06
				3.08
				4.04
				5.21
				6.13
				7.03
				7.15
				9.27
				9.34
				10.01
				11.01
				14.01
				15.10, 15.10.1
1973	258	1		1.00
				1.01.1, 1.01.2
				4.08
				5.01
				5.04
				5.19—5.21
				5.28
				6.03
				7.04, 7.05
				7.14
				9.12
				14.04
				15.12
		2	Rpld	1.01
1974	595	1		2.04.1
				3.06.1
				5.04.1
				9.12
				9.13
				9.27
				11.03
				13.01
1975	511	1		2.03
				2.04.1
				3.06
				5.19—5.21
				9.09
		2	Rpld	5.22—5.27
1976	669			2.02—2.04.2
				3.06.1
				3.10, 3.11
				4.02
				5.14
				9.09
			Rpld	12.01—12.05
				13.03
				15.10
				15.13
			Rpld	16.02

Year	Chapter	Section		Section this Charter
1977	122			2.02
				2.05
1980	591	1		2.02
				5.20, 5.21
				11.01
1981	512	1		5.01
				5.04
				5.12, 5.13
				5.16
				5.20
				6.02, 6.03
				6.08.1
				6.10, 6.11
				6.13
				7.04, 7.05
				7.14
				8.03—8.05
		2	Rpld	5.14, 5.14.1
			Rpld	6.06
			Rpld	8.02
1982	480	1		2.04.1, 2.04.2
				6.14
				9.01—9.03
				9.09
				9.11, 9.12
				9.14, 9.15
				9.20
				9.24
				9.26
				9.34
		2	Rpld	9.25
1983	314	1		2.03, 2.04,
				2.06,
				4.08,
				5.13,
				8.06,
				9.09,
				9.21,
				10.02,
				13.02
		2	Rpld	14.01—14.04
1984	486	1		2.04,
				2.04.2,
				2.05
1986	459	1		2.03,
				9.09
1988	157	1		3.08
				3.11
				7.07
				9.01
				9.12, 9.13
				13.05
1989	536	1		2.05, 9.09,
				9.12,
				9.12.1

Year	Chapter	Section		Section this Charter
1990	652	1		9.12, 9.13
1992	512	1		2.06, 9.02, 9.09, 9.10, 9.14, 9.19, 9.23
1994	22(B.N.)	1		9.07.1, 9.12
1995	782	1		2.04, 2.04.2, 3.06.1, 9.01, 9.12, 10.01
1996	885	1		15.10
2002	149	1	Added	2.04.3
				3.07
2004	511	1		2.04.2
				9.12
				9.12.1
				9.23
2009	539	1		3.04
			Added	9.12.2
2010	221	1		4.08
				9.18
2014	400	1		10.01
				11.02
				15.10
2015	H.B. 1682ER	1	Dltd	2.02(a)(2)
				3.01, 3.02
				3.04(e), (f)
				3.06.1, 3.07
				3.13
				3.16, 3.17
				5.01
				6.03
				7.16
				7.20
				10.03.1
				11.01
				13.02, 13.03

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TITLE 1

General Provisions

Chapter 1 **Use and Introduction**
Chapter 2 **Sister Cities**

CHAPTER 1

Use and Introduction

§ 1-1-1 How code designated and cited.
§ 1-1-2 Provisions considered as continuations of existing ordinances.
§ 1-1-3 Severability of parts of code.
§ 1-1-4 Catchlines of sections.
§ 1-1-5 Rules of construction and definitions.
§ 1-1-6 Corporate seal.
§ 1-1-7 General penalty—continuing violation.
§ 1-1-8 Penalty for conviction of misdemeanor.
§ 1-1-9 Delinquent fees and charges; penalty and interest.
§ 1-1-10 Adoption of amendments to provisions of general law previously incorporated by reference into city code.
§ 1-1-11 Civil violations.
§ 1-1-12 Cumulative remedies.
§ 1-1-13 Payment of costs.

Sec. 1-1-1 How code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the City of Alexandria, Virginia, 1981," and may be so cited. Such ordinances may also be cited as "Alexandria City Code of 1981."

Sec. 1-1-2 Provisions considered as continuations of existing ordinances.

The provisions appearing in this code, so far as they are the same in substance as those of the 1963 city code and all ordinances adopted subsequent to the 1963 city code and included herein, shall be considered as continuations thereof and not as new enactments. (Code 1963, Sec. 1-2)

Sec. 1-1-3 Severability of parts of code.

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Code 1963, Sec. 1-3)

Sec. 1-1-4 Catchlines of sections.

The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any such sections, including the catchlines, are amended or reenacted. (Code 1963, Sec. 1-4)

Sec. 1-1-5 Rules of construction and definitions.

In the interpretation and construction of this code and of all ordinances and resolutions of the city, the following rules of construction and definitions shall be observed, unless inconsistent with the manifest intent of the council or the context clearly requires otherwise.

(1) *Charter.* The word "Charter" shall mean the Alexandria Charter of 1950, as amended from time to time.

(2) *City.* The word "city" shall be construed as if the words "of Alexandria" followed it.

(3) *Computation of time.*

(a)(i) Whenever a notice is required to be given, or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

(ii) Whenever a notice is required to be given, or an act to be done, within a certain period of time after a decision or event, the day on which the decision or event occurs shall not be counted in computing the time, but the day on which such notice or act is required to be given or done shall be counted in computing the time.

(b) Except as may otherwise be expressly provided by law, when the last day fixed by any provision of this code or by administrative regulation for the commencement of any proceeding, for a paper to be served, delivered, filed or recorded, or for any other act to be done, in connection with any regulatory proceeding before any city officer, board, commission or agency, or before the city council, falls on a Saturday, Sunday, legal holiday observed by the Commonwealth of Virginia, or any other day on which the city manager authorizes the closing of city offices, the proceeding may be commenced, the paper may be served, delivered, filed or recorded, or the act may be

done on the next succeeding day that it is not a Saturday, Sunday, or such legal holiday or other day on which city offices are closed.

(4) *Council, city council.* Wherever the words "council" or "city council" are used, they shall be construed to mean "the council of the City of Alexandria."

(5) *Gender.* A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.

(5.1) *Newspaper of general circulation published in the city.* Any provision of law to the contrary notwithstanding, the phrase "newspaper of general circulation published in the city" or words of like import shall be construed to include a newspaper of general circulation in the city, whether or not published in the city.

(6) *Number.* A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

(7) *Oath.* The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath.

(8) *Or, and.* "Or" may be read "and" and "and" may be read "or" if the sense requires it.

(9) *Person.* The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

(10) *Preceding, following.* The words "preceding" and "following" mean next before and next after, respectively.

(11) *Sidewalk.* The word "sidewalk" shall mean any portion of a street between the curb line or the lateral lines of a roadway and where there is no curb and the adjacent property line intended for the use of pedestrians.

(12) *State.* The word "state" shall be construed as if the words "of Virginia" followed it.

(13) *Street.* The word "street" shall include avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city and shall mean the entire width thereof between abutting property lines; it shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the council.

(14) *Swear, sworn.* The words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed" in all cases in which by law an affirmation may be submitted for an oath. (Code 1963, Sec. 1-5; Ord. No. 3310, 6/18/88, Sec. 1; Ord. No. 3339, 11/19/88, Sec. 1; Ord. No. 3484, 11/17/90, Sec. 1)

Sec. 1-1-6 Corporate seal.

The corporate seal of the city shall be circular in form and the design shall consist of a representation of a shipment in full sail, with a balance equally poised above the ship, and the words "City of Alexandria, Virginia" on the circumference. No other seal shall be used for the city and no paper issued by municipal authority which requires the seal of the city shall be valid unless the seal described herein shall be duly affixed thereto. (Code 1963, Sec. 1-6)

Sec. 1-1-7 General penalty—continuing violation.

Wherever any provision of this code or of any ordinance of the city prohibits an act or declares an act to be unlawful or a misdemeanor, or requires the doing of an act, or declares the failure to do an act to be unlawful or a misdemeanor, and provides no specific penalty for the violation of its terms, the violation shall be punished by a fine not exceeding $2,500 or by imprisonment not exceeding 12 months, or both. Unless otherwise provided, each day that such violation continues shall constitute a separate violation or offense. (Code 1963, Sec. 13-1; Ord. No. 2816, 6/28/83, Sec. 1; Ord. No. 3508, 4/13/91, Sec. 1)

Charter Reference: Penalties for violation of ordinances, Sec. 2.06.

Sec. 1-1-8 Penalty for conviction of misdemeanor.

The authorized penalties for conviction of a violation or an offense that is classified by this code or by an ordinance of the city as a misdemeanor of a particular class are as follows:

(a) for class 1 misdemeanors, confinement in jail for not more than 12 months and a fine of not more than $2,500, or both.

(b) for class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than $1,000, or both.

(c) for class 3 misdemeanors, a fine of not more than $500.

(d) for class 4 misdemeanors, a fine of not more than $250. (Ord. No. 2824, 6/28/83, Sec. 1; Ord. No. 3508, 4/13/91, Sec. 2)

Sec. 1-1-9 Delinquent fees and charges; penalty and interest.

Unless otherwise provided by this code or by general law, whenever a fee or charge is imposed for services rendered by the city and all or any part of the fee or charge remains unpaid for more than 30 days from the date of the city's original billing, there shall be imposed a penalty of 10 percent of the unpaid amount or $10, whichever is greater, and, in addition, interest of eight percent per annum shall be charged on the unpaid amount, and on any unpaid penalty and accrued interest, until the entire amount owed is paid to the city; provided, that the city's billing provides notice that failure to make timely payment of the fee or charge being billed will result in the imposition of penalty and interest charges; and, provided further, that where the amount unpaid for more than 30 days is less than $10, the penalty may not exceed said unpaid amount. (Ord. No. 3583, 6/13/92, Sec. 1)

Sec. 1-1-10 Adoption of amendments to provisions of general law previously incorporated by reference into city code.

Whenever the Virginia General Assembly amends provisions of the general law that have previously been adopted by incorporation into the city code, such amendments will, unless a contrary intent is expressed by city council, automatically be adopted and incorporated into the city code. (Ord. No. 3660, 9/18/93, Sec. 1)

Sec. 1-1-11 Civil violations.

(a) *General.* Any person who commits, permits, assists in or attempts, whether by act or omission, the violation of any provision of this code which has been designated as a civil violation shall be liable for the civil penalty prescribed in this section.

(b) *Penalties.*

(1) For a class one civil violation, the penalty for each individual violation shall be $5,000.

(2) For a class two civil violation, the penalty for each individual violation shall be $1,000 for the first violation, $2,000 for the second violation of the same regulation or requirement arising from the same set of operative facts, and $3,000 for each additional violation of the same regulation or requirement arising from the same set of operative facts.

(3) For a class three civil violation, the penalty for each individual violation shall be $500 for the first violation, $1,000 for the second violation of the same regulation or requirement arising from the same set of operative facts, and $1,500 for each additional violation of the same regulation or requirement arising from the same set of operative facts.

(4) For a class four civil violation, the penalty for each individual violation shall be $100 for the first violation, $250 for the second violation of the same regulation or requirement arising from the same set of operative facts, and $500 for each additional violation of the same regulation or requirement arising from the same set of operative facts.

(5) For a class five civil violation, the penalty for each individual violation shall be $25 for the first violation, $50 for the second violation of the same regulation or requirement arising from the same set of operative facts, and $100 for each subsequent violation of the same regulation or requirement arising from the same set of operative facts.

(6) The penalty for a civil violation not designated as a civil violation of a particular class shall be as otherwise specifically provided in this code.

(7) Designation of a violation of a provision of this code as a civil violation shall preclude the criminal prosecution of that violation, except when the violation has resulted in personal injury or death.

(8) Each calendar day during which any civil violation continues to exist shall constitute a separate, individual violation.

(c) *Procedures.*

(1) If the head of the department or office of city government responsible for the administration or enforcement of any provision of this code determines that a civil violation of this code within his area of responsibility has occurred, such a department or office head may cause a notice of the violation to be served on any or all persons committing or permitting such violation. Any such department or office head may delegate his authority under this section to one or more subordinate employees.

(2) The notice shall state that the person served has been charged with violating one or more provisions of the city code that are punishable by civil penalty, shall identify, each such provision, and shall provide that the person may elect to

make an appearance in person before or in writing by mail to the treasurer of the city, and admit liability for or plead no contest to the violations, abate the violations, and pay the civil penalty established for each violation, all within the time period fixed in the notice.

(3) If a person charged with a violation does not elect to admit liability or plead no contest, and abate the violation, the violation shall be tried in the Alexandria general district court upon a warrant in debt or motion for judgment, with the same right of appeal as provided for civil actions at law. In the event the violation exceeds the jurisdictional limits of the general district court, the violation shall be tried in the Alexandria circuit court.

(4) A finding or admission of liability for, or a plea of no contest to, a civil violation shall not be deemed a criminal conviction for any purpose. An admission of liability shall have the same force and effect as a judgment in court.

(5) Any city officer, or employee of the city who is (1) responsible for the enforcement of any provision of this code, (2) wearing a uniform and (3) carrying identification, may approach and question any person concerning a civil violation of this code. In the event the officer or employee has a reasonable suspicion, based upon objective facts, that any person has committed a civil violation of this code, such person shall upon request furnish the officer or employee with accurate information sufficient to identify the name, residence address and telephone number of the person, and, if the violation arises in connection with the conduct of any trade, business or occupation, to identify the name of the trade, business or occupation and the address and telephone number thereof. The failure or refusal by such person to furnish such information shall constitute a violation of section 13-3-1 of this code. Any false or fictitious statement or representation knowingly made by such person in furnishing such information shall constitute a violation of section 13-3-2 of this code. As used in the paragraph "uniform" shall mean a shirt, jacket or coat on which is permanently displayed and visible the seal of the city together with the name of the employee's department, office or agency, and "identification" shall mean a card or badge issued by the city to identify the employee by name and photograph, or badge number, and indicate that the employee is an authorized enforcement officer. (Ord. No. 3820, 9/16/95, Sec. 1; Ord. No. 4228, 12/11/01, Sec. 4)

Sec. 1-1-12 Cumulative remedies.

The remedies provided in this chapter are cumulative and not exclusive, and the designation of a violation of any provision of this code as a criminal misdemeanor or a civil violation shall not be construed as prohibiting city officials from initiating appropriate administrative or civil judicial procedures to prevent, correct, restrain or abate the violations. (Ord. No. 3820, 9/16/95, Sec. 2)

Sec. 1-1-13 Payment of costs.

In the event the city abates any nuisance on private property, charges the cost and expense of such abatement to the owner of such property, and the unpaid charges for such abatement constitute a lien against such property, as provided in this code, the city may impose on the owner of such property, in addition to the unpaid charges for such abatement, a fee to cover the administrative costs and reasonable attorney's fees or collection agency's fees actually contracted for by the city. The fee for administrative costs shall be the lesser of $150 or 25 percent of the amount of the costs, but in no event less than $25. The attorney's fees or collection agency's fees shall not exceed 20 percent of the amount of the lien. Any fees imposed pursuant to this section which remain unpaid shall also constitute a lien against such property. As used in this section, "nuisance" shall include, but not be limited to, the conditions identified as such in this code, or in sections 15.2-900 or 15.2-1115 of the Code of Virginia (1950), as amended. (Ord. No. 4069, 9/18/99, Sec. 1)

CHAPTER 2

Sister Cities

Editorial Note: Section 1 of Ord. No. 2736, adopted Nov. 13, 1982, changed the title of Ch. 2 from "Sister City" to "Sister Cities."

§ 1-2-1	Established.
§ 1-2-2	Sister cities committee—established.
§ 1-2-3	Same—membership; appointment; compensation; structure.
§ 1-2-4	Same—procedures.
§ 1-2-5	Same—powers and duties.
§ 1-2-6	Same—secretary.

Sec. 1-2-1 Established.

The cities of Dundee, Scotland, Helsingborg, Sweden, Caen, France and Gyumri, Armenia, are adopted and established as sister cities to Alexandria, Virginia. (Code 1963, Sec. 29A-1; Ord. No. 2736, 11/13/82, Sec. 2; Ord. No. 3462, 6/16/90, Sec. 1; Ord. No. 3758, 11/12/94, Sec. 1)

Sec. 1-2-2 Sister cities committee—established.

There is hereby established a committee to be known as the sister cities committee. (Code 1963, Sec. 29A-2; Ord. No. 2736, 11/13/82, Sec. 3)

Sec. 1-2-3 Same—membership; appointment; compensation; structure.

(a) The committee shall consist of 17 members, of which 16 shall be voting members and one shall be a nonvoting member, appointed by the city council from the organizations and citizenry listed below. The members shall serve without compensation and at the will of the council.

(1) City council, one nonvoting member;

(2) Citizens, 14 voting members;

(3) Alexandria-Gyumri Sister City Committee, two voting members;

(b) The 16 voting members referenced in subsections (a)(2) and (a)(3), shall serve two-year terms, which terms shall be staggered so that eight members appointed from these designations shall be appointed annually; provided, that two of the initial appointments after November 13, 2004 pursuant to subsection (a)(2) shall be for a two-year term, and the other two shall be for a one-year term. In the event of a vacancy on the committee, council shall appoint a new member to serve for the duration of the unexpired term. Voting members appointed to the committee pursuant to subsections (a)(2) and (a)(3) shall express on their applications for appointment a primary interest in one of the four sister cities, it being the intent of this chapter to achieve, among committee members, a balance in interest and support for each of the sister cities.

(c) The committee shall establish and maintain the following standing subcommittees:

(1) Helsingborg subcommittee;

(2) Dundee subcommittee;

(3) Caen subcommittee;

(4) Gyumri subcommittee.

The committee may establish other subcommittees from time to time. (Code 1963, Sec. 29A-3, as amended by Ord. No. 2552, 3/14/81; Ord. No. 3462, 6/16/90, Sec. 2, Ord. No. 3758, 11/12/94, Sec. 2; Ord. No. 4229, 12/15/01, Sec. 1; Ord. No. 4365, 11/13/04, Sec. 1)

Sec. 1-2-4 Same—procedures.

The committee shall select its own officers from its membership and adopt rules and regulations for the operation of the committee; provided, such rules and regulations are not contrary to the spirit or intent of this chapter. (Code 1963, Sec. 29A-4)

Sec. 1-2-5 Same—powers and duties.

It shall be the duty of the committee to:

(1) plan, develop, encourage and promote educational, professional, commercial and cultural exchanges between the cities of Dundee, Scotland, Helsingborg, Sweden, Caen, France and Gyumri, Armenia, and the City of Alexandria; and

(2) to coordinate activities within the city relating to such exchanges. (Code 1963, Sec. 29A-5; Ord. No. 2736, 11/13/82, Sec. 4; Ord. No. 3462, 6/16/90, Sec. 3; Ord. No. 3758, 11/12/94, Sec. 3)

Sec. 1-2-6 Same—secretary.

The city manager shall designate a city employee to serve as secretary to the sister cities committee. The secretary shall not be entitled to vote on the committee. (Code No. 2736, 11/13/82, Sec. 5)

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TITLE 2

General Government

Chapter 1	**The City Council**
Chapter 2	**Elections**
Chapter 3	**City Departments and Agencies**
Chapter 4	**Committees, Boards and Commissions**
Chapter 5	**Officers and Employees**
Chapter 6	**Records Management, Retention and Disposition**

CHAPTER 1

The City Council

State Law Reference: Code of Va. Secs. 15.1-37.4 to 15.1-37.8; Secs. 15.1-837 et seq.

Cross Reference: City Charter, Ch. 3, Secs. 3.01 to 3.17.

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General Provisions

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§ 2-1-2	Continuing body.
§ 2-1-3	Term of members.
§ 2-1-4	Compensation of members.
§ 2-1-5	Removal of members.
§ 2-1-6	Filling vacancies.
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§ 2-1-58	Personal privilege.
§ 2-1-59	Tie votes.
§ 2-1-60	Robert's Rules of Order.

ARTICLE A

General Provisions

Sec. 2-1-1 Composition.

The city council shall consist of the mayor and six (6) members elected as provided for in chapter 10 of the charter, (Code 1963, Sec. 2-1)

Sec. 2-1-2 Continuing body.

The city council shall be a continuing body, and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office of or removal of the members of the body or any of them. (Code 1963, Sec. 2-2)

Sec. 2-1-3 Term of members.

Members of the city council shall serve for terms of three (3) years from July 1 following their election or until successors shall have been elected and take office. (Code 1963, Sec. 2-3)

Sec. 2-1-4 Compensation of members.

(a) The mayor shall receive, in full compensation for his services, the salary of $30,500 per year.

(b) The members of city council shall receive, in full compensation for their services, the salary of $27,500 per year.

(c) The members of city council and the mayor shall, in addition to the compensation provided above, be eligible to receive the same benefits as are provided city employees by the city, to the extent permitted by law. For the purpose of benefits for which eligibility is determined by the city, the mayor and members of city council shall be categorized as full time city employees.

(d) The rate of compensation for the members of the city council and the mayor may be changed by ordinance, except that no increase in such rate of compensation shall be made to become effective during the term of office of the members of council and the mayor in which the vote to increase the compensation is cast, and any ordinance to approve such an increase shall be adopted at least four months prior to the date for the next general election of the members of city council and the mayor.

(e) The rate of compensation of the members of city council and the mayor shall be reviewed every three years, in conformance with the time periods established in subsection (d) of this section, for the purpose of considering whether such rate should include a cost of living increase in line with cost of living increases, if any, afforded city employees since the last such review. (Code 1963, Sec. 2-4; Ord. No. 3182, 2/24/87, Sec. 1; Ord. No. 4276, 11/16/02, Sec. 1)

Editor's note—It should be noted that § 2 of Ord. No. 4276 provides, "That this ordinance shall become effective on July 1, 2003."

Sec. 2-1-5 Removal of members.

(a) Any member of the city council may be removed by the city council, but only for malfeasance in office or neglect of duty; provided, that the member of the city council sought to be removed shall have been served with a written notice of the intention of the city council to remove him, which notice shall contain a clear statement of the grounds for such removal and shall fix the time and place, not less than 10 days after the service of the notice, at which he shall be given opportunity to be heard thereon.

(b) After the hearing, which shall be public at the option of the council member sought to be removed and at which he may be represented by counsel, he may be removed by a vote of six (6) members.

(c) It shall be the duty of the city council, at the request of the council member sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the city council removing one of its members, an appeal may be had to the circuit court of the city. (Code 1963, Sec. 2-5)

Sec. 2-1-6 Filling vacancies.

Any vacancy in the membership of the city council shall be filled as provided for in chapter 10 of the charter. (Code 1963, Sec. 2-6)

Sec. 2-1-7 Vacancy consequent upon removal of member from city or conviction of member of crime involving moral turpitude.

If a member of the city council shall cease to reside within the territorial limits of the city or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant. (Code 1963, Sec. 2-7)

Sec. 2-1-8 Limitation of election of member to city office.

Neither the mayor nor any other member of the city council shall, during the term for which he

was elected and for one year thereafter, be appointed to any office of profit under the government of the city. (Code 1963, Sec. 2-8)

Sec. 2-1-9 Mayor; vice-mayor.

The mayor of the city shall be elected as provided for in section 10.01 of the charter and the vice-mayor or shall be elected as provided for in section 3.05 of the charter. The mayor shall preside over the meetings of the city council and shall have the same right to vote and speak therein as other members. The mayor shall not have the power of veto. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. If a vacancy shall occur in the office of mayor, the vacancy shall be filled as provided in chapter 10 of the charter. If a vacancy shall occur in the office of vice-mayor, the city council shall forthwith fill the vacancy for the unexpired term by majority vote of all the remaining members of the council, including the mayor. In the absence or disability of the mayor, the vice-mayor shall perform the duties of mayor. (Code 1963, Sec. 2-10)

Sec. 2-1-10 City clerk generally.

(a) The city council shall appoint a city clerk and shall have power to remove him from office. He shall be the clerk of the city council, shall keep the journal of its proceedings and shall record all ordinances in a properly indexed book kept for that purpose. He may incorporate into the journal by reference various documents, including, but not limited to, agreements, ordinances, resolutions, reports and maps. He shall also give every ordinance after passage a serial number. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. All records in his office shall be public records and open to inspection at any time. He shall receive compensation to be fixed by the city council and shall perform any additional duties as the city council may from time to time designate.

(b) The city council may appoint a deputy city clerk when, in the opinion of the council, the city clerk is, because of disability or otherwise, unable to perform the duties of the office. The council shall have the power to remove the deputy clerk from office. Any appointed deputy clerk shall, while holding office, have the power and authority to perform all of the duties and functions of the city clerk and clerk of council. (Code 1963, Sec. 2-11)

Sec. 2-1-11 Docket of matters to be considered.

The city clerk, under the direction of the city manager, shall prepare and present at each meeting of the city council a docket of the matters to

be considered by the city council. (Code 1963, Sec. 2-12)

Sec. 2-1-12 Signing and attestation of minutes and ordinances.

After the minutes of the city council meetings have been approved, they shall be signed by the mayor or, in his absence, the vice-mayor and attested to by the city clerk. All ordinances filed in the ordinance book shall be similarly signed and attested. (Code 1963, Sec. 2-13)

Sec. 2-1-13 Inaugural meeting—council as judge of election and qualifications of members.

(a) The first meeting of a newly elected city council shall take place at 7:30 p.m. on July 1 following election or if that day shall fall on Saturday, Sunday or a legal holiday, then on the next business day, and shall be called to order by the city clerk, or, in his absence, by any judicial officer having jurisdiction in the city.

(b) The city council shall be the judge of the election and qualifications of its members to the extent provided for in section 3.07.1 of the city charter. (Code 1963, Sec. 2-14)

Sec. 2-1-14 Meetings to be open—exception.

The meetings of the city council shall be open to the public, except that, by a two-thirds (2/3) vote of the members present, the city council may meet in closed executive session. (Code 1963, Sec. 2-15)

Sec. 2-1-15 Ordinances, etc., to be adopted in open meeting.

No ordinance, resolution, motion, etc., shall be adopted by the city council except when the meeting is open to the public. (Code 1963, Sec. 2-16)

Sec. 2-1-16 Majority vote required for adoption of ordinances, etc.; voting by proxy.

No ordinance, resolution, motion or vote shall be adopted unless it shall have received the affirmative vote of a majority of the members of the city council present. Voting by proxy shall not be allowed. (Code 1963, Sec. 2-17)

Sec. 2-1-17 Ordinances or resolutions appropriating money, imposing taxes or authorizing borrowing.

No ordinance or resolution appropriating money exceeding the sum of $1,000, imposing taxes or authorizing the borrowing of money shall be passed by the city council on the same day on which it is introduced, nor shall any such ordinance or resolution be valid unless at least three (3) days intervene between its introduction and its passage. No ordinance or resolution appropriating money exceeding the sum of $500, imposing taxes or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to council. (Code 1963, Sec. 2-18)

Sec. 2-1-18 When council to act by ordinance; amendment and repeal of ordinances generally.

In addition to such acts of the city council as are required by the Constitution or general laws of the state or by the charter to be by ordinance, every act of the city council creating, altering or abolishing any department or creating, assigning or abolishing any bureau, division, office, agency or employment, making any appropriation in excess of $5,000, except as provided by section 5.16 of the charter, authorizing the borrowing of money, except as provided by sections 7.04, 7.19, 7.20 and 7.21 of the charter, levying a tax or establishing any rule or regulation for the violation of which a fine or penalty is imposed, shall be by ordinance. No ordinance shall be amended, suspended or repealed, except by an ordinance regularly introduced and passed. (Code 1963, Sec. 2-19)

Sec. 2-1-19 Form and style of ordinances; when ordinances to be effective.

Every ordinance, except the annual appropriation ordinances and an ordinance codifying ordinances, shall be confined to a single subject, which shall be clearly expressed in title. All ordinances shall be introduced in typewritten or printed form or a combination of both. All ordinances which repeal or amend existing ordinances shall identify by title the section or subsection to be repealed or amended. The enacting clause of all ordinances shall be: "The City Council of Alexandria hereby ordains." Unless another date is specified therein and except as otherwise provided in the charter, an ordinance

shall take effect on the date of its final passage. (Code 1963, Sec. 2-20)

Sec. 2-1-20 Procedure for passage of ordinances.

(a) Any ordinance may be introduced by any member of the city council or by the city manager at any regular meeting of the city council or at any special meeting when the subject thereof has been included in the notice for such special meeting or has been approved by the unanimous consent of all members of the city council. Upon introduction, the ordinance shall receive its first reading and, provided it shall receive an affirmative vote of the majority of members present at this meeting, and provided further it is not a matter that by this code or some other provision of law requires more than a majority vote, a time, not less than three (3) days after such introduction, and place shall be set at which the city council will hold a public hearing concerning it. If all members of the city council present at such introduction have received a copy of the proposed ordinance not less than 24 hours before the introduction, then only the item as it appears on the docket of matters to be considered by city council need be read for the first reading, otherwise the ordinance shall be read verbatim. The hearing may be held at a regular or special meeting of the city council and may be adjourned from time to time.

(b) It shall be the duty of the city clerk to cause to be published in a newspaper of general circulation published in the city, not later than the fifth day following the introduction of the ordinance, a notice containing the time and place of the hearing and the title of the proposed ordinance. It shall also be his duty to have the title or the full text of the proposed ordinance printed in sufficient numbers to supply copies to meet requests or to cause it to be published as a paid advertisement in a newspaper of general circulation published in the city; except, that in the event there is no newspaper of general circulation published in the city, then the ordinance may be published in a newspaper of general circulation in the city. It shall also be the duty of the city clerk to place a copy of the ordinance in a file provided for each member of the city council for this purpose.

(c) A proposed ordinance, unless it be an emergency ordinance may be finally passed upon its second reading at either a regular or special meeting of the city council following the introduction, publication and conclusion of the public hearing thereon.

(d) Amendments or additions to an ordinance may be made at any time after introduction and further publication of an amendment is not necessary, except that if such amendments or additions introduce an entirely new subject matter and radically change the overall purpose of the ordinance, then they shall be handled separately and introduced as a new ordinance. At the second reading only, the item as it appears on the docket of matters to be considered by city council need be read, unless amendments or additions have been made subsequent to the introduction, in which case such amendments or additions shall be read in full prior to passage. (Code 1963, Sec. 2-21)

Sec. 2-1-21 Emergency ordinances generally.

Except for ordinances appropriating money exceeding the sum of $1,000, imposing taxes or authorizing the borrowing of money, if, in the opinion of the city council, an emergency exists, an ordinance pertinent to the emergency may be read a second time and passed with or without amendment at the same meeting at which it is introduced an no publication or specific time interval between introduction and passage is necessary. An emergency ordinance must contain a specific statement of the emergency claimed, and must be passed by a two-thirds (2/3) affirmative vote of the members of the city council present. (Code 1963, Sec. 2-22)

Sec. 2-1-22 Referendum on proposed ordinances, etc.

The city council shall have authority to submit any proposed ordinance, question or issue to the qualified voters of the city pursuant to section 3.13 of the charter. (Code 1963, Sec. 2-23)

Sec. 2-1-23 Recordation of vote.

In addition to instances in which it is required by law, the ayes and nays on any question voted on by the city council shall be recorded at the desire of any member of the city council. (Code 1963, Sec. 2-24)

Sec. 2-1-24 Recordation of final vote on any ordinance or resolution.

On final vote on any ordinance or resolution the name of each member voting and how he voted shall be recorded. (Code 1963, Sec. 2-24.1)

Sec. 2-1-25 Required vote for appointments and removals.

The city council, in making appointments and removals under its jurisdiction, shall act only by the affirmative vote of at least four (4) members (Code 1963, Sec. 2-25)

Sec. 2-1-26 Interference with appointments, etc.

(a) Neither the city council nor any of its members shall direct the appointment of any person to or his removal from any office or employment by the city manager or by any of his subordinates, except as specifically provided in the charter. Except for the purpose of inquiry, the city council and its members shall deal with the administrative services solely through the city manager, and neither the city council nor any member thereof shall give orders either publicly or privately to any subordinate of the city manager. Nothing contained in this section shall be construed as prohibiting any councilman from discussing with the city manager any appointment or removal.

(b) Any councilman violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall, upon conviction, be punished as provided in section 1-1-7 of this code. (Code 1963, Sec. 2-26)

Sec. 2-1-27 Investigations.

The city council shall have power to investigate any or all, of the departments, boards, commissions, offices and agencies of the city government and any officer or employee of the city. The city council, in an investigation or hearing held by it, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. The city council shall have the power to apply to the judge of the circuit court for a subpoena or subpoena duces tecum against any person refusing to appear and testify or who refuses to produce books and papers as ordered by the council, and the judge of the court shall, upon good cause shown, cause a subpoena to be issued. Any person refusing to obey the issuance of the subpoena, as directed by the judge of the circuit court, upon failure to give satisfactory excuse to the judge, may be fined not exceeding the sum of $100 or imprisoned not exceeding 30 days or both, such person to have the right of appeal, as in cases of misdemeanor, to the circuit court of the city. Witnesses may be sworn by the officer presiding at investigations conducted by the city council and shall be liable to prosecution for perjury for any false testimony given at such investigations. (Code 1963, Sec. 2-27)

Secs. 2-1-28 through 2-1-40 reserved.

ARTICLE B

Rules of Procedure

Cross Reference: City charter, Sec. 3.08

Sec. 2-1-41 Regular meetings.

The city council shall, except during the months of July and August, hold regular meetings on the second and fourth Tuesdays in each month at 6:00 p.m.; immediately after the beginning of the regular meeting, city council will convene in closed session, if needed. The non-executive session docket will begin at 7:00 p.m. at all regular meetings of city council; provided, however, that when any such day shall fall on a legal holiday, the meeting shall be held on the next succeeding day; and, provided further, that no regular meeting need be held on the fourth Tuesday in December. (Code 1963, Sec. 2-28; Ord. No. 4314, 9/13/03, Sec. 1; Ord. No. 4876, 5/17/14, Sec. 1)

Sec. 2-1-42 Regular meetings for public hearings.

The city council shall, except during the months of July and August, hold regular meetings for public hearings on the Saturday following the second Tuesday in each month at 9:30 a.m.; provided, however, that when any such day shall fall on or within three (3) days of a legal holiday, the meeting may be held on the Saturday preceding the fourth Tuesday of the month. (Code 1963, Sec. 2-28.1)

Sec. 2-1-43 Special meetings.

(a) The mayor, the city manager or any two (2) members of the city council may call a special meeting at any time; provided, that at least 12 hours' written notice of the special meeting shall be served personally on each member or left at his usual place of business or residence, which notice shall contain a statement of the specific items of business to be transacted. No business other than that specified in the notice shall be transacted at the meeting, except by the unanimous consent of all the members of the city council. However, a special meeting may be held at any time without notice if all members of the city council attend such meeting or waive notice thereof.

(b) Whenever a special meeting is held at a location other than at city council chambers, notice of the time and location of any such meeting shall be published in a newspaper of general circulation published in the city at least five (5) days prior to the meeting. In the event there is no newspaper of general circulation published in the city, the notice may be published in a newspaper having a general circulation in the city. In the event of an emergency no notice need be published provided the city manager, the mayor or any two (2) members of the council attempts to give the news media such notice as can reasonably be given under the circumstances. (Code 1963, Sec. 2-29)

Sec. 2-1-44 Meeting place; notice required when meeting is at location other than city council chambers.

Regular and special meetings may be held at any suitable location in the city. Whenever a regular or special meeting is held at a location other than at city council chambers, notice of the time and location of any such meeting shall be published in a newspaper of general circulation published in the city at least five (5) days prior to the meeting. In the event there is no newspaper of general circulation published in the city, such notice may be published in a newspaper having a general circulation in the city. In the event of an emergency no notice need be published, provided the city manager, the mayor or any two (2) members of the council attempts to give the news media such notice as can reasonably be given under the circumstances. The notice with respect to a special meeting held at a location other than at city council chambers shall be in addition to the notice required by section 2-1-43. (Code 1963, Sec. 2-29.1)

Sec. 2-1-45 Registration to speak required at meetings of city council.

(a) Any person, prior to speaking before city council at any meeting of council, shall first announce:

(1) his or her name and address;

(2) whom he or she represents, if other than himself or herself, and

(3) nature of his or her interest in docketed matter, including whether or not he or she receives compensation for such appearance but not including the amount of compensation he or she receives.

(b) In addition, the person shall submit to the city clerk a signed registration form containing the information required in the foregoing paragraph. The form will be provided by the city and shall be readily available in the office of the city clerk and in council chambers. This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated.

(c) The mayor shall deny the right to speak to any person who willfully and knowingly fails to make the announcements required above or to submit the registration form in the required manner. (Code 1963, Sec. 2-29.2)

Sec. 2-1-46 Quorum.

A majority of the members of the city council shall constitute a quorum for the transaction of business. If a quorum fails to attend any meeting, regular or special, the mayor shall adjourn the meeting to some later date and notice of the adjournment shall be given to each member of the city council by the city clerk. (Code 1963, Sec. 2-30)

Sec. 2-1-47 Order of business generally.

At every regular meeting of the city council, the order of business shall be as established from time to time by resolution adopted by the city council. (Code 1963, Sec. 2-32; Ord. No. 4314, 9/13/03, Sec. 2)

Sec. 2-1-48 Departure from order of business.

The order of business specified in section 2-1-47 of this code shall not be departed from, except upon the consent of the majority of the council members present. (Code 1963, Sec. 2-32)

Sec. 2-1-49 Reconsideration of questions.

(a) A motion to rescind any prior final vote or action of city council may be entertained at any time; provided, that no such motion, made at a special meeting, shall be entertained unless there are present at such special meeting at least the number of council members as were present when the vote or action to be rescinded occurred.

(b) No motion to reconsider any prior final vote or action of city council shall be entertained, unless such motion is made prior to the adjournment, or the recess if the meeting be recessed, of the meeting at which the vote or action to be reconsidered occurred, and such motion is made by a council member who voted on the prevailing side with respect to such vote or action.

(c) As used in this section, the terms "meeting", "adjournment" and "recess" have the meaning commonly attributed to them by the practice and procedure of the city council, notwithstanding any contrary meaning or definition set forth in Robert's Rules of Order. (Code 1963, Sec. 2-33; Ord. No. 3400, 9/16/89, Sec. 1)

Sec. 2-1-50 Enforcement of rules; preservation of decorum.

The mayor shall enforce the rules of the city council and preserve order and decorum. (Code 1963, Sec. 2-34)

Sec. 2-1-51 Decision on questions of order.

(a) The mayor shall decide questions of order, and may, without vacating his chair, give his reasons for his decisions.

(b) From any such decision of the chair an appeal may be made to the city council, the question being, "Shall the decision of the chair be sustained as the decision of the council?" Upon such appeal, no debate shall be allowed, if it refers to a question of decorum; but, if it relates to the priority of business or to the relevancy or applicability of propositions, the appeal may be debated. (Code 1963, Sec. 2-35)

Sec. 2-1-52 Calling members to order.

If, in speaking, any member of the city council shall transgress the rules of the city council, the mayor shall call him to order. If there is no appeal, the decision of the chair shall be submitted to. If the decision is in favor of the member called to order, he may proceed; if otherwise, he shall not proceed, except by leave of the city council. (Code 1963, Sec. 2-36)

Sec. 2-1-53 Motions-generally.

When a motion is made and seconded, it shall be stated by the presiding officer before it is debated. A motion may be withdrawn by the mover, with consent of the second, at any time before it is decided, amended or otherwise acted upon by the city council. (Code 1963, Sec. 2-37)

Sec. 2-1-54 Same—amendments to be relevant.

No motion different from that under consideration shall be admitted under color of amendment. (Code 1963, Sec. 2-38)

Sec. 2-1-55 Same—precedence.

When a question is under debate, no motion shall be entertained, unless especially provided for, except the following, which shall take precedence in the order given:

(1) to adjourn, to be made without preliminary remarks and decided without debate;

(2) to lay on the table, to be decided without debate;

(3) for the previous question, to be decided without debate;

(4) to postpone, either indefinitely or to a certain day or hour;

(5) to refer or recommit;

(6) to substitute or amend; or

(7) to adopt or approve. (Code 1963, Sec. 2-39)

Sec. 2-1-56 Same—when motion to adjourn in order.

A motion to adjourn shall always be in order, except:

(1) when a member of the city council has the floor;

(2) when the council is engaged in voting;

(3) when the previous question has been ordered; or

(4) when the motion to adjourn has been put and lost and no other business has intervened. (Code 1963, Sec. 2-40)

Sec. 2-1-57 Same—previous question.

Any member who obtains the floor during debate, and submits no other motion or remark, may move for the previous question, which motion, if seconded, shall forthwith be put to the city council. The previous question shall be in this form: "Shall the main question now be put?" If carried, its effect shall be to end all debates and bring the city council to a direct vote upon a motion to commit, if pending; then upon pending amendment, if any; and then, upon the main question. If the motion for the previous question is not carried, debate may continue as if the motion had not been made. (Code 1963, Sec. 2-41)

Sec. 2-1-58 Personal privilege.

The right of a member to address the city council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned. (Code 1963, Sec. 2-42)

Sec. 2-1-59 Tie votes.

In case of tie votes on any proposal, the proposal shall be considered lost. (Code 1963, Sec. 2-43)

Sec. 2-1-60 Robert's Rules of Order.

In passing upon any question of procedure for conducting meetings not specifically provided for in this article or in any resolution adopted by city council relating to rules of procedure at city council meetings, the city council shall be governed by Robert's Rules of Order. (Code 1963, Sec. 2-44)

CHAPTER 2

Elections

Charter Reference: Election of mayor and council members, Sec. 10.01.

State Law Reference: Council authorized to establish wards, Code of Va., Sec. 15.1-803 et seq.

§ 2-2-1	November election of mayor and councilmen.
§§ 2-2-2 through 2-2-9	reserved.
§ 2-2-10	Establishment of election districts and voting places.
§ 2-2-11	Establishment of central absentee voter election district and voting place.
§ 2-2-12	Designation of temporary voting places.
§ 2-2-13	Map of election districts and voting places.

Sec. 2-2-1 November election of mayor and councilmen.

The mayor and council shall be elected at the November general election date every third year beginning in 2012. The terms of office for those so elected shall commence on January 1 immediately following said election.
(Ord. No. 4596, 6/13/09, Sec. 4)

Secs. 2-2-2 through 2-2-9 reserved.

Editorial Note: Ord. No. 3489, § 1, adopted Dec. 15, 1990, repealed §§ 2-2-1 through 2-2-9, which pertained to division of city into wards and ward boundaries for the first through eighth wards. Said sections derived from Code 1963, Secs. 1-9—1-17 as amended by Ord. No. 2440, § 12, adopted Feb. 26, 1980; Ord. No. 2643, §§ 1, 2, adopted April 22, 1980; Ord. No. 2632, §§ 1—6, adopted Dec. 1, 1981; Ord. No. 2788, § 1, adopted April 12, 1983; Ord. No. 2834, § 1, adopted June 28, 1983; Ord. No. 2961, § 1, adopted June 27, 1984; Ord. No. 3005, § 1, adopted Jan. 12, 1985; Ord. No. 3149, § 1, adopted July 15, 1986; Ord. No. 3365, § 1, adopted April 15, 1989 and Ord. No. 3468, § 1, adopted June 16, 1990.

Sec. 2-2-10 Establishment of election districts and voting places.

The following election districts and voting places are hereby established for the City of Alexandria, Virginia:

(a) The Ladrey Senior Building Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Ladrey Senior Building Election District shall be at the Ladrey Senior Building, located at 300 Wythe Street.

(b) The City Hall Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the City Hall Election District shall be at City Hall, located at 301 King Street.

(c) The Lyles Crouch School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Lyles Crouch School Election District shall be at the Lyles Crouch School, located at 530 South St. Asaph Street.

(d) The Durant Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Durant Center Election District shall be at the Durant Center, located at 1605 Cameron Street.

(e) The Lee Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Lee Center Election District shall be at the Lee Center, located at 1108 Jefferson Street.

(f) The Cora Kelly Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Cora Kelly Center Election District shall be the Cora Kelly Center, located at 25 West Reed Avenue.

(g) The Mt. Vernon Recreation Center Election District shall be by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Mt. Vernon Recreation Center Election District shall be the Mt. Vernon Recreation Center, located at 2710 Commonwealth Avenue.

(h) The George Washington Middle School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the George Washington Middle School Election District shall be at the, George Washington Middle School located at 1005 Mount Vernon Avenue.

(i) The Fire Department Headquarters Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Fire Department Headquarters Election District shall be the Fire Department Headquarters, located at 900 Second Street.

(j) The Maury School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Maury School Election District shall be the Maury School, located at 600 Russell Road.

(k) The George Mason School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the George Mason School Election District shall be at the George Mason School, located at 2601 Cameron Mills Road.

(l) The Agudas Achim Congregation Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Agudas Achim Congregation Election District shall be at the Agudas Achim Congregation, located at 2908 Valley Drive.

(m) The Blessed Sacrament Church Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Blessed Sacrament Church Election District shall be the Blessed Sacrament Church, located at 1427 West Braddock Road.

(n) The Douglas MacArthur School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this Code as comprising the said district.

The voting place within the Douglas MacArthur School Election District shall be at the Douglas MacArthur School, located at 1101 Janney's Lane.

(o) The Chinquapin Park Recreation Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Chinquapin Park Recreation Center Election District shall be at the Chinquapin Park Recreation Center, located at 3210 King Street. However, the temporary voting place for the district for the November 8, 2016 election shall be T.C. Williams High School, located at 3330 King Street.

(p) The Temple Beth El Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within Temple Beth El Election District shall be Temple Beth El, located at 3830 Seminary Road.

(q) The Northern Virginia Community College Arts Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Northern Virginia Community College Arts Center Election District shall be the Northern Virginia Community College Arts Center, located at 3001 North Beauregard Street.

(r) The James K. Polk School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the James K. Polk School Election District shall be the James K. Polk School, located at 5000 Polk Avenue.

(s) The Patrick Henry Recreation Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Patrick Henry Recreation Center Election District shall be at the Patrick Henry Recreation Center, located at 4643 Taney Avenue.

(t) The Samuel Tucker School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the Samuel Tucker School Election District shall be the Samuel Tucker School, located at 435 Ferdinand Day Way.

(u) The Charles E. Beatley, Jr., Central Library Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place for the Charles E. Beatley, Jr., Central Library Election District shall be the Charles E. Beatley, Jr., Central Library, located at 5005 Duke Street.

(v) The John Adams School Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the John Adams School Election District shall be at the John Adams School, located at 5651 Rayburn Avenue.

(w) The William Ramsay Recreation Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place within the William Ramsay Recreation Center Election District shall be at the William Ramsay Recreation Center, located at 5650 Sanger Avenue.

(x) The South Port Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this code as comprising the said district.

The voting place for the South Port Election District shall be the South Port Apartment Complex, located at 6112 Edsall Road.

(y) The Cameron Station Community Center Election District shall be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this Code as comprising the said district.

The voting place within the Cameron Station Community Center Election District shall be at the Cameron Station Community Center, located at 200 Cameron Station Boulevard.

(z) The St. James Church Election District shall henceforth be known as The Hermitage Election District and be bounded and described by the census blocks shown on the map adopted by section 2-2-13 of this Code as comprising the said district.

The voting place within the Hermitage Election District shall be at the Hermitage, located at 5000 Fairbanks Avenue.

(aa) The Charles Houston Election District shall be added as a new election district by adjusting the boundaries for the Fire Department Headquarters District and Durant Center District as shown on Attachments 2 and 3 to Ordinance No. 4933.

The voting place within the Charles Houston Election District shall be the Charles Houston Recreation Center, located at 901 Wythe Street. (Ord. No. 3489, 12/15/90, Sec. 2; Ord. No. 3515, 5/18/91, Sec. 1; Ord. No. 3529, 6/25/91, Secs. 1, 2; Ord. No. 3651, 6/22/93, Secs. 1, 2; Ord. No. 3747, 6/28/94, Sec. 1; Ord. No. 3752, 9/27/94, Sec. 1; Ord. No. 3795, 5/13/95, Secs. 1—5; Ord. No. 3810, 6/27/95, Sec. 1; Ord. No. 3848, 2/27/96, Sec. 1; Ord. No. 3897, 12/14/96, Sec. 1; Ord. No. 4075, 10/16/99, Secs. 1, 2; Ord. No. 4137, 6/17/00, Sec. 1; Ord. No. 4206, 6/16/01, Sec. 1; Ord. No. 4245, 4/13/02, Sec. 1; Ord. No. 4266, 9/14/02, Sec. 1; Ord. No. 4307, 6/14/03, Sec. 1; Ord. No. 4334, 2/21/04, Secs. 1—3; Ord. No. 4386, 3/12/05, Sec. 1; Ord. No. 4456, 6/17/05, Secs. 1, 2; Ord. No. 4607, 6/13/09, Sec. 1; Ord. No. 4785, 2/23/13, Sec. 4; Ord. No. 4933, 3/14/15, Secs. 4, 5; Ord. No. 5019, 6/18/16, Sec. 4)

Sec. 2-2-11 Establishment of central absentee voter election district and voting place.

There is hereby established for the City of Alexandria one Central Absentee Voter Election District, to be used for all elections. The voting place of the Central Absentee Voter Election District shall be located at 132 North Royal Street, Alexandria, Virginia. The Central Absentee Voter Election District shall conform in all respects with the provisions of Section 24.2-712 of the Code of Virginia (1950), as amended.

There is hereby established for the City of Alexandria an additional Central Absentee Voter Election District, to be used for the 2012 Presidential Election. The voting place for the additional Central Absentee Voter Election District shall be located at the Charles E. Beatley, Jr. Central Library, 5005 Duke Street Alexandria, VA 22304. The additional Central Absentee Voter Election District shall conform in all respects with the provisions of Section 24.2-712 of the Code of Virginia (1950), as amended.

There is hereby established for the City of Alexandria an additional permanent Central Absentee Voter Election District, to be used for the November elections. The voting place for the additional permanent Central Absentee Voter

Election District shall be located at the Charles E. Beatley, Jr. Central Library, 5005 Duke Street Alexandria, VA 22304. The Alexandria Electoral Board is hereby authorized to determine the number of days that this additional permanent Central Absentee Voter District shall be based upon anticipated need and voter turnout for each November election. The days and hour of operation of this additional permanent Central Absentee Voter District shall be advertised and posted consistent with all other advertising and posting of the days and hours of operation of the Office of the Voter Registration and Elections and all other Voter Election Districts. The additional Central Absentee Voter Election District shall conform in all respects with the provisions of Section 24.2-712 of the Code of Virginia (1950), as amended. (Code 1963, Sec. 1-17.1; Ord. No. 3005, 1/12/85, Sec. 2; Ord. No. 3430, 12/16/89, Sec. 1; Ord. No. 4082, 11/13/99, Sec. 1; Ord. No. 4756, 3/17/12, Sec. 3; Ord. No. 4806, 5/18/13, Sec. 3)

Sec. 2-2-12 Designation of temporary voting places.

Whenever any of the voting places, as set out in the preceding section, would not be available to the voters for some unusual reason occasioned by fire, destruction, major repairs, change in ownership, or other like cause, then a temporary voting place may be designated by the city electoral board provided at least 30 days' notice next preceding any election be given the public. (Code 1963, Sec. 1-18)

Sec. 2-2-13 Map of election districts and voting places.

The election districts and voting places established by this chapter shall be shown on a map designated "The Official Map of the City of Alexandria, Virginia, Designating Election Districts and Voting Places." The said map shall include a listing of the year 2000 census blocks included within each election district, and hereby is incorporated by reference and declared to be a part of this code. The said map shall be signed by the mayor, attested to by the clerk, and the official seal of the city shall be impressed thereon.

The original of such map shall be deposited with the general registrar for the city and shall be available to the public for inspection. Whenever there are any changes in the election districts or voting places, except temporary voting places as provided for in the preceding section, another such official map shall be prepared. (Code 1963, Sec. 1-19; Ord. No. 3489, 12/15/90, Sec. 3; Ord. No. 4206, 6/16/01, Sec. 2; Ord. No. 4266, 9/14/02, Sec. 2)

CHAPTER 3

City Departments and Agencies

Charter Reference: Establishment of departments, offices and agencies, Sec. 3.04(e).

State Law Reference: Departments, officers, et seq. Code of Virginia Sec. 15.1-845.

§ 2-3-1	Offices and departments established.
§ 2-3-2	Internal organization; functions and duties.
§ 2-3-3	Directors—Appointment; removal; qualifications.
§ 2-3-4	Powers and duties.

Sec. 2-3-1 Offices and departments established.

The following are the offices and departments of the city:

(1) Offices. Office of the City Manager; Office of the City Clerk; Office of the City Attorney.

(2) Staff departments. Department of General Services; Department of Planning and Community Development; Department of Personnel; Department of Finance; Department of Real Estate Assessment; Department of Data Processing.

(3) Line departments. Department of Transportation and Environmental Services; Department of Building and Mechanical Inspections; Fire Department; Police Department; Department of Mental Health, Mental Retardation and Substance Abuse; Department of Human Services; Department of Health; Department of Recreation and Cultural Activities.

Sec. 2-3-2 Internal organization; functions and duties.

Each department of the city shall consist of such internal divisions, bureaus and offices as established by administrative regulation. All departments and agencies of the city shall perform such functions and duties as assigned by administrative regulation and as required by this code.

Sec. 2-3-3 Directors—Appointment; removal; qualifications.

There shall be a director of each department established by section 2-3-1, who, unless otherwise provided by law, shall be appointed and removed by the city manager as provided by law. The director of each department shall be qualified

by appropriate training and experience in the functions performed by the department and as further specified by administrative regulations.

Cross Reference: Directors of departments, city charter, Section 4.06.

Sec. 2-3-4 Powers and duties.

Each departmental director, subject to the direction of the city manager, shall have general direction of the department and shall be responsible for executing the functions and duties assigned to the department by this code, by state law or by the city manager. The department director may, subject to the direction of the city manager, establish, alter or abolish divisions and other classifications within the department.

CHAPTER 4

Committees, Boards and Commissions

Editorial Note: The provisions of Article A codify those ordinance provisions that apply to various citizen boards, committees and commissions generally. Article A is derived from Ordinance No. 2452, adopted by the council on April 8, 1980. Article A is followed by articles that codify ordinance provisions which apply to specific boards, committees and commissions.

ARTICLE A

General Provisions

§ 2-4-1 Purpose.
§ 2-4-2 Definitions.
§ 2-4-3 Application.
§ 2-4-4 Composition, terms and duties of committees.
§ 2-4-5 Procedure for committee meetings.
§ 2-4-6 Public participation in committee meetings.
§ 2-4-7 Appointments to committees.
§ 2-4-8 Creation of new committees; term of temporary committees.
§ 2-4-9 Executive secretary.
§ 2-4-10 Staff assistance.
§§ 2-4-11 through 2-4-20 reserved.

ARTICLE B

Economic Opportunities Commission

§ 2-4-21 Creation, composition and organization.
§ 2-4-22 Functions; powers; duties.
§ 2-4-23 Alexandria Office of Economic Opportunities—creation and organization; appointment of the executive director.
§ 2-4-24 Functions, duties and responsibilities of the Alexandria Office of Economic Opportunities.
§§ 2-4-25 through 2-4-30 reserved.

ARTICLE C

Historic Alexandria Resources Commission

§ 2-4-31 Creation, composition and organization.
§ 2-4-32 Functions, powers and duties.
§§ 2-4-33 through 2-4-40 reserved.

ARTICLE D

Alexandria Commission on Employment

§ 2-4-41 Creation, composition and organization.
§ 2-4-42 Functions; powers; duties.
§ 2-4-43 Staff assistance.
§§ 2-4-44 through 2-4-50 reserved.

ARTICLE E

Waterfront Commission

§ 2-4-51 Established.
§ 2-4-52 Composition.
§ 2-4-53 Appointment.
§ 2-4-54 Functions.
§ 2-4-55 Coordination with other public advisory bodies.
§§ 2-4-56 through 2-4-60 reserved.

ARTICLE F

Uss Alexandria Liaison Committee

§ 2-4-61 Creation, composition and organization.
§ 2-4-62 Functions; powers; duties.

ARTICLE G

Reserved

ARTICLE G.1

Alexandria Marketing Committee and Coordinating Council

§ 2-4-63 Alexandria Marketing Committee established.
§ 2-4-64 Same—composition.
§ 2-4-65 Same—appointment, procedures, and organization.
§ 2-4-66 Same—functions; powers; duties.
§ 2-4-67 Alexandria Marketing Coordinating Council established.
§ 2-4-68 Same—composition.
§ 2-4-69 Same—appointment; procedures, and organization.
§ 2-4-70 Same—functions; powers; duties.

ARTICLE H

Alexandria Housing Affordability Advisory Committee

§ 2-4-71 Creation, composition and organization.
§ 2-4-72 Functions; powers; duties.
§§ 2-4-73 through 2-4-79 reserved.

ARTICLE I

Alexandria Archaeological Commission

§ 2-4-80 Creation, composition and organization.
§ 2-4-81 Functions; powers; duties.
§§ 2-4-82 through 2-4-84 reserved.

ARTICLE J

Emergency Medical Services Council

§ 2-4-85 Creation, composition and organization.
§ 2-4-86 Functions, powers and duties; officers; meetings; staff assistance.

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ARTICLE K

Alexandria Commission for the Arts

§ 2-4-90 Creation, composition and organization.
§ 2-4-91 Function; powers; duties.
§§ 2-4-92 through 2-4-99 reserved.

ARTICLE L

Alexandria Community Criminal Justice Board

§ 2-4-100 Creation, composition and organization.
§ 2-4-101 Responsibilities and authority.
§§ 2-4-102 through 2-4-109 reserved.

ARTICLE M

Environmental Policy Commission

§ 2-4-110 Creation, composition and organization.
§ 2-4-111 Functions; powers and duties.

ARTICLE N

Alexandria Commission on Information Technology

§ 2-4-112 Creation, composition and organization.
§ 2-4-113 Functions.

ARTICLE O

George Washington Birthday Celebration Committee

§ 2-4-114 Creation, composition and organization.
§ 2-4-115 Function; rules; officers.

ARTICLE P

Alexandria Commission on HIV/AIDS

§ 2-4-116 Creation, composition and organization.
§ 2-4-117 Functions.
§§ 2-4-118, 2-4-119 reserved.

ARTICLE Q

Reserved

§§ 2-4-120 through 2-4-129 reserved.

ARTICLE R

Budget and Fiscal Affairs Advisory Committee

§ 2-4-130 Creation, composition, organization and term.
§ 2-4-131 Functions, powers and duties; staff assistance.
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ARTICLE S

Alexandria-Caen Exchange Committee

§ 2-4-140 Creation, composition, organization and term.
§ 2-4-141 Functions, powers and duties; staff assistance.
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ARTICLE T

Citizen Corps Council

§ 2-4-150 Creation, composition, organization and term.
§ 2-4-151 Functions, powers and duties; staff assistance.

ARTICLE U

Alexandria Transportation Commission

§ 2-4-160 Alexandria Transportation Commission—established.
§ 2-4-161 Same—composition.
§ 2-4-162 Same—appointment, procedures, and organization.
§ 2-4-163 Same—functions; powers; duties.

ARTICLE V

Public Health Advisory Commission

§ 2-4-170 Creation, composition, organization and term.
§ 2-4-171 Functions, powers and duties; staff assistance.
§§ 2-4-172 through 2-4-179 reserved.

ARTICLE W

Alexandria Gang Prevention Community Task Force

§ 2-4-180 Creation, composition and organization.
§ 2-4-181 Functions.
§§ 2-4-182 through 2-4-189 reserved.

ARTICLE X

Alexandria Beautification Commission

§ 2-4-190 Creation, composition and organization.
§ 2-4-191 Functions.
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ARTICLE Y

Alexandria Park and Recreation Commission

§ 2-4-200 Creation, composition and organization.
§ 2-4-201 Functions.
§§ 2-4-202—2-4-209 reserved.

ARTICLE Z

Alexandria Towing Advisory Board

§ 2-4-210 Creation, composition and organization.
§ 2-4-211 Functions.
§ 2-4-212 Meetings.
§§ 2-4-213 through 2-4-219 reserved.

ARTICLE A

General Provisions

Sec. 2-4-1 Purpose.

The city council recognizes that the several citizen boards, committees and commissions provide useful and meaningful citizen participation in and assistance to the government of the city and that such participation should be enhanced and strengthened. To improve the existing committee system and to enhance its role in the discussion and resolution of important matters of public policy, the council finds that it is desirable and necessary to establish certain basic procedures for the conduct of the committees' work, to provide a mechanism for the provision of adequate staffing and funding and to consolidate and reorganize the relationships between the city council, the city manager and the several committees. The purpose of this article is to accomplish the foregoing and nothing in this article is intended as or shall be deemed to be a derogation of any substantive right, function or power enjoyed by any committee under any provision of law.

Sec. 2-4-2 Definitions.

As used in this article, unless otherwise stated or the context otherwise requires:

(1) *City council* means the Alexandria City Council.

(2) *Committee* means any board, committee, commission, authority or similar body established by the city council or established pursuant to, or required by, any provision of the laws or regulations of the Commonwealth of Virginia or the United States, which has one or more members appointed or designated by the city council, and which has (i) a fixed membership, including at least one person who is not a city employee, (ii) a defined purpose and (iii) regular or periodic meetings.

(3) *Head of a committee* means the chairman, chairperson or other person designated or elected as the presiding officer of any committee.

(4) *Action* means any decision, recommendation, ruling or advice of a substantive nature made by a committee in accordance with section 2-4-5, which a committee is, by the terms of its enabling legislation, authorized to make.

(5) *Enabling legislation* means any constitutional provision, statute, city charter provision, resolution, ordinance or regulation or other provision of law enacted by the city council, the

Commonwealth of Virginia or the United States which establishes the committee and determines its composition, functions and powers.

(6) *Standing committee* means any committee established pursuant to law whose functions are established on a permanent, ongoing basis for an indefinite period of time.

(7) *Temporary committee* means any committee established for a fixed and definite purpose and for a limited and fixed period of time, include any *ad hoc* committee, task force or group created by ordinance or resolution.

(8) *Designated member* means a person appointed to a committee, pursuant to the terms of its enabling legislation, on behalf of, or as the representative of, another committee, organization or group.

(9) *Executive secretary* means the person and the functions described in section 2-4-9 of this article.

(10) *Regional committee* means a committee, the majority of whose members are appointed by one or more states or political subdivisions other than the city. (Ord. No. 3359, 2/25/89, Sec. 1; Ord. No. 3851, 3/23/96, Sec. 1)

Sec. 2-4-3 Application.

(a) Except as provided in subsection (b) of this section, the provisions of this article shall apply to all committees having one or more members appointed by the city council, notwithstanding other provisions of law to the contrary.

(b) Except for the provisions of section 2-4-7, relating to the making of appointments, the provisions of this article do not apply to:

(1) any regional committee.

(2) the Alexandria School Board.

(3) the Alexandria Redevelopment and Housing Authority.

(4) the Alexandria Sanitation Authority.

(5) the Alexandria Industrial Development Authority.

(Ord. No. 3359, 2/25/89, Sec. 2)

Sec. 2-4-4 Composition, terms and duties of committees.

(a) The composition, term of office, mission and function and other substantive duties relating to the work of any committee are those set forth by the terms of a committee's enabling legislation together with any additional functions or duties that may be assigned to a committee from time to time by the city council or other appropriate local authority.

(b) Whenever the city council has heretofore made or hereafter makes an appointment or reappointment of any person to any committee, and neither the law governing the appointment nor the council specifies any term of office for the person appointed then the appointment shall be deemed to be made for a term of two years beginning on the date of appointment.

(b.1) Unless otherwise specified in city code, state law or in a document creating the committee, no person shall be eligible for reappointment to any committee after having served 10 consecutive years as a member thereof. This provision may be waived by city council by resolution. Notwithstanding the foregoing, any person serving on a committee serving as of the effective date of this ordinance who would be rendered ineligible for reappointment by operation of this section shall be eligible for reappointment for one additional term without resolution of city council.

(c) In addition to any other function or duty that may be vested in a committee by its enabling legislation or otherwise, each committee shall:

(1) designate one of its members as head of the committee and one member to act as the secretary of the committee for the purpose of keeping and preparing minutes or reports of all meetings or actions taken at any meeting and designate such other officers as required by its enabling legislation. Where an officer or employee of the city has been assigned to assist a committee, such officer or employee may be designated as secretary unless the assignment is inconsistent with other tasks being performed by such officer or employee. The committee may also appoint any additional officers as it may deem proper.

(2) prepare and file with the executive secretary a copy of all such minutes or reports not more than 30 days after the conclusion of any meeting of the committee. A notation shall appear on the minutes indicating whether they have been officially approved by the committee.

(d) In addition to any other function or duty that may be vested in a committee by its enabling legislation or otherwise, each standing committee shall:

(1) hold at least one regular meeting each year and as many additional meetings as may be required by its enabling legislation or as the business of the committee may require.

(2) prepare and submit to the city council an annual report within 60 days after the close of the fiscal year or as shortly thereafter as possible. The report shall include, but not be limited to, a listing of the members of the committee, a description of the committee's principal activities during the reporting period and any recommendations of the committee for improving its functions and duties or making changes in other laws, procedures, policies or programs within the subject matter of its jurisdiction, including recommendations for additional federal or state legislation. These reports shall become available for public inspection and copying after submission to the city council.

(3) in addition to its annual report, any committee is authorized to make additional or special reports, oral or written, to the city manager of the city council at any other time that the committee determines that such reports may be needed, except that, no report requesting additional city funds or staff shall be submitted to the city council until it shall first have been submitted to the city manager for his comments and recommendations.

(4) prepare, in consultation with the city manager an annual budget, showing both the funding and staff directly assigned to the committee and estimated sums and staff time that may be used by the committee but are not directly assigned to it. (Ord. No. 4595, 6/13/09, Sec. 1)

Sec. 2-4-5 Procedure for committee meetings.

(a) Except as otherwise provided in this section, each committee may hold and conduct its meetings in the form and manner set forth in its enabling legislation and establish procedures as may be most conducive to the conduct of its business. Unless otherwise required by this article or other provision of law, all questions of procedure at any meeting shall be governed by Robert's Rules of Order.

(b) No action shall be taken nor business conducted by a committee without the presence of a quorum and such quorum shall consist of a majority of the voting members of the committee. A member present but not voting shall be considered in counting a quorum.

(c) No action which:

(1) is administratively final at the committee level without further appeal;

(2) may be appealed to either the city council or a court of competent jurisdiction; or

(3) constitutes a recommendation or proposal for action by the city council or any other city board or commission,

shall be taken by a committee without the affirmative votes of a majority of the committee

present unless a larger majority is required by the committee's enabling legislation. All votes shall be taken in public session and no proxy votes will be permitted.

(d) Any committee desiring to submit written or oral testimony to any federal or state legislative body or regulatory agency, other than the city council, in an official capacity shall first receive the approval of the city council. If time does not permit such submission, the committee shall state in its testimony to the legislative body or regulatory agency that its testimony reflects the position of the committee and does not necessarily represent the position of the city council. In such case a summary of testimony shall then be provided by the committee to the council for its information.

Sec. 2-4-6 Public participation in committee meetings.

(a) All committee meetings shall be open to the public except as to matters which, by law, may be the subject of an executive session or a closed meeting. In determining to hold an executive session or a closed meeting, the head of a committee shall first consult with the city attorney as to the appropriateness of such a meeting and the procedure to be followed.

(b) Except as may be permitted by law, all books, papers and reports or other documents produced by or under the control of a committee shall be open for public inspection and copying. A reasonable charge may be made for the cost of copying, printing or distribution of any such books, papers, reports or other documents.

(c) In consultation with the executive secretary, each committee shall provide for reasonable public notice of the time and place of its meeting together with an agenda of the matters to be discussed and which, if any, items will be the subject of public testimony or comment. No recommendation by a committee for action by the city council shall be made without first affording an opportunity for public comment.

Sec. 2-4-7 Appointments to committees.

(a) Unless an appointment or reappointment to a committee is expressly vested by law in the courts or in come other body, all appointments shall be made by the city council. No person shall be appointed to any committee without the affirmative votes of at least four members of the council.

(b) Before appointing or reappointing any person to a committee, the executive secretary shall give public notice of the impending appointment and cause the same to be advertised in the form and manner prescribed by law for public notices at least 21 days prior to consideration by the city council of the appointment or reappointment. Insofar as practicable, the notice shall indicate the name of the committee, the number of positions to be filled, any special occupational, professional or other qualifications that may be required for a particular position and the time within which the application required by subsection (c) of this section must be filed. Where a position can be filled only by a designated member, the notice shall also include the name of the organization, group or committee from which such member must be designated.

(c) No person shall be appointed or reappointed by the city council to any committee until there is first submitted and filed with the executive secretary an application form. No person shall submit an application for membership for more than one committee position at any city council meeting at which appointments to committees are considered. Such application shall include personal data with respect to the applicant's name, address, age, educational background, practical experience, length of residency, employment of the applicant or any relative by the city and any special qualifications that the applicant possesses for a particular position. Applications must be filed with the executive secretary not less than seven days prior to the date that the appointment will be considered by the city council.

(d) Unless its enabling legislation expressly so provides, or unless waived by a majority of the city council when it deems such waiver in the best interest of the city and such waiver is not prohibited by any provision of law, no person shall be appointed to a committee unless at the time of the appointment the person is a resident of and residing in the city, and the person shall cease to be a member of a committee upon becoming a resident of any other jurisdiction.

(e) No person who holds any office or position in the city for compensation shall be appointed to any committee which is involved in, responsible for, oversees or regulates the subject matter, policy or rules of the city department or agency by which the person is employed. The executive secretary shall review all applications for appointments to committees. The executive secretary shall advise the council whether, in his or her

opinion, the appointment of the person to the committee for which application has been made would result in such a situation.

(f) No person shall be appointed by the city council to more than one standing committee, or to more than one standing committee and one temporary committee, at the same time except as a designated member; provided, that, for the purposes of this subsection, a regional committee shall not be considered a standing or a temporary committee.

(g) Any person appointed to a committee shall, upon appointment, agree to comply with the provisions of chapter 5 of this title, concerning ethics, conflicts of interest and ownership of real property and, where applicable, the provisions of sections 2-5-11 to 2-5-16 of this code.

(h) Every person appointed by the city council to any committee shall, on or before undertaking a position on such committee, qualify by taking the following oath or affirmation before the clerk of the circuit court or other officer authorized to administer oaths or affirmations:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as (insert title of office) according to the best of my ability (so help me God).

(i)(1) The head of each committee shall keep or cause to be kept a record of each appointee's attendance at meetings of the committee, and shall, on or before July 1 of each year, forward to the executive secretary in writing, a copy of each attendance record for the immediately preceding 12 months. Appointees to committees shall attend at least 75 percent of the meetings of the bodies on which they serve each year. If the attendance record reflects that any appointee does not attend at least 75 percent of the meetings, the executive secretary shall advertise a vacancy so that city council can proceed to fill the vacancy at the first regular council meeting held in September, following any year during which an appointee has not attended at least 75 percent of the meetings. The executive secretary shall also forthwith notify the appointee of this action. The office of any appointee who has not attended the required number of meetings shall be automatically deemed vacant on the date of the abovementioned council meeting in September. If at any time during a year, a majority of the committee concludes that an appointee will be, based upon the appointee's attendance record, unable to meet the 75 percent attendance requirement, it may immediately direct the committee head to request the city council to declare the position vacant. If council determines that sufficient meetings have already been missed such that the 75 percent attendance requirement will not be met, it may declare the position vacant and may make an appointment to fill the vacancy for the remainder of the existing term of office of the appointee whose position was declared vacant.

(2) The committee head may excuse the absence of an appointee from a meeting or meetings if informed by the appointee of the absence within a reasonable period of time in advance of the meeting. Such excused absences shall not be considered by the committee head when preparing the appointee's attendance record but shall be noted as "excused absences" on the record.

(j) Any person appointed to a committee by the city council may be removed by the city council for neglect of duty or violations of this article or any other provision of law.

(k) Notwithstanding any contrary provision of this chapter, a member of city council, who serves a member of a committee established pursuant to this code, may appoint another person to represent the council member as an alternate member of such committee. Any such alternate member shall be appointed in writing, filed with the executive secretary and city clerk. Any such alternate member shall serve at the pleasure of the council member making the appointment, and, in the absence of the council member, may exercise any or all of the rights, privileges and duties of the council member on such committee. (Ord. No. 2619, 10/19/81, Sec. 1; Ord. No. 2641, 1/26/82, Sec. 1; Ord. No. 2723, 10/16/82, Sec. 1; Ord. No. 3359, 2/25/89, Sec. 3; Ord. No. 4506, 11/27/07, Sec. 1)

Sec. 2-4-8 Creation of new committees; term of temporary committees.

(a) Any new standing committee shall be established by ordinance.

(b) Any new temporary committee shall be established by ordinance or resolution which shall specify the term during which the committee shall remain in existence. No temporary committee shall be established for a term of more than 365 days, the period to run from the date the committee holds its initial meeting. The term of a temporary committee may be extended by council by ordinance or resolution for additional periods of up to 365 days each. A temporary committee shall cease to exist upon (i) the completion of its

designated task or assignment, (ii) the date it submits its final oral or written report to council, (iii) the expiration of the term specified in the ordinance or resolution creating the committee or of any extension of its original term, or (iv) three years from the date of its initial meeting, whichever occurs first.

(c) No new committee shall be established until the city manager has issued a report with comments and recommendations regarding the creation of the committee. The manager may delegate responsibility for preparing this report to any department head. The report required by this subsection shall include comments and recommendations concerning:

(1) the need for the committee and possible duplications or conflicts with other committees;

(2) the appropriateness of a committee format to deal with the issues involved; and

(3) the impact that creation of the committee will have on city staff resources, including:

(i) the estimated total amount of city staff time that will be required on an annual or other basis to staff the committee;

(ii) whether the committee can accomplish its assigned work with existing staff; and

(iii) if new staff will be required, the total amount of additional staffing that will be required and the projected annual cost of such additional staff. (Ord. No. 3851, 3/23/96, Sec. 2)

Sec. 2-4-9 Executive secretary.

(a) The city clerk appointed pursuant to Charter Section 3.06, or a person designated by him/her, shall be the executive secretary to all committees subject to this article. Where a person other than the city manager is designated, the person shall report to the city clerk. The executive secretary may attend and participate in all meetings of a committee but is not a member of any committee.

(b) The duties of the executive secretary shall include:

(1) subject to the availability of funds and staff, the provisions of appropriate staff and other resources necessary for a committee's effective performance;

(2) the review and establishment, insofar as possible, of uniform procedures and formats for the preparation of the attendance records, annual and other reports and minutes of committees;

(3) the monitoring of the effectiveness and efficiency of particular committees and the committee system as a whole on an annual basis and the making of appropriate recommendations to the city council for action;

(4) assisting, as requested, a committee in the preparation of its budgeted and other matters relating to the conduct of its work;

(5) the maintenance and publishing, annually, in cooperation with the city clerk, of a roster of the members of each committee and other pertinent information relating to the committee system;

(6) the preparation of a summary of the terms of this article and upon approval by the city attorney, make the summary available to all members of any committee or applicants for appointment; and

(7) any other matters as may be assigned by the city manager or the city council. (Ord. No. 4905, 10/18/14, Sec. 1)

Sec. 2-4-10 Staff assistance.

No committee may request the assistance of city staff or make an assignment to city staff except pursuant to committee action, as defined in section 2-4-2(4). Unless acting pursuant to committee action, no member of a committee may request staff assistance, or make an assignment to staff, relating to committee business. (Ord. No. 3851, 3/23/96, Sec. 3)

Secs. 2-4-11 through 2-4-20 reserved.

ARTICLE B

Economic Opportunities Commission

Sec. 2-4-21 Creation, composition and organization.

(a) There is hereby established a commission to be known as the "Economic Opportunities Commission of the City of Alexandria, Virginia," hereinafter referred to as the commission.

(b)(1) The commission shall consist of 18 residents of Alexandria. Of the 18 commissioners, one-third (1/3) (category I) shall be appointed by the city council and shall be elected public officials, currently holding office, or their representatives; at least one-third (1/3) (category II) shall be representatives of the poor certified by the commission; and the remainder (category III) shall be representatives of business, industry, labor, religious, welfare or other private groups and interests certified by the commission.

a. Elected public officials (category I). Of the six (6) elected public officials, four (4) shall be members of the city council and two (2) shall be from the following elected officials who represent residents of Alexandria: members of the United States Congress, Virginia state senators, Virginia state delegates, commonwealth's attorney or sheriff. In the event a specified public official elects to serve on the commission, such official may designate a permanent representative to serve in his or her place or select an alternate to represent the official when he or she is unable to attend a meeting. Such representative shall serve at the pleasure of the public official making the designation, but in no event shall such representative serve for a greater term than the official making the appointment. A representative or alternate must be a resident of the city. For the purposes of category I appointments, the requirements of section 2-4-7(b) and (c) are waived.

b. Representatives of the poor (category II). The commission shall determine and state in its by-laws the number of representatives of the poor who will serve on the commission. This determination shall ensure, to the maximum extent practicable, that there is a representative from each target area of the commission and available organizations which represent the poor.

c. Representatives of the private sector (category III). The commission shall establish in its by-laws the exact number of representatives of private sector organizations or interests who will serve on the commission.

d. Alternates. The commission may authorize alternates to serve for representatives of the poor or for private organizations or interests (categories II and III). Alternates shall be selected at the same time and in the same manner as the principal representatives of the poor, and private groups or interests.

(2) City council shall adopt rules and procedures for the process whereby category I commissioners will be appointed and may be removed.

(3) The commission shall adopt rules and procedures for the democratic process whereby candidates for membership on the commission from categories II and III will be selected. Upon such selection, the commission shall certify the names of the individuals so selected to the city clerk and the mayor. Upon such certification and the attesting of such certification by the city clerk, the individuals selected from category II and category III shall be deemed members of the commission. Any member of the commission serving in categories II and III may be removed by the commission if the person has failed to attend at least 50 percent of the regular meetings of the commission or has been otherwise neglectful of duties or for misfeasance in office.

(4) The commissioners shall serve terms of two (2) years beginning with the first city council legislative meeting after the adoption of this article. No category II or III commissioner may serve more than two (2) consecutive two (2) year terms or serve more than a total of 10 years. Intervals after consecutive terms must consist of at least one (1) full year during which the individual may not serve on the commission in any capacity.

(5) Any group or community agency which is representative of the poor and which believes that it is inadequately represented on the commission may petition the commission for representation. The petition shall state the grounds therefor and include at least 75 signatures of individuals who belong to the group or agency. Following receipt of the petition, the commission shall hold a public hearing and, if it determines that the petitioner is inadequately represented, it shall notwithstanding sec. 2-4-21(b)(1) of this article and pursuant to sec. 2-4-21(b)(3), certify the individual who has been properly selected by the petitioner and such person shall be deemed a member of the commission. In such instance where an additional seat is created, the commission shall also, at the

same time as it certifies the name of the additional representative, recommend for city council adoption, an ordinance amendment which will maintain the ratio of public, private and representative of the poor sectors as provided elsewhere in this article.

(c) The commission shall elect from its membership a chairperson, a vice-chairperson, who shall serve in the absence of the chairperson, and a secretary, who shall be responsible for the keeping and signing of minutes of meetings. A quorum, which shall be at least 50 percent of the nonvacant seats on the commission, shall be required for the commission to transact business.

(d) The commission is authorized to establish an executive committee chosen from among its members which may transact commission business as provided in the by-laws of the commission, between regular meetings of the commission, provided that the composition of the executive committee fairly reflects the composition of the commission as a whole and that the executive committee reports to the full commission all of its actions at the next following regular meeting.

(e) All meetings of the commission and its committees shall be open to the public to the full extent required by the Virginia Freedom of Information Act.

(f) The commission shall submit all of its by-laws and procedures to the city council for its approval. All such rules and regulations must conform to the applicable regulations prescribed by federal law. Where a particular activity of the commission is not governed by federal laws or regulations, such by-laws and procedures shall conform to city ordinances governing city boards and commissions generally and the specific provisions of this section, as the case may be. (Ord. No. 2690, 6/12/82, Sec. 1)

Sec. 2-4-22 Functions; powers; duties.

(a) The functions of the commission shall include the following:

(1) to recommend to city council programs to assist the poor and disadvantaged;

(2) to review and advise city council regarding proposed projects which impact on the poor and disadvantaged;

(3) to develop policy for and coordinate programs which will develop training and employment opportunities and will facilitate the improvement of human performance, motivation and productivity;

(4) to improve conditions under which people live, learn and work;

(5) to serve as an advocate for the poor;

(6) to oversee community outreach and organization functions; and

(7) to monitor and evaluate programs providing services for the poor.

(b) In order to carry out its functions, the commission is authorized to and shall:

(1) serve as an advocate for the poor and, in this capacity, shall provide leadership to enable the poor and disadvantaged within the city to achieve equality of opportunity and social justice.

(2) develop goals, objectives and priorities which shall guide the Alexandria Office of Economic Opportunities in performing its functions identified in section 2-4-24 below.

(3) Develop policy for and coordinate programs, projects or activities which will further its goals and objectives.

(4) Oversee the extent and quality of the participation of the poor in the programs of the commission.

(5) Submit to city council plans for increasing, coordinating, improving or retargeting resources that affect the poor and disadvantaged.

(6) Hold such public hearings as it deems necessary or as city council shall request.

(7) Submit to city council reports prepared by the Alexandria Office of Economic Opportunities which set forth activities, expenditures and evaluations of the effectiveness of the work programs. Such reports shall be submitted to city council on the same schedule which governs the submission of the reports to the community services administration.

(8) Submit to city council for its approval applications to federal and state agencies for financial assistance.

(9) Participate jointly with the city manager and concur formally in the selection of the Executive Director of the Alexandria Office of Economic Opportunities.

(10) Establish by-laws or procedures governing its activities, provided they are not contrary to the mandate or spirit of this ordinance or to any federal statutes, rules or regulations governing community action agencies.

Sec. 2-4-23 Alexandria Office of Economic Opportunities—creation and organization; appointment of the executive director.

(a) There is hereby established a city agency to be known as the Alexandria Office of Economic Opportunities, hereinafter referred to as AOEO.

(b) The organizational structure of the AOEO shall be determined by the city manager after the commission and any of its committees (as appropriate) shall have had the opportunity to review and provide comments.

(c) The commission and the city manager shall participate jointly and concur formally in the selection of the executive director. The procedure for the joint selection and the concurrence shall be determined by mutual agreement of the commission and the city manager. Such procedures must be in accordance with CSA Instruction 6400-01a. The commission is authorized to evaluate the executive director annually and submit the evaluation to the city manager. The executive director may be removed by the city manager only after submitting to the commission his reasons for proposing the removal and reviewing the commission's response, if any, to those reasons.

(d) The executive director and all other staff of the AOEO shall be city employees whose conduct and performance shall be subject to city personnel policies and procedures. Subject to the availability of funds, the executive director shall hire any staff as required to satisfactorily perform the functions of the AOEO.

Sec. 2-4-24 Functions, duties and responsibilities of the Alexandria Office of Economic Opportunities.

Under the direction of the executive director, subject to the approval of the commission, the AOEO is authorized to and shall:

(1) Operate and/or sponsor such programs, projects or activities which carry out the commission's goals and objectives and work programs.

(2) Research, plan, design, mobilize, operate or sponsor programs, projects and activities which will develop training and employment opportunities and will facilitate the improvement of human performance, motivation and productivity.

(3) Improve conditions under which people live, learn and work.

(4) Serve as an advocate for the poor.

(5) Perform community outreach and organization functions.

(6) Provide technical assistance to neighborhood and community organizations whose goals and objectives include the achievement of equality of opportunity and social justice for the poor and disadvantaged.

(7) Provide staff assistance to the commission and its committees which includes, but is not limited to, preparation and mailing of notices and agenda; location of meeting place; and research and preparation of issues and items to be presented to the commission and its committees.

(8) Research and prepare grant and contract applications for the commission's approval and presentation to city council, which include statements of need, budgets and work programs.

(9) Coordinate activities with appropriate city and private human service agencies to maximize the effectiveness of services for the poor and disadvantaged.

(10) Undertake activities designed to fulfill its community outreach and community organization functions, including but not limited to contacting individuals who reside in designated areas of the city, identifying their problems, assisting them to secure needed services from appropriate public and private agencies and assisting them to organize themselves to better represent their views and needs to various city, state and federal bodies.

(11) Through the press and other media, keep the community informed of progress made toward achieving economic and social justice for all in the city.

Secs. 2-4-25 through 2-4-30 reserved.

ARTICLE C

Historic Alexandria Resources Commission

Sec. 2-4-31 Creation, composition and organization.

(a) There is hereby established a commission to be known as the "Historic Alexandria Resources Commission of the City of Alexandria, Virginia," hereinafter referred to as the "commission."

(b) The commission shall consist of commissioners appointed by the city council to provide representation for the following groups:

(1) *Category A—City commissions.* One representative from each of the following groups (for a total of no more than four members):

Alexandria Archaeological Commission

Alexandria Historical Restoration and Preservation Commission

Alexandria Convention and Visitors Association

Public Records Advisory Commission

(2) *Category B—History organizations.* One representative from each of the following groups and entities (for a total of no more than 10 members):

Alexandria Association

Alexandria Historical Society

Mortar & Pestle Society

Alexandria Society for the Preservation of Black Heritage, Inc.

Carlyle House

Christ Church

George Washington Masonic Memorial

Historic Alexandria Foundation

Lee-Fendall House

Old Presbyterian Meeting House

(3) *Category C—Other.*

a. *Tourism and business.* Two representatives from the business community, one of which shall be designated by the Alexandria Chamber of Commerce (for a total of no more than two members).

b. *Art-affiliated groups.* One representative from each of the following groups (for a total of no more than two members):

Northern Virginia Fine Arts Association

Torpedo Factory Artists Association

c. *At-large members.* Seven representatives of the public at large of which at least two shall be members of Alexandria civic associations. At least two representatives shall be appointed from each of the three planning districts of the city (for a total of six of the no-more-than-seven at-large members).

d. *Historic site volunteer member.* One member who serves as a volunteer at a historic property or attraction which is open to the public on a regularly scheduled basis.

(c) One person may be appointed by the city council to represent more than one of the aforesaid groups and, thus, reduce the constituent membership of the commission to less than 26 appointed members but only if the groups who are to share representation by the same member have given their prior consent thereto. (Ord. No. 2708, 6/22/82, Sec. 1; Ord. No. 4151, 9/16/00, Sec. 1; Ord. No. 4902, 9/14/14, Sec. 1)

Sec. 2-4-32 Functions, powers and duties.

The commission may advise and support the city council, the city manager and the city staff of the Historic Alexandria Resources Office as to:

(a) The responsible stewardship of this unique, historic city, including:

(1) Preserving historic sites and buildings, artifacts and records, in all their forms, from loss or deterioration;

(2) Using these resources in consonance with professional standards of scholarship and museum procedures; and

(3) Developing our city in directions that do not threaten its historic integrity.

(b) Enhancing the quality of the Alexandria urban environment for the residents of the city, including:

(1) Building a sense of community identity and continuity;

(2) Preserving the historic cultural diversity of the city; and

(3) Building Alexandria's national and international reputation as an attractive city.

(c) Attracting people and business to Alexandria, including:

(1) Making Alexandria an attractive place to locate offices, businesses and light industry;

(2) Increasing the contribution of tourism to city finances; and

(3) Enhancing the availability and improving public access to the city's historic resources. (Ord. No. 2708, 6/22/82, Sec. 1)

Secs. 2-4-33 through 2-4-40 reserved.

ARTICLE D

Alexandria Commission on Employment

Sec. 2-4-41 Creation, composition and organization.

(a) There is hereby established a commission to be known as the "Alexandria Commission on Employment" (the "commission").

(b) The commission shall consist of 13 commissioners appointed by the city council to provide representation for the following groups:

(1) seven business representatives from among recognized area businesses, including minority-owned and small businesses;

(2) three representatives from such organizations as educational agencies, organized labor, rehabilitation agencies, community-based organizations, economic development agencies and the public employment service; and

(3) three citizens-at-large.

(c) No later than February 1, 1988, the persons who, on January 23, 1988, served on the previously constituted Alexandria Commission on Employment ("ACE") shall be invited by the city clerk to serve on the commission. The clerk shall record the responses to this invitation and shall submit a listing to the city council. All persons accepting the invitation shall serve on the commission until the expiration of their unexpired term on the ACE on January 23, 1989, whichever is earlier. If, at any time, such persons number fewer than 13 or do not provide the representation required by subsection (b), additional appointments to the commission shall be made in the manner prescribed in article A of this chapter.

(d) Except as provided above in subsection (c), all appointments to the commission shall be made in the manner prescribed in article A of this chapter. (Ord. No. 3263, 1/23/88, Sec. 2; Ord. No. 4142, 6/17/00, Sec. 1)

Sec. 2-4-42 Functions; powers; duties.

(a) The functions of the commission shall be the following:

(1) to develop a citywide plan for employment services that reflects the goals of linking existing city employment and training programs operated by the city school system and with the economic development program operated by the Alexandria Chamber of Commerce in cooperation with city council;

(2) to obtain citizen input into the planning, oversight and evaluation of all projects carried out by the office of employment training;

(3) to develop and coordinate relationships among employment and training programs, educational institutions and the private sector;

(4) to promote and evaluate private sector activities that may be funded by the city or provided through grant funds from federal or state sources;

(5) to provide information to city council on local labor market trends for consideration in the development of employment and training programs for the city;

(6) to review and provide comments to city council on the impact of the city's economic development program on the local labor market; and

(7) to assist city council and the staff of the department of human services and the office of employment training in determining how better to meet the needs of private businesses in placing city residents who are unemployed or economically disadvantaged into unsubsidized employment. (Ord. No. 3263, 1/23/88, Sec. 2; Ord. No. 4142, 6/17/00, Sec. 2)

Sec. 2-4-43 Staff assistance.

The director of the department of human services shall be responsible for the assignment of staff support to the commission to assist the commission in the exercise of its functions, powers and duties. (Ord. No. 3263, 1/23/88, Sec. 2)

Secs. 2-4-44 through 2-4-50 reserved.

ARTICLE E

Waterfront Commission

Editorial Note: Ord. No. 3382, §§ 1—5, adopted May 23, 1989, did not specifically amend the Code, hence inclusion herein as Art. E, §§ 2-4-51—2-4-55, was at the discretion of the editor. Ord. No. 4757, § 1, adopted April 14, 2012, changed the title of Art. E from "Alexandria Waterfront Committee" to "Waterfront Commission."

Cross reference: Creation of new committees, § 2-4-8.

Sec. 2-4-51 Established.

There is hereby established a standing committee to be known as the waterfront commission (the "commission") which shall replace the waterfront committee established by city council on May 23, 1989. (Ord. No. 3382, 5/23/89, Sec. 1; Ord. No. 4757, 4/14/12, Sec. 1)

Sec. 2-4-52 Composition.

The commission shall consist of 21 members appointed by the city council. The composition of the commission shall be as follows:

(a) one representative from the Alexandria City Council;

(a.1) one representative from the Alexandria Commission for the Arts;

(b) one representative from the Alexandria Convention and Visitors Association;

(c) one representative from the Alexandria Parks and Recreation Commission;

(c.1) one representative from the Alexandria Planning Commission;

(c.2) one representative from the Historic Alexandria Foundation;

(d) one citizen representative from the Old Town Civic Association;

(e) one citizen representative from the Founders' Park Community Association;

(f) one citizen representative who resides east of Washington Street and south of King Street;

(g) one citizen representative who resides east of Washington Street and north of King Street;

(h) one citizen representative who resides east of Washington Street and north of Pendleton Street;

(i) from the Old Town Business Association;

(j) one representative from the Alexandria Chamber of Commerce;

(k) one representative from the owners of pleasure boats leasing space at the Alexandria Marina;

(l) one representative from the Alexandria Archaeological Commission;

(m) one representative from the Alexandria Environmental Policy Commission;

(n) one representative from the Alexandria Seaport Foundation;

(n.1) one citizen representative from Park Planning District I;

(n.2) one citizen representative from Park Planning District II;

(n.3) one citizen representative from Park Planning District III; and

(o) one at-large citizen representative other than from any group or area listed above except n.1, n.2, or n.3. (Ord. No. 3382, 5/23/89, Sec. 2; Ord. No. 3922, 4/12/97, Sec. 1; Ord. No. 4097, 12/18/99, Sec. 1; Ord. No. 4757, 4/14/12, Sec. 1)

Sec. 2-4-53 Appointment.

Members of the commission shall be appointed in the manner prescribed in title 2, chapter 4, article A of the city code; provided, however, that members who are a representative of an organization shall be nominated by their organization and confirmed by city council. (Ord. No. 3382, 5/23/89, Sec. 3; Ord. No. 4757, 4/14/12, Sec. 1)

Sec. 2-4-54 Functions.

The functions of the commission shall be to advise city council, the city manager, and appropriate city departments on matters pertaining to:

- the use of the Alexandria Waterfront by commercial and private vessels; and
- implementation of the Waterfront Small Area Plan.

For purposes of this article, the term "Alexandria Waterfront" shall include the area within the boundary of the Waterfront Small Area Plan and shall include all waters of the Potomac River located within the boundaries of the city and all piers, docks and other structures located on such waters which are or may be used for the docking of commercial or private vessels. (Ord. No. 3382, 5/23/89, Sec. 4; Ord. No. 4757, 4/14/12, Sec. 1)

Sec. 2-4-55 Coordination with other public advisory bodies.

The commission shall coordinate its activities with those of other relevant public advisory bodies within the city. (Ord. No. 3382, 5/23/89, Sec. 5; Ord. No. 4757, 4/14/12, Sec. 1)

Secs. 2-4-56 through 2-4-60 reserved.

ARTICLE F

USS Alexandria Liaison Committee

Sec. 2-4-61 Creation, composition and organization.

(a) There is hereby established a standing committee known as the USS Alexandria Liaison Committee.

(b) The committee shall consist of five members to be appointed by the city council. The composition of the committee shall be as follows:

(1) one representative from the Alexandria Chamber of Commerce;

(2) one representative from the Alexandria Federation of Civic Associations;

(3) one representative from the U.S. Navy League; and

(4) two citizen-at-large members.

(c) Members of the committee shall be appointed in the manner prescribed in title 2, chapter 4, article A of the city code; provided, however, that members who are the representatives of an organization shall be nominated by the organization and confirmed by city council. The members shall serve for a term of three years; provided, however that of the members first appointed, one shall be appointed for a term of one year, two shall be appointed for terms of two years, and two shall be appointed for terms of three years. (Ord. No. 3556, 1/25/92, Sec. 1)

Sec. 2-4-62 Functions; powers; duties.

(a) The functions of the committee shall be as follows:

(1) to maintain a strong long-term relationship between the City of Alexandria and the crew and families of the USS Alexandria, including but not limited to sponsorship of visits to Alexandria by the crew and their families; and

(2) to provide ongoing financial support to the submarine's crew.

(b) The unexpended funds of the Ad Hoc USS Alexandria Liaison Committee shall be transferred to a new account established with the city for the USS Alexandria Liaison Committee. The committee shall use the funds transferred to it from the Ad Hoc USS Alexandria Commissioning Committee and any future contributed funds for the benefit of the crew of the USS Alexandria.

(c) The committee shall submit an annual report to city council explaining what it has accomplished during the year and an accounting of any funds it has expended with a detailed description of the purpose for which the funds were expended.

(d) Notwithstanding the provisions of section 2-4-9, the executive secretary shall provide no administrative or clerical assistance or resources to the committee. (Ord. No. 3556, 1/25/92, Sec. 1)

ARTICLE G

Reserved

Editorial Note: Ord. No. 4500, § 1, adopted October 13, 2007, repealed Article G, §§ 2-4-63—2-4-66, which pertained to the Alexandria Marketing Committee. Section 2 of said ordinance enacted provisions designated as a new Article G.1 to read as herein set out. See also the Ordinance Comparative Table.

ARTICLE G.1

Alexandria Marketing Committee and Coordinating Council

Editorial Note: See the editor's note at Article G.

Sec. 2-4-63 Alexandria Marketing Committee established.

There is hereby established a standing committee known as the Alexandria Marketing Committee. (Ord. No. 4500, 10/13/07, Sec. 2)

Sec. 2-4-64 Same—composition.

The committee shall consist of nine members: one citizen at large and eight additional members with a variety of experience or expertise in the following areas:

(1) marketing/communications;
(2) advertising agency/public relations;
(3) media buyer;
(4) graphic design/production;
(5) media relations/media outlet. (Ord. No. 4500, 10/13/07, Sec. 2; Ord. No. 4698, 12/18/10, Sec. 1)

Sec. 2-4-65 Same—appointment, procedures, and organization.

(a) The committee shall be appointed by city council, based on nominations by the Alexandria Marketing Coordinating Council. The committee members shall be appointed for terms of three years; however, of the members first appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years, to be determined by city council in making the initial appointments.

(b) Except as to the manner of appointment specified in subsection (a) hereof, the committee shall be subject to the provisions of this chapter. (Ord. No. 4500, 10/13/07, Sec. 2)

Sec. 2-4-66 Same—functions; powers; duties.

(a) The purpose of the committee is to foster public/private cooperation and coordination among multiple businesses and organizations to promote Alexandria as a destination for visiting, shopping, dining and doing business; to leverage public dollars with private investment, and to bring increased revenues to the City of Alexandria.

(b) The committee shall administer the marketing fund established by city council and may make grants from such monies as may be available therein.

(c) In making such grants, the committee shall adhere to the guidelines for applications for grants from the marketing fund, as the same have been adopted, and may from time to time be amended, by the city council. (Ord. No. 4500, 10/13/07, Sec. 2)

Sec. 2-4-67 Alexandria Marketing Coordinating Council established.

There is hereby established a standing committee known as the Alexandria Marketing Coordinating Council. (Ord. No. 4500, 10/13/07, Sec. 2)

Sec 2-4-68 Same—composition.

The council shall consist of the six members: one designee of the city manager and five additional members, each of whom shall represent one of the following entities:

(1) Alexandria Chamber of Commerce;

(2) Alexandria Convention and Visitors Association (ACVA);

(3) Alexandria Economic Development Partnership (AEDP);

(4) Alexandria Commission for the Arts;

(5) Office of Historic Alexandria. (Ord. No. 4500, 10/13/07, Sec. 2)

Sec. 2-4-69 Same—appointment; procedures, and organization.

(a) Each entity listed in section 2-4-68 shall nominate a representative who shall be appointed by the mayor to serve as a member of the Alexandria Marketing Coordinating Council.

(b) Except as to the manner of appointment specified in subsection (a) hereof, the council shall be subject to the provisions of this chapter. (Ord. No. 4500, 10/13/07, Sec. 2)

Sec. 2-4-70 Same—functions; powers; duties.

(a) The purpose of the council is to foster public/private cooperation and coordination among multiple businesses and organizations to promote Alexandria as a destination for visiting, shopping, dining and doing business; to leverage public dollars with private investment, and to bring increased revenues to the City of Alexandria.

(b) The council shall advise applicants for marketing fund grants; advise the city council, in consultation with the members of the Alexandria Marketing Committee, as to the marketing fund guidelines; advise the marketing committee as to grant applications, and nominate members of the Alexandria Marketing Committee.

(c) In making recommendations on grants, the council shall adhere to the guidelines for applications for grants from the marketing fund, as the same have been adopted, and may from time to time be amended, by the city council. (Ord. No. 4500, 10/13/07, Sec. 2)

ARTICLE H

Alexandria Housing Affordability Advisory Committee

Editorial Note: Article G was relettered as Article H at the discretion of the editor in order to include the provisions of Ord. No. 3672 as a new Article G. Ord. No. 4952, § 1, adopted June 13, 2015, changed the title of Article H from "Affordable Housing Committee" to "Alexandria Housing Affordability Advisory Committee."

Sec. 2-4-71 Creation, composition and organization.

(a) There is hereby established a committee known as the Alexandria Housing Affordability Advisory Committee.

(b) The voting membership shall consist of 19 citizen members who shall be appointed by city council. The composition of the voting membership shall be as follows:

(1) one commissioner from the Alexandria Redevelopment and Housing Authority;

(2) one licensed and practicing attorney;

(3) one builder or developer of residential property;

(4) one real estate professional with knowledge and experience in residential real estate;

(5) two financial professionals with knowledge and experience in the field of finance;

(6) one landlord of residential property in the city;

(7) one residential tenant in the city;

(8) one homeowner in the city;

(9) one representative of the city's faith community;

(10) one representative of a civic association in the city;

(11) one representative of an organization that promotes and maintains affordable housing;

(12) one representative of an employer in the city who employs at least 100 employees;

(13) one person designated by, but who need not be a member of, the commission on aging;

(14) one person who is either an employee of the city or the Alexandria City Public Schools;

(15) one person who represents housing consumers under 30 years of age;

(16) two representatives of the city's small business community, including the retail, restaurant, or hospitality sectors; and

(17) one person designated by, but who need not be a member of, the commission on persons with disabilities.

(c) The non-voting membership of the committee shall consist of three representatives of the city who will serve in an advisory capacity. The city representative members shall consist of one representative of each of the following city departments:

(1) the office of housing;

(2) the department of planning and zoning; and

(3) the department of human services.

(d) Voting members of the committee shall be appointed in the manner prescribed in article A of this chapter. Such members shall be appointed to three-year staggered terms and shall be eligible for reappointment. One-third of the initial appointments shall be for a one year term, one-third of the initial appointments shall be for a two-year term, and one-third of the initial appointments shall be for a three-year term. Initial terms of office shall be determined by lot at the first committee meeting. Non-voting members shall be appointed by the city manager. (Ord. No. 3615, 2/20/93, Sec. 1; Ord. No. 4188, 2/24/01, Sec. 1; Ord. No. 4460, 9/16/06, Sec. 1; Ord. No. 4952, 6/13/15, Sec. 2)

Sec. 2-4-72 Functions; powers; duties.

(a) The functions of the committee shall be as follows:

(1) to oversee the administration of the housing trust fund;

(2) to make recommendations to city council regarding the expenditure of housing trust fund monies;

(3) to advise and make recommendations to city council regarding affordable housing policy and goals;

(4) to actively seek, promote and influence non-city funding opportunities through city council for affordable housing;

(5) to review staff recommendations on affordable housing plans;

(6) to appoint one member of the committee to serve as liaison to ARHA;

(7) to represent the interests of affordable housing before other city boards and commissions; and

(8) to serve as an advocate for the promotion of affordable housing.

(b) Notwithstanding the provisions of section 2-4-9, the executive secretary to the committee shall provide no administrative assistance or resources to the committee. (Ord. No. 3615, 2/20/93, Sec. 1)

Secs. 2-4-73 through 2-4-79 reserved.

ARTICLE I

Alexandria Archaeological Commission

Sec. 2-4-80 Creation, composition and organization.

(a) There is hereby established a standing commission known as the Alexandria Archaeological Commission.

(b) The commission shall consist of 15 members to be appointed by the city council. The composition of the commission shall be as follows:

(1) five members at large;

(2) one citizen member from each of the three planning districts;

(3) one member from the Alexandria Association;

(4) one member from the Alexandria Chamber of Commerce;

(5) one member from the Alexandria Convention and Visitors Bureau Board of Directors;

(6) one member from the Alexandria Historical Society;

(7) one member from the Alexandria Society for the Preservation of Black Heritage;

(8) one member from the Friends of Alexandria Archaeology; and

(9) one member from the Historic Alexandria Foundation.

(c) Members of the commission shall be appointed in the manner prescribed in title 2, chapter 4, article A of the city code; provided that members who are the representative of an organization shall be nominated by the organization and confirmed by city council. The members shall serve for a term of four years; provided, that the members of the commission in office as of January 21, 1995, shall continue to serve the unexpired portion of their term of office; and, provided further, that the members who are the representative of an organization shall cease to be a member at such time as they shall cease to be a member, in good standing, of the organization for which they serve as representative. (Ord. No. 3773, 1/21/95, Sec. 1)

Sec. 2-4-81 Functions; powers; duties.

(a) The functions of the commission shall be as follows:

(1) to develop goals and priorities relating to the preservation and public interpretation of sites and resources which contribute to the history and

heritage of Alexandria from the beginning of human settlement, as well as that of the Commonwealth of Virginia and the United States;

(2) to promote the archaeological programs of the city with local, state and federal governments, private foundations, the general public, and area schools and colleges;

(3) to disseminate archaeological and historical data for public information, city use, and preservation planning purposes;

(4) to protect archaeological sites and artifacts from neglect, desecration, damage and destruction, and to assure proper evaluation and study of such sites and artifacts;

(5) to promote the exhibitions and programs of the Alexandria Archaeology Museum;

(6) to plan, develop and recommend short; mid- and long-term archaeological plans and programs;

(7) to develop a site registry of all lands in the city, whether public or private, known or believed to be of significant archaeological value;

(8) to encourage financial contributions, volunteerism and leadership opportunities that supplement and complement the city's archaeology program and the Alexandria Archaeology staff in a manner consistent with its high professional integrity;

(9) to enhance the visibility of the City of Alexandria as a leader in archaeology throughout Virginia, the United States and the world;

(10) to encourage the integration of archaeological and historical information and site preservation into master plans and development efforts;

(11) to make recommendations to city council regarding additional activities involving Alexandria's archaeological program, including conservation and curation;

(12) to coordinate and encourage the development of educational programs with local high schools and universities whereby students may receive credit by studying Alexandria through archaeological methods;

(13) to encourage owners of private lands which contain or may contain archaeological sites to seek advice from and work with Alexandria Archaeology prior to and during any development;

(14) to promote public awareness and participation in the preservation and study of archaeological sites and artifacts;

(15) to provide recommendations to individuals and communities on preservation of archaeological sites, resources and artifacts and on the formation of standards and guidelines;

(16) to support the staff of Alexandria Archaeology and its volunteers;

(17) to promote the use of the highest professional standards by Alexandria Archaeology staff in the collection, conservation and curation of the Alexandria Archaeology collection and associated records, maps, photographs and tapes; and

(18) to propose local ordinances and state statutes to promote the goals and aims set forth above.

(b) The commission is empowered to adopt rules and regulations in regard to procedure and other matters so long as the same are not inconsistent with the city code, and including, but not limited to, the establishment of committees through which to carry on its functions and purpose.

(c) The commission chair, vice-chair and secretary shall be elected annually by the commission members at the September meeting.

(d) The commission shall hold at least 10 regular meetings each year, and as many special meetings as the commission may deem advisable. (Ord. No. 3773, 1/21/95, Sec. 1)

Secs. 2-4-82 through 2-4-84 reserved.

ARTICLE J

Emergency Medical Services Council

Sec. 2-4-85 Creation, composition and organization.

(a) There is hereby established a committee known as the Emergency Medical Services Council (the "council").

(b) The council shall consist of 16 voting members, four of whom shall be ex officio members and 12 of whom shall be appointed by city council. The four ex officio members shall be the city manager or a designee of the manager, the fire chief, the director of the fire department's emergency medical services division, and an emergency rescue technician selected from among the city's emergency rescue technicians by his peers, through a voting process established by the fire chief. The 12 members of the council to be appointed by city council shall be as follows:

(1) One emergency room physician from Alexandria Hospital;

(2) One representative of the Alexandria Medical Society who has privileges at Alexandria Hospital;

(3) One representative of the Emergency Nurses Association from Alexandria Hospital;

(4) One representative of the hospital administration at Alexandria Hospital;

(5) One representative of the Federation of Civic Associations;

(6) (Reserved)

(7) One representative of the Alexandria Red Cross;

(8) Four citizens;

(9) (Reserved)

(10) One representative of nursing homes located in the city; and

(11) Alexandria's Operational Medical Director.

(c) The members of the council who are to be appointed by city council shall be appointed in the manner prescribed in article A of this chapter; provided, that members who are a representative of an organization or group shall be nominated by the organization or group and appointed by city council. Such members shall be appointed to two-year terms and shall be eligible for reappointment without limitation. (Ord. No. 3799, 5/13/95, Sec. 1; Ord. No. 4461, 9/16/06, Sec. 1)

Sec. 2-4-86 Functions, powers and duties; officers; meetings; staff assistance.

(a) The functions of the council shall be to advise the city council with respect to the following:

(1) the provision of training to emergency rescue technicians, including training to enable such personnel to progress to coronary care technicians with appropriate technical capabilities;

(2) the acquisition of appropriate therapeutic and record keeping equipment to correspond with the level of training and expertise of emergency rescue technicians;

(3) the provision of a medical communications network which may fit into a regionalized plan;

(4) applications to various grant sources for funding for planning and implementation of the emergency medical services program;

(5) disaster planning, including arrangements for communications and assistance with neighboring communities, coordination with local hospitals, and provisions of a disaster vehicle with appropriate supplies and communications and other equipment; and

(6) such other matters as the city council or the city manager may refer to the council, or the council, with the concurrence of the manager, may consider on its own initiative.

(b) The council is empowered to adopt rules and regulations with respect to the procedures of its meetings and similar matters, including the establishment of committees through which it may carry on its functions, so long as such rules and regulations are not inconsistent with any provisions of this code or other law.

(c) The council chair, vice-chair and secretary shall be elected annually by the members of the council at its first meeting of the calendar year.

(d) The council shall hold at least four regular meetings each year, and as many special meetings as it may deem advisable.

(e) Notwithstanding any provision of this chapter to the contrary, the executive secretary, as defined in section 2-4-2 of this code, shall not be required to provide any administrative assistance or resources to the council. (Ord. No. 3799, 5/13/95, Sec. 1)

ARTICLE K*

Alexandria Commission for the Arts

Sec. 2-4-90 Creation, composition and organization.

(a) There is hereby established a standing commission known as the Alexandria Commission for the Arts.

(b) The commission shall consist of 16 members to be appointed by the city council. The composition of the commission shall be as follows:

(1) four member shall have expertise in the arts, including, but not limited to, arts educators, professional practitioners of various art disciplines and professional administrators working in the arts;

(2) three members shall have specific expertise in visual arts either as professional practitioners of visual art, curators of visual art, or as professional arts administrators currently working in the field;

(3) three members shall represent the public at large, as arts consumers or participants;

(4) three members shall be professionals in fields relevant to arts and cultural development, including cultural planning, marketing, finance, funding, tourism, promotion, non profit organizational development, and real estate development;

(5) two members shall be professionals in the field related to the visual appearance of the cityscape, such as architecture, environmental design, landscape architecture or urban design; and

(6) one member shall be a student who resides in the city and attends a high school located in the City of Alexandria.

(c) Members of the commission shall be appointed in the manner prescribed by article A of this chapter. The members shall serve for a term of three years, except in the case of an appointment to fill the unexpired portion of a term. (Ord. No. 3782, 2/25/95, Sec. 1; Ord. No. 4482, 5/12/07, Sec. 1; Ord. No. 4920, 1/24/15, Sec. 1)

Sec. 2-4-91 Function; powers; duties.

(a) The functions of the commission shall be as follows:

(1) to advise city council with regard to policies that will strengthen the arts and further public access to the arts and cultural matters identified by the city council;

***Editor's note—**Former Article J has been redesignated as Article K in order to facilitate inclusion of Ord. No. 3799, which added new provisions designated as Article J.

(2) to establish and periodically review criteria and standards for arts grant applications for city funds and accountability for the use of such funds; the allocation from such funds to eligible organizations and activities as may be appropriated by the city council for such purpose;

(3) to review the public art annual work plan as developed by the office of the arts and a work plan task force and make recommendations to the city council as part of the budget process;

(4) to review and approve public art project plans for specific public art projects, and to review and approve artist selection and concept development;

(5) to create committees and task forces, as necessary, to focus on public art project development and artist selection;

(6) to review proposals for donations of public art and commemorative art and make recommendations to the city council;

(7) to collaborate with the office of the arts on public art project evaluations; and

(8) to support public communication and outreach as related to the arts and;

(9) to serve as citizen liaisons to city planning initiatives when public art is involved.

(b) The commission is empowered to adopt rules and regulations in regard to procedure and other matters so long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees, through which to carry on its functions and purpose.

(c) A commission chair, vice-chair and secretary shall be elected annually by the commission members at the organization meeting designated in the commission's bylaws. (Ord. No. 3782, 2/25/95, Sec. 1; Ord. No. 4482, 5/12/07, Sec. 1; Ord. No. 4920, 1/24/15, Sec. 1)

Secs. 2-4-92 through 2-4-99 reserved.

ARTICLE L

Alexandria Community Criminal Justice Board

Sec. 2-4-100 Creation, composition and organization.

(a) There is hereby established a board to be known as the Alexandria Community Criminal Justice Board.

(b) The board shall consist of 19 members to be appointed by the city council. The composition of the board shall be as follows:

(1) one judge of the Alexandria general district court;

(2) one judge of the Alexandria circuit court;

(3) one judge of the Alexandria juvenile and domestic relations court;

(4) the chief magistrate for the city;

(5) the chief of police;

(6) the sheriff;

(7) the commonwealth's attorney;

(8) the administrator of the city's community services board;

(9) a local educator;

(10) the chief public defender;

(11) a person appointed by city council to serve as its representative;

(12) the director of the city's office of adult probation and parole;

(13) four citizens;

(14) the director of the city's court services unit;

(15) one representative of the business community; and

(16) one representative of non-profit organizations.

(c) Members of the board shall be appointed in the manner prescribed by article A of this chapter; provided, that:

(1) the member who is a local educator shall be nominated by the superintendent of schools and confirmed by city council;

(2) the member who is a representative of the business community shall be recommended by the Alexandria Chamber of Commerce;

(3) the member who is a representative of non-profit organizations shall be recommended by the Alexandria United Way; and

(4) all members of the board, except for the citizen members, shall be exempt from the application requirement set forth in section 2-4-7(c) of this code.

(d) The citizen members and the member who is a local educator shall serve for a term of two years, except in the case of an appointment to fill the unexpired portion of a term. (Ord. No. 3821, 9/16/95, Sec. 1; Ord. No. 3887, 9/21/96, Sec. 1; Ord. No. 4170, 11/18/00, Sec. 1; Ord. No. 4237, 2/23/02, Sec. 1; Ord. No. 4331, 1/24/04, Sec. 1)

Sec. 2-4-101 Responsibilities and authority.

(a) The responsibilities and authority of the board shall be as follows:

(1) to advise on the development and operation of local pretrial services and community-based probation programs and services pursuant to Virginia Code § 53.1-182.1 for use by the courts in diverting offenders from local correctional facility placements;

(2) to assist community agencies and organizations in establishing and modifying programs and services for offenders on the basis of an objective assessment of local needs and resources;

(3) to monitor and evaluate community programs, services and facilities to determine their impact on local offenders;

(4) to develop and, when appropriate, amend a criminal justice plan in accordance with the guidelines and standards set forth by the Virginia department of criminal justice services and oversee the development and amendment of the community-based corrections plan as required by Virginia Code § 53.1-82.1 for approval by city council.

(5) to review the submission of all criminal justice grants regardless of the source of funding;

(6) to facilitate local involvement and flexibility in responding to the problem of crime in the city; and

(7) to do all things necessary or convenient to carry out the responsibilities expressly given in this subsection.

(b) The board is authorized to adopt rules in regard to procedure and other matters, so long as the rules are not inconsistent with this code, including, but not limited to, the establishment of committees to assist it in carrying out its responsibilities.

(c) A board chair, vice-chair and secretary shall be elected annually by the board at its first meeting in each calendar year. (Ord. No. 3821, 9/16/95, Sec. 1; Ord. No. 4170, 11/18/00, Sec. 1)

Secs. 2-4-102 through 2-4-109 reserved.

ARTICLE M

Environmental Policy Commission

Sec. 2-4-110 Creation, composition and organization.

(a) There is hereby established a standing commission known as the environmental policy commission.

(b) The commission shall consist of 13 members to be appointed by the city council. The composition of the commission shall be as follows:

(1) one member with experience in federal or state environmental statutes, regulations and procedures (preferably an attorney);

(2) one member from the field of urban planning;

(3) five members from the field of environmental sciences (e.g., environmental/sanitary engineering, ecology, geology, botany, hydrology, chemistry);

(4) one member from the Alexandria business community; and

(5) five citizen-at-large members.

(c) Members of the commission shall be appointed in the manner prescribed in title 2, chapter 4, article A of this code. The members shall serve for a term of two years. (Ord. No. 3868, 5/28/96, Sec. 1; Ord. No. 4346, 4/27/04, Sec. 1; Ord. No. 4638, 12/12/09, Sec. 1)

Sec. 2-4-111 Functions; powers and duties.

(a) The functions of the commission shall be to advise and make recommendations to the city council and, where appropriate, to the planning commission and the city manager. The city manager shall distribute commission recommendations to appropriate city departments for their consideration. These recommendations shall relate to: clean air, land use, noise pollution and abatement, pesticides, herbicides and contaminants, solid waste, water quality and supply, other topics relating to conservation and protection of environmental conditions in the City of Alexandria, and such other matters as from time to time may be referred to the commission by the city council.

(b) The directors of the departments of health, transportation and environmental services, and planning and zoning shall be responsible for forwarding appropriate information, through the

city manager, to the commission on all matters that impact on the areas of the commission's responsibility.

(c) It shall also be the responsibility of the commission to consult with and cooperate with federal, state, regional and local agencies charged with the protection of the environment, in accord with the provisions of section 2-4-5(d) of this code.

(d) The commission is empowered to adopt rules and regulations in regard to procedure and other matters so long as same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions and purpose.

(e) A commission chair, vice-chair and secretary shall be elected annually by the commission members at the organizational meeting designed by the commission.

(f) The department of transportation and environmental services shall provide administrative and logistical support to the commission and its chair. (Ord. No. 3868, 5/28/96, Sec. 1; Ord. No. 4152, 9/16/00, Sec. 1)

ARTICLE N

Alexandria Commission on Information Technology

Sec. 2-4-112 Creation, composition and organization.

(a) There is hereby established a commission known as the Alexandria Commission on Information Technology ("commission").

(b) The commission shall consist of 15 members to be appointed by the city council. The composition of the commission shall be as follows:

(1) Two members from the city council;

(2) One member representing the Alexandria City School Board;

(3) One member from and representing the Alexandria Chamber of Commerce;

(4) One member representing the Alexandria City Library Board;

(5) One member from and representing the budget and fiscal affairs advisory committee;

(6) One member representing an institution of higher education located in Northern Virginia;

(7) One student representing T.C. Williams High School, recommended by the faculty; and

(8) Seven citizens-at-large.

(c) Members of the commission shall be appointed in the manner prescribed in article A of this title; provided, that a member who, under subsection (b), is representing an organization shall be nominated by the organization and appointed by city council.

(d) Members shall serve for a term of three years.

(e) All members of the commission shall, by virtue of their education, experience, interests, or employment, have a competence in one of more of the following areas:

(1) Computer and networking technologies;

(2) Communication technologies;

(3) Application of computer technologies in an education environment;

(4) Application of computer technologies for improvement of business processes and analytics;

(5) Budget and fiscal analysis; or

(6) Public access policies. (Ord. No. 3953, 10/25/97, Sec. 2; Ord. No. 4840, 11/16/13, Sec. 1)

Sec. 2-4-113 Functions.

(a) The functions of the commission shall be as follows:

(1) To review annually the city manager's proposed information technology plan;

(2) To make recommendations to and advise the city government in the formulation and implementation of information and telecommunications policy, and to promote citizen participation in the formation of such policy;

(3) To promote civic engagement through the use of digital technologies;

(4) To identify new information and telecommunications technologies, to evaluate their potential for enhancing the delivery of services by the city, and to identify the resources and legislative changes required to implement these technologies;

(5) To make an annual report to the city council which shall include a review and evaluation of the activities of the commission, including any comments or recommendations relative to its functions that it may choose to make;

(6) To promote education of Alexandria's citizens and businesses with regard to information and digital technologies;

(7) To promote innovation and commerce within the city in the use and application of information, telecommunication and digital technologies;

(8) To act as a proponent for the expanded use of wireline and wireless broadband and an increased number of providers within the city; and

(9) To perform such other duties or functions as assigned by the city council.

(b) The commission shall hold at least four regular meetings each year, and as many special meetings as the commission may deem advisable.

(c) The commission is empowered to adopt rules and regulations in regard to procedure so long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions and purpose.

(d) A commission chair, vice-chair and secretary shall be elected annually by the commission members at the organizational meeting designated by the commission.

(e) The department of financial and information technology services and other departments of city government as determined by the city manager shall provide administrative and logistical support to the commission and its chair. (Ord. No. 3953, 10/25/97, Sec. 2; Ord. No. 4840, 11/16/13, Sec. 1)

ARTICLE O

George Washington Birthday Celebration Committee

Sec. 2-4-114 Creation, composition and organization.

(a) There is hereby established a standing committee to be known as the George Washington Birthday Celebration Committee.

(b) The committee shall consist of 19 members who, other than the members identified below in paragraphs (9) and (10), shall be appointed by the city council. The composition of the committee shall be as follows:

(1) one member to be nominated by the American Legion;

(2) one member to be nominated by the Veterans of Foreign Wars;

(3) one member to be nominated by any other veterans organization;

(4) one member to be nominated the Masonic Fraternity;

(5) two representatives of the city's business community to be nominated by the Chamber of Commerce;

(6) one member to be nominated by the Alexandria Jaycees;

(7) one member to be nominated by the Federation of Civic Associations;

(8) four citizen members;

(9) the city manager or the manager's designee;

(10) the director of the transportation division of the department of transportation and environmental services;

(11) one member to be nominated by the Gadsby's Tavern Museum Society;

(12) one member to be nominated by the Friendship Veterans Fire Engine Association;

(13) one member to be nominated by the City of Alexandria Chapter of the Daughters of the American Revolution;

(14) one member to be nominated by the First Virginia Regiment of the Continental Line;

(15) one member who attends high school in the City of Alexandria.

(c) The members identified above in subsections (b)(9) and (b)(10) shall serve during their tenure as employees of the city. The terms of all other members shall be for two years; provided, however, that the member identified above in subsection (b)(15) shall cease to be a member upon graduation from high school.

(d) The committee shall receive staff support from the director of the department of recreation, parks and cultural activities. (Ord. No. 3989, 4/18/98, Sec. 1; Ord. No. 4349, 5/15/04, Sec. 1; Ord. No. 4499, 10/13/07, Sec. 1)

Sec. 2-4-115 Function; rules; officers.

(a) The function of the committee shall be to plan and carry out the city's annual George Washington's Birthday Celebration.

(b) The committee is authorized to adopt rules and regulations in regard to procedure and other matters so long as same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions and purpose.

(c) A committee chair, vice-chair and secretary shall be elected annually by the committee members. (Ord. No. 3989, 4/18/98, Sec. 1)

ARTICLE P

Alexandria Commission on HIV/AIDS*

Sec. 2-4-116 Creation, composition and organization.

(a) There is hereby established a commission known as the Alexandria Commission on HIV/AIDS ("commission").

(b) The commission shall consist of 27 members to be appointed by the city council. The composition of the commission shall be as follows:

(1) two members from and representing the Alexandria Hospital, one of whom shall be from the hospital's department of pastoral services;

(2) one member from and representing the Whitman Walker Clinic;

(3) one member from and representing the Hospice of Northern Virginia;

(4) one member from and representing an HIV/AIDS service organization which provides services in the city to the minority community;

(5) one member from and representing the Alexandria Chapter, American Red Cross;

(6) one member from and representing the Alexandria Gay and Lesbian Community Association;

(7) one member from and representing the Northern Virginia AIDS Ministry;

(8) one member from and representing the City of Alexandria Public Schools;

(9) the sheriff, or the sheriff's designee;

(10) one member from and representing the Alexandria Community Services Board;

(11) one member from and representing the Alexandria Human Rights Commission;

(12) one member from and representing the Alexandria Youth Policy Commission;

(13) one member from and representing the Alexandria Commission for Women;

(14) one member who is a practicing physician;

(15) one student who currently attends any high school located in the city; and

(16) eleven citizens-at-large.

(c) Members of the commission shall be appointed in the manner prescribed in article A of this title; provided, that a member who, under subsection (b), is representing an organization shall be nominated by the organization and ap-

*__Editor's note—__Ord. No. 4134, § 1, adopted May 13, 2000, amended the Code by adding provisions designated as Art. P, §§ 2-4-115, 2-4-116. Inasmuch as there already exist provisions designated as § 2-4-115, the provisions of Ord. No. 4134 have been redesignated as Art. P, §§ 2-4-116, 2-4-117 at the discretion of the editor. See the Ordinance Comparative Table.

pointed by city council. Members shall serve for a term of three years; provided, however, that of the members first appointed, one-third shall be selected by lot to serve a term of one year, and one-third shall be selected by lot to serve a term of two years. (Ord. No. 4134, 5/13/00, Sec. 1; Ord. No. 4299, 5/17/03, Sec. 1; Ord. No. 4655, 4/17/10, Sec. 1)

Sec. 2-4-117 Functions.

(a) The functions of the commission shall be as follows:

(1) to advise city council in the formulation and implementation of public policy on the treatment of AIDS and prevention of the spread of HIV, and to promote citizen participation in the formulation of such policy;

(2) to provide city council and the public with current information regarding AIDS and HIV, and to promote educational programs on AIDS/HIV awareness, treatment and prevention;

(3) to make an annual report to the city council which shall include a summary of the number of Alexandria residents who have been diagnosed with AIDS or HIV, and a description of the activities of the commission during the period covered by the report;

(4) to function as the community advisory board for HIV and AIDS services delivered by the Alexandria Health Department; and

(5) to perform such other duties or functions as assigned by city council.

(b) The commission shall hold at least six regular meetings each year, and as many special meetings as the commission may deem advisable.

(c) The commission is empowered to adopt rules regarding its internal operating procedures as long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions and purpose.

(d) A commission chair, vice-chair and secretary shall be elected annually by the commission members at the annual organizational meeting designated by the commission.

(e) The department of health and the office of citizen assistance shall provide administrative and logistical support to the commission and its chair. (Ord. No. 4134, 5/13/00, Sec. 1; Ord. No. 4299, 5/17/03, Sec. 1)

Secs. 2-4-118, 2-4-119 reserved.

ARTICLE Q

Reserved

Editorial Note: Ord. No. 4644, § 1, adopted January 23, 2010, repealed Article Q, §§ 2-4-120—2-4-129, which pertained to Woodrow Wilson Bridge Neighborhood Task Force. See also the Ordinance Comparative Table.

Secs. 2-4-120 through 2-4-129 reserved.

ARTICLE R

Budget and Fiscal Affairs Advisory Committee

Sec. 2-4-130 Creation, composition, organization and term.

(a) The budget and fiscal affairs advisory committee initially established by Resolution No. 1464, is hereby established by ordinance and designated as a standing committee known as the budget and fiscal affairs advisory committee.

(b) The members of the committee shall be appointed by the city council as follows:

(1) seven members, one each of whom shall be designated by the mayor and members of city council;

(2) three members appointed at-large in accordance with the provisions of section 2-4-7 of this code;

(3) one member designated by the Alexandria School Board; and

(4) two members designated by the Alexandria Chamber of Commerce.

(c) The members designated by the mayor and members of city council, the school board, or the chamber of commerce shall serve at the pleasure of the mayor, member of council, school board or chamber of commerce designating such person, and any vacancies in such positions shall be filled in the same manner as the original appointment. Members appointed at large shall serve for a term of two years, and vacancies and reappointments shall be handled in the manner prescribed in section 2-4-7 of this code.

(d) All members of the committee shall:

(1) by virtue of their education and employment in the public or private sector, have demonstrated competence in one or more of the following areas: accounting, financial analysis, budget and fiscal management, public finance, or urban economics;

(2) be residents of and residing in the City of Alexandria at the time of appointment and continue to do so during the term of their appointment. The provisions of section 2-4-7(d) notwithstanding, this provision may not be waived; and

(3) not be (i) a member of any other board or commission having one or more members appointed by the city council, or (ii) an employee of the city, the school board, the Alexandria Chamber of Commerce, or any agency of any such entity or organization.

(4) declare to the committee their position as an officer or director of any entity or organization, and abstain from discussing, participating or voting on any matter before the committee, that directly relates to any appropriation or grant made or awarded by or through the city to the entity or organization of which the member is an officer or director. (Ord. No. 4291, 2/22/03, Sec. 1)

Sec. 2-4-131 Functions, powers and duties; staff assistance.

(a) The functions, powers and duties of the committee shall be to advise and support the city council as to:

(1) an examination of the city's budget procedures and process and ways of improving such procedures and process, including participation by the public therein;

(2) the forecasting of future revenue and expenditure requirements and the effect on the several taxes and fees levied by the city and burden of taxation imposed on Alexandria citizens and business organizations;

(3) an evaluation of the comparative tax, revenue and expenditure levels in Alexandria with those in neighboring jurisdictions and the effect of such differences on the ability of Alexandria to attract new residents and economic development; and

(4) such other tasks as may be requested by the city council.

(b) Except as expressly provided in this article, the committee may adopt rules and regulations in regard to procedure and other matters for the conduct of its business, so long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions, duties and purpose.

(c) Subject to the availability of funds and staff, and recognizing that the city manager must give priority attention to requests from the city council, the city manager is authorized to provide such staff or other assistance to the committee as requested, and to make such information available to the committee as is available to the public generally. (Ord. No. 4291, 2/22/03, Sec. 1)

Secs. 2-4-132 through 2-4-139 reserved.

ARTICLE S

Alexandria-Caen Exchange Committee

Editorial Note: Ord. No. 4383, § 1, adopted March 12, 2005, amended the Code by adding provisions designated as a new Art. S, §§ 2-4-140, 2-4-131. Inasmuch as there already exist provisions so designated, the provisions of said Ord. No. 4383 have been included herein as Art. S, §§ 2-4-140, 2-4-141 at the discretion of the editor. See also the Code Comparative Table.

Sec. 2-4-140 Creation, composition, organization and term.

(a) The Alexandria-Caen Exchange Committee, initially established on November 13, 1990, is hereby established by ordinance and designated as a standing committee known as the Alexandria-Caen Sister City Committee.

(b) The members of the committee shall be appointed by the city council as follows:

(1) 17 citizen members; and

(2) one member representing the Sister Cities Committee.

(c) The members of the committee shall be appointed in the manner prescribed in title 2, chapter 4, article A of this code. The members shall serve for a term of two years, and such terms shall be staggered. (Ord. No. 4383, 3/12/05, Sec. 1; Ord. No. 4481, 5/12/07, Sec. 1; Ord. No. 4604, 6/13/09, Sec. 1)

Sec. 2-4-141 Functions, powers and duties; staff assistance.

(a) The functions, powers and duties of the committee shall be to advise and support the city and the city council as to:

(1) economic development and tourism programs, academic/educational student and staff exchanges, arts and cultural program exchanges, and professional health program exchanges, between the City of Alexandria, Virginia and the City of Caen, France, and the residents thereof;

(2) to do all things necessary or convenient to carry out the responsibilities expressly given in this subsection; and

(3) such other tasks as may be requested by the city council.

(b) Except as expressly provided in this article, the committee may adopt rules and regulations in regard to procedure and other matters for the conduct of its business, so long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions, duties and purpose.

(c) Subject to the availability of funds and staff, the city manager is authorized to provide such staff or other assistance to the committee as requested. (Ord. No. 4383, 3/12/05, Sec. 1; Ord. No. 4481, 5/12/07, Sec. 1)

Secs. 2-4-142 through 2-4-149 reserved.

ARTICLE T

Citizen Corps Council

Editorial Note: Ord. No. 4382, § 1, adopted March 12, 2005, amended the Code by adding provisions designated as a new Art. T, §§ 2-4-140, 2-4-141. Inasmuch as there already exist provisions so designated, the provisions of said Ord. No. 4382 have been included herein as Art. S, §§ 2-4-150, 2-4-151 at the discretion of the editor. See also the Code Comparative Table.

Sec. 2-4-150 Creation, composition, organization and term.

(a) The Citizen Corps Council, initially established on December 8, 2003, is hereby established by ordinance and designated as a standing committee known as the Citizen Corps Council.

(b) The fifteen members of the council shall be appointed by the City Council as follows:

(1) five citizen members;

(2) a representative of the Alexandria Chapter of the American Red Cross;

(3) a representative of the Alexandria business community;

(4) a representative of Alexandria civic associations;

(5) a representative of the Alexandria Commission on Persons with Disabilities;

(6) a member in good standing of the CERT program;

(7) a citizen designated by the Alexandria School Board;

(8) a representative of the Crime Prevention Council, or an individual with law enforcement or crime prevention experience;

(9) a representative of the Emergency Medical Services Council, Medical Reserve Corps, or a person with emergency medical response experience; and

(10) two members of city council, appointed by the mayor, who shall be non-voting members.

(c) The members of the committee shall be appointed in the manner prescribed in title 2, chapter 4, article a of this code. The members shall serve for a term of three years, and such terms shall be staggered. (Ord. No. 4382, 3/12/05, Sec. 1)

Sec. 2-4-151 Functions, powers and duties; staff assistance.

(a) The functions, powers and duties of the council shall be to advise and support the city and the city council as to:

(1) ensuring that the entire community is well prepared to respond appropriately to natural, accidental, and human-caused emergencies;

(2) evaluating, catalyzing and empowering individuals, groups, civic associations, schools, utilities, business, governments and institutions to prepare for and respond to such emergencies; and

(3) providing essential support to all persons in the city by effectively and efficiently working to deliver unified emergency services;

(4) to do all things necessary or convenient to carry out the responsibilities expressly given in this subsection; and

(5) such other tasks as may be requested by the city council.

(b) Except as expressly provided in this article, the council may adopt rules and regulations in regard to procedure and other matters for the conduct of its business, so long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions, duties and purpose.

(c) Subject to the availability of funds and staff, the city manager is authorized to provide, through the Fire Department, Office of Emergency Management, and other departments, such staff or other assistance to the council as requested. (Ord. No. 4382, 3/12/05, Sec. 1)

ARTICLE U

Alexandria Transportation Commission

Sec. 2-4-160 Alexandria Transportation Commission—established.

There is hereby established a standing advisory committee known as the Alexandria Transportation Commission.
(Ord. No. 4526, 4/12/08, § 1)

Sec. 2-4-161 Same—composition.

The commission shall consist of 11 members, appointed by the city council as follows:

(1) two members from the planning commission, nominated by the commission;

(2) one member from the traffic and parking board, nominated by the board;

(3) one member from the environmental policy commission, nominated by the commission;

(4) one member from the Alexandria Transit Company Board of Directors, nominated by the board;

(5) two citizen members, who shall be residents of the city possessing qualifications in land-use, transportation and/or municipal finance, of whom one shall reside east of Quaker Lane and one west of Quaker Lane;

(6) two, ex-officio, non-voting members from the city council, who shall be selected from among Council members who serve on the Metropolitan Washington Council of Governments Transportation Planning Board (MWCOG/TBP), Northern Virginia Transportation Authority (NVTA), Northern Virginia Transportation Commission (NVTC) or the Washington Metropolitan Area Transit Authority (WMATA); and

(7) two additional citizen members in addition to those provided for in subsection (5) above, who shall be residents of the city, of whom one shall reside east of Quaker Lane and one west of Quaker Lane. (Ord. No. 4526, 4/12/08, § 1; Ord. No. 4913, 11/15/14, Sec. 1)

Sec. 2-4-162 Same—appointment, procedures, and organization.

(a) The commission shall be appointed by city council. The commission members shall be appointed for terms of three years; provided, however, that, except for the two citizen members, a member's tenure on the commission shall terminate if such member ceases to be a member of his or her respective board, commission or council. Of the members first appointed, three shall serve a term of one year, three shall serve a term of two years, and three shall serve a term of three years, to be determined by lot. In the event a member's position becomes vacant before the expiration of his or her regular term, the appointment shall be for the unexpired portion of the term.

(b) Except as to the manner of appointment specified in this article, the commission shall be subject to the provisions of this chapter. (Ord. No. 4526, 4/12/08, § 1)

Sec. 2-4-163 Same—functions; powers; duties.

(a) The Alexandria Transportation Commission is established to advocate and promote development of balanced transportation systems for the City through oversight of the implementation of the Transportation Chapter of the City's adopted Master Plan.

(b) The responsibilities of the commission include:

(1) maintaining a comprehensive transportation development program that identifies the City's long-range transportation needs.

(2) recommending on an annual basis a transportation improvement program for the six fiscal years next ensuing,

(3) recommending priorities for project requests that are to be submitted for funding through state, regional and local transportation funding programs,

(4) recommending and prioritizing project requests that are to be submitted for funding through federal and state grant programs,

(5) receiving reports and findings on transportation project development studies and recommending follow up actions,

(6) recommending transportation projects for addition to or deletion from the metropolitan planning organization and regional long-range transportation plans,

(7) recommending such amendments as may be necessary or desirable to the transportation chapter of the City's adopted Master Plan.

(8) preparing periodic reports on the City's progress in implementing its long-range transportation plan,

(9) providing upon request input to and support for the City's representatives to regional transportation boards and authorities, and serving as a public forum for discussion and consideration of matters such representatives may refer to the commission,

(10) considering such other transportation related matters as may be referred to the commission by city council and other City boards and commissions.

(c) The commission shall receive public input through public meetings, work sessions and hearings as appropriate, and consider such public input in its deliberations and recommendations.

(d) The commission shall have the authority to do all thinks necessary to carry out the functions, powers and duties prescribed in this article, including without limitation the authority to appoint subcommittees and adopt rules and regulations in regard to procedures and other matters, so long as same are not inconsistent with the city code.

(e) A commission chair and vice-chair shall be elected annually by the members of the commission, and a secretary appointed, at the organizational meeting designated by the commission.

(f) The department of transportation and environmental services, assisted by the department of planning and zoning, shall provide administrative and logistical support to the commission.
(Ord. No. 4526, 4/12/08, § 1)

ARTICLE V

Public Health Advisory Commission

Editorial Note: Ord. No. 4557, § 1, adopted June 24, 2008, amended the Code by adding provisions designated as a new Art. U, §§ 2-4-140, 2-4-141. Inasmuch as there already exist provisions so designated, the provisions of said Ord. No. 4557 have been included herein as Art. V, §§ 2-4-170, 2-4-171 at the discretion of the editor. See also the Code Comparative Table.

Sec. 2-4-170 Creation, composition, organization and term.

(a) The public health advisory commission, initially established by Resolution No. 790, adopted May 12, 1981, is hereby established by ordinance and designated as a standing committee known as the public health advisory commission.

(b) The 16 members of the commission shall be appointed by the city council as follows:

(1) three citizen members, who shall be health professionals who at the time of appointment derive, or within the previous five years derived, their principal income from providing health care, health services or health related activities;

(2) five citizen members, who shall not be health professionals as defined above;

(3) a physician practicing in the city, nominated by the Medical Society of Northern Virginia;

(4) a dentist practicing in the city, nominated by the Northern Virginia Dental Society;

(5) a representative of the Alexandria Community Services Board, nominated by such board;

(6) a representative from the Inova Alexandria Hospital, nominated by the hospital;

(7) a representative from the neighborhood health board of directors, nominated by such board;

(8) a representative from the city's fire department, nominated by the city manager;

(9) a representative from the Alexandria City School Board, nominated by such board; and

(10) a representative from the Partnership for a Healthier Alexandria Steering Committee, nominated by such committee.

(c) The members of the commission shall be appointed in the manner prescribed in title 2, chapter 4, article A of this code. The members shall serve for a term of two years, and such terms shall be staggered, except that a member who is the representative of an organization shall cease to be a member upon termination of such representative capacity. City council shall fill vacancies

for the unexpired portion of the term. (Ord. No. 4557, 6/24/08, Sec. 1; Ord. No. 4951, 6/13/15, Sec. 1)

Sec. 2-4-171 Functions, powers and duties; staff assistance.

(a) The functions, powers and duties of the commission shall be to advise and support the city and the city council as to:

(1) evaluating and advising regarding any and all health matters in the city; the planning for and coordination of public health needs, services and programs, and regarding the priority of public health needs, services and programs in the city;

(2) to provide information and evaluation of public health related matters at the request of city council;

(3) to investigate specific public health issues on its own initiative and at the request of the city council, and render advice and recommendations for evaluating and ameliorating such issues as the commission deems appropriate;

(4) to provide a forum for the discussion of public health matters for citizens and health professionals in the city;

(5) to render advice and recommendations concerning the advantage or disadvantage of specific health care practices or services to the public;

(6) to do and consider all things necessary or convenient to carry out the responsibilities expressly given in this subsection; and

(7) such other tasks as may be requested by the city council.

(b) Except as expressly provided in this article, the commission may adopt rules and regulations in regard to procedure and other matters for the conduct of its business, so long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions, duties and purpose.

(c) Subject to the availability of funds and staff, the city manager and director of the Alexandria Health Department shall provide staff or other assistance to the commission. (Ord. No. 4557, 6/24/08, Sec. 1)

Secs. 2-4-172—2-4-179 Reserved.

ARTICLE W

Alexandria Gang Prevention Community Task Force

Sec. 2-4-180 Creation, composition and organization.

(a) There is hereby established a task force known as the Alexandria Gang Prevention Community Task Force ("task force").

(b) The task force shall consist of 17 members to be appointed by the city council. The composition of the commission shall be as follows:

(1) two members from the city council;

(2) one member from the Alexandria School Board;

(3) the city manager or his designee;

(4) one member from and representing TC Williams High School;

(5) one member from and representing Alexandria City Middle Schools;

(6) one member from and representing Alexandria City Elementary Schools;

(7) one member from and representing private schools in Alexandria;

(8) one member from and representing a community organization with specific outreach to the Latino community;

(9) one member representing a community organization with specific outreach to the African-American community;

(10) two at-large members from and representing the youth of the City of Alexandria;

(11) one member from and representing the Alexandria Interfaith Council;

(12) two citizens-at-large;

(13) one representative of the Alexandria business community; and

(14) one representative from and representing the parents of youth of the City of Alexandria.

(c) Members of the task force shall be appointed in the manner prescribed in article A of this title; provided, that a member who, under subsection (b), is representing an organization shall be nominated by the organization and appointed by city council.

(d) Members shall serve for a term of three years.

(e) All members of the commission shall, by virtue of their education, experience, interests, or employment, have a competence in one or more of the following areas:

(1) crime prevention;

(2) knowledge of the criminal laws and procedures of the Commonwealth of Virginia;

(3) gang suppression, prevention and intervention;

(4) education;

(5) social work; or

(6) counseling.

(Ord. No. 4645, 1/23/10, Sec. 1; Ord. No. 4697, 12/18/10, Sec. 1)

Sec. 2-4-181 Functions.

(a) The functions of the task force shall be as follows:

(1) to receive briefings on the status of gang suppression, prevention and intervention programs and activities in the city and, insofar as is directly relevant to the city, the status of similar programs and activities in the metropolitan region;

(2) to assist in informing and educating the Alexandria community about the gang suppression, prevention and intervention prevention and intervention programs and activities that are occurring in the city and the region;

(3) to assist in identifying programs and activities that will address specific gang-related problems or issues in the city, with a particular emphasis on programs and activities that will prevent individuals from joining gangs and/or that will intervene with individuals who are members of a gang to facilitate their withdrawal from such membership;

(4) to assist in identifying opportunities to obtain funding for programs and activities that will address such gang-related problems or issues in the city; and

(5) to assist in identifying state or local laws that should be enacted or amended enable the city, and possibly other local governments, to better address problems and issues arising from or related to gangs.

(b) The task force shall hold at least four regular meetings each year, and as many special meetings as the commission may deem advisable.

(c) The task force is empowered to adopt rules and regulations in regard to procedure so long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions and purpose.

(d) A task force chair, vice-chair and secretary shall be elected annually by the task force members at the organizational meeting designated by the task force.

(e) The Alexandria Police Department and such other departments of the city as the city manager may direct shall provide administrative and logistical support to the task force and its chair.
(Ord. No. 4645, 1/23/10, Sec. 1)

Secs. 2-4-182—2-4-189 Reserved.

ARTICLE X

Alexandria Beautification Commission

Sec. 2-4-190 Creation, composition and organization.

(a) There is hereby established a commission known as the Alexandria Beautification Commission ("commission").

(b) The commission shall consist of 16 members to be appointed by the city council. All 16 members shall be citizens of the City of Alexandria.

(c) Members of the commission shall be appointed in the manner prescribed in article A of this title.

(d) Members shall serve for a term of two years. Terms shall be staggered so that no more than half the commission will come up for reappointment in any year.
(Ord. No. 4646, 1/23/10, Sec. 1)

Sec. 2-4-191 Functions.

(a) The functions of the commission shall be as follows:

(1) to serve in an advisory capacity to the city council and the citizens of Alexandria on all matters related to the beautification of the city; and

(2) to serve in an advisory capacity regarding the beautification of portals to the city.

(b) The commission force shall hold at least four regular meetings each year, and as many special meetings as the commission may deem advisable.

(c) The commission force is empowered to adopt rules and regulations in regard to procedure so long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions and purpose.

(d) A commission chair, vice-chair and secretary shall be elected annually by the commission members at the organizational meeting designated by the commission.

(e) The Alexandria Department of Recreation, Parks and Cultural Activities and such other departments of the city as the city manager may direct shall provide
(Ord. No. 4646, 1/23/10, Sec. 1)

Secs. 2-4-192—2-4-199 Reserved.

ARTICLE Y

Alexandria Park and Recreation Commission

Sec. 2-4-200 Creation, composition and organization.

(a) There is hereby established a commission known as the Alexandria Park and Recreation Commission ("commission").

(b) The commission shall consist of 11 members to be appointed by the city council. The composition of the commission shall be as follows:

(1) three members shall be residents of Planning District I;

(2) three members shall be residents of Planning District II;

(3) three members shall be residents of Planning District III; and

(4) two representatives from the high school youth of the City.

(c) Members of the commission shall be appointed in the manner prescribed in article A of this title.

(d) Members shall serve for a term of three years, except that the term of a high school member appointed pursuant to subsection (b)(4) hereto shall end upon the termination of the member's termination as a high school student. Terms shall be staggered so that no more than half the commission will come up for reappointment in any year.
(Ord. No. 4647, 1/23/10, Sec. 1)

Sec. 2-4-201 Functions.

(a) The functions of the commission shall be as follows:

(1) to serve in an advisory capacity to the city council and the citizens of Alexandria on all substantial matters related to parkland, recreation, culture, youth leisure-time activities and the city operating and capital improvement budgets; and

(2) to serve in an advisory capacity to the department of recreation, parks and cultural activities, the city manager, the city council and other members of the city staff, as appropriate, regarding matters of recreation , land needs therefor, and cultural programs, activities and facilities in the semi-public and private as well as public sector of the city.

(b) The commission force shall hold at least four regular meetings each year, and as many special meetings as the commission may deem advisable.

(c) The commission is empowered to adopt rules and regulations in regard to procedure so long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions and purpose.

(d) A commission chair, vice-chair and secretary shall be elected annually by the commission members at the organizational meeting designated by the Commission.

(e) The Alexandria Department of Recreation, Parks and Cultural Activities and such other departments of the city as the city manager may direct shall provide administrative and logistical support to the commission and its chair.
(Ord. No. 4647, 1/23/10, Sec. 1)

Secs. 2-4-202—2-4-209 reserved.

ARTICLE Z

Alexandria Towing Advisory Board

Sec. 2-4-210 Creation, composition and organization.

(a) There is hereby established a board known as the Alexandria Towing Advisory Board ("board").

(b) The board shall consist of 6 members to be appointed by the city council. The composition of the board shall be as follows:

1. Two members from the Alexandria Police Department, to be nominated by the chief of police;

2. Two members representing licensed towing and recovery operators doing business in the City of Alexandria; and

3. Two citizens at large, one of which shall have expertise in property management or is a business owner.

(c) A quorum of the board shall consist of at least one police member, one towing operator member and one citizen member.

(d) Members of the board shall be appointed in the manner prescribed in article A of this title.

(e) Members shall serve for a term of three years. Terms shall be staggered so that no more than half the board will come up for reappointment in any year.

(f) A board chair, vice-chair and secretary shall be elected annually by the board members at its organizational meeting.

(g) The board may adopt bylaws, rules and regulations governing its procedures so long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions and purpose. (Ord. No. 4809, 5/18/13, Sec. 1)

Sec. 2-4-211 Functions.

The board shall:

(a) Provide a forum for an annual review of the rates and policies related to the towing, storage and retrieval of vehicles towed from private property by the property owner or their authorized agent; and

(b) To review and approve as necessary any contracts by the city for municipal towing or other towing at the direction of city officials or their authorized agents; and

(c) To provide a forum for public hearing, discussion and recommendations to city staff and the city council related to the towing, storage and

retrieval of vehicles towed from private property by the property owner or their authorized agent. (Ord. No. 4809, 5/18/13, Sec. 1)

Sec. 2-4-212 Meetings.

(a) The board shall have at least one, but no more than four, regular meetings annually. The board may also have special meetings as necessary.

(b) Subject to the limitations set forth in subsection (a) above, the board shall meet at the call of the chairperson, upon request of the city council or upon the request of the director of transportation & environmental services.

(c) The Board shall be supported primarily by staff from the department of transportation & environmental services and such additional staff as the city manager may direct. (Ord. No. 4809, 5/18/13, Sec. 1)

Secs. 2-4-213—2-4-219 reserved.

CHAPTER 5

Officers and Employees

Charter Reference: City personnel, surety bonds, Secs. 8.01 to 8.08 and 15.07 respectively.

Note: Sections 2-5-58 and 2-5-59 shall become effective when the deferred compensation plan is approved by the U.S. Internal Revenue Service and the Virginia Deferred Compensation Board. (Code 1963, Sec. 2-104.3)

ARTICLE A

General Provisions

§ 2-5-1 Bonds.
§ 2-5-2 Appointments by city council.
§ 2-5-3 Appointments by city manager.
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ARTICLE C

Employee Homeownership Incentive Program

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§§ 2-5-40 through 2-5-50 reserved.

ARTICLE D

Retirement and Insurance

§ 2-5-51 Retirement plan—adopted for police, fire department and sheriff personnel; effective date; signing of contracts, etc.
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§ 2-5-53 Same—when participation mandatory.
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§ 2-5-56 Same—participation.
§ 2-5-57 Salary deductions and withholdings for retirement; deferred compensation and insurance plans; payment of city's share to maintain plans.
§ 2-5-58 Deferred compensation plan—adopted for city and for all employees; signing of agreements; voluntary participation.
§ 2-5-59 Same—administration; signing of joinder agreements; contributions by city.
§ 2-5-60 Same—standards.
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§ 2-5-62 reserved.
§ 2-5-63 Same—city liability limited.
§ 2-5-64 Same—other retirement, pension, etc., systems not affected.
§ 2-5-65 Alteration, amendment or repeal of plans.
§ 2-5-66 Reserved.

ARTICLE A

General Provisions

Sec. 2-5-1 Bonds.

Bonds of officers and employees of the city shall be as fixed from time to time by the city council.

Sec. 2-5-2 Appointments by city council.

(a) Before electing or appointing any city officer authorized by the charter or by statute, whether the same is an original appointment or an appointment to fill a vacancy, the city council shall cause public notice in a manner to be specified by it to be given of the impending appointment. Such notice may be given first to all persons in the employ of the city, or of any constitutional officer who, or independent agency or authority which, has elected to come under the city's personnel system for the purpose of giving employees preference in promotional opportunities and such election has been approved by the city manager. In the event no person already in the employ of the city, or of such officer, agency or authority, is appointed, such notice shall then be given to the public at large. Written application for any appointive position shall be made to the city council through the mayor, and each application shall give the name, educational background and practical experience of the applicant. Only applicants who have made written application shall be considered, and no such appointment shall be made by the city council until the expiration of two weeks from the time public notice is given and until the city council is satisfied that the applicant to be chosen has the necessary qualifications, ability and fitness for the position and office.

(b) In the event any office which is authorized by charter or statute to be filled by the city council should become suddenly vacant because of death, resignation, termination or similar cause, or in case of disability or absence of any officer, and by reason thereof and the foregoing provisions of this section the office would be vacant or without a person to perform the duties thereof, the city council may immediately make an appointment or designate a person to perform the duties of the office during disability or absence, as the case may be, the provisions of the foregoing paragraph notwithstanding; and any appointee or person designated to act shall forthwith furnish to the city council a statement of his age, family status, educational background and practical experience duly signed, together with the names of at least four persons to be used as references. The city council may thereafter, if it deems necessary, consider the statement and any other information relating to the qualification and fitness of the appointee or designee to determine whether or not he shall continue in office or to perform the duties thereof. (Code 1963, Sec. 2-46; Ord. No. 3445, 3/24/90, Sec. 1)

Sec. 2-5-3 Appointments by city manager.

(a) Before appointing any department head or similar officer of the city which he is authorized by law to appoint whether the same is an original appointment or an appointment to fill a vacancy, the city manager shall cause public notice in a manner to be specified by him to be given of the impending appointment. Such notice may be given first to all persons in the employ of the city, or of any constitutional officer who, or independent agency or authority which, has elected to come under the city's personnel system for the purpose of giving employees preference in promotional opportunities and such election has been approved by the city manager. In the event no person already in the employ of the city, or of such officer, agency or authority, is appointed, such notice shall then be given to the public at large. Written application for such appointive position shall be made to the city manager, and each application shall give the name, educational background and practical experience of the applicant. Only applicants who have made written application shall be considered, and no appointment shall be made by the city manager until the expiration of two weeks from the time public notice is given and until the city manager is satisfied that the applicant to be chosen has the necessary qualifications, ability and fitness for the position and office.

(b) In the event any department head or similar officer which the city manager is authorized by law to appoint should die, suddenly resign or suddenly have his office terminated, or in any case of disability by absence of any such officer, and by reason thereof and of the foregoing provisions of this section the office would be vacant or without a person to perform the duties thereof, the city manager may immediately make such appointment or designate a person to perform the duties of the office during disability or absence, as the case may be, the provisions of the foregoing paragraph notwithstanding; and any appointee or person designated to act shall forthwith furnish to the city manager a statement of his age, family

status, educational background and practical experience duly signed together with the names of at least four persons to be used as references. The city manager may thereafter, if he deems necessary, consider such statement and any other information relating to the qualification and fitness of the appointee or designee to determine whether or not he shall continue in office or to perform the duties thereof. (Code 1963, Sec. 2-47; Ord. No. 2445, 3/24/90, Sec. 2)

Sec. 2-5-4 Personnel exempt from rules, regulations, classification plans, etc.

The personnel rules, regulations, classification plans, pay plans and ordinances heretofore or hereafter adopted shall not extend to or apply to the following, unless they consent thereto in writing:

(1) the school board and personnel of the public school system;

(2) officers or officials elected by the people and their personnel;

(3) constitutional officers and their personnel;

(4) judges and their personnel;

(5) substitute judges;

(6) clerks of courts and their personnel;

(7) magistrates and/or special magistrates;

(8) members of boards and commissions in the city service;

(9) city registrar and his or her personnel;

(10) the Alexandria library and personnel connected therewith; or

(11) persons employed as consultants or to make or conduct a special inquiry, investigation, examination or installation, if the city manager certifies that such employment is temporary in its nature.

Sec. 2-5-5 Consent to a criminal history records check required from applicants for certain city positions.

The city shall require every applicant for employment in a position within the department of finance, including city employees who apply for a transfer to that department, to provide written consent authorizing the city to conduct a criminal history records check on the applicant. If such consent is not provided, the applicant shall not be considered for the position. (Ord. No. 3332, 10/15/88, Sec. 1)

Sec. 2-5-6 Criminal history records check of applicants for city employment.

(a) Finding that it is necessary, in the interest of public welfare and safety, that investigations be conducted of all applicants to whom a conditional offer of employment with the city is made to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration, the city manager or his or her designee shall request, pursuant to Code of Virginia sections 19.2-389 and 15.2-1503.1, as amended, from the Virginia Central Criminal Record Exchange and the Federal Bureau of Investigation, a criminal record check of each applicant for city employment.

(b) Each applicant required to undergo a criminal background check, upon receiving a conditional offer of employment, shall submit to fingerprinting and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. Such applicant may be required to pay the cost of fingerprinting or criminal records check, or both.

(c) Criminal history information considered in accordance with this section shall include outstanding warrants, pending criminal charges, and records of conviction. Records of dispositions which occurred while an applicant was considered a juvenile shall not be referenced unless authorized by court order, federal regulation, or state statute authorizing such dissemination.

(d) The city manager or his or her designee shall review the criminal history record information to determine whether the conviction record, if any, of the applicant is compatible with the nature of the city employment under consideration. In making this determination and in determining whether a criminal conviction directly relates to a position, the city manager or his or her designee shall consider the following criteria:

(i) the nature and seriousness of the crime;

(ii) the relationship of the crime of the work to be performed in the position applied for;

(iii) the extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

(iv) the relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the position being sought;

(v) the extent and nature of the person's past criminal activity;

(vi) the age of the person at the time of the commission of the crime;

(vii) the amount of time that has elapsed since the person's last involvement in the commission of a crime;

(viii) the conduct and work activity of the person prior to and following the criminal activity; and

(ix) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

(e) Any applicant who is denied employment on the basis of criminal record information obtained pursuant to this section will be notified in writing and will be given an opportunity to inspect the information for the purpose of clarifying, explaining, or denying the information therein.

(f) The criminal history information provided in accordance with this section shall be confidential, shall be used solely to assess eligibility for city employment, and shall not be disseminated except as provided for in this section. (Ord. No. 4768, 6/16/12, Sec. 1)

Secs. 2-5-7 through 2-5-10 reserved.

ARTICLE B

Financial Disclosure

Editorial Note: Section 1 of Ord. No. 2830, adopted June 28, 1983, effective July 1, 1983, repealed former Art. B, "Financial Disclosure and Conflict of Interests," §§ 2-5-11—2-5-17, which provisions were supplementary to the state conflict of interest law (Code of Va., § 2.1-347 et seq.). The repealed provisions derived from Code 1963, §§ 2-47.2—2-47.7, and from Ord. No. 2588, adopted June 13, 1981. Ord. No. 2867 then enacted a new Art. B.

Sec. 2-5-11 Financial disclosure statement required.

(a) In addition to those public officials and employees who may be required by the State and Local Government Conflict of Interests Act, Va. Code section 2.1-639.1 *et seq.*, to file annual financial disclosure statements, all persons holding the following offices or positions in the city shall file an annual financial disclosure statement on a form prepared by the secretary of the commonwealth in accordance with the provisions of the State and Local Government Conflict of Interests Act. Such forms shall be filed in the office of the city clerk on or before December 15 and June 15 annually.

(1) Mayor and members of city council;

(2) City manager, deputy city managers, assistant city managers, and special assistants and assistants to the city manager;

(3) City attorney and deputy city attorney;

(4) City clerk and deputy city clerk;

(5) City treasurer and purchasing agent;

(6) All directors and deputy directors of all city departments and offices, as well as all additional key leadership personnel as may be designated or required from time to time by the city manager:

(7) Director and deputy director of the department of health;

(8) Director and deputy director of the Alexandria library;

(9) Members of the following boards and commissions of the city:

a. planning commission;

b. school board;

c. Alexandria Redevelopment and Housing Authority;

d. board of zoning appeals;

e. board of architectural review;

f. board of equalization and assessment review;

g. Alexandria Industrial Development Authority;

h. Alexandria Sanitation Authority;

i. community development block grant advisory committee;

j. human rights commission;

k. home improvement panel; and

l. building code board of appeals.

m. Alexandria Marketing Committee and Alexandria Marketing Coordinating Council.

(10) Administrative assistants employed by the mayor and members of council pursuant to section 3.06.1 of the city charter.

(11) Members of the community policy and management team created by section 12-12-1 of this code.

(b) A person required to file a financial disclosure statement shall verify in writing, under oath, that to the best of his or her knowledge the information in the financial disclosure statement is true and complete. (Ord. No. 2867, 10/25/83, Sec. 1; Ord. No. 3481, 10/13/90, Sec. 1; Ord. No. 3550, 12/14/91, Sec. 1; Ord. No. 3640, 6/12/93, Sec. 1; Ord. No. 3672, 10/16/93, Sec. 2; Ord. No. 4500, 10/13/07, Sec. 3; Ord. No. 4777, 11/17/12, Sec. 1; Ord. No. 4918, 12/13/14, Sec. 1)

Secs. 2-5-12 through 2-5-30 reserved.

ARTICLE C

Employee Homeownership Incentive Program

Editorial Note: Section 1 of Ord. No. 2830, adopted June 28, 1983, effective July 1, 1983, repealed Art. C, "Ethics," provisions which supplemented the state conflicts of interest law (Code of Va., § 2.1-347 et seq.). Article C consisted of §§ 2-5-31—2-5-43, and derived from Code 1963, §§ 11-1, 11-3—11-14, and Ord. Nos. 2589, adopted June 13, 1981, and 2742, adopted Nov. 23, 1982. Subsequently, Ord. No. 4353, § 1, adopted June 12, 2004, enacted provisions designated as a new Art. C, §§ 2-5-31—2-5-38, to read as herein set out. See also the Ordinance Comparative Table.

Sec. 2-5-31 Definitions.

The following words and phrases shall, for the purposes of this article, have the following respective meanings, except where the context clearly indicates a different meaning:

(1) *Applicant.* Any person who applies for a loan under this article.

(2) *Covered entity.* The City of Alexandria, the Alexandria City Public Schools, the Alexandria Commonwealth Attorney, the Alexandria Clerk of Court, the Alexandria Sheriff, the 18th Circuit Court, the 18th General District Court, the 18th Juvenile and Domestic Relations District Court, the Alexandria Court Services Unit, the Alexandria Law Library, the Alexandria Registrar of Voters, the Alexandria Public Library and the Alexandria Health Department.

(3) *Dwelling.* A building, or portion of a building, together with an associated interest in the land, located in the City of Alexandria, which is to be purchased by an applicant, alone or with others, to be used as the principal residence of the applicant.

(4) *Household.* The spouse, partner, children, parents, brothers and sisters and any other person living in the same dwelling as the applicant.

(5) *Loan.* A loan in aid of the purchase of a dwelling, as provided under this article. (Ord. No. 4353, 6/12/04, Sec. 1)

Sec. 2-5-32 Loans—provided.

There are hereby provided employee homeownership incentive loans, to assist the employees of covered entities with the purchase of real estate located in the City of Alexandria, to be occupied as a dwelling. Such loans shall be subject to the restrictions, limitations and conditions prescribed by this article. (Ord. No. 4353, 6/12/04, Sec. 1)

Sec. 2-5-33 Same—eligibility; restrictions generally.

A loan under this article shall be subject to the following restrictions and conditions:

(1) The applicant shall be, at the time of approval of his or her application, a full- or part-time (at least 20 hours per week, or equivalent), but not a seasonal, employee of a covered entity.

(2) The purchase price of the dwelling to be purchased by the applicant shall not exceed 1.3 times the average assessed value for all housing types of residentially assessed property in the City, as determined by the director of real estate assessments.

(3) The applicant shall own at least 50 percent interest in the dwelling.

(4) The applicant, together with any member of the applicant's household, shall not concurrently own the dwelling and 50 percent or more interest in other residential property in the city or elsewhere, unless such other property is actively marketed for sale in conjunction with the purchase of the dwelling.

(5) The applicant must at all times occupy the dwelling for which the loan is sought as his or her principal residence.

(6) An applicant shall submit the application required by section 2-5-35 prior to closing on the purchase of the dwelling, and within such time as established by regulation to permit the orderly processing of such application.

(7) An applicant for a loan provided under this article may apply for and receive benefits under other homeownership assistance programs administered by the city or any other entity, to the extent permitted by the regulations applicable to such other programs.

(8) Only one application shall be made per household, irrespective of the number of eligible applicants residing in the household.

(9) In the case of an applicant who is an employee of a covered entity other than the City of Alexandria, the applicant, in addition to complying with the provisions of this article, shall comply with any additional terms and conditions, not in conflict with the provisions of this article, as the covered entity may provide by general rule or regulation. (Ord. No. 4353, 6/12/04, Sec. 1; Ord. No. 4603, 6/13/09, Sec. 1)

Sec. 2-5-34 Same—administration by city manager.

The loan program provided under this article shall be administered by the city manager according to the provisions of this article. The city manager is hereby authorized and empowered to prescribe, adopt, promulgate and enforce such rules and regulations in conformance with the provisions of this article, including the requirement of answers under oath, as may be reasonably necessary to administer the program. (Ord. No. 4353, 6/12/04, Sec. 1)

Sec. 2-5-35 Same—procedure for application.

(a) Any applicant for a loan under this article shall file with the city manager, in such manner as the manager shall prescribe and on forms to be supplied by the city, an affidavit or written statement providing the following:

(1) the name of the applicant;

(2) the address of the dwelling to be purchased;

(3) such additional information as the city manager reasonably determines to be necessary to determine eligibility for a loan pursuant to this article.

(b) If, after audit and investigation, the city manager determines that the applicant is eligible for a loan, the manager shall so certify to the director of finance, who shall issue a check in the approved amount payable jointly to the applicant and the applicant's settlement company, and the applicant shall execute a note and deed of trust evidencing such loan at closing. (Ord. No. 4353, 6/12/04, Sec. 1; Ord. No. 4603, 6/13/09, Sec. 1)

Sec. 2-5-36 Same—amount limitations.

(a) The maximum amount of each loan under this article shall be as follows:

(1) Applicant who is a full-time (40 hours per week or equivalent) employee - $10,000.

(2) Applicant who is a part-time (less than 40 hours but at least 20 hours per week or equivalent) employee - $10,000 times the ratio of the number of hours per week the applicant is regularly employed over 40 (or equivalent denominator).

(b) For each covered entity, the total amount of loans under this article in any fiscal year shall not exceed the sum lawfully appropriated therefor or allocated thereto by the Alexandria City Council, from funds other than state funds, and for covered entities other than the City of Alexandria, shall in addition not exceed the sum approved for such loans by such covered entity. Loans under this article shall be subject to such funding avail-

ability, and provided on a first-come, first-served basis. (Ord. No. 4353, 6/12/04, Sec. 1; Ord. No. 4603, 6/13/09, Sec. 1)

Sec. 2-5-37 Same—interest, repayment, secured loan.

(a) No interest shall accrue on the principal of any loan authorized pursuant to this article; provided, however, that interest on any past due amount shall accrue at the rate specified in the note evidencing such loan.

(b) Any loan under this article shall become due, and shall be repaid to the city in full, upon the sale of the dwelling, or when the applicant otherwise ceases to own and occupy the dwelling as his or her principal residence, which ever shall occur first; provided, however, that in the event an applicant voluntarily terminates his or her employment by a covered entity within a period of 36 months following closing on the purchase of the dwelling, the amount calculated by multiplying one thirty-sixth of the loan balance by the number of months of such 36-month period remaining at the time of termination, shall become due and payable upon such termination of employment; and provided further, that in the event a qualifying applicant sells such applicant's dwelling and purchases another qualifying dwelling within 30 days, the loan shall become due and payable upon the sale of, or other event which triggers repayment with respect to, such other qualifying dwelling.

(c) Any loan under this article shall be secured by the real property related thereto.

(d) Upon written approval of the city, a loan under this article may be subordinated to the lien of another deed of trust. (Ord. No. 4353, 6/12/04, Sec. 1; Ord. No. 4603, 6/13/09, Sec. 1)

Sec. 2-5-38 Penalty for false statement.

Any person willfully making a false statement in applying for a loan under this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $25 nor more than $500 for each offense. (Ord. No. 4353, 6/12/04, Sec. 1)

Sec. 2-5-39 Administration of employee homeownership loan programs for other entities.

(a) There is hereby provided by the city to the Alexandria Convention and Visitors Association, the Alexandria Economic Development Partnership, the Alexandria Redevelopment and Housing Authority, the Alexandria Sanitation Authority, and the Alexandria Transit Company the administration of each entities' employee homeownership incentive loan program. The city's administration will assist employees of the foregoing entities with the purchase of real estate located in the City of Alexandria, Virginia, to be occupied as a dwelling.

(b) Any loan made on behalf of and any applicant from an entity in subsection (a) above shall be subject to the provisions of this article, with the following exception.

(1) In lieu of the requirement under section 2-5-33(1), any applicant shall be, at the time of approval of his or her application, a full or part time (at least 20 hours per week, or equivalent), but not a seasonal, employee of an entity in subsection (a) above.

(c) In the case of an applicant who is an employee of an entity in subsection (a) above, the applicant, in addition to complying with the provisions of this article, shall comply with any additional terms and conditions, not in conflict with the provisions of this article, as such entity may provide by general rule or regulation.

(d) Each entity in subsection (a) above shall provide for funding in its budget for its own employee homeownership incentive loan program and the total amount of the loans under this article in any fiscal year shall not exceed the sum approved for such loans by such entity.

(e) Any loan made on behalf of an entity in subsection (a) above and under this article shall be subject to such funding availability, and provided on a first-come, first-served basis.
(Ord. No. 4622, 9/12/09, Sec. 1)

Secs. 2-5-40 through 2-5-50 reserved.

ARTICLE D

Retirement and Insurance

Editorial Note: Ord. No. 4284, § 1, adopted Dec. 14, 2002, amended Art. D, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Art. D pertained to similar subject matter. See the Code Comparative Table.

Sec. 2-5-51 Retirement plan—adopted for police, fire department and sheriff personnel; effective date; signing of contracts, etc.

(a) The "defined benefit" retirement and disability income plan known as the "City of Alexandria Pension Plan for Firefighters and Police Officers," as the same may be adopted and amended from time to time by resolution of the city council, is hereby adopted for the personnel of the police and fire departments of the city covered by such plan and first employed before February 13, 1979, unless prior to May 30, 1979, an employee covered under such plan has elected to convert to a "defined contribution" plan as provided for such employees prior to January 1, 2004.

(b) The "defined contribution" retirement plan known as the "City of Alexandria Retirement Income Plan for Firefighters and Police Officers," as the same may be adopted and amended from time to time by resolution of the city council, for the personnel of the police and fire departments of the city first employed on and after February 13, 1979, and covered by such plan, is hereby converted from a defined contribution plan to a combined defined contribution plan and defined benefit plan effective January 1, 2004, subject to the provisions of Section 2-5-65 of this code, and shall be known as the "City of Alexandria Firefighters and Police Officers Pension Plan." On and after February 21, 2004, all benefits shall accrue under the defined benefit portion of such plan.

(c) The "defined contribution" retirement plan known as the "City of Alexandria Retirement Income Plan for Deputy Sheriffs and Emergency Rescue Technicians," as the same may be adopted and amended from time to time by resolution of the city council, is hereby adopted for the personnel of the fire department and sheriff covered by such plan.

(d) The "defined benefit" disability income plan known as the "City of Alexandria Firefighters and Police Officers Disability Income Plan," as the same may have been adopted and amended from time to time by resolution of the city council, for personnel of the police and fire departments of the city first employed on and after February 13,

1979, and covered by such plan, is hereby merged into and made part of the "City of Alexandria Firefighters and Police Officers Pension Plan," effective February 21, 2004, subject to the provisions of Section 2-5-65 of this code.

(e) The plans designated in this section shall be administered by the city manager or his designee, or by a board comprised of representatives of the city and the plan participants and appointed by the city council, as provided in the plan documents adopted and from time to time amended by resolution of the city council.

(f) The city manager, and such other person or persons as may be provided in the plan documents, are authorized to sign all contracts and papers for and on behalf of the city in connection with the plans designated in this section. (Ord. No. 4284, 12/14/02, Sec. 1; Ord. No. 4336, 2/21/04, Sec. 1)

Sec. 2-5-52 Same—adopted for employees other than policemen and firemen; effective date.

The Virginia Retirement System of the Commonwealth of Virginia, as provided by the General Laws of the Commonwealth, is hereby adopted for the eligible employees of the city other than policemen and firemen, to become effective on and after January 1, 1957. (Ord. No. 4284, 12/14/02, Sec. 1)

Sec. 2-5-53 Same—when participation mandatory.

All employees on the payroll of the city on July 1, 1956 and January 1, 1957, shall have their choice as to whether or not they wish to participate in the plans adopted in the two preceding sections. All persons employed in the police and fire departments after July 1, 1956 and all persons employed by other city departments after January 1, 1957 shall be required to join and participate in their respective plans. (Ord. No. 4284, 12/14/02, Sec. 1)

Sec. 2-5-54 Same—supplemental plan.

(a) The retirement plan known as the "City of Alexandria Supplemental Retirement Plan," as the same may be adopted and from time to time amended by resolution of the city council, is hereby adopted for the eligible employees of the city other than policemen and firemen. This plan shall be in addition to any other retirement plan now or hereafter adopted. The plan shall be effective August 1, 1970. The city manager is authorized to sign all contracts and papers for and on behalf of the city in connection with such plan.

(b) Employees on the payroll of the city on the effective date of the plan shall have their choice as to whether or not they wish to participate in the plan. Persons employed by the city after the effective date of the plan shall be required to join in and participate in the plan.

(c) The city manager, or his designee, shall administer the plan. (Ord. No. 4284, 12/14/02, Sec. 1)

Sec. 2-5-55 Group life insurance plan—adopted for all employees; effective date; signing of contracts, etc.

The group life insurance plan, adopted and from time to time amended by or with the approval of the city council is hereby adopted as the life insurance plan for all employees of the city, to become effective July 25, 1956. The city manager is authorized to sign all contracts and papers for and on behalf of the city in connection with such plan. The city manager, or his designee, shall administer the plan. (Ord. No. 4284, 12/14/02, Sec. 1)

Sec. 2-5-56 Same—participation.

Employees are not required to participate in the life insurance plan. Participation shall be entirely voluntary. (Ord. No. 4284, 12/14/02, Sec. 1)

Sec. 2-5-57 Salary deductions and withholdings for retirement; deferred compensation and insurance plans; payment of city's share to maintain plans.

(a) The director of finance is hereby authorized to deduct, withhold and remit employees' contributions, either voluntary or mandatory, for the plans adopted in this article and health insurance plans for city employees authorized by law. The director of finance is further authorized to expend the share of the city toward maintaining or contributing on its behalf or on behalf of its employees to these plans, subject to appropriation of necessary funds by the city council.

(b) The director of finance is further authorized to expend any applicable employee or retiree contributions to fund the Post-Employment Non-

Pension Benefit Trust Fund established by section 3-1-7 of this code. (Ord. No. 4284, 12/14/02, Sec. 1; Ord. No. 4551, 6/14/08, Sec. 1)

Sec. 2-5-58 Deferred compensation plan—adopted for city and for all employees; signing of agreements; voluntary participation.

The deferred compensation plan, known as the "ICMA Retirement Corporation 457 Plan," as the same may be adopted and from time to time amended by or with the approval of the city council, is hereby adopted for the City of Alexandria, Virginia, and for all employees thereof. The city manager is authorized and directed to execute on behalf of the city all necessary documents in connection with the said plan. No employee of the city shall be required or directed to participate in the plan. (Ord. No. 4284, 12/14/02, Sec. 1)

Sec. 2-5-59 Same—administration; signing of joinder agreements; contributions by city.

The city manager or his designee is hereby authorized and directed to administer the deferred compensation plan adopted in section 2-5-58 of this code, to do all things necessary by way of supervision, administration and implementation of the plan, and to contract with private corporations or institutions for services in connection therewith. The director of personnel may execute on behalf of the city joinder agreements with any employee of the city and all other agreements necessary for the said person's participation in the plan; except, that any such agreement which provides for the participation in the plan of the director of personnel shall be executed on behalf of the city by the city manager. No funds shall be contributed by the city to the plan on behalf of any employee, except as and to the extent the city council shall direct. (Ord. No. 4284, 12/14/02, Sec. 1)

Sec. 2-5-60 Same—standards.

The plan shall at all times comply with the standards for the tax treatment of deferred compensation plans required by Section 51.1-604 of the Code of Virginia (1950), as amended. (Ord. No. 4284, 12/14/02, Sec. 1)

Sec. 2-5-61 reserved.

Sec. 2-5-62 reserved.

Sec. 2-5-63 Same—city liability limited.

The city as employer shall make the deferred compensation plan established by section 2-5-58 of this code available to its employees as an employment benefit and shall make such payroll deductions as any individual employee shall direct, related to the plan. Beyond the administrative expense and responsibility for performing (a) deductions; (b) remittance of all funds to investment media selected by the employees from the options made available by the plan administrator; and (c) benefit distributions in accordance with employee instructions, the city, its officers, agents and/or employees shall bear no other responsibility or liability. It shall further be understood and by appropriate documentation it shall be made clear and binding upon employee participants that the city does not make any warranties or guarantees with respect to the plan and the city will bear no liability for the program other than as set forth above. Thus, by this section, express disclaimer and otherwise, the city shall bear no liability, other than as set forth above, for any compensation deferred under the plan and/or any investment vehicle, product, security and/or the performance thereof under the plan. (Ord. No. 4284, 12/14/02, Sec. 1)

Sec. 2-5-64 Same—other retirement, pension, etc., systems not affected.

The deferred compensation plan established by section 2-5-58 of this code shall exist and serve in addition to all other retirement, pension or other benefit systems available to any city employees and shall not supersede, make inoperative or reduce any benefits provided by any other retirement, pension or benefit program established by law. (Ord. No. 4284, 12/14/02, Sec. 1)

Sec. 2-5-65 Alteration, amendment or repeal of plans.

The city council reserves the right to alter, amend or repeal any provision of the plans adopted and established by this article; provided, however, that the amount of benefits which at the time of such alteration, amendment or repeal shall have accrued for participants or beneficiaries shall not be affected thereby; and provided, further, that to the extent an altered, amended or replacement plan permits, a plan participant may elect to transfer, exchange or forego all or part of such

participant's previously accrued benefit for participation in, or benefits under, such altered, amended or replacement plan. If the city council repeals a plan, it shall, except to the extent an election has been made pursuant to this section, continue to be administered as to the amount of benefits which shall have accrued prior to the repeal in accordance with its terms and provisions and those of the aforesaid sections of this code for the sole benefit of the then participants, any beneficiaries then receiving retirement allowances or benefits and any future persons entitled to receive benefits in accordance therewith who are so designated by any of the said participants. (Ord. No. 4284, 12/14/02, Sec. 1; Ord. No. 4336, 2/21/04, Sec. 2)

Sec. 2-5-66 reserved.

CHAPTER 6

Records Management, Retention and Disposition

Editorial Note: Section 1 of Ord. No. 3189, adopted Mar. 21, 1987, repealed former §§ 2-6-1—2-6-7, which sections pertained to similar provisions and derived from Code 1963, Secs. 2-105.1, 2-105, 2, 2-106—2-108, 2-111, and Ord. No. 2680, §§ 2, 3, 5, adopted May 15, 1982. Section 2 of Ord. No. 3189 enacted new provisions designated as §§ 2-6-8—2-6-22 to read as herein set out.

§§ 2-6-1 through 2-6-7 reserved.
§ 2-6-8 Purpose of chapter.
§ 2-6-9 Definitions.
§ 2-6-10 City records declared public property.
§ 2-6-11 Policy.
§ 2-6-12 Office of records administrator.
§ 2-6-13 Duties of records administrator.
§ 2-6-14 Responsibilities of city office and department heads.
§ 2-6-15 Responsibility of records officers.
§ 2-6-16 Development of records retention and disposition schedules; disposition of records; transfer of records out of city custody.
§ 2-6-17 Preservation of archival records.
§ 2-6-18 Noncurrent records not to be maintained in office files.
§ 2-6-19 Micrographics.
§ 2-6-20 Records center.
§ 2-6-21 Accessibility of records on microforms.
§ 2-6-22 Public records advisory commission.

Secs. 2-6-1 through 2-6-7 reserved.

Note—See the editorial note to Ch. 6.

Sec. 2-6-8 Purpose of chapter.

The purpose of this chapter is to implement the Virginia Public Records Act, section 42.1-76 of the Code of Virginia (1950), as amended, and to establish a records management program for the City of Alexandria. (Ord. No. 3189, 3/21/87, Sec. 2)

Sec. 2-6-9 Definitions.

For purposes of this chapter, certain terms and words are defined as follows:

(a) *Archival records.* Records of continuing and enduring value to residents of the city and citizens of the commonwealth which are permanently preserved in city archives.

(b) *Commission.* The public records advisory commission established by this chapter.

(c) *Records.* All papers, correspondence, memoranda, accounts, reports, maps, plans, photographs, motion pictures, sound and video recordings, files, microform, magnetic or paper tape, punched card, or other documents, regardless of physical form or characteristic, which have been or shall be created, received, filed or recorded by any city office or department or its lawful successor, or officials thereof, in pursuance of law or ordinance or in the conduct, transaction or performance of any business, duty or function of public business, whether or not confidential or restricted in use. (Ord. No. 3189, 3/21/87, Sec. 2; Ord. No. 3282, 4/16/88, Sec. 1)

Sec. 2-6-10 City records declared public property.

All city records, as defined in section 2-6-9, are the property of the City of Alexandria. No city official or employee has, by virtue of his position, any personal or property right to such records even though he may have developed or compiled them. The unauthorized destruction, removal from files or use of such records is prohibited. (Ord. No. 3189, 3/21/87, Sec. 2)

Sec. 2-6-11 Policy.

It is hereby declared to be the policy of the City of Alexandria to provide efficient, economical and effective control over the creation, distribution, organization, maintenance, use and disposition of all records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, to achieve complete, effective and economic documentation of the policies and transactions of city offices and departments, to identify and preserve archival records and, in conjunction with archival records, to provide reference services to the public. (Ord. No. 3189, 3/21/87, Sec. 2; Ord. No. 3282, 4/16/88, Sec. 2)

Sec. 2-6-12 Office of records administrator.

The city manager shall appoint a city records administrator who shall administer the records management program for the city, which shall include a program component for the identification and preservation of archival records. The records administrator will coordinate records management operations among the city departments and offices. (Ord. No. 3189, 3/21/87, Sec. 2; Ord. No. 3282, 4/16/88, Sec. 3)

Sec. 2-6-13 Duties of records administrator.

The records administrator shall have the following duties, unless reassigned by the city manager or her designee, as well as other duties assigned by the manager:

(a) In the area of program administration, to: initiate policies and procedures for a comprehensive records management program which shall include a program component for the identification and preservation of archival records; coordinate such a program with department and office heads; provide guidance to department records officers and other personnel in records management matters; develop policies and procedures relating to records creation, forms management, files organization and maintenance, vital records, records retention and retirement, microfilming and records disposition; develop policies and procedures for the identification, accessing, description and cataloguing of archival records and for their placement and preservation in city archives; provide, in conjunction with archival records, reference services to the public; supervise assigned records personnel; and prepare and submit annual budget requirements for the records management program.

(b) In the area of records disposition, to: survey records in all city offices and departments; prepare schedules for the retention and disposition of city records where such schedules have not been issued by the state archivist; obtain the approvals for all retention and disposition schedules, as required by section 2-6-16; oversee timely disposition actions as specified in retention and disposition schedules; coordinate records destruction with appropriate officials pursuant to section 2-6-16; with the advice and recommendation of the commission, identify archival records and oversee their placement in city archives, unless placement in the state library is mandated by law.

(c) In the area of records storage, preservation and use, to: manage the operation of the city records center for the low-cost storage of inactive records not required for the conduct of current city business; approve and supervise the transfer of records to the records center; administer a program for the preservation of archival records; and arrange for public access to the records stored in the records center and city archives.

(d) In the area of records systems, to: recommend appropriate supplies and equipment for current and noncurrent recordkeeping systems; review requests for the purchase of filing equipment; and report to the city manager economies

realized in equipment, supplies and staff costs through implementation of the records management program.

(e) In the area of micrographics program, to: design and implement micrographics programs to meet the unique requirements of departments and offices; to coordinate the micrographics activities of departments and offices; ensure that all microforms used for archival or security purposes meets the requirements of state microfilm standards; and ensure that all master microfilm negatives are stored off-site under environmental and security standards.

(f) To cooperate with the city's freedom of information officer. (Ord. No. 3189, 3/21/87, Sec. 2; Ord. No. 3282, 4/16/88, Sec. 4)

Sec. 2-6-14 Responsibilities of city office and department heads.

All city office and department heads are responsible within the areas of their responsibility for making and preserving records containing adequate and proper documentation of the organizational functions, policies, decisions, procedures and essential transactions of their office or department, and for the implementation and operation of effective file operations, records transfers and records dispositions in accordance with the provisions of this chapter. Such office and department heads shall designate records officers. (Ord. No. 3189, 3/21/87, Sec. 2; Ord. No. 3282, 4/16/88, Sec. 5)

Sec. 2-6-15 Responsibility of records officers.

The records officer in each office and department is responsible for providing coordination between the records administrator and personnel in his office on records management matters. This responsibility shall include overseeing the application of records schedules within the office or department. (Ord. No. 3189, 3/21/87, Sec. 2)

Sec. 2-6-16 Development of records retention and disposition schedules; disposition of records; transfer of records out of city custody.

(a) When a records retention and disposition schedule is issued by the state archivist, it shall be applicable in the city unless a schedule requiring a longer retention period is adopted by the records administrator, after considering the advice and recommendation of the commission, in which case that schedule shall be applicable in the city. The applicable retention and disposition schedule shall constitute the authority to destroy transfer, microphotograph or otherwise dispose of the designated records.

(b) Proposals to destroy records shall be reviewed by the commission which may issue a written recommendation regarding the proposed destruction. Thereafter, the proposal to destroy the records must be approved, in writing, by the head of the affected department, the city attorney, the commonwealth's attorney and the records administrator, each of whom, before issuing an approval, shall be provided a copy of the commission's written recommendation. The state archivist shall be informed of the disposition of any city records.

(c) No records shall be transferred, for any period of time, from the city records center or city archives to a private individual, historical society, library, museum, college, university or other private entity or facility, unless expressly authorized by the city manager or her designee. (Ord. No. 3189, 3/21/87, Sec. 2; Ord. No. 3282, 4/16/88, Sec. 6)

Sec. 2-6-17 Preservation of archival records.

The records administrator shall ensure the preservation of archival records by overseeing their placement in city archives and providing secure storage in such manner that the records, unless their use is restricted by law or regulation, are open to the public for research purposes. The records administrator shall arrange for the transfer to the state library of archival records which are required by law to be stored in state facilities. (Ord. No. 3189, 3/21/87, Sec. 2; Ord. No. 3282, 4/16/88, Sec. 7)

Sec. 2-6-18 Noncurrent records not to be maintained in office files.

Records no longer required in the conduct of current business by any office or department of the city shall be promptly transferred to the records center. Such records shall not be maintained in current files or equipment. (Ord. No. 3189, 3/21/87, Sec. 2)

Sec. 2-6-19 Micrographics.

No office or department shall operate a separate micrographics program and no city funds may be expended to film, or to contract with a service company to film, any city records, except

with the coordination and approval of the records administrator. Microforms used for archival or security purposes must meet the technical standards for quality, density, resolution and definition of the American National Standards Institute and as required by state archival standards. The master negatives of such film shall not be used as working copies and shall be stored off-site under environmental and security standards. (Ord. No. 3189, 3/21/87, Sec. 2; Ord. No. 3282, 4/16/88, Sec. 8)

Sec. 2-6-20 Records center.

The records center shall: store inactive records, ensure the security of such records from deterioration, theft or damage during the period of storage; permit fast, efficient retrieval of information from stored records; and store master microfilm negatives and other vital records. (Ord. No. 3189, 3/21/87, Sec. 2)

Sec. 2-6-21 Accessibility of records on microforms.

The public shall be given the same access to records on microforms as it is entitled under law to records in any other medium. (Ord. No. 3189, 3/21/87, Sec. 2; Ord. No. 3282, 4/16/88, Sec. 9)

Sec. 2-6-22 Public records advisory commission.

A public records advisory commission is hereby established to provide advice and guidance to the city records administrator on records management matters and implementation of the records program in the city. The commission shall consist of seven citizen members to be appointed by the city council, for terms of two years, with membership composed of, to the extent possible, but not limited to, professional archivists, records managers, historians and research specialists. (Ord. No. 3189, 3/21/87, Sec. 2; Ord. No. 3213, 5/18/87, Sec. 1; Ord. No. 3282, 4/16/88, Sec. 10)

TITLE 3

Finance, Taxation and Procurement

Chapter 1	**General Provisions**
Chapter 2	**Taxation**
Chapter 3	**Purchases and Contractual Services**

CHAPTER 1

General Provisions

§ 3-1-1	Fiscal year.
§ 3-1-2	Open Space Trust Fund Account.
§§ 3-1-3, 3-1-4	reserved.
§ 3-1-5	Alexandria Affordable Housing Initiatives Account.
§ 3-1-6	reserved.
§ 3-1-7	Post-employment non-pension benefit trust fund account.
§ 3-1-8	Permit and program fees; compendium of fees.
§ 3-1-9	Storm water infrastructure trust fund account.

Sec. 3-1-1 Fiscal year.

The fiscal year of the city shall begin on the first day of July of each year and shall end on the 30th day of June of the following year. (Code 1963, Sec. 1-7)

Sec. 3-1-2 Open Space Trust Fund Account.

(a) *Establishment of account*. There is hereby established for the City of Alexandria a permanent account within the Capital Projects Fund to be known and designated as the City of Alexandria Open Space Trust Fund Account, which account shall be accounted for and maintained separate and apart from all other accounts maintained by the City of Alexandria.

(b) *Funding of account*. There is hereby assigned and appropriated to such account, and for the fiscal year commencing July 1, 2013 and in each succeeding fiscal year, from the tax on real estate levied pursuant to section 3-2-181 of this code, in addition to all other appropriations made to such account, if any, the sum of 0.0 percent of the total amount of tax so levied.

(c) *Expenditures from account*. Notwithstanding any contrary provision of law, appropriations from the said account shall be authorized and made exclusively to finance permanent open space public improvements included in the capital budget. Unexpended appropriations to such account shall not lapse or expire at the end of the fiscal year in which made, irrespective of whether such appropriations were encumbered within such fiscal year.

(d) *Open space public improvements defined*. As used in this section, permanent open space public improvements means land acquired by the city in fee or by perpetual easement, and dedicated to outdoor recreational and park uses, whether active, passive or natural resource area, for the use of the general public, together with accessory buildings and structures incidental and subordinate to the outdoor recreational and park uses of such acquired land, and capital expenditures including but not limited to, demolition, clean-up, grading, engineering and design work, and the acquisition and installation of furniture, structures, landscaping, apparatus and facilities, for such use and improvement of the site. (Ord. No. 4296, 4/29/03, Sec. 6; Ord. No. 4495, 6/26/07, Sec. 1; Ord. No. 4568, 12/13/08, Sec. 1; Ord. No. 4587, 4/27/09, Sec. 1; Ord. No. 4811, 6/15/13, Sec. 1)

Secs. 3-1-3, 3-1-4 reserved.

Sec. 3-1-5 Alexandria Affordable Housing Initiatives Account.

(a) *Establishment of account.* There is hereby established for the City of Alexandria a permanent account within the Alexandria Affordable Housing Fund to be known and designated as the City of Alexandria Affordable Housing Initiatives Account, which account shall be accounted for and maintained separate and apart from all other accounts maintained by the City of Alexandria.

(b) *Funding of account.* There is hereby assigned and appropriated to such Account, for the fiscal year commencing July 1, 2010 and in each succeeding fiscal year, from the tax on real estate levied pursuant to section 3-2-181 of this code, in addition to all other appropriations made to such account, if any, the sum of $0.006 on each $100 of the assessed value of all real estate subject to such tax.

(c) *Expenditures from account.* Notwithstanding any contrary provision of law, appropriations from the said account shall be authorized and made exclusively to assist, finance and support, directly or indirectly, the provision of housing which is affordable to households with incomes up to the limits established in the city's Affordable Housing Policy, as from time to time amended. Unexpended appropriations to such account shall not lapse or expire at the end of the fiscal year in

which made, irrespective of whether such appropriations were encumbered within such fiscal year.

(d) *The provision of housing defined.* As used in this section, the provision of housing includes, without limitation, the preservation of existing housing; the construction of new housing, or financial or other assistance for the purchase and/or rental of housing units, in accordance with the city's Affordable Housing Policy, or with the city's Consolidated Plan for Housing and Community Development, as from time to time amended. (Ord. No. 4397, 5/14/05, Sec. 1; Ord. No. 4592, 5/16/09, Sec. 1; Ord. No. 4671, 6/12/10, Sec. 1)

Sec. 3-1-6 reserved.

Sec. 3-1-7 Post-employment non-pension benefit trust fund account.

(a) *Establishment of account.* There is hereby established for the City of Alexandria a permanent account to be known and designated as The City of Alexandria Post-Employment Non-Pension Benefit Trust Fund Account, which account shall be accounted for and maintained separate and apart from all other accounts maintained by the City of Alexandria. Such trust fund account shall be maintained and administered pursuant to the terms and requirements of Virginia Code Section 15.2-1544 et seq.

(b) *Funding of account.* The city council shall, for the fiscal year commencing July 1, 2008, and in each ensuing fiscal year, assign and appropriate to such trust fund account such funds as deemed reasonably prudent for the ongoing and future payment of post-employment non-pension benefits for retired employees of the City of Alexandria and their eligible beneficiaries or beneficiaries of employees of the City of Alexandria whose death occurred while in the line of duty pursuant to Code of Virginia Section 9.1-400 et seq. (1950) as amended. Such appropriated funds, together with any employee or retiree contribution funds deposited in such account, shall be irrevocable, and unexpended appropriations to such account shall not lapse or expire at the end of the fiscal year in which made, irrespective of whether such appropriations were encumbered within such fiscal year. Funds deposited in the account shall be invested in accordance with law, and earnings thereon shall likewise be irrevocably deposited into such account.

(c) *Expenditures from account.* Notwithstanding any contrary provision of law, appropriations from the said account shall be authorized and made exclusively to pay for post-employment non-pension benefits afforded under any applicable retirement plan for former City of Alexandria employees pursuant to the terms of those plans. Once such trust fund has been fully funded (so as pay the city's actuarially determined liability for such benefits accrued and accruing, excepting only funds required to be deposited in the current fiscal year), such post-employment non-pension benefits shall be paid exclusively from the trust fund.

(d) *Post-employment non-pension benefits defined.* As used in this section, post-employment non-pension benefits means medical, dental, and life insurance provided to individuals who have terminated their service with the City of Alexandria and to the spouse or dependents of such individuals, whether provided by purchasing insurance, by a program of self-insurance, or by a combination of both and a one-time payment to the beneficiary of a deceased person pursuant to Code of Virginia Section 9.1-402 (1950) as amended.

(e) *Administration of account.* The trust fund account established by this section shall be managed, maintained and invested, as set forth in Virginia State Code Section 15.2-1544 et seq., by a three-member finance board, comprised of the chief financial officer and director of finance of the city, and one citizen member with proven integrity, business ability, and demonstrated experience in cash management and investments, appointed by city council for a two-year term. (Ord. No. 4551, 6/14/08, Sec. 2; Ord. No. 4762, 5/12/12)

Sec. 3-1-8 Permit and program fees; compendium of fees.

(a) Except as otherwise expressly provided in this code or in the zoning ordinance, all fees and charges for applications submitted to; for permits and approvals issued by, and for activities, programs and services provided by, the City of Alexandria shall be established by resolution of the city council.

(b) The council by resolution may delegate to the city manager or his designee the authority to establish or adjust specific fees and charges, subject to such requirements and restrictions as the council may provide.

(c) The director of the office of management and budget shall make available to the public in print, and/or publish on the city's web site, and

from time to time update, a compendium of all fees and charges collected or imposed by the city pursuant to this code or the zoning ordinance.

(d) It shall be the duty of the director of the office of management and budget, and of the head of every responsible city department or agency, to periodically review such fees and charges on a schedule established by the city manager, and recommend to city council as part of the annualbudget process whether any existing fees and charges should be revised, or additional fees and charges established, in order reasonably to recover or offset the associated cost of operations. (Ord. No. 4545, 6/14/08, Sec. 1)

Sec. 3-1-9 Storm water infrastructure trust fund account.

(a) *Establishment of account.* There is hereby established for the City of Alexandria a permanent account within the Capital Projects Fund to be known and designated as the City of Alexandria Storm Water Infrastructure Trust Fund Account, which account shall be accounted for and maintained separate and apart from all other accounts maintained by the City of Alexandria.

(b) *Funding of account.* There is hereby assigned and appropriated to such account, and for the fiscal year commencing January 1, 2011 and in each succeeding fiscal year, from the tax on real estate levied pursuant to section 3-2-181 of this code, in addition to all other appropriations made to such account, if any, the sum of $0.005 on each $100 of the assessed value of all real estate subject to such tax.

(c) *Expenditures from account.* Notwithstanding any contrary provision of law, appropriations from the said account shall be authorized and made exclusively to finance permanent storm water infrastructure public improvements related to the conveyance, treatment or storage of storm water included in the capital budget. Unexpended appropriations to such account shall not lapse or expire at the end of the fiscal year in which made, irrespective of whether such appropriations were encumbered within such fiscal year.

(d) *Storm water infrastructure public improvements defined.* As used in this section, storm water infrastructure public improvements means any structure designed to convey, store, treat or otherwise manage storm water, repairs or improvements to any existing structures, and land acquired by the city in fee or by perpetual easement in connection with such a structure, together with accessory buildings and structures incidental and subordinate to management of storm water, and capital expenditures including but not limited to, demolition, clean-up, grading, engineering and design work, and the acquisition and installation of furniture, structures, landscaping, apparatus and facilities, for such use and improvement of the site, and any personnel, consultant, equipment or operational cost related thereto. (Ord. No. 4670, 6/12/10, Sec. 1)

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Charter Reference: Power of council to raise money annually by taxes and assessments, Sec. 2.02(a).

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Sec. 3-2-1 Title.

This chapter may be known and cited as the tax code of the city.

Sec. 3-2-2 Director of finance to administer and enforce chapter; duly authorized representatives.

Unless otherwise provided in this chapter, the director of finance of the city shall administer and enforce the provisions of this chapter. Use of the title "director" in this chapter shall mean the director of finance and/or his or her duly authorized representative(s).

Sec. 3-2-3 Administrative regulations, etc.

The director of finance is hereby authorized and empowered to make, establish, adopt, promulgate and from time to time change, amend, supplement or rescind such administrative regulations, remedies, practices or procedures as may be necessary or convenient to clarify, interpret, construe or otherwise aid in the administration and/or enforcement of the provisions of this chapter; provided, however, that they shall not be in conflict with the provisions of this chapter.

Sec. 3-2-4 Report of persons not filing returns of tangible personal property, machinery or tools.

The director shall determine the name of every person required to file a return of tangible personal property and machinery and tools, who has failed, refused or neglected to file a return for any year. In addition the director shall identify and determine the fair market value of the subjects of taxation. Any property required to be assessed by the state corporation commission or property included on returns failed with the examiner of records is excluded from the provisions of this section.

Sec. 3-2-5 Review and investigation of returns of property subject to taxation by city; report of unlisted property.

The director shall review the lists of property subject to taxation by the city contained in all returns required by this chapter. If the director shall suspect that any list is incorrect or that a taxpayer has failed to include in the return property subject to taxation by the city, he shall cause an investigation to be made thereof. Thereafter the director may correct and/or make an assessment of the property listed or previously unlisted.

Sec. 3-2-6 Assistance from accountant.

The city manager may employ an accountant to assist the director in making investigation of books of account, papers and records of any taxpayer when in his judgment it is necessary. (Code 1963, Sec. 36-10)

Sec. 3-2-7 Unlawful acts.

(a) It shall be unlawful for any person when required by this chapter, to knowingly give false information to the director.

(b) Any person violating the provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than $25 nor more than $300 or by confinement in jail for a period of not more than 30 days, either or both.

Sec. 3-2-8 Manner of payment of local taxes and certain penalties.

In addition to other methods of payment allowed by law, the director of finance is authorized to accept payment of local taxes and of penalties related to uncontested parking citations by use of a credit or debit card. The director may designate within regulations issued pursuant to section 3-2-3 of this code which credit and debit cards may be used for that purpose. Should the credit or debit card company not pay the city, the payment shall be due as if never tendered. (Ord. No. 3097, 11/16/85, Sec. 1; Ord. No. 4145, 6/17/00, Sec. 1)

Sec. 3-2-9 Refund of local taxes.

(a) Except as provided in subsection (b), any person who is aggrieved by an assessment of local taxes may apply to the director for correction of the assessment. Application for correction of the assessment shall be made on a form prepared by the director or as otherwise prescribed by the director. When the director is satisfied that an erroneous assessment has been made, he shall reduce the amount of assessed taxes and refund any taxes that have been paid in excess of that amount, together with any penalties and interest that have been paid on that amount.

(b) Any person who is aggrieved by an assessment of real property taxes may apply to the director of the department of real estate assessments for correction of the assessment. Application for correction of the real property assessment shall be made on a form prepared by the director of the department of real estate assessments or as otherwise prescribed by said director. When the director of the department of real estate assessments is satisfied that an erroneous assessment has been made, he shall certify to the director the amount of the erroneous assessment, and the director shall reduce the amount of assessed taxes and refund any taxes that have been paid in excess of that amount, together with any penalties and interest that have been paid on that amount.

(c) Beginning on July 1, 1999, interest shall be paid on any refund of taxes which is the result of an erroneous assessment. Interest payable on such a refund shall begin to accrue on the later of the date on which the tax payment giving rise to the refund was due, or the date on which payment was made, and shall continue to accrue until the date the refund is paid. Interest shall be calculated separately for each day during the period interest accrues on the refund, and the daily rate shall equal the rate that would be used on that same day to calculate the interest to be paid on delinquent taxes of the same type which began to accrue interest on the first day following the day such taxes were due. Interest shall not be paid on any refund that is $10 or less in amount, or not the result of an erroneous assessment. A refund is the result of an erroneous assessment if the refund is pursuant to (i) an application for correction of an erroneous assessment under this section, (ii) an application for correction of an erroneous assessment under section 58.1-3980 of the Code of Virginia (1950), as amended, (iii) an application for correction of an assessment under section 58.1-3703.1 or 58.1-3983.1 of the Code of Virginia (1950), as amended, or (iv) an application to a court for correction of an erroneous assessment under section 58.1-3984 of the Code of Virginia (1950), as amended. Refunds which are not the result of an erroneous assessment shall include, but not be limited to, (i) any statutory relief provided in accordance with section 58.1-3516 of the Code of Virginia (1950), as amended, and (ii) any refund of duplicate payments that are not the result of duplicate assessments for the same tax.

(d) In no event may the director reduce an assessment of taxes or refund taxes when the reduction or refund is barred by law. (Ord. No. 3838, 12/16/95, Sec. 1; Ord. No. 4058, 6/12/99, Sec. 1; Ord. No. 4145, 6/17/00, Sec. 2)

Secs. 3-2-10 through 3-2-20 reserved.

ARTICLE B

Bank Franchise Tax

Sec. 3-2-21 Definitions.

For the purpose of this article, the following words shall be defined as follows:

(1) *Bank.* As defined in section 58-485.01, Code of Virginia.

(2) *Net capital.* A bank's net capital computed pursuant to section 58-485.07, Code of Virginia. (Code 1963, Sec. 36-20.1, as enacted by Ord. No. 2470, 5/21/80)

Sec. 3-2-22 Imposition of city bank franchise tax.

(a) Pursuant to the provisions of chapter 10.01 of title 58, Code of Virginia, there is hereby imposed upon each bank located within the boundaries of the city a tax on net capital equaling 80 percent of the state rate of franchise tax set forth in section 58-485.06, Code of Virginia.

(b) In the event that any bank located within the boundaries of the city has offices that are located outside the city limits, the tax shall be apportioned as provided by section 58-485.012, Code of Virginia. (Code 1963, Sec. 36-20.2, as enacted by Ord. No. 2470, 5/21/80)

Sec. 3-2-23 Filing of return and payment of tax.

(a) On or after January 1 of each year, but not later than March 1 of any such year, all banks whose principal offices are located within the boundaries of the city shall prepare and file with the director of finance a return as provided by section 58-485.013 of the Code of Virginia, in duplicate, which shall set forth the tax on net capital computed pursuant to chapter 10.01, title 58, Code of Virginia. The director of finance shall certify a copy of such filing of the bank's return and schedule and shall forthwith transmit such certified copy to the Virginia Department of Taxation.

(b) In the event that the principal office of a bank is located outside the city limits and such bank has branch offices located within the city limits of the city, in addition to the filing requirements set forth in subsection (a), any bank conducting such branch business shall file with the director of finance a copy of the real estate deduction schedule, apportionment and other items which are required by sections 58-485.012, 58-485.013 and 58-485.014. Code of Virginia.

(c) Each bank, on or before June 1 of each year, shall pay into the treasurer's office, all taxes imposed pursuant to this article. (Code 1963, Sec. 36-20.3, as enacted by Ord. No. 2470, 5/21/80)

Sec. 3-2-24 Penalty upon bank for failure to comply with article.

Any bank which shall fall or neglect to comply with any provision of this article shall be fined not less than $100 nor more than $500, which fine shall be recovered upon motion, after five days' notice in the Circuit Court of the City of Alexandria. The motion shall be in the name of the commonwealth and shall be presented by the attorney for the commonwealth of the city. (Code 1963, Sec. 36-20.4, as enacted by Ord. No. 2470, 5/21/80)

Secs. 3-2-25 through 3-2-30 reserved.

ARTICLE C

Certificates of Taxes

Sec. 3-2-31 Issuance.

(a) The director shall issue, to any applicant therefor, a certificate setting forth the entire amount of unpaid taxes assessed against any real estate within the city, by or on behalf of the city, up to and including the last day of the calendar year preceding the date of the certificate.

(b) A separate certificate shall be issued for each separate piece of property as the same appears upon the current city assessment maps. (Code 1963, Sec. 36-21)

Sec. 3-2-32 Fee.

A fee of $2.50 shall be charged for each certificate issued under the provisions of this article. (Code 1963, Sec. 36-22)

Sec. 3-2-33 Designation; form.

Certificates issued under the provisions of this article shall be designated "Certificate of Taxes" and shall be substantially in the following form:

I hereby certify that the records in the office of the Director of Finance for the City of Alexandria, Virginia, show that all city taxes due against the following property: _____ known as Lot _____, Block _____, on Alexandria City Assessment Map _____ and assessed in the name of _____ are paid in full to _____, with the exception of the following:

_____

Director of Finance

(Code 1963, Sec. 36-23)

Sec. 3-2-34 Effect.

The facts as set forth in each certificate issued under the provisions of this article shall be binding upon the city. No taxes other than those reported as unpaid in any certificate shall thereafter constitute a lien upon the real estate referred to in the certificate. (Code 1963, Sec. 36-24)

Secs. 3-2-35 through 3-2-40 reserved.

ARTICLE D

City Recordation Tax

Sec. 3-2-41 Imposition of tax.

There is imposed on each taxable instrument upon its first recordation in the city a tax in an amount equal to one-third (1/3) of the amount of the state recordation tax collectible for the state on such instruments. This tax is by virtue of and subject to the terms of section 58-65.1 of the Code of Virginia (1950), as amended. (Code 1963, Sec. 36-25)

Sec. 3-2-42 Collection and disposition of funds.

The tax imposed by this article shall be collected by the clerk of the circuit court of the city and shall be paid into the city treasury without deduction on account of any compensation due the clerk. The payment by the clerk into the city treasury shall be made once each month and shall be accompanied by a report of all money collected in the enforcement of this article. (Code 1963, Sec. 36-26)

Sec. 3-2-43 Payment prerequisite to recordation.

Except as provided in this article, no deed or other instrument shall be admitted to record without the payment of the tax imposed by this article. (Code 1963, Sec. 36-27)

Sec. 3-2-44 Only city property subject to tax; certain property exempt.

When an instrument, subject to this tax, conveys, covers or relates to property located in the city and also to property located in another city or in a county, or in other cities or counties, the tax imposed under the authority of this article shall be computed only with respect to property located in the city, and no tax shall be imposed under this article in a case in which the state recordation tax is $0.50 specifically. (Code 1963, Sec. 36-28)

Sec. 3-2-45 Compensation of clerk for collection.

The clerk of the circuit court of the city shall be entitled to compensation equal to five percent on all money collected for the city pursuant to this article.

Secs. 3-2-46 through 3-2-50 reserved.

ARTICLE E

Assessment of Court Costs and Fees

Editorial Note: Section 1 of Ord. No. 3519, adopted June 15, 1991, amended Article E of Chapter 2, Title 3, in its entirety to read as herein set out. Prior to amendment, Article E, §§ 3-2-51—3-2-54, pertained to assessing costs in civil actions in the courts for the law library and derived from the 1963 Code, §§ 36-30, 36-32, 36-33; Ord. No. 2598, § 1, adopted June 13, 1981; Ord. No. 2932, § 1, adopted June 18, 1984; and Ord. No. 3322, § 1, adopted Sept. 24, 1988.

Sec. 3-2-51 Assessment of fee for law library.

There is hereby assessed as a part of the costs incident to every civil action filed in the Alexandria Circuit and General District Courts a fee of $4 for the support of the law library. This assessment is made in addition to all other fees and costs prescribed by law, but shall not apply to any action in which the Commonwealth, any political subdivision thereof or the federal government is a party and in which costs are assessed against such governmental entity. (Ord. No. 3519, 6/15/91, Sec. 1)

Sec. 3-2-52 Assessment of fee for courthouse and jail.

In addition to any other fee or cost prescribed by law, there is hereby assessed a fee of $5, for the support of the courthouse and jail, as part of the fees taxed as costs in each civil action filed in the Alexandria Circuit and General District Courts, in each criminal and traffic case in the Alexandria Circuit and General District Courts, and in each adult criminal and juvenile traffic case in the Juvenile and Domestic Relations District Court, in which the defendant is charged with a violation of any statute or ordinance. In any civil action where the amount in controversy is $500 or less, the fee hereby assessed is only $2. (Ord. No. 3519, 6/15/91, Sec. 1; Ord. No. 4230, 12/15/01, Sec. 1; Ord. No. 4628, 10/17/09, Sec. 1; Ord. No. 5006, 5/14/16, Sec. 1)

Sec. 3-2-52.1 Assessment of fee for courthouse security personnel.

In addition to any other fee or cost prescribed by law, there is hereby assessed a fee of $10, for the funding of courthouse security personnel, as part of the fees taxed as costs in each criminal and traffic case in the Alexandria Circuit and General District Courts, and in each adult criminal and juvenile traffic case in the Juvenile and Domestic Relations District Court, in which the defendant is convicted of a violation of any statute or ordinance. (Ord. No. 4251, 5/18/02, Sec. 1; Ord. No. 4491, 6/16/07, Sec. 1)

Sec. 3-2-53 Collection, remittance and appropriation.

(a) The assessments provided for in this article shall be charged and collected by the clerk of the court in which the action or case is filed in the same manner as other costs or fees in like actions or cases are charged and collected, and shall be remitted by the clerk to the director of finance to be held for appropriation by city council.

(b) The appropriation by city council of the fee assessed under section 3-2-51 shall be for the support of the law library as follows:

(1) the acquisition of law books and law periodicals;

(2) the compensation, as fixed by council, of librarians and necessary staff for the maintenance of the law library; and

(3) the acquisition of suitable quarters for the library.

(c) The appropriation by city council of the fee assessed under section 3-2-52 shall be for the construction, renovation or maintenance of the city's courthouse, jail or court-related facilities, or to defray increases in the costs of providing heat, cooling, electricity and ordinary maintenance services to the courthouse, jail or court-related facilities.

(d) The appropriation by city council of the fee assessed under section 3-2-52.1 shall be for the funding of courthouse security personnel. (Ord. No. 3519, 6/15/91, Sec. 1; Ord. No. 4251, 5/18/02, Sec. 2)

Sec. 3-2-54 Juror contributions.

The director of finance is authorized to pay, in the amount stated in writing by any juror serving in the Alexandria Circuit Court, all or part of the compensation due the juror for jury service into an account for use by the court service unit serving the Alexandria Juvenile and Domestic Relations Court or for use by another office or agency serving the courts of Alexandria, as designated by the juror. (Ord. No. 3592, 6/24/92, Sec. 1)

Secs. 3-2-55 through 3-2-60 reserved.

ARTICLE F

Tax on Persons Purchasing Telephone and Water Services

Sec. 3-2-61 Definitions.

The following words, phrases and terms shall for the purposes of this article, have the following respective meanings, except where the context clearly indicates a different meaning:

(1) *Commercial or industrial user.* The owner or tenant of property used primarily for commercial or industrial purposes, but this term shall not include apartment houses or other multiple-family dwellings.

(2) *Dwelling unit.* One or more rooms designed or intended for occupancy by a single-family.

(3) *Multiple-family dwelling.* A building or a portion thereof containing two or more dwelling units, but not including hotels or motels.

(4) *Purchaser.* Every person who purchases a utility service.

(5) *Residential user.* The owner or tenant of property used primarily for residential purposes, and this term shall include, but not by way of limitation, apartment houses and other multiple-family dwellings.

(6) *Seller.* Every person, whether or not a public service corporation or a municipality, who sells or furnishes a utility service.

(7) *Used primarily.* This term shall relate to the larger portion of the use for which the utility service is furnished and, for the purposes of this article, in the determination of the primary use for which a utility service is furnished, the primary or larger portion of that use shall be determined by the relative load for each use or the relative time of operation by each.

(8) *Utility service.* This term shall include water service furnished in the city. (Ord. No. 4624, 9/12/09, Sec. 1)

Sec. 3-2-62 Tax rate and levy.

There is hereby imposed and levied by the city, upon every purchaser of a utility service, a tax for general purposes in the following amount: 15 percent for water service to a residential user and 20 percent to a commercial or industrial user. The above mentioned tax rate shall be computed as a percent of the charge (exclusive of any federal or state tax thereon) made by the seller against the purchaser with respect to the utility service, which tax in every case shall be collected by the seller from the purchaser and shall be paid by the purchaser unto the seller for the use of the city at the time that the purchase price or such charge shall become due and payable under the agreement between the purchaser and the seller; provided, that in case any monthly bill submitted by any seller for service to a commercial or industrial user shall exceed $150, there shall be no tax computed on so much of the bill as shall exceed $150. Bills shall be considered monthly bills, for the purpose of this article, if submitted 12 times per year for periods of approximately one month each. Accordingly, there shall be no tax computed on so much of a bill for services submitted to a commercial or industrial user in excess of $300 where the billing is made on a bi-monthly basis, that is, every other month, and there shall be no tax computed on so much of a bill for services submitted to a commercial or industrial user in excess of $450 where the billing is made quarterly. (Ord. No. 4164, 10/14/00, Sec. 1; Ord. No. 4624, 9/12/09, Sec. 2; Ord. No. 4879, 5/17/14, Sec. 1)

Note—See editor's note at § 3-2-61.

Sec. 3-2-63 reserved.

Editorial Note: Ord. No. 4624, § 3, adopted Sept. 12, 2009, repealed § 3-2-63 which pertained to application for classification as commercial or industrial user and derived from Ord. No. 4164, § 1, adopted Oct. 14, 2000.

Sec. 3-2-64 Duty of seller.

(a) It shall be the duty of every seller, in acting as the tax collection medium or agency for the city to collect from the purchaser for the use of the city the tax imposed and levied by this article at the time of collecting the purchase price charged therefor, and the taxes collected during each calendar month or billing period shall be reported and paid by each seller to the director by the fifteenth day of the second calendar month thereafter, together with the name and address of any purchaser who has refused to pay his tax.

(b) In all cases where the seller collects the price for utility service in stated periods, the tax imposed and levied by this article shall be computed on the amount of purchase during the month or period according to each bill rendered; provided, that the amount of tax to be collected shall be the nearest whole cent to the amount computed.

(c) Every seller shall keep complete records showing all purchases in the city, which records shall show the price charged against each purchaser with respect to each purchase, the date

thereof, the date of payment thereof and the amount of tax imposed hereunder, and such records shall be kept open for inspection by the director during regular business hours on business days, and the director shall have the right, power and authority to make such transcripts thereof during such times as they may desire.

(d) The seller shall collect the tax imposed and levied by this article from all purchasers on a residential user basis, except for those purchasers whose names appear on the lists of commercial and industrial users, which lists are prepared by the director, pursuant to section 3-2-69 of this code; provided, that notwithstanding any other provision of this article, any seller of a utility service that maintains records and rate schedules or tariffs approved by the state corporation commission which segregate charges for such utility service as between residential users and commercial and industrial users, may classify and collect the tax imposed and levied by this article in accordance with such segregation; except, that apartment houses and other multiple-family dwellings shall be classified as residential users. (Ord. No. 4164, 10/14/00, Sec. 1)

Note—See editor's note at § 3-2-61.

Sec. 3-2-65 Power of director of finance to prescribe forms, make regulations and extend time of payment.

(a) The director is hereby authorized to prescribe forms for the filing of any report or the payment of any funds as set forth in this article.

(b) The director is hereby authorized to make and establish rules and regulations not inconsistent with this article to help carry out the provisions of this article.

(c) The director is hereby authorized to extend, for good cause shown, the time of filing any return required to be filed by the provisions of this article; provided, that no such extension shall exceed a period of 90 days. (Ord. No. 4164, 10/14/00, Sec. 1)

Note—See editor's note at § 3-2-61.

Sec. 3-2-66 Exemptions; maximum tax.

(a) Any provision in subsection (c) to the contrary notwithstanding, the United States of America, diplomatic personnel exempted by the laws of the United States, the state and the political subdivisions, boards, commissions and the authorities and agencies thereof, including the city, are hereby exempt from the payment of the tax imposed and levied by this article with respect to the purchase of utility services used by such governmental agencies. The tax hereby imposed and levied shall not apply to the purchase of bottled water or service from the Alexandria Sanitation Authority.

(b) Any provision in subsection (c) to the contrary notwithstanding, the tax imposed and levied by this article shall not apply to purchases of utility services by and for the exclusive benefit of any local unincorporated religious congregation, church or religious society or branch or division thereof located within the city, provided such utility services are used in and for property being devoted primarily to religious purposes at the time of the purchases; nor shall such tax apply to purchases of utility services to be used in any schools conducted within the city by any such local unincorporated religious congregation, church or religious society or branch or division thereof.

(c) The tax imposed and levied by this article upon hospitals which operate within the city and upon entities which receive, or are eligible for, an exemption from city real property taxes under title 58.1 of the Virginia Code (1950), as amended, or under the Virginia Constitution, shall not exceed $24 a month. (Ord. No. 4164, 10/14/00, Sec. 1)

Note—See editor's note at § 3-2-61.

Sec. 3-2-67 reserved.

Editorial Note: Ord. No. 4624, § 3, adopted Sept. 12, 2009, repealed § 3-2-67 which pertained to applicability to telephone service and derived from Ord. No. 4164, § 1, adopted Oct. 14, 2000.

Sec. 3-2-68 Repealed.

Sec. 3-2-69 Duty of director.

The director shall be charged with the power and duty of collecting the tax imposed and levied under this article. (Ord. No. 4164, 10/14/00, Sec. 1; Ord. No. 4624, 9/12/09, Sec. 5)

Note—See editor's note at § 3-2-61.

Sec. 3-2-70 Penalties.

Any purchaser failing, refusing or neglecting to pay the tax imposed and levied by this article and any purchaser or seller violating any of the provisions of this article and any officer, agent or employee of any seller violating the provisions of this article shall, upon conviction thereof, be punished by a fine of not less than $10 nor more

than $300 or by imprisonment in jail for not more than three months, or by both such fine and imprisonment. Each failure, refusal, neglect or violation and each day's continuance thereof shall constitute a separate offense. Such conviction shall not relieve any person from the payment, collection and remittance of the tax as provided in this article. (Ord. No. 4164, 10/14/00, Sec. 1)

Note—See editor's note at § 3-2-61.

Sec. 3-2-71 reserved.

Editorial Note: Ord. No. 4624, § 3, adopted Sept. 12, 2009, repealed § 3-2-67 which pertained to a cellular telephone tax and derived from Ord. No. 4391, § 1, adopted May 2, 2005.

Secs. 3-2-72 through 3-2-80 reserved.

ARTICLE G

Fee for Processing Requests for Vacation of Public Rights and Requests for Encroachments and Charge for Commercial Encroachments

Sec. 3-2-81 Processing fee for vacation of public rights.

A fee of $100 shall be charged to process each request to vacate a public right, including but not limited to rights in streets, sewers and public places. (Code 1963, Sec. 36-45)

Sec. 3-2-82 Processing fee for encroachments.

A fee of $150 shall be charged to process each request to be allowed to encroach upon any public way or right including, but not limited to, streets, alleys, sidewalks and public places; provided, however, that no fee shall be charged to process a request received after January 1, 1987, which involves an encroachment by residential property that existed as of December 31, 1986, and which seeks permission for the same or a lesser encroachment to continue to encroach upon a public way or right. Notwithstanding the first sentence of this section, the city manager or the manager's designee is authorized to grant a waiver of the $150 fee when it is determined that the fee constitutes an undue hardship to the person requesting the encroachment or is disproportionate to the value of the requested encroachment or that a waiver of the fee is otherwise in the public interest. (Code 1963, Sec. 36-47; Ord. No. 3183, 2/24/87, Sec. 1; Ord. No. 4256, 6/15/02, Sec. 1)

Sec. 3-2-83 Payment of fee.

If the fee required by either section 3-2-81 or 3-2-82 is to be paid by check or money order, it shall be made payable to the City of Alexandria, Virginia. The fee shall accompany an application and be submitted to the city department of planning and community development.

Sec. 3-2-84 Payment prerequisite to hearing by planning commission or city council.

No request or vacation of public rights or encroachments shall be docketed for hearing before the planning commission or the city council without the payment of the fee required by section 3-2-81 or section 3-2-82.

Sec. 3-2-85 Annual charge for commercial encroachments.

The owner or owners of property which is used for commercial purposes and encroaches over, under or in any street, alley, sidewalk or other public place, whether or not such encroachment has been authorized by the city, shall annually compensate the city for such encroachment by payment of the equivalent of what would be the real estate tax upon the land being encroached if it were owned by the owner or owners of the encroaching property. This annual charge shall be made and collected for the calendar year beginning January 1, 1987, and for each calendar year thereafter. This charge shall be determined by and made a part of the same process by which real estate taxes are assessed, billed and collected. (Ord. No. 3171, 12/13/86, Sec. 2)

Secs. 3-2-86 through 3-2-90 reserved.

ARTICLE H

Sales Tax

Sec. 3-2-91 One percent sales tax levied.

There is hereby levied and imposed, in addition to all other taxes and fees of every kind now imposed, a general retail sales tax at the rate of one percent to provide revenue for the general fund, except that no such tax shall apply to artificial or propane gas, firewood, coal or heating oil used for domestic consumption, as defined in section 58-441.6(g1) of the Code of Virginia. The rate of the tax shall be added to the rate of the state retail sales tax imposed by chapter 8.1 of the Code of Virginia (Virginia Retail Sales and Use Tax Act) and shall be subject to all the provisions of such chapter, and all amendments thereof, and the rules and regulations published with respect thereto, except that the applicable brackets of prices shall be as prescribed in sections 58-441.50 and 58-441.51 of the Code of Virginia for the combined tax, and except that no discount under section 58-441.25 of the Code of Virginia shall be allowed on the tax levied by this section. (Code 1963, Sec. 36-49; Ord. No. 2621, 10/28/81, Sec. 1)

Secs. 3-2-92 through 3-2-100 reserved.

ARTICLE I

Tax on Sale of Cigarettes

Sec. 3-2-101 Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section, except in those instances where the context clearly indicates a different meaning:

(1) *Board* or *NVCTB* means the Northern Virginia Cigarette Tax Board.

(2) *Carton* means any container, regardless of material used in its construction, in which packages of cigarettes are placed.

(3) *Cigarette* means and includes any roll of any size or shape for smoking, whether filtered or unfiltered, with or without a mouthpiece, made wholly or partly of cut, shredded or crimped tobacco or other plant or substitute for tobacco, whether the same is flavored, adulterated or mixed with another ingredient, if the wrapper or cover is made of any material other than leaf tobacco or homogenized leaf tobacco, regardless of whether the roll is labeled or sold as a cigarette or by any other name.

(4) *Cigarette Machine Operator* means any individual, partnership or corporation engaged in the sale of packages of cigarettes from vending machines.

(5) *City* means the City of Alexandria, Virginia.

(6) *Dealer* means and includes every manufacturer's representative, self-wholesaler, wholesaler, or other person who shall sell, receive, store, possess, distribute or transport cigarettes within or into the city, but does not include any person transporting cigarettes through the city, without stopping other than in the ordinary course of transportation, to a destination outside the city, provided that such cigarettes are accompanied by a receipt/bill of lading or other document indicating:

a. a consignee or purchaser in another state or the District of Columbia who is authorized by the law of such other jurisdiction to receive or possess such tobacco products on which the taxes imposed by the other jurisdiction have not been paid, unless the tax of the jurisdiction of destination has been paid and said cigarettes bear the tax stamps of that jurisdiction; or

b. a consignee or purchaser in the Commonwealth of Virginia, but outside the taxing jurisdiction, who possesses a Virginia Sales and Use Tax Certificate and, where applicable, any required licenses issued by the Commonwealth of Virginia or local jurisdiction of destination.

(7) *Package* means and includes any container, regardless of the material used in its construction in which separate cigarettes are placed without such cigarettes being placed into any container within the package. Packages are those containers of cigarettes from which individual cigarettes are ordinarily taken when they are consumed by their ultimate user. Ordinarily a package contains 20 cigarettes, however, "package" includes those containers in which fewer or more than 20 cigarettes are placed.

(8) *Person* means and includes any individual, firm, unincorporated association, company, corporation, joint stock company, group, agency, syndicate, trust or trustee, receiver, fiduciary, partnership or conservator. The word "person" as applied to a partnership, unincorporated association or other joint venture means the partners or members thereof, and as applied to a corporation, shall include all the officers and directors thereof.

(9) *Place of business* means and includes any place where cigarettes are sold, placed, stored, offered for sale or displayed for sale or where cigarettes are brought or kept for the purpose of sale, consumption or distribution, including vending machines, by a dealer within the city.

(10) *Registered agent* means and includes every dealer and other person who shall be required to report and collect the tax on cigarettes under the provisions of this article.

(11) *Retail dealer* means and includes every person who, in the usual course of business, purchases or receives cigarettes from any source whatsoever for the purpose of sale within the city to the ultimate consumer; or any person who, in the usual course of business, owns, leases, or otherwise operates within his own place of business, one or more cigarette vending machines for the purpose of sale within the city of cigarettes to the ultimate consumer; or any person who, in any manner, buys, sells, stores, transfers or deals in cigarettes for the purpose of sale within the city to the ultimate consumer, who is not licensed as a wholesaler or vending machine operator.

(12) *Sale* or *sell* means and includes every act or transaction, irrespective of method or means employed, including barter, exchange, or the use of vending machines or other mechanical devices or a criminal or tortious act whereby ownership or possession, or both, of any cigarettes shall be

transferred within the city from a dealer, as herein defined, to any person for a consideration.

(13) *Stamp* means a small gummed piece of paper or decal used to evidence provision for payment of the tax as authorized by the Northern Virginia Cigarette Tax Board, required to be affixed to every package of cigarettes sold, distributed, or used within the city.

(14) *Store* or *storage* means and includes the keeping or retention of cigarettes in this city for any purpose except sale in the regular course of business.

(15) *Use* means and includes the exercise of any right or power over any cigarettes or packages of cigarettes incident to the ownership or possession of those cigarettes or packages of cigarettes including any transaction where possession is given or received or otherwise transferred, other than a sale.

(16) *User* means any person who exercises any right or power over any cigarettes or packages of cigarettes subject to the provisions of this article incident to the ownership or possession of those cigarettes or packages of cigarettes or any transaction where possession is given or received or otherwise transferred, other than a sale.

(17) *Wholesaler Dealers* means any individual, partnership or corporation engaged in the sale of cigarettes for resale into or within the city. (Code 1963, Sec. 36-50; Ord. No. 4473, 1/20/07, Sec. 1)

Sec. 3-2-102 Levy and rate.

(a) In addition to all other taxes of every kind now or hereinafter imposed by law, there is hereby levied and imposed by the city, upon every person who sells or uses cigarettes within the city, from and after the effective date of this article an excise tax equivalent to $1.26 for each package of cigarettes sold or used within the city. The tax shall be paid and collected in the manner and at the time hereinafter prescribed; provided, that the tax payable for each cigarette or cigarette package sold or used within the city shall be paid but once. (Code 1963, Sec. 36-51; Ord. No. 3458, 6/16/90, Sec. 1; Ord. No. 3579, 6/13/92, Sec. 1; Ord. No. 3804, 6/17/95, Sec. 1; Ord. No. 3869, 6/15/96, Sec. 1; Ord. No. 4283, 12/14/02, Sec. 1; Ord. No. 4392, 5/2/05, Sec. 1; Ord. No. 4473, 1/20/07, Sec. 1; Ord. No. 4594, 5/16/09, Sec. 1; Ord. No. 4807, 5/18/13, Sec. 1; Ord. No. 4880, 5/17/14, Sec. 1; Ord. No. 5008, 5/14/16, Sec. 1)

Sec. 3-2-103 Method of collection.

(a) The tax imposed by this article shall be evidenced by the use of a tax stamp and shall be paid by each dealer or other person liable for the tax under a reporting method deemed by the board to carry out the provisions of this article. The stamps shall be affixed in such a manner that their removal will require continued application of water or steam. Each dealer or other person liable for the tax is hereby required, and it shall be his duty to collect and pay the tax and report all packages of cigarettes on forms prescribed for this purpose by the board:

(1) the quantity of Northern Virginia Cigarette Tax Board-stamped cigarettes sold or delivered to:

a. each registered agent appointed by the board for which no tax was collected;

b. each manufacturer's representative; and

c. each separate person and place of business within the city during the preceding calendar month; and

(2) the quantity of Northern Virginia Cigarette Tax Board stamps on hand, both affixed and unaffixed on the first day and the last day of the preceding calendar month and the quantity of Northern Virginia Cigarette Tax Board stamps or Northern Virginia Cigarette Tax Board-stamped cigarettes received during the preceding calendar month;

(3) the quantity of cigarettes on hand to which the Northern Virginia Cigarette Tax Board stamp had not been affixed on the first and last day of the preceding calendar month and the quantity of cigarettes received during the preceding calendar month to which the Northern Virginia Cigarette Tax Board stamp had not been affixed; and

(4) any further information as the administrator for the board may require for the proper administration and enforcement of this article for the determination of the exact number of cigarettes in the possession of each dealer or user.

(b) Each dealer or other person liable for the tax shall file such reports with the board and pay the tax due to the board prior to the due date and shall furnish copies of any cigarette tax reports submitted to the Virginia Department of Taxation.

(c) When, upon examination and audit of any invoices, records, books, cancelled checks or other memoranda touching on the purchase, sale, receipt, storage or possession of tobacco products

taxed herein, any dealer or other person liable for the tax is unable to furnish evidence to the board of sufficient tax payments and stamp purchases to cover cigarettes which were sold, used, stored, received, purchased or possessed by him, the prima facie presumption shall arise that such cigarettes were received, sold, used, stored, purchased or possessed by him without the proper tax having been paid. The board, shall, from the

results of such examination and audit based upon such direct or indirect information available, assess the tax due and impose a penalty of 10 percent and may impose interest of three-quarters percent per month of the gross tax due.

(d) When any dealer or other person liable for the tax files a false or fraudulent report or fails to file a report or fails to perform any act or performs any act to evade payment of the tax, the board shall administratively assess the tax due and impose a penalty not to exceed 50 percent of the tax due and interest of three-quarter percent per month of the gross tax due.

(e) The dealer or other person liable for the tax shall be notified by certified mail of the deficiency and such tax, penalty and interest assessed shall be due and payable within 10 days after notice of the deficiency has been issued. Every dealer or other person liable for the tax shall examine each package of cigarettes to ensure that the Northern Virginia Cigarette Tax Board stamp has been affixed thereto prior to offering them for sale.

(f) Any dealer or other person liable for the tax who shall receive cigarettes not bearing the Northern Virginia Cigarette Tax Board stamp shall, within one hour of receipt of such cigarettes, commence and with all reasonable diligence continue to affix the Northern Virginia Cigarette Tax Board stamp on each and every package of cigarettes until all unstamped packages of cigarettes have been stamped and before offering the cigarettes for sale. Any dealer or other person liable for the tax who has notified the board that he is engaged in interstate or intrastate business shall be permitted to set aside any part of his stock as may be legally kept for the conduct of such interstate or intrastate business (that is, cigarettes held for sale outside the jurisdiction of the board) without affixing the stamps required by this article. Any interstate or intrastate stock shall be kept entirely separate and apart from the Northern Virginia Cigarette Tax Board stamped stock, in such a manner as to prevent the commingling of the interstate or intrastate stock with the Northern Virginia Cigarette Tax Board stock. Any dealer or other person liable for the tax found to have had untaxed cigarettes which have been lost whether by negligence, theft or any other unaccountable loss shall be liable for and shall pay the tax due thereon.

(g) It shall also be the duty of each dealer, or other person liable for the tax and he is hereby required, to maintain and to keep for a period of three years, not including the current calendar year, any records of cigarettes received, sold, stored, possessed, transferred or handled by him in any manner whatsoever, whether the same were stamped or unstamped, to make all of such records available for audit, inspection and examination and to make available at all reasonable times, the means, facilities and opportunity for making an audit, inspection or examination upon demand of the board. (Code 1963, Sec. 36-52; Ord. No. 4473, 1/20/07, Sec. 1)

Sec. 3-2-104 Registered agents.

(a) Any dealer or other person liable for the tax who shall sell, use, store, possess, distribute or transport cigarettes within or into the city shall first make application to the board to qualify as a registered agent. The application blank, which shall be supplied upon request, shall require such information relative to the nature of the business engaged in by the applicant as the board deems necessary for the administration and enforcement of this article. There is a yearly Registration Fee for all Wholesale Dealers and for all Cigarette Machine Operators. The applicant shall provide a surety bond to the board of 150 percent of the average monthly tax liability of the applicant, with a surety company authorized to do business in the Commonwealth of Virginia. The bond shall be so written that, on timely payment of the premium thereon, it shall continue in force from year to year. Any applicant whose place of business is outside the city shall automatically, by filing his application, submit himself to the board s legal jurisdiction and appoint the administrator for the board as his agent for any service of lawful process.

(b) Upon receipt of the properly completed application forms, and the required surety bond executed, the board shall determine whether the said applicant qualifies to be a registered agent. The Board will issue to said qualified applicant a yearly registered agent permit to purchase, sell, use, store, possess, distribute or transport Northern Virginia Cigarette Tax Board-stamped cigarettes within or into the city.

(c) Registered agents shall agree to the reporting and payment requirements placed upon them by this article and the rules and regulations as from time to time may be promulgated by the board. When any registered agent s monthly report and payment of the tax is not received within the dates prescribed, the board shall impose a late reporting penalty of 10 percent of the gross tax due or $10, whichever is greater, but in no event more than $1,000. The board may also require the

registered agent to provide proof that he has complied with all applicable laws of the Commonwealth of Virginia to legally conduct his business and to file financial statements showing all assets and liabilities. The board may revoke or suspend any registered agent s permit due to failure to file tax reports in a timely manner, non-payment of taxes due or if his cigarette tax surety bond should become impaired for any reason.

(d) All money collected as cigarette taxes under this ordinance shall be deemed to be held in trust by the dealer collecting the same until remitted to the board.

(e) Registered agents must account for all Northern Virginia Cigarette Tax Board authorized tax stamps purchased. Periodic audits may be conducted to determine any unaccounted variance between the number of stamps purchased and the number of stamps reported and an assessment will be made for all unaccounted for stamps. Any assessment of registered agents located outside the jurisdictions of the board will be based upon the average sales of packages of cigarettes by jurisdiction during the audit period. For registered agents located within the jurisdictions of the board, any assessment will be based upon the tax rate of the jurisdiction in which they are located. In addition, there will be a penalty for non-reporting of 10 percent of the gross tax due. (Ord. No. 4473, 1/20/07, Sec. 1)

Sec. 3-2-105 Notice of intention by retail dealers.

(a) Retail dealers, who shall sell, offer for sale, store, possess, distribute, purchase, receive or transport cigarettes for the purpose of sale within the city shall purchase cigarettes only from registered agents giving or supplying the business trade name and business address of the location where the cigarettes will be placed for sale to the public. Cigarettes purchased for personal use cannot be brought into a business for resale. Only properly registered and licensed retail stores may sell cigarettes to the public. To be properly registered and licensed, a retail store must first have a valid Virginia state sales and use tax certificate and valid retail business license. Cigarettes must be purchased and stored separately for each business location. All copies of cigarette purchase invoices/ receipts must be retained by the retailer for a period of three years and shall be made available to Agents of the NVCTB upon request for use in conducting audits and investigations. All copies of cigarette purchase invoices/receipts must be stored at the business retail location for a period of one year from date of purchase. Failure to provide cigarette invoices/receipts may result in confiscation of cigarettes until receipts can be reviewed by the Board to verify the proper tax has been paid. It is the responsibility of each retail location to insure that all cigarettes placed for sale or stored at that location be properly taxed and stamped. Cigarettes found without the NVCTB stamp or the proper jurisdictional tax paid will be seized by the Agents of the Board.

(b) Retail dealers must make their place of business available for inspection by Tobacco Revenue Agents to insure that all cigarettes are properly stamped and all cigarettes taxes are properly paid. (Code 1963, Sec. 36-53; Ord. No. 4473, 1/20/07, Sec. 1)

Sec. 3-2-106 Presumption of illegality; seizure of contraband goods, sealing/seizing of machines.

(a) If any cigarette machine operator or other person liable for the tax imposed by this article is found to possess any cigarettes without the jurisdictional tax-paid or the proper tax stamp affixed, there shall arise a rebuttable presumption that any such operator or other person shall be in possession of untaxed cigarettes in violation of this article.

(b) Any cigarettes placed in any vending machine within the city shall be presumed for sale within the city. Any vending machine located within the city containing cigarettes upon which the Northern Virginia Cigarette Tax Board tax stamp has not been affixed or on which the jurisdictional tax has not been paid or containing cigarettes placed so as not to allow visual inspection of the Northern Virginia Cigarette Tax Board tax stamp through the viewing areas as provided for by the vending machine manufacturer shall be presumed to contain untaxed cigarettes in violation of this article.

(c) Any cigarettes, vending machines, cigarette tax stamps, or other property found in violation of this article shall be declared contraband goods and may be seized by the board. In addition to any tax due, the dealer or other person liable for the tax possessing such untaxed cigarettes or tax stamps shall be subject to civil and criminal penalties herein provided.

(d) In lieu of seizure, the board may seal such vending machines to prevent continued illegal sale or removal of such cigarettes. The removal of the seal from a vending machine by any unautho-

rized person shall be in violation of this article. Nothing in this article shall prevent the seizure of any vending machine at any time after it is sealed.

(e) All cigarette vending machines shall be plainly marked with the name, address and telephone number of owner of the machine. (Code 1963, Sec. 36-54; Ord. No. 4473, 1/20/07, Sec. 1)

Sec. 3-2-107 Illegal acts.

It shall be unlawful and a violation of this article for any dealer or other person liable for the tax:

(1) To perform any act or fail to perform any act for the purpose of evading the payment of any tax imposed by this article or of any part thereof, or to fail or refuse to perform any of the duties imposed upon him under the provisions of this article or to fail or refuse to obey any lawful order which may be issued under this article; or

(2) To falsely or fraudulently make, or cause to be made, any invoices or reports, or to falsely or fraudulently forge, alter or counterfeit any stamp, or to procure or cause to be made, forged, altered or counterfeited any stamp, or knowingly and willfully to alter, publish, pass or tender as true any false, altered, forged or counterfeited stamp or stamps; or

(3) To sell, offer for sale, or distribute in the city any cigarettes upon which the Northern Virginia Cigarette Tax Board tax stamp has not been affixed or upon which the jurisdictional tax has not been paid; or

(4) To possess, store, use, authorize or approve the possession, storage or use in the city of any cigarette packages upon which the Northern Virginia Cigarette Tax Board tax stamp has not been affixed or upon which the jurisdictional tax has not been paid, except as provided in section 3-2-103(f); or

(5) To transport, authorize or approve the transportation of any cigarette packages in quantities of more than 60 packages into or within the city upon which the Northern Virginia Cigarette Tax Board tax stamp has not been affixed or upon which the jurisdictional tax has not been paid, if they are:

a. not accompanied by a receipt/bill of lading or other document indicating the true name and address of the consignor or seller and the consignee or purchaser and the brands and quantity of cigarettes transported; or

b. accompanied by a receipt/bill of lading or other document which is false or fraudulent in whole or part; or

c. accompanied by a receipt/bill of lading or other document indicating:

1. a consignee or purchaser in another state or the District of Columbia who is not authorized by the law of such other jurisdiction to receive or possess such tobacco products on which the taxes imposed by the other jurisdiction have not been paid, unless the tax of the jurisdiction of destination has been paid and said cigarettes bear the tax stamps of that jurisdiction; or

2. a consignee or purchaser in the Commonwealth of Virginia, but outside the taxing jurisdiction, who does not possess a Virginia Sales and Use Tax Certificate and, where applicable, any required licenses issued by the Commonwealth of Virginia or local jurisdiction of destination;

(6) To reuse or refill with cigarettes any package from which cigarettes have been removed, for which the tax imposed has been therefore paid; or

(7) To remove from any package any stamp with intent to use or cause the same to be used after same has already been used, or to buy, sell, or offer for sale or give away any used, removed, altered or restored stamps to any person or to reuse any stamp which had theretofore been used for evidence of the payment of any tax prescribed by this article, or to sell, or offer to sell, any stamp provided for herein; or

(8) To sell, offer for sale or distribute any loose or single cigarettes; or

(9) To perform any act that violates the resolutions promulgated by the Board.

(10) Except as provided in section 3-2-103(f), to transport, possess, store, use, authorize or approve the possession, storage or use of any cigarettes in quantities of more than 60 packages upon which the Northern Virginia Cigarette Tax Board tax stamp has not been affixed or upon which the jurisdictional tax has not been paid. (Code 1963, Sec. 36-54.1; Ord. No. 4473, 1/20/07, Sec. 1)

Sec. 3-2-108 Powers of the Northern Virginia Cigarette Tax Board.

(a) The board may delegate any of its powers to its administrator or employees and may adopt regulations regarding the administration and enforcement of the provisions of this article. The board shall be granted the following powers:

(1) to assess, collect and disburse the cigarette tax for each participating jurisdiction;

(2) to audit dealer sales of cigarettes for each participating jurisdiction;

(3) to provide information to commonwealth's attorneys, county, city or town attorneys for each participating jurisdictions;

(4) to designate an administrator;

(5) to manage the Northern Virginia Cigarette Tax Funds;

(6) to retain a certified public accountant to audit its books;

(7) to designate a depository bank or banks;

(8) to contract with member jurisdictions for administrative services;

(9) to hold and convey real and personal property;

(10) to enter into contracts;

(11) to hire, supervise and discharge its own employees;

(12) to sue and be sued in its own name;

(13) to prescribe the design of a stamp(s) and to issue and sell said stamps to authorized dealers;

(14) to establish different classes of taxpayers;

(15) to promulgate resolutions for the assessment and collection of cigarette taxes and the enforcement of this ordinance; and

(16) To conduct inspections of any place of business in order to enforce the provisions of this ordinance and all Resolutions of the Board.

(b) The board may employ legal counsel, bring appropriate court actions in its own name to enforce payment of the cigarette tax or penalties owed, and file tax liens against property of taxpayers hereunder.

(c) The board is authorized to enter into an agreement with the Virginia Department of Taxation under which a registered agent with the NVCTB who is also qualified to purchase Virginia revenue stamps, may qualify to purchase dual Virginia-NVCTB stamps from the Virginia Department of Taxation. Authority to purchase dual Virginia-NVCTB stamps is granted solely by the board and may be revoked or suspended for violations of this ordinance or resolutions adopted by the board.

(d) The board may appoint certain employees as tobacco revenue agents, who shall be required to carry proper identification while performing their duties. Tobacco Revenue Agents are further authorized to conduct inspections of any place of business and shall have the power to seize or seal any vending machines, seize any cigarettes, counterfeit stamps or other property found in violation of this article and shall have the power of arrest upon reasonable and probable cause that a violation of this article has been committed. The board is authorized to provide its tobacco revenue agents with (i) firearms for their protection, (ii) emergency-equipped vehicles while on duty, and (iii) other equipment deemed necessary and proper.

(e) The board may exchange information relative to the sale, use, transportation or shipment of cigarettes with an official of any other jurisdiction entrusted with the enforcement of the cigarette tax laws of said other jurisdiction. (Code 1963, Sec. 36-55; Ord. No. 3637, 6/12/93, Sec. 1; Ord. No. 4473, 1/20/07, Sec. 1)

Sec. 3-2-109 Jeopardy assessment.

If the administrator for the board determines that the collection of any tax or any amount of tax required to be collected and paid under this article will be jeopardized by delay, he shall make an assessment of the tax or amount of tax required to be collected and shall mail or issue a notice of the assessment to the taxpayer together with a demand for immediate payment of the tax or of the deficiency in tax declared to be in jeopardy, including penalties and interest. In the case of a current period, for which the tax is in jeopardy, the administrator may declare the taxable period of the taxpayer immediately terminated and shall cause notice of this finding and declaration to be mailed or issued to the taxpayer together with a demand for immediate payment of the tax based on the period declared terminated and the tax shall be immediately due and payable, whether or not the terms otherwise allowed by this article for filing a return and paying the tax has expired. (Code 1963, Sec. 36-55.1; Ord. No. 4473, 1/20/07, Sec. 1)

Sec. 3-2-110 Erroneous assessment; notices and hearing in the event of sealing of vending machines or seizure of contraband property.

(a) Any person assessed by the board with a cigarette tax, penalties and interest or any person whose cigarettes, vending machines and other property have been sealed or seized under processes of this article, who has been aggrieved by such assessment, seizure, or sealing, may file a request for a hearing before the administrator for the board for a correction of such assessment and the return of such property seized or sealed. Where holders of property interest in cigarettes, vending machines or other property are known at the time of seizure and sealing, notice of the seizure or sealing shall be sent to them by certi-

fied mail within 24 hours. Where such holders of property interest are unknown at time of seizure or sealing, it shall be sufficient notice to such unknown interest holders to post such notice to a door or wall of the room or building which contains the seized or sealed property. Any such notice of seizure or sealing shall include procedures for an administrative hearing for a return of such property seized or sealed as well as affirmative defenses set forth in this section which may be asserted.

(b) The hearing shall be requested within 10 days of the notice of such assessment, seizure or sealing and shall set forth the reasons why the tax, penalties and interest and cigarettes, vending machines or other property should be returned or released. Within five days after receipt of the hearing request the administrator shall notify the petitioner by certified mail of a date and time for the informal presentation of evidence at a hearing to be held within 15 days of the date notification is mailed. Any such request for hearing shall be denied if the assessed tax, penalties and interest have not been paid as required or if the request is received more than 10 days from first notice to the petitioner of such seizure or sealing. Within five days after the hearing, the administrator shall notify the petitioner, by certified mail, whether his request for a correction has been granted or refused.

(c) Appropriate relief shall be given by the administrator if he is convinced by the preponderance of the evidence that said seized cigarettes were in the possession of a person other than the petitioner without the petitioner's consent at the time said cigarettes, vending machines or other property were seized or sealed or that petitioner was authorized to possess such untaxed cigarettes. If the administrator is satisfied that the tax was erroneously assessed, he shall refund the amount erroneously assessed together with any interest and penalties paid thereon and shall return any cigarettes, vending machines or other property seized or sealed to the petitioner. Any petitioner who is unsatisfied with the written decision of the board may, within 30 days of the date of such decision, appeal the decision of the appropriate court in the jurisdiction where the seizure or sealing occurred. (Code 1963, Sec. 36-56; Ord. No. 4473, 1/20/07, Sec. 1; Ord. No. 4497, 9/15/07, Sec. 1)

Sec. 3-2-111 Establishment of the Northern Virginia Cigarette Tax Board.

(a) The resolution adopted by the city council on July 14, 1970, pertaining to the establishment of the Northern Virginia Cigarette Tax Board is hereby continued in effect and made a part of this article by reference.

(b) Any inconsistencies between the powers granted to the board in the resolution adopted by the city council, dated July 14, 1970, and herein incorporated by reference, and the powers granted to the board in section 3-2-108 of this article shall be resolved in favor of those provisions in section 3-2-108.

(c) The board's fiscal year shall be from July 1 through June 30. (Code 1963, Sec. 36-57)

Sec. 3-2-112 Disposal of seized property.

Any seized and confiscated cigarettes, vending machines or other property used in the furtherance of any illegal evasion of the tax may be disposed of by sale or other method deemed appropriate by the board after any petitioner has exhausted all administrative appeal procedures. No credit from any sale of cigarettes, vending machines or other property seized shall be allowed toward any tax and penalties assessed. (Code 1963, Sec. 36-57.1)

Sec. 3-2-113 Extensions.

The administrator, upon a finding of good cause, may grant an extension of time to file a tax report upon written application for a period not exceeding 30 days. Except as hereinafter provided, no interest or penalty shall be charged, assessed or collected by reason of the granting of an extension. (Code 1963, Sec. 36-57.2; Ord. No. 4473, 1/20/07, Sec. 1)

Sec. 3-2-114 Penalty for violation of article.

Any person violating any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $2,500 or imprisonment for not more than 12 months or by both fine and imprisonment. Any fine and/or imprisonment shall not relieve any person from the payment of any tax, penalty or interest imposed by this article. (Code 1963, Sec. 36-58; Ord. No. 4473, 1/20/07, Sec. 1)

Sec. 3-2-115 Each violation a separate offense.

The sale of any quantity or the use, possession, storage or transportation of more than 60 packages of cigarettes upon which the Northern Virginia Cigarette Tax Board tax stamp has not been affixed or the proper jurisdictional tax has not been paid shall be deemed to constitute a separate violation. Each continuing day of violation shall be deemed to constitute a separate offense. (Code 1963, Sec. 36-58.1; Ord. No. 4473, 1/20/07, Sec. 1)

Sec. 3-2-116 Severability.

If any section, phrase or part of this article should for any reason be held invalid by a court of competent jurisdiction, such decision shall not affect the remainder of the article; and every remaining section, clause, phrase or part thereof shall continue in full force and effect.
(Ord. No. 4473, 1/20/07, Sec. 1)

Secs. 3-2-117 through 3-2-130 reserved.

ARTICLE J

Service Charges for City Ambulance and Hazardous Materials Incident Response Services

Editorial Note: Section 1 of Ord. No. 4550, adopted June 14, 2008, changed the title of Article J from "Service Charge for City Ambulance Service" to "Service Charges for City Ambulance and Hazardous Materials Incident Response Services." Section 1 of said ordinance also added a new § 3-2-134.

Sec. 3-2-131 Imposition; exceptions.

(a) The following words and phrases, when used in this section, shall have the meanings set out below:

(1) *Basic Life Support (BLS):* Medical treatment rendered to, or procedures performed upon, a patient as defined by the "National Emergency Medicine Services Education and Practice Blueprint" for the medic B basic (EMT-Basic).

(2) *Advanced Life Support, Level 1 (ALS-1):* Medical treatment rendered to, or procedures performed upon, a patient beyond the scope of an EMT-Basic level, as defined by the National Emergency Medicine Services Education and Practice Blueprint.

(3) *Advanced Life Support, Level 2 (ALS-2):* Advanced life support treatment rendered to a patient that includes one or more of the following medical procedures:

(A) defibrillation/cardioversion,

(B) endotracheal intubation,

(C) cardiac pacing,

(D) chest decompression,

(E) intraosseous line, or

(F) the administration of three or more medications.

(4) *Ground Transport Mileage (GTM):* Distance traveled, measured in statute miles, from the location of the incident to a hospital or other facility to which a patient is transported.

(b) Except as hereinafter provided, there is hereby imposed a service charge of $500 per BLS transport, $650 per ALS-1 transport, $800 per ALS-2 transport, plus a GTM charge of $10 per mile, on each person who is transported by ambulance service by the emergency medical services division of the City of Alexandria Fire Department. The funds received shall be paid into the general fund of the city to aid in defraying the cost of providing such service.

(c) No charge shall be imposed on persons in the following instances:

(1) Persons in the custody of the police department or the office of the sheriff of the city;

(2) Persons determined to be medically indigent according to (i) the eligibility determination made by the hospital to which the person is transported, or (ii) Level A of the income level scales established by the health department of the city for the purpose of determining eligibility for health services;

(3) Victims of violent crime, as identified by the commonwealth's attorney for the city;

(4) Persons affected by fire, flood, storm, natural or man-made calamity or disaster, or by widespread public disturbance or disorder when an emergency rescue vehicle of the city responds as a matter of policy without call;

(5) City of Alexandria employees who become ill or are injured during working hours while carrying out work-related duties; or

(6) Children 18 years of age or younger who require emergency medical service and transport while attending school or a school-related activity. (Code 1963, Sec. 36-59, as amended by Ord. No. 2564, 5/16/81, Sec. 1; Ord. No. 2908, 3/21/84, Sec. 1; Ord. No. 3490, 12/15/90, Sec. 1; Ord. No. 4045, 5/5/99, Sec. 1; Ord. No. 4448, 5/20/06, Sec. 1; Ord. No. 4534, 5/5/08, Sec. 1; Ord. No. 4947, 5/16/15, Sec. 1)

Sec. 3-2-132 Administration.

The city manager is hereby authorized and directed to establish rules and regulations for the administration of the service charge imposed by this article. (Code 1963, Sec. 36-60)

Sec. 3-2-133 reserved.

Sec. 3-2-134 Hazardous materials incident response charges.

(a) The following words and phrases, when used in this section, shall have the meanings set out below:

(1) *Hazardous materials:* Any substance that, because of its quantity, concentration or physical or chemical characteristics, possesses a significant present or potential hazard, according to federal, state and/or local standards or regulations, to human health and safety, or to the environment, if released from its intended container or abandoned.

(2) *Hazardous materials incident* or *incident:* Any incident that involves the release from its intended container or abandonment of any hazardous material, which incident has the potential to harm persons, property or the environment.

(3) *Level I Hazardous Materials Incident Response:* An incident response requiring recovery, containment or mitigation as a result of a release or abandonment of hazardous materials, utilizing resources from the City of Alexandria.

(4) *Level II Hazardous Materials Incident Response:* An incident response requiring recovery, containment or mitigation as a result of a release or abandonment of hazardous materials, utilizing resources from the City of Alexandria and one or more mutual aid jurisdictions.

(5) *Responsible party:* All persons, jointly and severally, involved in the ownership, possession or transportation of any hazardous material that is released or abandoned in a hazardous materials incident, and all persons, jointly and severally, who otherwise cause a hazardous materials incident in the city.

(b) For each Level I and Level II Hazardous Materials Incident Response, there is hereby imposed on the responsible party a service charge equivalent to the city's costs of response, as determined pursuant to the then current emergency response cost recovery schedule published by the Virginia Department of Emergency Management. The funds received shall be paid into the general fund of the city to aid in defraying the cost of providing hazardous materials incident response services by the fire department and other agencies of the city.

(c) No charge shall be imposed on a natural person in the following instance:

(1) Such person is involved in the hazardous materials incident solely for his or her private, noncommercial purposes related to his or her own residential real property or private personal property (other than a motor vehicle licensed for operation on public streets and highways), was not involved in the incident as the employee, agent or servant of any business, and receives or is to receive no compensation for any services involving the hazardous materials incident, and

(2) The hazardous materials involved in the incident are in a form, quantity, concentration and container ordinarily and lawfully available for sale as consumer products to members of the general public.

(d) Nothing in this section shall be deemed to relieve a responsible party of liability for actual and/or additional response costs, damages, penal-

ties, fines, forfeitures, prosecution, injunction or other remedies pursuant to law, nor to affect the city's cost recovery through the Virginia Department of Emergency Management for Level III Hazardous Materials Incident Responses. (Ord. No. 4550, 6/14/08, Sec. 1)

Secs. 3-2-135 through 3-2-140 reserved.

ARTICLE K

Transient Lodging Tax

Sec. 3-2-141 Definitions.

The following words and phrases when used in this article shall, for the purposes of this article, have the following respective meanings, except where the context clearly indicates a different meaning:

(1) *Hotel.* Any public or private hotel, inn, apartment hotel, hostelry, tourist home or house, motel, rooming house or other lodging place within the city offering lodging to any transient as hereinafter defined for compensation and which can lodge four or more persons at any one time.

(2) *Lodging.* Any space or room furnished any transient.

(3) *Person.* Any individual, firm, partnership, association, corporation, person acting in a representative capacity or any group of individuals acting as a unit.

(4) *Room rental.* The total charge, exclusive of any tax imposed on such charge, made by any hotel for lodging furnished any transient. If the charge made by any hotel to a transient includes any charge for services or accommodations in addition to that of lodging, then that portion of the total charge as represents only lodging rental shall be distinctly set out and billed to the transient by the hotel as a separate item.

(5) *Transient.* Any person who, for a period of not more than 90 consecutive days, either at his own expense or at the expense of another obtains lodging in any hotel, as hereinabove defined, for which lodging a charge is made.

Sec. 3-2-142 Levy and rate.

In addition to any other tax imposed by law, there is hereby imposed and levied on each and every transient, (i) a tax equivalent to six and one-half percent of the total amount paid for room rental by or for such transient to a hotel, and (ii) a tax of $1 for each day (or portion thereof) of lodging for which room rental is paid by or for such transient to a hotel; provided, that the total tax under clause (ii) for a day (or portion thereof) of lodging in a single unit of lodging shall not exceed $1 and, where more than one transient occupies a single unit of lodging for a day (or portion thereof) and room rental is paid by or for more than one transient, then each such transient shall be liable for a pro rata share of the $1 tax. (Code 1963, Sec. 36-62; Ord. No. 2829, 6/28/

83, Sec. 1; Ord. No. 3994, 5/6/98, Sec. 1; Ord. No. 4044, 5/5/99, Sec. 1; Ord. No. 4531, 5/5/08, Sec. 1)

Sec. 3-2-143 Exceptions.

No tax shall be payable hereunder in any of the following instances:

(1) on room rental paid directly by the federal, state or city government ;

(2) on room rental paid to any hospital, medical clinic, convalescent home or home for aged people; and

(3) on room rental paid by any person enrolled in and attending full time a school, college or university within the corporate limits of the city. (Code 1963, Sec. 36-63; Ord. No. 4487, 6/16/07, Sec. 1)

Sec. 3-2-144 Collection.

Every person receiving any payment for room rental with respect to which a tax is leveled under this article shall collect the amount of tax hereby imposed from the transient on whom the tax is levied or from the person paying for the room rental at the time payment for the room rental is made. The taxes required to be collected hereunder shall be deemed to be held in trust by the person required to collect them until remitted as hereinafter required. (Code 1963. Sec. 36-64)

Sec. 3-2-145 Reports and remittance.

The person collecting any such tax shall make out a report upon such forms and setting forth such information as the director may prescribe and require, showing the amount of room rental charges collected and the tax required to be collected and shall sign and deliver the report to the director with a remittance of the tax. These reports and remittances shall be made on or before the last day of each month covering the amount of tax collected during the preceding month. Any person operating a hotel regularly throughout the year may, upon written application to and with the written consent of the director, make reports and remittances on a quarterly basis in lieu of the monthly basis hereinbefore provided. These quarterly reports and remittances shall be made on the last days of October, January, April and July in each year and shall cover the amounts collected during the three months immediately preceding the month in which reports and remittances are required. If the remittance is by check or money order, it shall be payable to the city. (Code 1963, Sec. 36-65)

Sec. 3-2-146 Penalty and interest for nonpayment.

If any person shall fail or refuse to remit to the director the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax by the director a penalty of 10 percent of the tax past due or the sum of $10, whichever is greater; provided, however, that the penalty shall in no case exceed the amount of tax due. In addition thereto, interest on the taxes and penalty shall commence on the first day following the day such taxes are due and shall continue until all such taxes and penalty are paid. Such interest shall accrue at the rate of 10 percent per annum for the first year such taxes and penalty remain unpaid and thereafter at the rate of five percent per annum. (Code 1963, Sec. 36-66, as amended by Ord. No. 2570, 5/16/81, Sec. 1; Ord. No. 2963, 9/15/84, Sec. 1; Ord. No. 3143, 6/14/86, Sec. 1; Ord. No. 3159, 10/18/86, Sec. 1; Ord. No. 4058, 6/12/99, Sec. 2)

Sec. 3-2-147 Failure to collect, report or remit tax; action by the director of finance.

If any person shall fail or refuse to collect in whole or in part or properly to report or remit such tax within the time required by this article, the director shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the director has procured such facts and information, he shall make his estimate of the tax due and proceed to determine and assess against such person such estimated tax due together with the penalties and interest provided for by this article. He shall notify such person by certified mail sent to his last known address of the total amount of the tax, interest and penalties and the total amount thereof shall be payable within 10 days from the date of such notice; provided, however, that before any determination and assessment is made by the director that any person is liable for any tax, penalty and interest under this section, he shall give such person notice and an opportunity to be heard concerning such possible determination and assessment. (Code 1963, Sec. 36-67; Ord. No. 4497, 9/15/07, Sec. 2)

Sec. 3-2-148 Records.

It shall be the duty of every person liable for the collection and payment to the city of any tax

imposed by this article to keep and preserve for a period of three years such suitable records as may be necessary to determine the amount of the tax as he may have been liable for collection of and payment to the city, which records the director shall have the right to inspect at all reasonable times. (Code 1963, Sec. 36-68)

Sec. 3-2-149 Cessation of business.

Whenever any person required to collect and pay to the city a tax under this article shall cease to operate or otherwise dispose of his business, any tax payable hereunder to the city shall become immediately due and payable and such person shall immediately make a report and pay the tax due. (Code 1963, Sec. 36-69)

Sec. 3-2-150 Powers and duties of the director of finance.

It shall be the duty of the director to ascertain the name of every person operating a hotel in the city liable for the collection of the tax levied by this article. The director shall have the power to adopt rules and regulations not inconsistent with the provisions of this article for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied. (Code 1963, Sec. 36-70)

Sec. 3-2-151 Penalty for violation of article.

Any person violating or failing to comply with any of the provisions of this article shall upon conviction thereof be punished as provided in section 1-1-7 of this code, and each violation or failure to comply shall constitute a separate offense. The punishment provided for in this section shall be in addition to any other remedy for the collection of taxes provided for by law. (Code 1963, Sec. 36-71)

Secs. 3-2-152 through 3-2-159 reserved.

ARTICLE L

Real Estate Tax Relief

Editorial Note: Ord. No. 4297, § 1, adopted April 29, 2003, amended Art. L, in its entirety to read as herein set out. Prior to inclusion of said ordinance, Art. L pertained to similar subject matter. It should be noted that Section 2 of Ord. No. 4297 provides, "That this ordinance shall become effective December 31, 2001, and shall apply to the exemption or deferral of real estate taxes levied in calendar year 2003, and subsequent years." See the Ordinance Disposition Table.

Sec. 3-2-160 Short title.

This article shall be known as the City of Alexandria Real Estate Tax Relief Ordinance. (Ord. No. 4297, 4/29/03, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1)

DIVISION 1

Real Estate Tax Exemption or Deferral For Elderly or Permanently and Totally Disabled Persons

Sec. 3-2-161 Definitions.

The following words and phrases shall, for the purposes of this division, have the following respective meanings, except where the context clearly indicates a different meaning:

(1) *Applicant.* Any natural person who claims an exemption or deferral under section 3-2-165.

(2) *Reserved.*

(3) *Deferral.* A deferral of the obligation to pay real estate taxes granted pursuant to the provisions of this division.

(4) *Dwelling.* The building, or portion of a building, which is owned, at least in part, by an applicant, which is the sole residence of the applicant and which is a part of the real estate for which an exemption from or deferral of taxes is sought pursuant to this division.

(5) *Exemption.* An exemption from the obligation to pay real estate taxes granted pursuant to the provisions of this division.

(6) *Net combined financial worth of applicant.* The value of all assets of an applicant, of an applicant's spouse and of any other person who is an owner of and resides in the applicant's dwelling, calculated as of December 31 of the calendar year immediately preceding the taxable year; provided, that the value of the applicant's dwelling, of household furnishings in the dwelling and of up to two acres of the land on which the dwelling is situated shall be excluded.

(7) *Permanently and totally disabled persons.* An applicant certified as provided by section 3-2-165(d) and found by the city manager to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such applicant's life.

(8) *Relative.* Any person related by blood or marriage to an applicant who uses the applicant's dwelling as his or her principal residence, other than a spouse.

(9) *Taxes owed for the year.* The amount of real estate taxes levied on the dwelling of the applicant for the taxable year.

(10) *Taxable year.* The current calendar year for which an exemption or deferral is claimed.

(11) *Spouse.* The husband or wife of any applicant who resides in the applicant's dwelling.

(12) *Total combined income of applicant.* The annual gross income from all sources, calculated as of December 31 of the calendar year immediately preceding the taxable year, of the applicant, of the applicant's spouse, of any relative of the applicant who resides in the dwelling, and of any other person who is an owner of and resides in the applicant's dwelling; provided, that up to $10,000 of the income of any such relative shall be excluded and, provided further, that up to $10,000 of the income of any applicant, and any other owner residing in the dwelling, who is permanently disabled shall be excluded.

(13) Notwithstanding the provisions of subsection (12), above, if an applicant proves to the director of finance, by clear and convincing evidence, that the applicant's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care, is to have a relative move in and provide care to the applicant, and if a relative does actually move in and provide such care, then none of the income of the relative and of the relative's spouse shall be counted towards the total income of the applicant; provided, however, that the applicant has not transferred to the relative assets in excess of $10,000, without adequate consideration, within a three-year period prior to or after the relative moves into the dwelling. (Ord. No. 4297, 4/29/03, Sec. 1; Ord. No. 4367, 12/18/04, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1)

Sec. 3-2-162 Exemption or deferral—provided.

There is hereby provided to any natural person who is or becomes 65 years of age or older during the taxable year or who is or becomes permanently and totally disabled during the taxable year, or is or becomes both, at such person's election, an exemption from or deferral of taxation on the real estate in the city which is owned, in whole or in part, and is occupied by such person as his or her sole dwelling. There is also hereby provided to any person who is less than 65 years of age and is not disabled, at the election of such person and his or her spouse, an exemption from or deferral of taxation on the real estate in the city which such person owns jointly with his or her spouse and which they occupy as their sole dwelling, provided the spouse is or becomes 65 years of age or older during the taxable year or is or becomes permanently and totally disabled during the taxable year. The real estate tax exemption or deferral provided for in this section shall be subject to the restrictions, limitations and conditions prescribed by this division and sections 58.1-3210 through 58.1-3218 of the Code of Virginia (1950), as amended. (Ord. No. 4297, 4/29/03, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1)

Sec. 3-2-163 Same—eligibility, restrictions generally.

Exemptions from or deferral of real estate taxation in any taxable year shall be granted subject to the following restrictions and conditions:

(1) The total combined income for the calendar year immediately preceding the taxable year of an applicant may not exceed the limits established by section 3-2-166.

(2) The net combined financial worth of an applicant may not exceed $430,000 for taxable year 2014 and thereafter.

(3) As of January 1 of the taxable year, the applicant must occupy the real estate for which the exemption or deferral is sought as his or her sole residence and must be expected to so occupy the real estate throughout the year; provided, that an applicant who is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration.

(4) An applicant shall file the affidavit or written statement, or annual certification, required by section 3-2-165 no later than April 15 of the taxable year.

(5) Interest on any taxes deferred under this article division shall accrue at the rate of five percent per annum from the date by which such taxes were required to be paid to the date on which such taxes are paid in full. Any and all deferred taxes shall constitute a single lien upon the applicant's real estate as if no deferral had been granted and the taxes had been assessed but not paid. To the extent it exceeds, in the aggregate, 10 percent of the price for which such real estate is sold or, if not sold, 10 percent of its assessed value, any such lien shall be inferior to all other liens. (Ord. No. 4297, 4/29/03, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1; Ord. No. 4446, 4/24/06, Sec. 1; Ord. No. 4878, 5/17/14, Sec. 1)

Sec. 3-2-164 Same—administration by city manager.

The exemption from or deferral of payment of real estate taxes for elderly or permanently and totally disabled persons shall be administered by the city manager according to the provisions of this division. The city manager is hereby authorized and empowered to prescribe, adopt, promulgate and enforce such rules and regulations in conformance with the provisions of this division, including the requirement of answers under oath, as may be reasonably necessary to determine eligibility for exemption or deferral. The city manager may require the production of certified tax returns, bank and investment statements, and appraisal reports to establish total combined income or net combined financial worth. (Ord. No. 4297, 4/29/03, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1; Ord. No. 4878, 5/17/14, Sec. 2)

Sec. 3-2-165 Same—procedure for claim.

(a) For taxable year 2003, and every third taxable year thereafter, and not later than April 15 of the taxable year, any applicant claiming an exemption or deferral of real estate taxes under this division shall file with the city manager, in such manner as the manager shall prescribe and on forms to be supplied by the city, an affidavit or written statement providing the following:

(1) the name and age of the applicant;

(2) a statement whether the applicant is permanently and totally disabled;

(3) the address of the real estate for which the exemption or deferral is claimed;

(4) the names of the applicant's spouse and of the relatives of the applicant and any other owners of the real estate who reside in the applicant's dwelling;

(5) the total combined income of the applicant as defined in section 3-2-161(12);

(6) the net combined financial worth of the applicant as defined in section 3-2-161(6);

(7) the applicant's election of an exemption or deferral;

(8) the name and addresses of all owners of the real estate other than the owners who reside therein; and

(9) such additional information as the city manager reasonably determines to be necessary to determine eligibility for exemption or deferral of real estate taxes pursuant to this division.

(b) If, after audit and investigation, the city manager determines that the applicant is eligible for an exemption or deferral, the manager shall so certify to the director, who shall deduct the amount of the exemption from the applicant's real estate tax liability or defer such tax liability as herein provided.

(c) Any provision of this division to the contrary notwithstanding, the director may declare eligible to apply for an exemption or deferral any person filing the affidavit or written statement required by subsection (a), or the written certification required by subsection (f), after April 15 but before November 15 of the taxable year, provided good cause is shown for the failure to file the affidavit, statement or certification on or before April 15 of the taxable year.

(d) Any applicant under 65 years of age claiming an exemption or deferral on the basis of a permanent and total disability shall attach to the affidavit or written statement required by subsection (a), or the written certification required by subsection (f), a certification by the Social Security Administration or, if the person is not eligible for social security, an affidavit by two medical doctors licensed to practice medicine in the commonwealth to the effect that the person is unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

(e) Any applicant initially claiming an exemption or deferral of real estate taxes under this division, in a taxable year other than 2003, shall file for such taxable year the affidavit or written statement required by subsection (a). Thereafter, such applicant shall file an affidavit or written statement, or a written certification, as required by subsection (a) or (f).

(f) For each taxable year as to which an affidavit or written statement is not required by subsection (a), the applicant shall file with the city manager, not later than April 15, a written certification, on forms to be supplied by the city, in which the applicant states that the information contained in the applicant's last filed affidavit or written statement has not changed in a manner which affects either the applicant's eligibility for an exemption or deferral under this division or the amount of the exemption or deferral. In the event that the information in the last filed affidavit or statement has changed in such a manner, the applicant shall file a new affidavit or written statement pursuant to subsection (a). (Ord. No. 4297, 4/29/03, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1)

Sec. 3-2-166 Same—calculation of amount; limitation.

(a) The exemption from or deferral of real estate taxes granted under this division for any taxable year shall be limited and calculated as follows:

(1) when the total combined income of the applicant does not exceed $40,000, the applicant shall be exempt from the taxes owed for the year;

(2) when the total combined income of the applicant exceeds $40,000 but does not exceed $55,000, the applicant shall be exempt from 50 percent of the taxes owed for the year, and may defer all or part of the amount of such taxes in excess of the amount exempted; and

(3) when the total combined income of the applicant exceeds $55,000 but does not exceed $72,000, the applicant shall be exempt from 25 percent of the taxes owed for the year, and may defer all or part of the amount of such taxes in excess of the amount exempted

(b) Notwithstanding the provisions of subsection (a) above, if the real estate identified in the affidavit or written statement filed under section 3-2-165 is not owned solely by the applicant and his or her spouse, the amount of the tax exemption or deferral shall be the amount of the taxes on the real estate for the taxable year times the percentage ownership interest in the real estate held by the applicant, or by the applicant and his or her spouse.

(c) Notwithstanding the provisions of subsection (a) above, if an applicant becomes eligible for exemption or deferral of real estate taxes owed

during the course of the taxable year, the amount of the exemption or deferral computed under subsection (a) shall be reduced by one-twelfth of such amount for each full calendar month of the taxable year during which month such applicant is not eligible for exemption or deferral. (Ord. No. 4297, 4/29/03, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1; Ord. No. 4446, 4/24/06, Sec. 1)

Sec. 3-2-167 Change in status.

(a) Changes in income, financial worth, ownership of property or other factors occurring during the taxable year for which an affidavit or written statement, or a written certification, is filed and causing any of the restrictions, limitations or conditions provided in this division to be exceeded or violated shall nullify any exemption or deferral for the remainder of the then current taxable year and the taxable year immediately following, with the applicant receiving a prorated exemption or deferral for the portion of the taxable year during which the applicant qualified for such exemption or deferral.

(b) The transfer of ownership of the property from a qualifying spouse to a spouse who is less than 65 years of age and not permanently and totally disabled, when such transfer results solely from the death of the qualifying spouse, shall result in a prorated exemption or deferral for the then current taxable year. Such prorated exemption or deferral shall be determined by multiplying the amount of the exemption or deferral granted the qualifying spouse by a fraction in which the number of complete months of the year such property was properly eligible for such exemption or deferral is the numerator and the number 12 is the denominator. (Ord. No. 4297, 4/29/03, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1)

Sec. 3-2-168 Penalty for violation of division.

Any person wilfully making a false statement in claiming an exemption or deferral of real estate taxes under this division shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $25 nor more than $500 for each offense. (Ord. No. 4297, 4/29/03, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1)

Secs. 3-2-169, 3-2-170 reserved.

DIVISION 2

Affordable Homeownership Preservation Program

Sec. 3-2-171 Definitions.

The following words and phrases shall, for the purposes of this division, have the following respective meanings, except where the context clearly indicates a different meaning:

(1) *Applicant.* Any natural person who applies for a grant under section 3-2-173.

(2) *Dwelling.* The building, or portion of a building, which is owned, at least in part, by an applicant, which is the sole residence of the applicant and which is a part of the real estate for which a grant is sought pursuant to this division.

(3) *Grant.* A grant in aid of payment of taxes owed for the year as provided under section 3-2-175.

(4) *Net combined financial worth of applicant.* The value of all assets of the applicant, of the applicant's spouse, of any relative of the applicant who resides in the dwelling, and of any other person who is an owner of and resides in the applicant's dwelling, calculated as of December 31 of the calendar year immediately preceding the taxable year; provided, that the value of the applicant's dwelling, of household furnishings in the dwelling, of up to two acres of the land on which the dwelling is situated, of qualified retirement plans of any person whose assets are included hereunder, and of motor vehicles for the personal use of any such person, shall be excluded.

(5) *Spouse.* The husband or wife of any applicant who resides in the applicant's dwelling.

(6) *Taxes owed for the year.* The amount of real estate taxes levied on the dwelling of the applicant for the taxable year.

(7) *Taxable year.* The current calendar tax year for which a grant is applied.

(8) *Household income of applicant.* The adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year, of the applicant, of the applicant's spouse, of any relative of the applicant who resides in the dwelling, and of any other person who is an owner of and resides in the applicant's dwelling. The city manager shall promulgate regulations for the determination of the income of such persons for whom no federal income tax return is required to be filed.

(9) *Household member.* The applicant, the applicant's spouse, any relative of the applicant who resides in the dwelling, and any other person who is an owner of and resides in the applicant's dwelling. (Ord. No. 4350, 5/15/04, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1; Ord. No. 4444, 4/25/06, Sec. 2)

Sec. 3-2-172 Grant—provided.

There is hereby provided to any natural person, at such person's election, a grant for affordable homeownership preservation in aid of payment of the taxes owed for the taxable year on real property in the city which is owned, in whole or in part, and is occupied by such person as his or her sole dwelling. The grant provided for in this section shall be subject to the restrictions, limitations and conditions prescribed by this division. (Ord. No. 4350, 5/15/04, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1)

Sec. 3-2-173 Same—eligibility, restrictions generally.

A grant under this division in any taxable year shall be subject to the following restrictions and conditions:

(1) The household income of the applicant shall not exceed $72,000.

(2) The assessed value of the real estate owned by the applicant shall not exceed $527,000.

(3) The net combined financial worth of an applicant shall not exceed $50,000.

(4) The applicant and/or the applicant's spouse shall own at least 50 percent interest in the real estate.

(5) As of January 1 of the taxable year, the applicant must occupy the real estate for which the grant is sought as his or her sole residence and must be expected to so occupy the real estate throughout the year; provided, that an applicant who is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration.

(6) An applicant shall file the affidavit or written statement required by section 3-2-175 no later than September 1 of the taxable year.

(7) An applicant for a grant provided under this division shall not participate in the real estate tax exemption or deferral program for the elderly or permanently and totally disabled provided under division 1 of this article, and no grant shall be applied to real estate taxes on property subject to such exemption or deferral program.

(8) An applicant for a grant provided under this division shall not be delinquent on any portion of the real estate taxes to which the grant is to be applied.

(9) An applicant must have received a grant under this provision for calendar year 2007. (Ord. No. 4350, 5/15/04, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1; Ord. No. 4444, 4/25/06, Sec. 1; Ord. No. 4533, 5/5/08, Sec. 1)

Editor's note—It should be noted that § 2 of Ord. No. 4533 provides that "this ordinance shall become effective upon the date and at the time of its final passage and shall apply to taxable year 2008 and subsequent taxable years."

Sec. 3-2-174 Same—administration by city manager.

The grant program provided under this division shall be administered by the city manager according to the provisions of this division. The city manager is hereby authorized and empowered to prescribe, adopt, promulgate and enforce such rules and regulations in conformance with the provisions of this division, including the requirement of answers under oath, as may be reasonably necessary to determine eligibility for a grant. The city manager may require the production of tax returns to establish household income and the status of any person claimed as a dependent. (Ord. No. 4350, 5/15/04, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1)

Sec. 3-2-175 Same—procedure for application.

(a) Commencing with taxable year 2004, and not later than September 1 of the taxable year, any applicant for a grant under this division shall file with the city manager, in such manner as the manager shall prescribe and on forms to be supplied by the city, an affidavit or written statement providing the following:

(1) the name of the applicant;

(2) the address of the real estate for which the grant is to be applied against the tax liability;

(3) the names of all persons who reside in the applicant's dwelling;

(4) the household income of the applicant as defined in section 3-2-171(9);

(5) the net combined financial worth of the applicant as defined in section 3-2-171(5);

(6) such additional information as the city manager reasonably determines to be necessary to determine eligibility for a grant pursuant to this division.

(b) If, after audit and investigation, the city manager determines that the applicant is eligible for a grant, the manager shall so certify to the director, who shall implement the grant as a prepayment on the applicant's real estate tax bill due on November 15 of the taxable year.

(c) Any provision of this division to the contrary notwithstanding, the director may declare eligible to apply for a grant any person filing the affidavit or written statement required by subsection (a), after September 1 but before November 15 of the taxable year, provided good cause is shown for the failure to file the affidavit or statement on or before September 1 of the taxable year. (Ord. No. 4350, 5/15/04, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1)

Sec. 3-2-176 Same—amount; limitation.

For a household of one member:

(a) The amount of each grant under this division shall be $1,200, for an applicant with household income which does not exceed $40,000.

(b) The amount of each grant under this division shall be $875, for an applicant with household income of more than $40,000, but which does not exceed $55,000.

(c) The amount of each grant under this division shall be $375, for an applicant with household income of more than $55,000, but which does not exceed $72,000.

(d) Only one grant under this division shall be made per household, and in no event shall the amount of the grant exceed the taxes owed for the year. (Ord. No. 4350, 5/15/04, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1; Ord. No. 4444, 4/25/06, Sec. 1)

Sec. 3-2-176.1 Same—amount; limitation; two member household.

For a household of two members:

(a) The amount of each grant under this division shall be $1,200 for an applicant with household income which does not exceed $40,000.

(b) The amount of each grant under this division shall be $875, for an applicant with household income of more than $40,000, but which does not exceed $55,000.

(c) The amount of each grant under this division shall be $375, for an applicant with household income of more than $55,000, but which does not exceed $72,000.

(d) Reserved.

(e) Only one grant under this division shall be made per household, and in no event shall the amount of the grant exceed the taxes owed for the year. (Ord. No. 4444, 4/25/06, Sec. 1; Ord. No. 4533, 5/5/08, Sec. 3)

Sec. 3-2-176.2 Same—amount, limitation, three or more household.

For a household of three or more members:

(a) The amount of each grant under this division shall be $1,200, for an applicant with household income which does not exceed $40,000.

(b) The amount of each grant under this division shall be $875 for an applicant with household income of more than $40,000, but which does not exceed $55,000.

(c) The amount of each grant under this division shall be $375, for an applicant with household income of more than $55,000 but which does not exceed $72,000.

(d) Reserved.

(e) Only one grant under this division shall be made per household, and in no event shall the amount of the grant exceed the taxes owed for the year. (Ord. No. 4444, 4/25/06, Sec. 1; Ord. No. 4533, 5/5/08, Sec. 3)

Sec. 3-2-177 Change in status.

Changes in household income, ownership of property, or other factors occurring after the application deadline but before the end of the taxable year for which an affidavit has been filed shall not affect a grant which has been certified pursuant to section 3-2-175(b). (Ord. No. 4350, 5/15/04, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1)

Sec. 3-2-178 Penalty for violation of division.

Any person willfully making a false statement in applying for a grant under this division shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $25 nor more than $500 for each offense. (Ord. No. 4350, 5/15/04, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1)

Sec. 3-2-179 Sunset date.

No grant pursuant to section 3-2-172 shall be permitted in any taxable year which commences after December 31, 2008. (Ord. No. 4350, 5/15/04, Sec. 1; Ord. No. 4390, 5/2/05, Sec. 1; Ord. No. 4444, 4/25/06, Sec. 1; Ord. No. 4498, 9/15/07, Sec. 1; Ord. No. 4533, 5/5/08, Sec. 1)

Editor's note—It should be noted that § 2 of Ord. No. 4533 provides that "this ordinance shall become effective upon the date and at the time of its final passage and shall apply to taxable year 2008 and subsequent taxable years."

Sec. 3-2-180 reserved.

ARTICLE M

Levy and Collection of Property Taxes

DIVISION 1

Real Estate

Sec. 3-2-181 Levied; amount.

There shall be levied and collected for the calendar year 2016 on all real estate located within the territorial boundaries of the city and subject to taxation for city purposes under the constitution and laws of this state and city, a tax of $1.073 on each $100 of the assessed residential property value thereof and $1.073 on each $100 of the assessed commercial residential property value thereof, for the support of the city government, for the payment of principal and interest of the city debt and for other municipal expenses and purposes. (Ord. No. 2678, 5/10/82, Sec. 1; Ord. No. 2810, 5/16/83, Sec. 1; Ord. No. 2927, 5/14/84, Sec. 1; Ord. No. 3035, 5/13/85, Sec. 1; Ord. No. 3124, 5/5/86, Sec. 1; Ord. No. 3150, 9/13/86, Sec. 1; Ord. No. 3203, 5/4/87, Sec. 1; Ord. No. 3291, 5/4/88, Sec. 1; Ord. No. 3373, 5/8/89, Sec. 1; Ord. No. 3452, 5/7/90, Sec. 1; Ord. No. 3513, 5/9/91, Sec. 1; Ord. No. 3568, 5/11/92, Sec. 1; Ord. No. 3627, 5/5/93, Sec. 1; Ord. No. 3719, 4/28/94, Sec. 1; Ord. No. 3792, 5/3/95, Sec. 1; Ord. No. 3862, 5/7/96, Sec. 1; Ord. No. 3924, 5/1/97, Sec. 1; Ord. No. 3993, 5/6/98, Sec. 1; Ord. No. 4043, 5/5/99, Sec. 1; Ord. No. 4131, 4/27/00, Sec. 1; Ord. No. 4196, 5/7/01, Sec. 1; Ord. No. 4248, 5/6/02, Sec. 1; Ord. No. 4296, 4/29/03, Sec. 1; Ord. No. 4347, 5/3/04, Sec. 1; Ord. No. 4396, 5/2/05, Sec. 1; Ord. No. 4445, 4/24/06, Sec. 1; Ord. No. 4477, 5/7/07, Sec. 1; Ord. No. 4530, 5/5/08, Sec. 1; Ord. No. 4587, 4/27/09, Sec. 2; Ord. No. 4656, 5/3/10, Sec. 2; Ord. No. 4716, 5/2/11, Sec. 1; Ord. No. 4761, 5/7/12, Sec. 1; Ord. No. 4801, 5/6/13, Sec. 1; Ord. No. 4871, 5/1/14, Sec. 1; Ord. No. 4944, 5/7/15, Sec. 1; Ord. No. 5001, 5/5/16, Sec. 1)

Sec. 3-2-182 When due; payment in installments.

Taxes levied on real estate shall be due and payable to the director of finance without discount on or before June 15 of the year for which they are levied, but may be paid in two equal installments, the first to be paid not later than June 15 and the second not later than November 15. (Code 1963, Sec. 36-81)

Sec. 3-2-183 Delinquent taxes; penalty and interest.

(a) Whenever any taxpayer shall fail, neglect or refuse to pay the first one-half installment of his taxes on or before June 15 of the current year, the amount of that installment shall be delinquent as of that date, and if the second installment is not paid on or before November 15 of the current year, the amount of the second installment shall be delinquent as of that date. Any payment made on real estate taxes after penalty has accrued on the first one-half installment shall be applied first to the payment of the said first one-half installment.

(b) To all real estate taxes that are delinquent there shall be added and collected as a part thereof a penalty as follows: On the first one-half installment, a penalty of five percent of the installment or $10, whichever is greater, if not paid on or before June 15 of the tax year for which the tax is levied and if any tax remains unpaid in whole or in part 15 days after the payment date an additional penalty of five percent or $10, whichever is greater; and on the second one-half installment, a penalty of five percent of that installment or $10, whichever is greater, if not paid on or before November 15 of the tax year and if any tax remains unpaid in whole or in part 15 days after the payment date an additional penalty of five percent or $10, whichever is greater; provided, however, that the penalty shall in no case exceed the amount of tax due. In addition thereto, interest on the taxes and penalty shall commence on the first day following the day such taxes are due and shall continue until all such taxes and penalty are paid. Such interest shall accrue at the rate of 10 percent per annum for the first year such taxes and penalty remain unpaid and thereafter at the rate of five percent per annum. (Code 1963, Sec. 36-82; Ord. No. 2509, 9/13/80, Sec. 1; Ord. No. 2570, 5/16/81, Sec. 2; Ord. No. 2664, 3/13/82, Sec. 1; Ord. No. 2963, 9/15/84, Sec. 2; Ord. No. 3143, 6/14/86, Sec. 2; Ord. No. 3159, 10/18/86, Sec. 2; Ord. No. 4058, 6/12/99, Sec. 3; Ord. No. 5007, 5/14/16, Sec. 1)

Sec. 3-2-184 Sale of real estate for delinquent taxes.

Real estate may be sold for the purpose of collecting all delinquent taxes on such property in accordance with the provisions of article 4,

chapter 39, title 58.1 of the Code of Virginia (1950), as amended. (Code 1963, Sec. 36-83; Ord. No. 4144, 6/17/00, Sec. 1)

Sec. 3-2-185 Appeal of real estate tax assessments to board of equalization.

(a) Any owner or lessee of real estate upon which taxes have been levied as provided by section 3-2-181 of this code who seeks to appeal such assessment shall make application to the board of equalization of the city to correct the assessed valuation on which the taxes were levied upon such real estate, provided any such application is made in writing and filed with the director of real estate assessments or presented to a member of the board of equalization by June 1 of the year in which the taxes are levied with the exception of real estate tax assessments levied after June 1 pursuant to Section 58.1-3292.1 of the Code of Virginia (1950), as amended and section 3-2-187 of this code, or if the assessment is otherwise changed by the director during the tax year subsequent to June 1.

(b) Appeals of real estate tax assessments levied after July 1 pursuant to Section 58.1-3292.1 of the Code of Virginia (1950), as amended, and section 3-2-187 of this code, shall be filed with the board of equalization within 45 days after the notice of assessment is issued.

(c) An appeal from the board of equalization's determination of the appeal may be made to the Circuit Court of the City of Alexandria as provided in the Code of Virginia. Hearing before the board of equalization is a prerequisite to filing of an appeal in that court. (Code 1963, Sec. 36-83.1; Ord. No. 2556, 4/14/81, Sec. 1; Ord. No. 4329, 1/24/04, Sec. 1; Ord. No. 4490, 6/16/07, Sec. 1; Ord. No. 4743, 11/12/11, Sec. 1)

Sec. 3-2-186 Owners of income-producing property to furnish income and expense statements.

Every person owning income-producing real estate subject to taxation pursuant to section 3-2-181 of this code, other than real estate producing income solely from the rental of no more than four dwelling units, and other than real estate being used exclusively as an owner-occupied property, not as a hotel, motel, or office building over 12,000 square feet, and not engaged in a retail or wholesale business where merchandise for sale is displayed, shall furnish to the director of real estate assessments annually on or before May 1, a statement of the income and expenses attributable to each such parcel of real estate for the immediately preceding calendar or fiscal year. Every statement shall be certified by an owner of the real estate for which the statement is furnished, or his duly authorized agent, as being true and accurate to the best of his knowledge and belief. (Code 1963, Sec. 36-83.2; Ord. No. 4171, 11/18/00, Sec. 1)

Sec. 3-2-187 Assessment of new buildings substantially completed.

(a) All new buildings shall be taxed upon the completed portion of the building, which was not complete on January 1 of the year in which taxes are levied, when substantially completed or fit for use and occupancy, regardless of the date of completion or fitness during the tax year, and the director of real estate assessments shall enter in the books the fair full market value of such building.

(b) No partial, supplemental assessment as provided herein shall become effective until information as to the date and amount of such assessment is recorded in the department of real estate assessments and made available for public inspection. The total tax on any such new building for that year shall be the sum of (i) the tax upon the assessment of the completed building, computed according to the ratio which the portion of the year such building is substantially completed or fit for use and occupancy bears to the entire year, and (ii) the tax upon the assessment of such new building as it existed on January 1 of that assessment year, computed according to the ratio which the portion of the year such building was not substantially complete or fit for use and occupancy bears to the entire year.

(c) With respect to any supplemental assessment made under this section after November 1 of any year, no penalty for nonpayment shall be imposed until the last to occur of (i) December 5 of such year, [or] (ii) 30 days following the date of the official billing.

(d) Appeals to the board of equalization of supplemental assessments levied under this section after June 1 shall be filed in accordance with section 3-2-185. (Ord. No. 4171, 11/18/00, Sec. 2; Ord. No. 4306, 6/14/03, Sec. 1; Ord. No. 4490, 6//16/07, Sec. 1; Ord. No. 4743, 11/12/11, Sec. 1)

Sec. 3-2-188 Classification and taxation of certain commercial and industrial real property.

(a) Pursuant to the authority granted by section 58.1-3221.3 of the Code of Virginia (1950), as amended, all commercial and industrial real property in the city classified by the General Assembly as a separate class of real property for local taxation shall be designated, assessed and taxed as a separate class of real property. Such separate class of real property shall not include any residential uses excluded by section 58.1-3221.3 of the Code of Virginia.

(b) In addition to all other taxes and fees permitted by law, the class of real property designated in this section may, and if imposed by ordinance shall, be subject to a real property tax, in addition to that imposed by city code section 3-2-181 and any other applicable law, at the rate established by the city council not to exceed the rate authorized by the Code of Virginia.

(c) All revenues generated from the real property tax imposed by this section 3-2-188 shall be used exclusively for transportation-related projects and services that benefit the city.

(d) The real property tax imposed by this section 3-2-188 shall be levied, administered, enforced and collected in the same manner as set forth in subtitle III of title 58.1 of the Code of Virginia and chapter 2 of this title for the levy, administration, enforcement and collection of local taxes.

(e) The director of the department of real estate assessments shall separately assess and set forth upon the city's land book the fair market value of that property that is designated as a separate class of real property in accordance with the provisions of this section.

(f) There shall be levied and collected for the calendar year 2016 on all real estate located within the territorial boundaries of the city and subject to taxation pursuant to this section, a tax of $1.073 on each $100 of the assessed value thereof, for the purposes set forth in subsection (c) above.(Ord. No. 4512, 12/15/07, Sec. 1, eff. 1/1/08; Ord. No. 4587, 4/27/09, Sec. 3; Ord. No. 4656, 5/3/10, Sec. 3; Ord. No. 4716, 5/2/11, Sec. 2; Ord. No. 4761, 5/7/12, Sec. 2; Ord. No. 4801, 5/6/13, Sec. 2; Ord. No. 4871, 5/1/14, Sec. 2; Ord. No. 4944, 5/7/15, Sec. 2; Ord. No. 5001, 5/5/16, Sec. 2)

Sec. 3-2-189 Tier I Potomac Yard Metrorail Station Special Services District Tax.

(a) Pursuant to the authority granted by section 15.2-2400 et seq. of the Code of Virginia (1950), as amended, all real property located in the Tier I Potomac Yard Metrorail Station Special Services District, established pursuant to Ordinance Number 4693, classified by the city council as a separate class of real property for local taxation shall be designated, assessed and taxed as a separate class of real property.

(b) In addition to all other taxes and fees permitted by law, the class of real property designated in this section may, and if imposed by ordinance shall, be subject to a real property tax, in addition to that imposed by city code section 3-2-181 and any other applicable law, at the rate established by the city council.

(c) As detailed in Ordinance Number 4693, all revenues generated from the real property tax imposed by this section 3-2-189 shall be used exclusively for the purpose of providing facilities and services related to the construction of the Potomac Yard Metro Station in the city and the construction of a pedestrian bridge from Potomac Greens to Potomac Yard.

(d) The real property tax imposed by this section 3-2-189 shall be levied, administered, enforced and collected in the same manner as set forth in subtitle III of title 58.1 of the Code of Virginia and chapter 2 of this title for the levy, administration, enforcement and collection of local taxes.

(e) The director of the department of real estate assessments shall separately assess and set forth upon the city's land book the fair market value of that property that is designated as a separate class of real property in accordance with the provisions of this section.

(f) There shall be levied and collected for the calendar year 2016 on all real estate located within the territorial boundaries of the city and subject to taxation pursuant to this section, a tax of $0.20 on each $100 of the assessed value thereof, for the purposes set forth in subsection (c) above.(Ord. No. 4717, 5/2/11, Sec. 1; Ord. No. 4720, 5/14/11, Sec. 1; Ord. No. 4761, 5/7/12, Sec. 3; Ord. No. 4801, 5/6/13, Sec. 3; Ord. No. 4871, 5/1/14, Sec. 3; Ord. No. 4944, 5/7/15, Sec. 3; Ord. No. 5001, 5/5/16, Sec. 3)

Sec. 3-2-190 Tier II Potomac Yard Metrorail Station Special Services District.

(a) The PYM-II Service District is hereby established, with the boundaries thereof and parcels included therein as described in the notice previously published pursuant to Code of Virginia §§ 15.2-2400 and 15.2-2402, which is attached to Ord. No. 4722 as Exhibit A, with a service tax rate not to exceed ten cents per one hundred dollars of assessed value exclusive of all other applicable taxes. This tax is not to be applicable until Janu

[The next page is 278.1]

ary 1 of the first calendar year after the Potomac Yard Metrorail Station is open to the public for revenue service.

(b) The PYM-II Service District is established for the purpose of providing facilities and services related to the construction of the Potomac Yard Metro Station, including, but not limited to, studies, assessments and analysis of environmental and other impacts, any required local, state or federal governmental approvals, environmental preservation and mitigation, acquisition of real property or temporary and permanent easements therein, temporary or permanent relocation of roadways, rail lines or other infrastructure, and construction of the station, rail crossings, bridges, walkways and any other related infrastructure. The city will use revenues from the PYM-II Service District to construct a pedestrian bridge over the existing rail lines from Potomac Greens to Potomac Yards, whether or not the other infrastructure referenced herein is completed.

(c) The planned facilities may be constructed and planned services provided by the city alone, in partnership with or by the Washington Metropolitan Area Transit Authority, via contractors or other third parties, subject to applicable management and oversight by the city pursuant to appropriate governing contracts, leases, or other agreements.

(d) The benefits to be expected from the creation of the PYM-II Service District and the provision of the aforesaid facilities and services within said district include, without limitation, increased and more timely transit capacity, minimizing impact on neighboring areas, increased quality of life for area residents, reduction in vehicular traffic and the creation of a vibrant, dynamic urban mixed-use development within Potomac Yards. (Ord. No. 4722, 6/25/11, Secs. 1—4)

Sec. 3-2-191 Eisenhower Avenue Science Redevelopment District.

(a) The Eisenhower Avenue Science Redevelopment District (the "district") is hereby created as set forth herein with the boundaries coterminous with that of City of Alexandria assigned real estate parcel 072.04-03-14 located at 2401 Eisenhower Avenue (the "property").

(b) The effective date of the start of the partial property tax exemption in the district, as set forth in this article is the first January 1 after the first certificate of occupancy for the National Science Foundation ("NSF") is granted for the office building to be constructed in the District and leased by the federal government's General Services Administration for occupancy by NSF. In the event that the performance standard described in clause (f) below is achieved in the first year following the issuance of the first certificate of occupancy, the abatement shall apply to the entire calendar year as though the performance standard was achieved on January 1 of such year.

(c) The property tax exemption in the district shall be in effect for a 15-year period from the effective date of the start of the partial property tax exemption until December 31 of the fifteenth year of the property tax exemption. The property tax exemption shall partially exempt real estate taxes due during the 15 years of the initial NSF lease occupancy as defined herein. The partial exemption shall apply only to improvements constructed in the district including but not limited to the office building occupied by NSF. The annual assessed value of the land component in the district, reflecting any increases or decreases in assessed value of said land component, shall remain fully taxable. The annual assessed value of the land component shall also reflect that of a finished developed lot.

(d) The annual portion of real estate taxes that will be exempt on the improvements constructed in the district during the 15 years of the initial NSF lease of the property shall follow the following schedule:

Year 1	100%	Year 9	90%
Year 2	100%	Year 10	80%
Year 3	100%	Year 11	70%
Year 4	100%	Year 12	60%
Year 5	100%	Year 13	50%
Year 6	100%	Year 14	40%
Year 7	100%	Year 15	30%
Year 8	100%	Year 16 and beyond	0%

(e) The real estate assessments for all land and buildings within the district shall be determined by the director of real estate assessments, and shall be established at fair full market value using the same principles, procedures, and timing of real estate assessments as that established for other similar taxable real estate in the city. The owner of land and improvements within the district shall have the same rights and limitations of appeal of the city's annual real estate assessment as that applicable to other taxable real estate in the city.

(f) The tax exemption detailed in this article shall be dependent on the NSF fully meeting a required performance standard as of the time period set forth in subsection 3-2-191(f)(1) below.

(1) The NSF required performance standard shall be defined as NSF leasing, directly or indirectly through the federal General Services Administration, and achieving an occupancy level of at least 80 percent of the net leasable floor area of the office building in the district. If the NSF does not lease its portion of the building and achieve the minimum 80 percent occupancy level of this office building within one year from the issuance of the last certificate of occupancy with respect to NSF's portion of the building, then no tax exemption shall apply, with the city then fully taxing all land, office building and other improvements in the district.

(2) For the purposes of determining whether or not the NSF 80 percent occupancy threshold has been met, space leased for or by NSF not able to be occupied by NSF due to incidents such as fires, earthquakes, hurricanes, or other acts of god shall be considered leased and occupied space by NSF in the calculation of the 80 percent occupancy threshold.

(3) Within 60 days of NSF meeting the performance standard as defined in subsection 3-2-191(f)(1), the owner of 2401 Eisenhower Avenue is responsible for notifying the city's director of finance of the occupancy level by NSF on a form designated by the director of finance. Upon receipt and review of this occupancy information, the city shall determine if this performance standard has been met, and the city manager shall notify the owner in writing of the city's determination of performance standard satisfaction. If no decision or response from the city is received within 30 days after the submission by the owner, then the required performance standard shall be deemed to have been achieved, provided NSF met the 80 percent occupancy threshold as certified by the owner.

(g) The partial exemption of real property in the district, including the qualifications and exceptions and the declining percentage value of the exemption as detailed in this article O shall be considered a covenant that shall run with the land record of real estate parcel 072.04-03-14. Within 90 days of the passage of this ordinance, the city shall record a covenant in the land records of the city to such effect which shall reflect the partial property tax exemption as defined in this article. These terms, conditions and limitations shall not be revoked during the 15 year period of the partial property tax exemption and shall control the real estate taxes with respect to this property irrespective of any change in the applicable city code.

(h) In the event that the property is sold to the federal government or a federal government related entity prior to 20 years after the effective starting date of the property tax exemption as defined in section 3-2-2, then the net present value of the foregone real property taxes which would otherwise have been due to the city between the date of the sale of the property to the federal government or a federal government related entity, and the 20 years after the effective starting date of the property tax exemption on the property, would be due to the city at the time of the sale between the owner of the property and the federal government or a federal government related entity.

(i) For the purposes of calculating the net present value of forgone real estate taxes prescribed in subsection 3-2-191(h) above:

(1) the discount rate utilized in that calculation shall reflect the city's estimated cost of funds utilizing Thomson Municipal Market Data (MMD) for 10-year AAA rated tax exempt general obligation bonds as of either January 1 or July 1 of the calendar year of the sale of the property, and if this MMD information is not available an equivalent measure shall be substituted,

(2) the real estate tax assessment used in the net present value calculation shall reflect the real estate tax assessment as of January 1 of the calendar year of the sale of the property, and

(3) the real estate tax rate used shall reflect the adopted real estate tax rate for the calendar year of the sale of the property, or if the real estate tax rate of the calendar year of the sale has not yet been adopted, then the adopted real estate tax rate for the calendar year prior to the sale of the property shall be used.

(j) Nothing in this article or any covenant recorded in the applicable land records shall be construed as limiting the city's power to increase or decrease the city's real property tax rate, or to levy other taxes, fees or charges in the district.
(Ord. No. 4831, 10/19/13, Sec. 1; Ord. No. 4869, 4/12/14, Sec. 1)

Sec. 3-2-192 Eisenhower West Victory Center Redevelopment District.

(a) The Eisenhower West Victory Center Redevelopment District (the "district") is hereby created at 5001 Eisenhower Avenue for the 8.56 acre

area of current city tax map 068.04-01-05, as subsequently subdivided to create the property leased to the Transportation Security Administration ("TSA") (the "property").

(b) The effective date of the start of the partial property tax exemption in the district, as set forth in this article is the first January 1 after the first certificate of occupancy for TSA is granted for the office building and other improvements to be constructed and renovated in the district and leased by the federal government's General Services Administration for occupancy by TSA. In the event that the performance standard described in clause (f) below is achieved in the first year following the issuance of the first certificate of occupancy, the abatement shall apply to the entire calendar year as though the performance standard was achieved on January 1 of such year.

(c) The property tax exemption in the district shall be in effect for a 15-year period from the effective date of the start of the partial property tax exemption until December 31 of the fifteenth year of the property tax exemption. The property tax exemption shall partially exempt real estate taxes due during the 15 years of the initial TSA lease occupancy as defined herein. The partial exemption shall apply only to improvements constructed in the district including but not limited to the office building occupied by TSA, the above-grade parking garage and retail spaces. The annual assessed value of the land component building component existing as of January 1, 2015 in the district, reflecting any increases or decreases in assessed value of said land and existing building component, shall remain fully taxable. The annual assessed value of the land component shall also reflect that of a finished developed lot with existing improvements.

(d) Real estate taxes of up to an annual maximum of $1,557,290 will be exempt on the improvements constructed in the district during the 15 years of the initial TSA lease of the property.

(e) The real estate assessments for all land and buildings within the district shall be determined by the director of real estate assessments, and shall be established at fair full market value using the same principles, procedures, and timing of real estate assessments as that established for other similar taxable real estate in the city. The owner of land and improvements within the district shall have the same rights and limitations of appeal of the city's annual real estate assessment as that applicable to other taxable real estate in the city.

(f) The tax exemption detailed in this article shall be dependent on the TSA fully meeting a required performance standard as of the time period set forth in subsection 3-2-192(f)(1) below.

(1) The TSA required performance standard shall be defined as:

(i) TSA leasing, directly or indirectly through the federal General Services Administration, and achieving an occupancy level of at least 80 percent of the net leasable floor area of the office building in the district. If the TSA does not lease its portion of the building and achieve the minimum 80 percent occupancy level of this office building within one year from the issuance of the last certificate of occupancy with respect to TSA's portion of the building, then no tax exemption shall apply, with the city then fully taxing all land, office building and other improvements in the district, and

(ii) the owner of 5001 Eisenhower Avenue certifying to the city that at least $125,000,000 has been spent constructing and outfitting the property leased to TSA.

(2) For the purposes of determining whether or not the TSA 80 percent occupancy threshold has been met, space leased for or by TSA not able to be occupied by TSA due to incidents such as fires, earthquakes, hurricanes, or other acts of god shall be considered leased and occupied space by TSA in the calculation of the 80 percent occupancy threshold.

(3) Within 60 days of TSA meeting the performance standard as defined in subsection 3-2-192(f)(1), the owner of 5001 Eisenhower Avenue is responsible for notifying the city's director of finance of the occupancy level by TSA, as well as the amount expended constructing and outfitting the property leased to TSA on a form designated by the director of finance. Upon receipt and review of this occupancy and cost information, the city director of finance shall determine if this performance standard has been met, and the city manager shall notify the owner in writing of the city's determination of performance standard satisfaction. If no decision or response from the city is received within 30 days after the submission by the owner, then the required performance standard shall be deemed to have been achieved, provided TSA met the 80 percent occupancy threshold as certified by the owner.

(g) The partial exemption of real property in the district shall be considered a covenant that shall run with the land record of real estate parcel TBD within 90 days of the passage of this ordinance, the city shall record a covenant in the land

records of the city to such effect which shall reflect the partial property tax exemption as defined in this article. These terms, conditions and limitations shall not be revoked during the 15-year period of the partial property tax exemption and shall control the real estate taxes with respect to this property irrespective of any change in the applicable city code.

(h) In the event that the property is sold to the federal government or a federal government related entity prior to 20 years after the effective starting date of the property tax exemption as defined in section 3-2-2, then the net present value of the foregone real property taxes which would otherwise have been due to the city between the date of the sale of the property to the federal government or a federal government related entity, and the 20 years after the effective starting date of the property tax exemption on the property, would be due to the city at the time of the sale between the owner of the property and the federal government or a federal government related entity.

(i) For the purposes of calculating the net present value of forgone real estate taxes prescribed in subsection 3-2-190(h) above:

(1) the discount rate utilized in that calculation shall reflect the city's estimated cost of funds utilizing Thomson Municipal Market Data (MMD) for 10-year AAA rated tax exempt general obligation bonds as of either January 1 or July 1 of the calendar year of the sale of the property, and if this MMD information is not available an equivalent measure shall be substituted,

(2) the real estate tax assessment used in the net present value calculation shall reflect the real estate tax assessment as of January 1 of the calendar year of the sale of the property, and

(3) the real estate tax rate used shall reflect the adopted real estate tax rate for the calendar year of the sale of the property, or if the real estate tax rate of the calendar year of the sale has not yet been adopted, then the adopted real estate tax rate for the calendar year prior to the sale of the property shall be used.

(j) Nothing in this article or any covenant recorded in the applicable land records shall be construed as limiting the city's power to increase or decrease the city's real property tax rate, or to levy other taxes, fees or charges in the district. (Ord. No. 4966, 9/12/15, Sec. 1)

Secs. 3-2-193 through 3-2-200 reserved.

DIVISION 2

Taxation of Real Estate Devoted to Open-Space Use

Sec. 3-2-201 Open-space land use taxation.

Beginning January 1, 1981, real estate devoted to open-space use shall be taxed in the manner provided in this division. Real estate shall be considered to be devoted to open-space use when it is so used as to be provided or preserved for park or recreational purposes, conservation of land or other natural resources, floodways, historic or scenic purposes, or assisting in the shaping of the character, direction and timing of community development, under uniform standards prescribed by the state director of the commission of outdoor recreation. (Code 1963, Sec. 36-83.3)

Sec. 3-2-202 Application for open-space land use taxation.

(a) At least 60 days preceding each tax year for which open-space land use taxation is sought, property owners seeking such taxation must submit an application to the real estate assessor. Applications shall be submitted on forms supplied to the city by the state tax commissioner.

(b) In any year in which a general reassessment is being made, the property owner may submit an application until 30 days have elapsed after his notice of assessment has been mailed, or 60 days preceding the tax year, whichever is later.

(c) A person who is the owner of an undivided interest in a parcel may apply on behalf of himself and the other owners of the parcel upon submitting an affidavit that such other owners are minors or cannot be located. An application shall be submitted whenever the use or acreage of such land previously approved changes, except when a change in acreage occurs solely as a result of a conveyance necessitated by governmental action or condemnation of a portion of any land previously approved for taxation on the basis of use assessment; provided, however, that any such property owner must revalidate annually, on or before the date on which the last installment of property tax prior to the effective date of the assessment is due, on forms prepared by the real estate assessor, any application previously approved. (Code 1963, Sec. 36-83.4)

Sec. 3-2-203 Filing of approved application by clerk.

The real estate assessor shall prepare and transmit to the Clerk of the Circuit Court of the City of Alexandria a list of all applications filed and approved for open-space land use taxation. The clerk shall index the names in a book entitled "Land Use Tax Assessment Book" and file the applications in the clerk's office. The city shall compensate the clerk at the rate of $1 per application filed and indexed. (Code 1963, Sec. 36-83.5)

Sec. 3-2-204 Material misstatement of facts; material change in facts.

(a) In the event of a material misstatement of facts in the application or a material change in the facts prior to the date of assessment, the application for taxation based on use assessment granted hereunder shall be void and the tax for such year extended on the basis of value determined under section 3-2-209. No application for assessment based on use shall be accepted or approved if at the time the application is filed, the tax on the land affected is delinquent. Upon the payment of all delinquent taxes, including penalties and interest, the application shall be treated in accordance with the provisions of this division.

(b) Continuation of use valuation, assessment and taxation shall depend on continuance of the real estate in the use for which classification is granted and compliance with the other requirements of this division and not upon continuance in the same owner of title to the land. (Code 1963, Sec. 36-83.6)

Sec. 3-2-205 Duties of real estate assessor; rights of aggrieved parties.

Upon the receipt of an application, and prior to assessment of any parcel of real estate under the provisions of this division, the real estate assessor shall determine that the real estate devoted to open-space use consists of a minimum of five acres and that such real estate meets the criteria set forth in section 3-2-201 and the standards prescribed thereunder to qualify for open-space use; he may request an opinion from the state director of the department of conservation and economic development, state commission of outdoor recreation or state commissioner of agriculture and commerce. Upon the refusal of the commissioner of agriculture and commerce, the director of the department of conservation and economic development or the director of the commission of outdoor recreation to issue an opinion, or in the event of an unfavorable opinion which does not comport with standards set forth in the statements filed pursuant to this section, the party aggrieved may seek relief from the Circuit Court

of the City of Alexandria, and in the event that the court finds in his favor, it may issue an order which shall serve in lieu of an opinion for the purposes of this section. (Code 1963, Sec. 36-83.7)

Sec. 3-2-206 Valuation of real estate devoted to open-space use.

In valuing, for the purposes of taxation, real estate devoted to open-space use, the real estate assessor shall consider only those indicia of value which such real estate has for open-space use and real estate taxes shall be extended upon the value so determined. In addition to use of his personal knowledge, judgment and experience as to the value of real estate in open-space use, he shall, in arriving at the value of such land, consider available evidence of open-space capability, and the recommendations of value of such real estate as made by the state land evaluation advisory committee. (Code 1963, Sec. 36-83.8)

Sec. 3-2-207 Determination of total area devoted to open-space use.

In determining the total area of real estate actively devoted to open-space use there shall be included the area of all real estate under barns, sheds, silos, cribs, greenhouses, public recreation facilities and like structures, lakes, dams, ponds, streams, irrigation ditches and like facilities, but real estate under, and such additional real estate as may be actually used in connection with any structure not related to open-space use shall be excluded in determining such total area. (Code 1963, Sec 36-83.9)

Sec. 3-2-208 Valuation of structures not related to open-space use.

All structures which are located on real estate in open-space use and the real estate on which any structure not related to open-space use is located, together with the additional real estate used in connection therewith, shall be valued, assessed and taxed by the same standards, methods and procedures as other taxable structures and other real estate in the city. (Code 1963, Sec. 36-83.10)

Sec. 3-2-209 Maintenance of records of fair market value of open-space land.

Real estate devoted to open-space use shall be evaluated on the basis of fair market value as applied to other real estate in the city, and land book records shall be maintained to show both the use value and the fair market value of such real estate. (Code 1963, Sec. 36-83.11)

Sec. 3-2-210 Change in use of real estate devoted to open-space use.

(a) When real estate qualifies for assessment and taxation on the basis of use, and the use by which it qualified changes to a nonqualifying use, it shall be subject to additional taxes, hereinafter referred to as rollback taxes, in an amount equal to the amount, if any, by which the tax paid or payable on the basis of the valuation, assessment and taxation under this division were exceeded by the taxes that would have been paid or payable on the basis of the valuation, assessment or taxation of real estate in the city in the year of the change and in each of the five years immediately preceding the year of the change, plus simple interest on such rollback taxes at the same interest rate applicable to delinquent taxes in the city. If in the tax year in which the change of use occurs, the real estate was not valued, assessed and taxed under this division, the real estate shall be subject to rollback taxes for such of the five years immediately preceding in which the real estate was valued, assessed and taxed under this division.

(b) In determining rollback taxes chargeable on real estate which has changed in use, the real estate assessor shall extend the real estate lax rates for the current and next preceding five (5) years, or such lesser number of years as the property has been taxed on its use value, upon the difference between the value determined under section 3-2-209 and the use value determined under section 3-2-206 for each such year.

(c) Liability to the rollback taxes shall attach when a change in use occurs, but not when a change in ownership of the title takes place if the new owner continues the real estate in the use for which it is classified under the conditions prescribed in this division. The owner of any real estate liable for rollback taxes shall within 60 days following a change in use, report the change to the real estate assessor on forms prescribed by him. The assessor shall forthwith determine and assess the rollback tax, which shall be assessed against and paid by the owner of the property at the time the change in use which no longer qualifies occurs and shall be paid to the treasurer within 30 days of the assessment. (Code 1963, Sec. 36-83.12)

Sec. 3-2-211 Failure to report change in use; misstatement in application.

Any person failing to report properly any change in use of property for which an application for use

value taxation has been filed shall be liable for all such taxes, in such amounts and at such times as if he had complied herewith and assessments had been properly made, and he shall be liable for a penalty equal to one percent of the tax which would have been assessed on the property had it been properly valued. Should the tax and penalty not be paid within 30 days of the date the assessor informs the person that he is liable for the tax and penalty, an interest penalty on the total amount owned shall be levied at a rate equal to the rate applicable to other delinquent taxes in the city. Any person making a material misstatement of fact in any application shall be liable for all such taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the city, together with interest and penalties thereon applicable to other delinquent taxes in the city, and he shall be further assessed with an additional penalty of 100 percent of any unpaid taxes. (Code 1963, Sec. 36-83.13)

Sec. 3-2-212 Separation of part of real estate devoted to open-space use.

(a) Separation or split-off of lots, pieces or parcels of land from the real estate which is being valued, assessed and taxes under this division, either by conveyance or other action of the owner of the real estate shall subject the real estate so separated to liability for the rollback taxes applicable thereto, but shall not impair the right of each subdivided parcel of such real estate to qualify for such valuation, assessment and taxation in any and all future years, provided it meets the minimum acreage requirements and such other conditions of this division as may be applicable, nor shall it impair the right of the remaining real estate to continuance of such valuation, assessment and taxation without liability for rollback taxes, provided it meets the minimum acreage requirements and other applicable conditions of this division.

(b) No subdivision of property which results in parcels which meet the minimum acreage requirements of this division, and which the owner attests is for open-space use, shall be subject to the provisions of this section. (Code 1963, Sec. 36-83.14)

Sec. 3-2-213 Taking of real estate by eminent domain.

The taking of real estate which is being valued, assessed and taxed under this division by right of eminent domain shall not subject the real estate so taken to the rollback taxes herein imposed. (Code 1963, Sec. 36-83.15)

Sec. 3-2-214 Application of other provisions of title 3, chapter 2.

The provisions of title 3, chapter 2 of The Code of The City of Alexandria, Virginia, 1981, as amended, applicable to real estate assessment and taxation shall be applicable to assessments and taxation hereunder without limitation, provisions relating to tax liens and the correction of erroneous assessments and for such purposes the rollback taxes shall be considered to be deferred real estate taxes. (Code 1963, Sec. 36-83.16)

Secs. 3-2-215 through 3-2-220 reserved.

DIVISION 3

Tangible Personal Property and Machinery and Tools

Sec. 3-2-221 Levied on tangible personal property other than mobile homes, automobiles, trucks, antique motor vehicles, taxicabs, motor vehicles with specially designed equipment for use by the handicapped, motorcycles, campers and other recreational vehicles, boats and boat trailers; amount.

There shall be levied and collected for the calendar year 2016 on all tangible personal property, other than mobile homes, automobiles, trucks, antique motor vehicles, taxicabs, motor vehicles with specially designed equipment for use by the handicapped, motorcycles, campers and other recreational vehicles, boats and trailers, owned or held by residents or citizens of the city or located within the territorial boundaries of the city or otherwise having a situs within the city and subject to taxation for city purposes under the constitution and laws of this state and city, a tax of $4.75 on every $100 of assessed value thereof, for the support of the city government, for the payment of principal and interest of the city debt and for other municipal expenses and purposes. (Ord. No. 2678, 5/10/82, Sec. 2; Ord. No. 2810, 5/16/83, Sec. 2; Ord. No. 2927, 5/14/84, Sec. 2; Ord. No. 3035, 5/13/85; Sec. 2; Ord. No. 3124, 5/5/86, Sec. 2; Ord. No. 3203, 5/4/87, Sec. 2; Ord. No. 3291, 5/4/88, Sec. 2; Ord. No. 3373, 5/8/89, Sec. 2; Ord. No. 3452, 5/7/90, Sec. 2; Ord. No. 3513, 5/9/91, Sec. 2; Ord. No. 3568, 5/11/92, Sec. 2; Ord. No. 3627, 5/5/93, Sec. 2; Ord. No. 3719, 4/28/94, Sec. 2; Ord. No. 3792, 5/3/95, Sec. 2; Ord. No. 3862, 5/7/96, Sec. 2; Ord. No. 3924, 5/1/97, Sec. 2; Ord. No. 3993, 5/6/98, Sec. 2; Ord. No. 4043, 5/5/99, Sec. 2; Ord. No. 4131, 4/27/00, Sec. 2; Ord. No. 4196, 5/7/01, Sec. 2; Ord. No. 4248, 5/6/02, Sec. 2; Ord. No. 4296, 4/29/03, Sec. 2; Ord. No. 4347, 5/3/04, Sec. 2; Ord. No. 4396, 5/2/05, Sec. 2; Ord. No. 4445, 4/24/06, Sec. 2; Ord. No. 4477, 5/7/07, Sec. 1; Ord. No. 4530, 5/5/08, Sec. 2; Ord. No. 4587, 4/27/09, Sec. 4; Ord. No. 4656, 5/3/10, Sec. 4; Ord. No. 4716, 5/2/11, Sec. 3; Ord. No. 4761, 5/7/12, Sec. 4; Ord. No. 4801, 5/6/13, Sec. 4; Ord. No. 4871, 5/1/14, Sec. 4; Ord. No. 4944, 5/7/15, Sec. 4; Ord. No. 5001, 5/5/16, Sec. 4)

Sec. 3-2-221.1 reserved.

Editorial Note: Section 3 of Ord. No. 3627, adopted May 5, 1993, repealed § 3-2-221.1, which pertained to tax levied on antique motor vehicles. See the Ordinance Comparative Table.

Sec. 3-2-222 Levied on machinery and tools used in mining or manufacturing business; amount.

There shall be levied and collected for the calendar year 2016 on all machinery and tools used in a mining or manufacturing business taxable on capital and subject to taxation for city purposes under the constitution and laws of this state and city, a tax of $4.50 on each $100 of assessed value thereof, for the support of the city government, for the payment of principal and interest of the city debt and for other municipal expenses and purposes. (Ord. No. 2678, 5/10/82, Sec. 3; Ord. No. 2810, 5/16/83, Sec. 4; Ord. No. 2927, 5/14/84, Sec. 4; Ord. No. 3035, 5/13/85; Sec. 4; Ord. No. 3124, 5/5/86, Sec. 4; Ord. No. 3203, 5/4/87, Sec. 4; Ord. No. 3291, 5/4/88, Sec. 4; Ord. No. 3373, 5/8/89, Sec. 4; Ord. No. 3452, 5/7/90, Sec. 4; Ord. No. 3513, 5/9/91, Sec. 4; Ord. No. 3568, 5/11/92, Sec. 4; Ord. No. 3627, 5/15/93, Sec. 4; Ord. No. 3719, 4/28/94, Sec. 3; Ord. No. 3792, 5/3/95, Sec. 3; Ord. No. 3862, 5/7/96, Sec. 3; Ord. No. 3924, 5/1/97, Sec. 3; Ord. No. 3993, 5/6/98, Sec. 3; Ord. No. 4043, 5/5/99, Sec. 3; Ord. No. 4131, 4/27/00, Sec. 3; Ord. No. 4196, 5/7/01, Sec. 3; Ord. No. 4248, 5/6/02, Sec. 3; Ord. No. 4296, 4/29/03, Sec. 3; Ord. No. 4347, 5/3/04, Sec. 3; Ord. No. 4396, 5/2/05, Sec. 3; Ord. No. 4445, 4/24/06, Sec. 3; Ord. No. 4477, 5/7/07, Sec. 1; Ord. No. 4530, 5/5/08, Sec. 3; Ord. No. 4587, 4/27/09, Sec. 5; Ord. No. 4656, 5/3/10, Sec. 5; Ord. No. 4716, 5/2/11, Sec. 4; Ord. No. 4761, 5/7/12, Sec. 5; Ord. No. 4801, 5/6/13, Sec. 5; Ord. No. 4871, 5/1/14, Sec. 5; Ord. No. 4944, 5/7/15, Sec. 5; Ord. No. 5001, 5/5/16, Sec. 5)

Sec. 3-2-223 Levied on mobile homes; amount.

There shall be levied and collected for the calendar year 2016 on all vehicles without motor power, used or designed to be used as mobile homes as defined in section 46.2-100 of the Code of Virginia, owned or held by residents or citizens

of the city or located within the territorial boundaries of the city or otherwise having a situs within the city and subject to taxation for city purposes under the constitution and laws of this state and city, a tax of $1.073 on each $100 of assessed value thereof, for the support of the city government, for the payment of principal and interest of the city debt and for other municipal expenses and purposes. (Ord. No. 2678, 5/10/82, Sec. 4; Ord. No. 2810, 5/16/83, Sec. 5; Ord. No. 2927, 5/14/84, Sec. 5; Ord. No. 3035, 5/13/85; Sec. 5; Ord. No. 3124, 5/5/86, Sec. 5; Ord. No. 3203, 5/4/87, Sec. 5; Ord. No. 3291, 5/4/88, Sec. 5; Ord. No. 3373, 5/8/89, Sec. 5; Ord. No. 3452, 5/7/90, Sec. 5; Ord. No. 3513, 5/9/91, Sec. 5; Ord. No. 3568, 5/11/92, Sec. 5; Ord. No. 3627, 5/5/93, Sec. 5; Ord. No. 3719, 4/28/94, Sec. 4; Sec. 3792, 5/3/95, Sec. 4; Ord. No. 3862, 5/7/96, Sec. 4; Ord. No. 3924, 5/1/97, Sec. 4; Ord. No. 3993, 5/6/98, Sec. 4; Ord. No. 4043, 5/5/99, Sec. 4; Ord. No. 4131, 4/27/00, Sec. 4; Ord. No. 4196, 5/7/01, Sec. 4; Ord. No. 4248, 5/6/02, Sec. 4; Ord. No. 4296, 4/29/03, Sec. 4; Ord. No. 4347, 5/3/04, Sec. 4; Ord. No. 4396, 5/2/05, Sec. 4; Ord. No. 4445, 4/24/06, Sec. 4; Ord. No. 4477, 5/7/07, Sec. 1; Ord. No. 4530, 5/5/08, Sec. 4; Ord. No. 4587, 4/27/09, Sec. 6; Ord. No. 4656, 5/3/10, Sec. 6; Ord. No. 4716, 5/2/11, Sec. 5; Ord. No. 4761, 5/7/12, Sec. 6; Ord. No. 4801, 5/6/13, Sec. 6; Ord. No. 4871, 5/1/14, Sec. 6; Ord. No. 4944, 5/7/15, Sec. 6; Ord. No. 5011, 5/5/16, Sec. 6)

Sec. 3-2-224 Levied on automobiles, trucks, trailers, semi-trailers, antique motor vehicles, taxicabs, motorcycles, campers and other recreational vehicles, boats and trailers; amount.

(a) Except as provided in subsections (b), (c) and (d), there shall be levied and collected for the calendar year 2016 on all automobiles, trucks, trailers, semi-trailers, antique motor vehicles (as defined in section 46.2-100 of the Code of Virginia, 1950, as amended, which may be used for general transportation purposes as provided in subsection C of section 46.2-730 of the Code of Virginia, 1950, as amended), taxicabs, motorcycles, campers and other recreational vehicles, boats and boat trailers owned or held by residents or citizens of the city or located within the territorial boundaries of the city or otherwise having a situs for taxation in the city, a tax of $5 on every $100 of assessed value thereof, for the support of the city government, for the payment of principal and interest of the city debt and for other municipal expenses and purposes.

(b) There shall be levied on and collected for the calendar year 2016 on all automobiles, trucks, trailers and semi-trailers with a gross vehicle weight of 10,000 pounds or more which are used to transport property for hire by a motor carrier engaged in interstate commerce, and are owned or held by residents or citizens of the city, are located within the territorial boundaries of the city or otherwise have a situs for taxation in the city, a tax of $4.50 on every $100 of assessed value thereof, for the support of the city government, for the payment of principal and interest of the city debt and for other municipal expenses and purposes.

(c) There shall be levied on and collected for the calendar year 2016 on all automobiles and trucks which are equipped with specially designed equipment for use by the handicapped and are owned or held by residents or citizens of the city, are located within the territorial boundaries of the city or otherwise have a situs for taxation in the city, a tax of $3.55 on every $100 of assessed value thereof, for the support of the city government, for the payment of principal and interest of the city debt and for other municipal expenses and purposes.

(d) There shall be levied on and collected for the calendar year 2016 on all privately owned pleasure boats and watercraft, which are used for recreational purposes only, and are owned or held by residents or citizens of the city, or are located within the territorial boundaries of the city or otherwise have a situs for taxation in the city, a tax of $.01 on every $100 of assessed value thereof, for the support of the city government, for the payment of principal and interest of the city debt and for other municipal expenses and purposes.

(e) For tax years commencing in 2006, the city adopts the provisions of item 503.E of chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, the "2005 Appropriations Act"), providing for the computation of tax relief under the Personal Property Tax Relief Act of 1998, section 58.1-3523 et seq. of the Code of Virginia, as amended, as a specific dollar amount to be offset against the total taxes that would otherwise be due but for the Personal Property Tax Relief Act of 1998, section 58.1-3523 et seq. of the Code of Virginia, as amended, and the reporting of such specific dollar relief on the tax bill.

(i) The city shall, following adoption of the annual budget adopted pursuant to Chapter 25 of Title 15.2 of the Code of Virginia and Sections 6.01 through 6.15 of the City Charter, set the rates of tax relief under this subsection at such a level that it is anticipated fully to exhaust relief funds under the Personal Property Tax Relief Act of 1998, Section 58.1-3523 et seq. of the Code of Virginia, as amended, provided to the city by the Commonwealth.

(ii) Personal property tax bills shall set forth on their face the specific dollar amount of relief under this subsection credited with respect to each qualifying vehicle, together with an explanation of the general manner in which such relief is allocated.

(iii) Allocation of relief under this subsection shall be provided in accordance with the general provisions of this section, as implemented by resolution relating to relief under this subsection.

(iv) Relief under this subsection shall be allocated in such a manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of $1,000 or less.

(v) Relief under this subsection with respect to qualifying vehicles with assessed values of more than $1,000 shall be provided at the following rates, annually fixed by resolution, that achieve to the extent feasible the following general relationships between the rates applicable to classes of vehicle value established herein and that is estimated fully to use all relief funds under the Personal Property Tax Relief Act of 1998, Sections 58.1-3523 et seq. of the Code of Virginia, as amended, provided to the city by the Commonwealth:

(A) Relief with respect to vehicle value up to and including $20,000 shall be provided at a rate that is approximately 15 percent higher than that applied to vehicle value described in subsection (B) of this section;

(B) Relief with respect to vehicle value in excess of $20,000, but not more than $25,000, and applied to the first $20,000 in value, shall be provided at a rate that is approximately 15 percent higher than that applied to vehicle value described in subsection (C) of this section; and

(C) Relief with respect to vehicles in excess of $25,000, and applied to the first $20,000 in value. (Ord. No. 2678, 5/10/82, Sec. 5; Ord. No. 2810, 5/16/83, Sec. 6; Ord. No. 2927, 5/14/84, Sec. 6; Ord. No. 3035, 5/13/85; Sec. 6; Ord. No. 3124, 5/5/86, Sec. 6; Ord. No. 3203, 5/4/87, Sec. 6; Ord. No. 3291, 5/4/88, Sec. 6; Ord. No. 3373, 5/8/89, Sec. 6; Ord. No. 3452, 5/7/90, Sec. 6; Ord. No. 3513, 5/9/91, Sec. 6; Ord. No. 3568, 5/11/92, Sec. 6; Ord. No. 3627, 5/5/93, Sec. 6; Ord. No. 3719, 4/28/94, Sec. 5; Sec. 3792, 5/3/95, Sec. 5; Ord. No. 3862, 5/7/96, Sec. 5; Ord. No. 3924, 5/1/97, Sec. 5; Ord. No. 3934, 6/14/97, Sec. 1; Ord. No. 3993, 5/6/98, Sec. 5; Ord. No. 4043, 5/5/99, Sec. 5; Ord. No. 4131, 4/27/00, Sec. 5; Ord. No. 4196, 5/7/01, Sec. 5; Ord. No. 4248, 5/6/02, Sec. 5; Ord. No. 4296, 4/29/03, Sec. 5; Ord. No. 4347, 5/3/04, Sec. 5; Ord. No. 4396, 5/2/05, Sec. 5; Ord. No. 4445, 4/24/06, Sec. 5; Ord. No. 4477, 5/7/07, Sec. 1; Ord. No. 4530, 5/5/08, Sec. 5; Ord. No. 4587, 4/27/09, Sec. 7; Ord. No. 4656, 5/3/10, Sec. 7; Ord. No. 4716, 5/2/11, Sec. 6; Ord. No. 4761, 5/7/12, Sec. 7; Ord. No. 4801, 5/6/13, Sec. 7; Ord. No. 4817, 6/15/13, Sec. 1; Ord. No. 4871, 5/1/14, Sec. 7; Ord. No. 4944, 5/7/15, Sec. 7; Ord. No. 5001, 5/5/16, Sec. 7)

Sec. 3-2-224.1 reserved.

Editorial Note: Ord. No. 3934, § 2, adopted June 14, 1997, repealed § 3-2-224.1 which pertained to tax levied on motor vehicles with specially designed equipment for use by the handicapped. See the Ordinance Comparative Table.

Sec. 3-2-224.2 Alternative tax rate for elderly and handicapped.

(a) This section is intended to provide preferential tax treatment for one motor vehicle owned by an elderly or handicapped person, or by the spouse of such a person, where the person and spouse, if any, have income of less than $20,000 per year and a net worth, exclusive of a principal residence, of less than $75,000.

(b) Definitions. For purposes of this section, the following terms shall have these meanings:

(1) "Combined income" means the total income of a qualified person received from all sources during the preceding calendar year, combined with the total income received during the preceding year by the person's spouse who, at the time of an application under this section, lives in the same dwelling. All income limitations under this section shall be computed by aggregating the income of a husband and wife who reside in the same dwelling, and shall be applied to any applicant for preferential tax treatment, irrespective of how the motor vehicle for which the applicant is seeking the preferential tax treatment may be titled.

(2) "Combined net worth" means the net worth of a qualified person, combined with that of his or her spouse, including the present value of all equitable interests, as of December 31 of the immediately preceding calendar year, but excluding the value of a principal residence and the land, not exceeding one acre, upon which it is situated. All net worth limitations under this section shall be computed by aggregating the assets of a husband and wife who reside in the same dwelling and shall be applied to any applicant for preferential tax treatment, irrespective of

how the motor vehicle for which the applicant is seeking the preferential tax treatment may be titled.

(3) "Director" means the director of finance.

(4) "Motor vehicle" shall include only automobiles and pickup trucks.

(5) "Permanently and totally disabled" means unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life; provided, that a certification made with respect to a specific person pursuant to 42 U.S.C. § 423(d) by the Social Security Administration shall, for so long as the person remains eligible for the social security benefits to which the certification applies, be deemed to satisfy this definition.

(6) "Qualified motor vehicle" means a motor vehicle which is owned by and used primarily by or for a qualified person and which is currently assessed by the city at less than $30,000. Only one qualified motor vehicle may be owned and used primarily by or for any qualified person. If a qualified person uses more than one motor vehicle, the motor vehicle with the highest assessed value shall be considered to be the qualified motor vehicle. Any motor vehicle owned jointly by a husband and wife may be a qualified motor vehicle if either spouse is a qualified person. Where both spouses are qualified persons, only one qualified motor vehicle is permitted for both.

(7) "Qualified person" means a person who is at least 65 years of age or a person who is permanently and totally disabled.

(c) There shall be levied and collected, for every calendar year, on all qualified motor vehicles having a tax situs in the city, a tax of $0.01 on every $100 of assessed value thereof, for the support of the city government, for the payment of principal and interest of the city debt and for other municipal expenses and purposes.

(d) A qualified person applying for tax relief pursuant to this section shall have a combined income not exceeding $20,000 and a combined net worth not exceeding $75,000.

(e) Application procedure.

(1) A qualified person applying for preferential tax treatment under this section ("applicant") shall file with the director by April 10 an affidavit, under oath, in which the applicant subscribes and swears to the following:

(a) the name of the applicant;

(b) when the applicant is applying for the preferential tax rate on the basis of age, the applicant's age and social security number or, in the alternative, independent proof of age satisfactory to the director and attached to the affidavit;

(c) when the applicant is applying for the preferential tax rate on the basis of disability, a statement that the applicant is permanently and totally disabled, as defined in this section;

(d) a statement that the applicant's combined income does not exceed $20,000; and

(e) a statement that the applicant's combined net worth does not exceed $75,000.

(2) Where the applicant is under 65 years of age, the affidavit shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs or the Railroad Retirement Board or, if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors who are either licensed to practice medicine in the Commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the person is permanently and totally disabled, as defined in this section. The affidavit of at least one of the doctors shall be based upon a physical examination of the person by the doctor.

(3) The affidavit required by subsection (1) need be filed only once in every three years, and in those years shall be filed no later than April 10. For each year as to which an affidavit is not filed, the taxpayer shall file with the director, not later than April 10, a written certification, on forms to be supplied by the city, in which the taxpayer states that the information contained in the taxpayer's last filed affidavit has not changed in a manner which affects the taxpayer's eligibility for preferential tax treatment under this section. In the event that the information in the last filed affidavit has changed in such a manner, the taxpayer shall file a new affidavit statement pursuant to subsection (1).

(f) Proration.

(1) Changes in income, financial worth, ownership of property or other factors occurring during the tax year for which an affidavit or certification is filed and having the effect of exceeding or violating the limitations and conditions provided herein shall, from the time the changes occur, nullify any preferential tax rate for the remainder of the tax year.

(2) An individual who becomes a qualified person during a year for which taxes have been paid on a qualified motor vehicle may receive prefer-

ential tax treatment for that portion of the year during which he meets the requirements of this section. (Ord. No. 3928, 5/17/97, Sec. 1)

Sec. 3-2-225 [Tax on automobiles, trucks, taxicabs, motorcycles, campers and other recreational vehicles, boats and trailers] determination of assessed value.

(a) The assessed value of any motor vehicle, boat or trailer subject to taxation under the provisions of this article shall be determined as of January 1 of the year for which the tax is levied.

(b) In determining the assessed value of any motor vehicle for the purposes of taxation under the provisions of this article, the director may use as a guide the National Automobile Dealers' Associated Used Car Guide or other competent authority as determined by the director of finance. (Code 1963, Sec. 36-87; Ord. No. 2936, 6/18/84, Sec. 1)

Sec. 3-2-226 Same—proration.

(a)(1) On any motor vehicle, boat or trailer which becomes owned or held by a resident or citizen of the city or located within the territorial boundaries of the city or otherwise acquires a

situs for taxation in the city after January 1 of any tax year, and on any motor vehicle, boat or trailer which ceases to be so owned, held or located or to otherwise have a situs for taxation in the city on or after January 1 of any given tax year, the assessed value shall be prorated in accordance with the portion of the tax year, during which the property was subject to taxation, and the applicable tax rate shall be applied to the prorated assessed value in accordance with the following schedule:

Months Property Subject to Taxation	Percentage of Assessed Value Taxed
1	8.33
2	16.67
3	25.00
4	33.33
5	41.67
6	50.00
7	58.33
8	66.67
9	75.00
10	83.33
11	91.67
12	100.00

For the purposes of proration, a period of more than one-half of a month shall be counted as a full month and a period of less than one-half of a month shall not be counted.

(2) Notwithstanding any provisions of this subsection to the contrary, any person applying for a reassessment under this subsection on the basis that he ceased to be a resident or citizen of the city on or after the first day of January shall be entitled to such reassessment prorated on a monthly basis upon furnishing the director of finance satisfactory evidence in support of such reassessment.

(b) If any motor vehicle, boat or trailer which has been assessed for taxation by the city ceases to be owned or held by a resident or citizen of the city, or to otherwise have a situs in the city, on or after January 1 of any given year, then the owner of such property, if he wishes proration, must apply to the director for such proration within three years from December 31 of that given year, and the director shall then reassess such property as provided in subsection (a) of this section.

(c) If the person applying for reassessment on a motor vehicle, boat or trailer under subsection (b) of this section has paid the personal property tax for the year, or the applicable portion thereof, on the motor vehicle, boat or trailer, the city shall either (i) refund to him the amount of tax paid on the assessed value of the property which is in excess of the tax on the reassessed value, or (ii) credit the excess amount against any other tax liability of the person arising under the provisions of this article. If the tax on the property has not been paid as of the date the property is reassessed, the owner of the property shall pay the tax levied by this section on the reassessed value. (Code 1963, Sec. 36-88; Ord. No. 2936, 6/18/84, Sec. 2; Ord. No. 3871, 6/15/96, Sec. 2)

Sec. 3-2-227 Same—credit for tax paid to other jurisdictions.

If any person subject to tax under section 3-2-224 of this article has paid a similar tax in another jurisdiction for any period covered by the provisions of that section, he shall be entitled, upon presentation of evidence of payment, to a credit in an amount not to exceed the tax imposed by that section and section 3-2-226 of this article for that period. The credit shall be given to both where the motor vehicle, boat or trailer subject to levy is the identical property for which the similar tax was paid elsewhere, and also where the said motor vehicle, boat or trailer is a substitute for one for which the similar tax was paid elsewhere. (Code 1963, Sec. 36-89)

Sec. 3-2-228 reserved.

Editorial Note: Ord. No. 3871, § 1, adopted June 15, 1996, repealed § 3-2-228, which pertained to distribution of tax forms; failure of director of finance to mail or deliver forms not to affect taxpayer's duty and derived from Code 1963, Sec. 36-90. See the Ordinance Comparative Table.

Sec. 3-2-229 Duty of taxpayer to file return; penalty assessment; estimates.

(a) Each year the director shall prepare a form upon which persons assessable with city taxes on tangible personal property or machinery and tools shall list all such property for return to the director for taxation. The director shall make this form available to taxpayers in his office or otherwise, as he may see fit. In this section, this form is referred to as the "return."

(b) Every person assessable with city taxes on tangible personal property (except motor vehicles) or machinery and tools shall file with the director on or before May 1 of each year a return which lists all such property. However, for every mobile home, boat and trailer which acquires a tax situs in the city after January 1 of a tax year,

the person assessable with personal property taxes on such property shall file with the director a return which lists the property within 30 days of the day on which the property acquires such situs, or within an extended period not to exceed an additional 90 days if granted by the director as provided by law, and shall file an annual return listing the property by May 1 of each year subsequent to the year in which the property acquires situs in the city.

(c) (1) Every person assessable with city taxes on a motor vehicle shall file with the director a return which lists the vehicle within 30 days, or within an extended period not to exceed an additional 90 days if granted by the director as provided by law, of any of the following: (i) the vehicle's first being located in the city or otherwise acquiring a tax situs in the city; (ii) the person becoming the owner or lessee of the vehicle; (iii) a change in the name or address of the person; or (iv) the occurrence of any other event affecting the assessment of personal property taxes on the vehicle. The requirement to file a return under this subsection (c)(1) shall apply whether or not a return on the vehicle has been previously filed with the director.

(2) Every owner of a motor vehicle who has filed with the director a return which lists the vehicle shall not be required to file another return listing the same vehicle, unless required to do so under subsection (c)(1). In any year in which a return on a vehicle for which a return has previously been filed is not filed with the director, the vehicle's personal property assessment shall be based upon the most recently filed return which lists the vehicle.

(d) (1) Whenever a return required by subsection (b) to be filed with the director is not timely filed, the director shall assess a penalty of $10 or 5 percent of the amount of tax assessable on the property in question, whichever is greater; provided, that, for tax year 2002 and subsequent tax years, the penalty assessed shall not exceed $500, if the return required by subsection (b) is filed within 30 days of the due date, and provided further, that the penalty may not exceed the amount of the tax. Such penalty when so assessed shall become a part of the tax and shall be collected in the same manner as is provided by law for the collection of taxes.

(2) Whenever a return required by subsection (c) to be filed with the director is not timely filed, the director shall assess a penalty of $10 or 5 percent of the amount of tax assessable on the property in question, whichever is greater; provided, that, for tax year 2002 and subsequent tax years, the penalty for taxes levied on motor vehicles subject to the Personal Property Tax Relief Act of 1998 shall be calculated based solely on the portion of the taxes levied which the taxpayer is required to pay under such Act, and provided further, that the penalty may not exceed the amount of the tax. Such penalty when so assessed shall become a part of the tax and shall be collected in the same manner as is provided by law for the collection of taxes.

(e) (1) In the event a return that is required by this section to be filed with the director is not timely filed, the director shall, from the best information available, make an estimate of the tangible personal property or machinery and tools for which a return was required and of its fair market value, and shall assess personal property taxes against the owner of the property based on this estimated value.

(2) The director shall have authority to assess penalties as provided in subsection (d) based upon these estimates, and such penalties shall be collected in the same manner as is provided by law for the collection of taxes.

(f) Every person who leases tangible personal property or machinery and tools that is assessable with city taxes, including motor vehicles (other than rented motor vehicles which are subject to the tax imposed under section 58.1-2402 of the Code of Virginia (1950), as amended), boats and trailers and mobile homes, shall with respect to such property comply with all the provisions of this section as if the person were the owner of the property. Any return required by this subsection to be filed with the director shall show thereon the names and addresses of the owners of any property listed thereon. (Code 1963, Sec. 36-91; Ord. No. 2664, 3/13/82, Sec. 2; Ord. No. 2936, 6/18/84, Sec. 3; Ord. No. 3871, 6/15/96, Sec. 2; Ord. No. 4246, 4/13/02, Sec. 1)

Sec. 3-2-230 When taxes due, delinquent taxes; penalty.

(a) The taxes levied on tangible personal property, on machinery and tools, and on mobile homes, motor vehicles, boats and trailers, except those which become subject to said tax after September 5, shall be due and payable to the director on or before October 5 of the year for which they are levied and shall be considered delinquent after that date. To all of said taxes so delinquent there shall be added and collected as a part thereof a penalty of 10 percent or $10,

whichever is greater; provided, however, that for tax year 2002 and subsequent tax years, the penalty for taxes levied on motor vehicles subject to the Personal Property Tax Relief Act of 1998 shall be calculated based solely on the portion of the taxes levied which the taxpayer is required to pay under such Act, and provided further that the penalty shall in no case exceed the amount of tax due from the taxpayer, and provided further that the entitlement to personal property tax relief for qualifying vehicles arising under the provisions of § 58.1-3524 of the Code of Virginia (1950), as it existed prior to the amendments made in Chapter 1 of the Acts of Assembly, 2004 Special Session I, for tax year 2005 and all prior tax years, shall expire on September 1, 2006, or such date as state funds for reimbursement of the state share of such bills have become unavailable, whichever earlier occurs, for any qualifying vehicle for which personal property tax, penalty, and interest remains due and owing as of September 1, 2006, for tax year 2005 and/or any prior tax years. In addition thereto, interest on the taxes and penalty due from the taxpayer shall commence on the first day following the day such taxes are due and shall continue until all such taxes and penalty are paid. Such interest shall accrue at the rate of 10 percent per annum for the first year such taxes and penalty remain unpaid and thereafter at the rate of five percent per annum. There shall also be due, in addition to all penalties and interest, fees for administrative costs, reasonable attorney's fees, collection agency's fees, Virginia Department of Taxation setoff debt collection fees, and/or Virginia Department of Motor Vehicles registration withholding fees incurred in the collection of such taxes, not to exceed the maximums permitted under §§ 46.2-752, 58.1-520.1, and 58.1-3958 of the Code of Virginia (1950), as amended.

(b) The taxes levied on motor vehicles, boats and trailers which become subject to taxation between September 6 and December 31 of any given year shall be due and payable not more than 30 days after they become so subject to taxation. These taxes shall be considered delinquent if not paid on or before the thirtieth day from the date any motor vehicle, boat or trailer becomes subject to taxation. To all taxes so delinquent, there shall be added and collected as a part thereof, a penalty of 10 percent or $10, whichever is greater; provided, however, that for tax year 2002 and subsequent tax years, the penalty for taxes levied on motor vehicles subject to the Personal Property Tax Relief Act of 1998 shall be calculated based solely on the portion of the taxes levied which the taxpayer is required to pay under such Act, and provided further that the penalty shall in no case exceed the amount of tax due from the taxpayer, and provided further that the entitlement to personal property tax relief for qualifying vehicles arising under the provisions of § 58.1-3524 of the Code of Virginia (1950), as it existed prior to the amendments made in Chapter 1 of the Acts of Assembly, 2004 Special Session I, for tax year 2005 and all prior tax years, shall expire on September 1, 2006, or such date as state funds for reimbursement of the state share of such bills have become unavailable, whichever earlier occurs, for any qualifying vehicle for which personal property tax, penalty, and interest remains due and owing as of September 1, 2006, for tax year 2005 and/or any prior tax years. In addition thereto, interest on the taxes and penalty due from the taxpayer shall commence on the first day following the day such taxes are due and shall continue until all such taxes and penalty are paid. Such interest shall accrue at the rate of 10 percent per annum for the first year such taxes and penalty remain unpaid and thereafter at the rate of five percent per annum. There shall also be due, in addition to all penalties and interest, fees for administrative costs, reasonable attorney's fees, collection agency's fees, Virginia Department of Taxation setoff debt collection fees, and/or Virginia Department of Motor Vehicles registration withholding fees incurred in the collection of such taxes, not to exceed the maximums permitted under §§ 46.2-752, 58.1-520.1, and 58.1-3958 of the Code of Virginia (1950), as amended.

(c) With respect to the expiration, set forth in (a) and (b) above, of the entitlement to personal property tax relief for qualifying vehicles arising under the provisions of § 58.1-3524 of the Code of Virginia (1950), as it existed prior to the amendments made in Chapter 1 of the Acts of Assembly, 2004 Special Session I, for any qualifying vehicle for which personal property tax, penalty, and interest remains due and owing as of September 1, 2006, or such date as state funds for reimbursement of the state share of such bills have become unavailable, whichever earlier occurs, for tax year 2005 and/or any prior tax years, there shall be due for each such qualifying vehicle a supplemental amount equal to the credit for any reimbursable amount to which such qualifying vehicle would have been entitled pursuant to the provisions of Virginia Code § 58.1-3524 as it existed prior to the amendments effected by Chapter 1 of the Acts of Assembly of 2004, Special Session I, plus penalty and interest thereon in the amounts

provided for in this section. Penalty and interest with respect to bills issued pursuant to this subsection shall be computed on the entire amount of the tax owed. Interest shall be computed at the rates provided in this section from the original due date of the tax.

(d) There is hereby established an amnesty program for payment of delinquent taxes imposed under section 3-2-224 of this Code, for tax years 2004 and prior, the intent of which program being to improve voluntary compliance with the city's personal property tax ordinances and to increase and to accelerate collections of such taxes owed to the city, as follows:

(1) The program shall be conducted during the period November 1, 2005, through December 31, 2005.

(2) All penalties and interest assessed or assessable, as provided in this section, with respect to the tax imposed under section 3-2-224 of this Code, which are the result of nonpayment, underpayment, nonreporting or underreporting of tax liabilities, shall be waived upon receipt of the payment of the amount of taxes owed, except that no person currently under investigation or prosecution for filing a fraudulent return or failing to file a return with the intent to evade tax shall qualify to participate.

(3) Any taxpayer who defaults upon any agreement to pay tax arising out of a grant of amnesty is subject to reinstatement of the penalty and interest forgiven and any such other penalties as may apply, as though the taxpayer retained the original outstanding balance at the close of the amnesty program. (Code 1963, Sec. 36-92; Ord. No. 2512, 9/13/80, Sec. 1; Ord. No. 2750, 5/16/81, Sec. 3; Ord. No. 2664, 3/13/82, Sec. 2; Ord. No. 2873, 11/12/83, Sec. 1; Ord. No. 2963, 11/12/83, Sec. 1; Ord. No. 2963, 9/15/84, Sec. 3; Ord. No. 3143, 6/14/86, Sec. 3; Ord. No. 3159, 11/18/86, Sec. 3; Ord. No. 4005, 6/13/98, Sec. 1; Ord. No. 4058, 6/12/99, Sec. 4; Ord. No. 4069, 9/18/99, Sec. 2; Ord. No. 4207, 6/16/01, Sec. 1; Ord. No. 4246, 4/13/02, Sec. 2; Ord. No. 4424, 10/15/05, Sec. 1; Ord. No. 4480, 5/12/07, Sec. 1)

Sec. 3-2-230.1 Distraint of motor vehicle delinquent on personal property taxes.

(a) Any motor vehicle found in the city which is delinquent on personal property taxes associated with that vehicle, as per section 3-2-230 of this code, in the amount of $100 or more, shall be subject to distraint. Distraint may be effected by seizure and removal of the vehicle's license plates, by immobilization of the vehicle to prevent its operation, or by seizure and removal of the vehicle itself. The chief of police, the director of finance, their designees, and any other city employee authorized in writing by the city manager, may enforce this section. No such vehicle found on private property shall be distrained unless written authorization to enforce this section on such property has been given by the owner or, when the property is held in common by an association of owners established pursuant to sections 55-79.1 through 55-79.38 or sections 55-79.39 through 55-79.103 of the Code of Virginia, by such association, and the city has agreed in writing that it will hold the property owner harmless from all loss, damage or expense, including costs and attorney's fees, that the owner may incur as a result of actions taken by the city pursuant to this section.

(b) Upon distraint, the city shall inform the owner of the vehicle as soon as practicable of the distraint and of the amount of taxes, penalty and interest and other charges due on the vehicle. Such notice shall also include notice of the procedures for an administrative hearing for return of the vehicle or license plates, consistent with subsection (e) below.

(c) Once a motor vehicle has been distrained by seizure of the license plates or immobilized in accordance with subsection (a) above, the vehicle's registered owner, or person authorized by the owner, shall be allowed one business day from the time of distraint to contact the director of finance and pay or make arrangements to otherwise resolve the outstanding personal property taxes. After the one business day, the city may remove such vehicle to a storage area for safekeeping under the direction of a police officer.

(d) The owner or lessee, or authorized agent thereof, of a distrained motor vehicle may secure the release of the vehicle by payment of the delinquent personal property taxes, interest and penalties, and reasonable costs incidental to the distraint, immobilization and storage of the motor vehicle and to the efforts to locate the owner of the vehicle. Should such owner fail or refuse to pay such amounts, or should the identity or whereabouts of such owner be unknown and unascertainable, the vehicle may be sold as provided by section 5-8-27 of this code.

(e) (1) Any owner or lessee, or authorized agent thereof, who contends that his or her vehicle was erroneously distrained, may file a request for a hearing before the director of finance or his des-

ignee, for release of such vehicle. Such hearing shall take place within one business day from the date that the director of finance or his designee receives notification of the request for a hearing.

(2) The requestor shall provide all of the grounds on which he or she contends that the motor vehicle was erroneously distrained. If the director of finance or his designee is satisfied that the motor vehicle was erroneously distrained, the city shall return the seized property to the owner. If the director or his designee is not so satisfied, the requestor shall be informed in writing, and the vehicle shall be subject to release or sale pursuant to subsection (d) above. (Ord. No. 4405, 6/21/05, Sec. 1)

Sec. 3-2-231 Certain tangible personal property exempt from tax.

The following classes of household goods and personal effects shall be exempt from the tax on tangible personal property. This exemption shall apply only to property that is owned and used by an individual or a family or household incident to maintaining an abode.

(1) bicycles;

(2) household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners, and all other household machinery, books, firearms and weapons of all kinds;

(3) pianos, organs, phonographs and record players, and records to be used therewith, and all other musical instruments of whatever kind, radio and television instruments and equipment;

(4) oil paintings, pictures, statuary, curios, article of virtu and works of art;

(5) diamonds, cameos and other precious stones and all precious metals used as ornaments or jewelry;

(6) sporting and photographic equipment;

(7) clothing and objects of apparel;

(8) antique motor vehicles as defined in section 46.2-100 of the Code of Virginia, 1950, as amended, which may not be used for general transportation purposes;

(9) all other tangible personal property used by an individual or a family or household incident to maintaining an abode. (Code 1963, Sec. 36-93; Ord. No. 3993, 5/6/98, Sec. 6)

DIVISION 4

General Provisions

Sec. 3-2-232 Director of finance—submission of statement of monies collected, etc.

At the end of each calendar year, or within 15 days thereafter, the director of finance shall submit to the city council a statement of all monies collected by him during the year and a statement of all the uncollected taxes in his hands, together with an affidavit made by him that he has used diligence to fine property in the city liable to levy for said taxes but has found none. (Code 1963, Sec. 36-94)

Sec. 3-2-233 Same—powers.

The director of finance shall have the power to establish and publish reasonable rules, regulations and procedures, not inconsistent with this article for the administration of the provisions of this article, including the adoption of procedures for ascertaining the dates of purchases, exchanges and required filing on motor vehicles, boats and trailers which have or may become subject to taxation under this article. The director shall have the power to request from owners of and dealers in motor vehicles, boats and trailers, information relating to date of purchases and exchanges of any motor vehicles, boats and trailers which may be subject to taxation under this article. (Code 1963, Sec. 36-95)

Sec. 3-2-234 When penalties effective.

(a) Whenever any return on property is required by this article to be filed with the director of finance on or before a given day to avoid a penalty, then the receipt by the director of a return bearing a U.S. Postal Service postmark on or before midnight of the day on or before which the return is required to be filed with penalty shall constitute timely filing, even though such return is not delivered to the director until some time after the last day on which the return could be filed without penalty.

(b) Whenever the payment of any tax levied by this article is required to be made to the director of finance on or before a given day to avoid a penalty, when the receipt by the director of a remittance in the mails bearing a U.S. Postal Service postmark on or before midnight of the day on or before which the payment is required to be

made without penalty shall constitute timely payment, even though the remittance is not delivered to the director until some time after the last day on which the payment otherwise could have been made without penalty.

(c) Whenever the last day upon which any city tax may be paid or any return may be filed without penalty falls on Saturday, Sunday or legal holiday, then the payment may be made or return may be filed without penalty on the succeeding business day. (Code 1963, Sec. 36-96)

Sec. 3-2-235 Report of annual assessments.

(a) The city manager is directed to make a report of the results of the annual assessment of real property pursuant to section 4.08 of the city charter. The report shall contain:

(1) the total dollar amount of the assessments;

(2) the dollar amount of the assessments less new construction assessments; and

(3) the percentage change of each of categories (1) and (2) above over the comparable figure for that category for each of the two years previous to the report.

The information required by (1), (2) and (3) above shall be reported as a total for all land uses within the city and for each of the following specific land use categories:

(1) single-family detached;
(2) single-family semidetached;
(3) single-family row;
(4) condominium garden;
(5) condominium high-rise;
(6) condominium townhouse;
(7) multifamily garden;
(8) multifamily mid-rise;
(9) multifamily high-rise;
(10) office buildings;
(11) shopping centers;
(12) vacant.

(b) The report may also contain the results of assessments for any additional category of land use deemed to be of interest, the additional categories including, but not limited to, assessments for commercial, industrial and mixed-use parcels; and the report may further contain separate subcategories reporting assessments within designated areas of the city including planning district, tax map or any other designation deemed to be of interest.

(c) The city manager shall make the report to city council no later than the first regular meeting in May of each fiscal year; provided, however, that the city council by resolution may authorize the city manager to make the report at a subsequent time not later than the twenty-seventh day of the last month of the fiscal year. (Code 1963, Sec. 36-96.1)

Secs. 3-2-236 through 3-2-240 reserved.

ARTICLE N

Tax on Meals Sold by Restaurants

Sec. 3-2-241 Definitions.

(1) *Caterer.* A person who furnishes food, beverages, or both, on the premises of another, for compensation.

(2) *Meal.* Any prepared food or beverage offered or held out for sale by a restaurant for the purpose of being consumed by any person to satisfy the appetite and which is ready for immediate consumption. All such food and beverage, unless otherwise specifically exempted or excluded herein shall be included, whether intended to be consumed on the seller's premises or elsewhere, whether designated as breakfast, lunch, snack, dinner, supper or by some other name, and without regard to the manner, time or place of service. As used in this article "meal" shall include specifically, without limitation, the following:

(a) hot foods or hot food products ready for immediate consumption;

(b) sandwiches;

(c) salad bar items sold from a salad bar;

(d) prepackaged single-serving salads consisting primarily of an assortment of vegetables;

(e) beverages, including, without limitation, alcoholic beverages, not sold in factory sealed containers;

(f) alcoholic beverages sold in factory sealed containers and purchased for on-premises consumption; and

(g) food and beverages sold by caterers located in the city, whether consumed at a location inside or outside of the city.

(3) *Person.* Any individual, corporation, company, association, firm, co-partnership or any group of individuals acting as a unit.

(4) *Purchaser.* Any person who purchases a meal.

(5) *Restaurant.* Any place located in the city in or from which meals are sold, including but not limited to, drugstores, eating houses, public and private clubs, resorts, bars, lounges, cafeterias, cafes, snack bars, lunch counters, movie theaters, delicatessens, confectioneries, bakeries, grills, coffee shops, diners, dining rooms, eateries, ice cream and frozen yogurt shops, lunch wagons or trucks, pushcarts or other mobile facilities from which food is sold, caterers, and places of business commonly known as restaurants.

(6) *Seller.* Any person who sells a meal. (Code 1963, Sec. 36-97; Ord. No. 3628, 5/5/93, Sec. 1; Ord. No. 4133, 5/13/00, Sec. 1)

Sec. 3-2-242 Amount and levy of tax.

There is hereby imposed and levied by the city, upon every purchaser of a meal, in addition to all other taxes, fees and charges of every kind now or hereafter imposed by law, a tax upon each and every meal sold in the city in or from a restaurant, whether prepared in the restaurant or not and whether consumed on the premises or not, based upon the amount charged the purchaser by the seller for the meal, at the rate of four percent of the total charge. (Code 1963, Sec. 36-98; Ord. No. 2829, 6/28/83, Sec. 2; Ord. No. 4133, 5/13/00, Sec. 2; Ord. No. 4532, 5/5/08, Sec. 1)

Sec. 3-2-243 Collection of tax.

The tax, in each and every case, shall be collected by the seller from the purchaser at the time that the charge for the meal shall be due and payable, whether the payment shall be made in cash or on credit by means of a credit card or otherwise; provided, however, no blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Visually Handicapped and located on property acquired and used by the United States for any military or naval purpose shall be required to collect and remit the tax. The seller shall separately state the amount of the tax and add the tax to the amount charged for the meal, and the tax shall be paid to the city for its use by the seller as hereinafter provided. (Code 1963, Sec. 36-99; Ord. No. 4133, 5/13/00, Sec. 3)

Sec. 3-2-244 Collections held in trust.

All money collected as taxes under this article shall be deemed to be held in trust by the seller collecting the same until remitted to the city as provided in this article. (Code 1963, Sec. 36-100)

Sec. 3-2-245 Reports and remittances.

Every seller shall make a report for each calendar month, showing the amount of meal charges collected and the tax required to be collected, upon forms setting forth such other information as the director may prescribe and require, and shall sign and deliver the report to the director with remittance of the tax. These reports and remittances shall be made to the director on or before the last day of the calendar month follow-

ing the month being reported. The tax required to be collected shall be computed by the seller in accordance with section 3-2-242, and shall be remitted to the director in that amount. (Code 1963, Sec. 36-101; Ord. No. 4055, 6/12/99, Sec. 1)

Sec. 3-2-246 Exemptions; limitations on application.

The tax imposed under this article shall not be levied on the following:

(1) Meals furnished by restaurants to employees of the restaurant in the course of or in connection with their employment when no charge is made to the employees.

(2) Meals purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.

(3) Meals sold by public or private (a) day care centers, (b) elementary or secondary schools, or (c) colleges or universities, to their students or employees.

(4) Meals for use or consumption and which are paid for directly by the Commonwealth, any political subdivision of the Commonwealth or the United States.

(5) The following items, as more particularly described in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act:

(a) except as provided in subsection 3-2-241(2), any food or food product for home consumption;

(b) in the case of persons who are 60 years of age or over, persons who receive supplemental security income benefits, disabled persons, or blind persons, and their spouses, meals prepared by and served in senior citizens' centers and other facilities which serve such persons;

(c) in the case of persons who are 60 years of age or over, persons who are physically or mentally handicapped or disabled, or persons who are otherwise so disabled they are unable adequately to prepare all of their meals, and their spouses, meals prepared for and delivered to such persons at their home by a public or private nonprofit organization or by a private establishment under contract with the appropriate government agency to perform such services;

(d) in the case of narcotics addicts or alcoholics, and their children, served by drug addiction or alcoholic treatment and rehabilitation programs, meals prepared and served under such programs;

(e) in the case of persons who are residents in certain public or private nonprofit group living arrangements, meals prepared and served under such arrangements;

(f) in the case of women and children temporarily residing in public or private nonprofit shelters for battered women and children, meals prepared and served by such shelters; and

(g) in the case of homeless persons, meals prepared for and served by a public or private nonprofit establishment (approved by an appropriate government agency) that feeds such persons or by a private establishment under contract with an appropriate government agency to offer meals for such persons.

(6) Alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption.

(7) Food and beverages sold through vending machines.

(8) Meals sold by volunteer fire departments and rescue squads; nonprofit churches or other religious bodies; educational, charitable, fraternal, or benevolent organizations, on an occasional basis, not exceeding three times per calendar year as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes.

(9) Meals provided by churches that serve meals for their members as a regular part of their religious observances.

(10) Meals provided by hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof.

(11) Meals provided by homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics.

(12) Meals provided by age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees.

(13) Meals provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

(14) Meals provided by private establishments that contract with the appropriate agency of the Commonwealth of Virginia to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind,

handicapped, or needy persons in their homes or at central locations. (Code 1963, Sec. 36-102; Ord. No. 4133, 5/13/00, Sec. 4; Ord. No. 4631, 11/21/09, Sec. 1)

Sec. 3-2-247 Advertising payment or absorption of tax prohibited.

No person shall advertise or hold out to the public in any manner, directly or indirectly, that all or any part of a tax imposed under this article will be paid or absorbed by him or by anyone else, or that he or anyone else will relieve any purchaser of the payment of all or any part of the tax. (Code 1963, Sec. 36-103)

Sec. 3-2-248 Penalty and interest for failure to remit taxes when due.

If any person whose duty it is to do so shall fail or refuse to remit to the director the tax required to be collected under this article within the time and in the amount specified in this article, there shall be added to the tax by the director a penalty of 10 percent of the tax past due or the sum of $10, whichever is greater; provided, however, that the penalty shall in no case exceed the amount of tax due. In addition thereto, interest on the taxes and penalty shall commence on the first day following the day such taxes are due and shall continue until all such taxes and penalty are paid. Such interest shall accrue at the rate of 10 percent per annum for the first year such taxes and penalty remain unpaid and thereafter at the rate of five percent per annum. (Code 1963, Sec. 36-104, as amended by Ord. No. 2570, 5/16/81, Sec. 4; Ord. No. 2963, 9/15/84, Sec. 4; Ord. No. 3143, 6/14/86, Sec. 4; Ord. No. 3159, 10/18/86, Sec. 4; Ord. No. 4058, 6/12/99, Sec. 5)

Sec. 3-2-249 Procedure upon failure or refusal to collect, etc., taxes.

If any person whose duty it is to do so shall fail or refuse to collect the tax imposed under this article or to make within the time provided in this article the reports and remittances required by this article, the director shall proceed in such manner as he may deem best to obtain the facts and information on which to base his estimate of the tax due. As soon as the director procures such facts and information as he is able to obtain upon which to base the assessment of any tax payable by any person, who has failed or refused to collect such tax or to make such a report and remittance, he shall proceed to determine and assess against such person such tax and penalty and interest provided for in this article and shall notify the person by certified mail at his last known place of address of the amount of such tax and interest and penalty and the total amount thereof shall be payable within 10 days from the date of the notice. (Code 1963, Sec. 36-105; Ord. No. 4497, 9/15/07, Sec. 3)

Sec. 3-2-250 Preservation of records.

It shall be the duty of every person required by this article to pay to the city the taxes imposed by this article to keep and to preserve for a period of five years records showing all purchases taxable under this article, the amount charged the purchaser for each purchase, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article. The director shall have the power to examine such records at reasonable times and without unreasonable interference with the business of such person, for the purpose of administering and enforcing the provisions of this article and all of the provisions of section 2.02 of the city charter, and to make transcripts of all or any parts thereof. (Code 1963, Sec. 36-106; Ord. No. 4133, 5/13/00, Sec. 5)

Sec. 3-2-251 Duty of person going out of business.

Whenever any person required to collect and pay to the city a tax under this article shall cease to operate and shall otherwise dispose of his business, any tax payable under this article to the city shall become immediately due and payable and the person shall immediately make a report and pay the tax due. (Code 1963, Sec. 36-107)

Sec. 3-2-252 Penalty for violation of article.

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punished by a fine of not more than $500. Each violation or failure and each day's continuance thereof shall constitute a separate offense. Such conviction shall not relieve any such person from the payment, collection or remittance of the tax as provided in this article. (Code 1963, Sec. 36-108)

Secs. 3-2-253 through 3-2-260 reserved.

ARTICLE O

Reserved

Editorial Note: Ord. No. 3892, § 1, adopted Nov. 16, 1996, repealed Art. O, §§ 3-2-261—3-2-270, which pertained to tax on bingo games. See the Ordinance Comparative Table.

Secs. 3-2-261 through 3-2-280 reserved.

ARTICLE P

Solar Energy Equipment Tax Exemption

Sec. 3-2-281 Separate class of property.

Certified solar energy equipment, facilities and devices, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of real or personal property. (Code 1963, Sec. 36-121)

Sec. 3-2-282 Definitions.

(a) As used in this article the term "certified solar energy equipment, facilities or devices" shall mean any property, including real or personal property, equipment, facilities or devices, certified by the state certifying authority to be designed and used primarily for the purpose of providing for the collection and use of incident solar energy for water heating, space heating or cooling or other application which would otherwise require a conventional source of energy such as petroleum products, natural gas or electricity.

(b) As used in this article the term "state certifying authority" shall mean the state department of housing and community development in conjunction with the city department of building and mechanical inspections.

(c) As used in this article "local tax rate" shall mean the real estate property tax rate. (Code 1963, Sec. 36-122)

Sec. 3-2-283 Exemption authorized.

Tax exemption is provided according to the terms of this article for qualified property owners who possess certified solar energy equipment, facilities or devices. (Code 1963, Sec. 36-123)

Sec. 3-2-284 Administration of exemption.

The exemption shall be administered by the local building department and the local real estate assessments office according to the general provisions of this article. (Code 1963, Sec. 36-124)

Sec. 3-2-285 Requirements for exemption.

Exemption shall be granted to persons subject to the following provisions:

(1) The title of the property for which exemption is claimed is held, or partially held, on the first day of the taxable year, by the person or persons claiming exemption.

(2) The local building department has determined, after examination of the equipment, facility or device, that the unit primarily performs at least one of the functions set forth in section 3-2-282(a) and conforms to the requirements set by regulations of the state certifying authority.

(3) The state certifying authority has certified to the local real estate assessments office that the applicant has met all requirements qualifying the equipment, facilities or devices for exemption from taxation. (Code 1963, Sec. 36-125)

Sec. 3-2-286 Claiming the exemption.

(a) The person or persons claiming an exemption must file an application with the local building department on forms provided by the state certifying authority and available from the local building department.

(b) The application must be submitted with a complete set of plans and specifications of the solar energy equipment, facilities or devices for which exemption is claimed to the local building department.

(c) Upon receipt of the certificate from the state certifying authority, the local assessing officer shall proceed to determine the value of such qualifying solar energy equipment, facilities or devices. (Code 1963, Sec. 36-126)

Sec. 3-2-287 Appeals.

Any person or persons aggrieved by a decision of the local building department may appeal the decision to the state building code technical review board, which may affirm or reverse the decision. (Code 1963, Sec. 36-127)

Sec. 3-2-288 Amount of exemption.

(a) The amount of the exemption provided by this article shall be determined by applying the local tax rate to the value of the certified solar energy equipment, facilities or devices and subtracting this amount from the total real estate property tax due on the real property to which the equipment, facilities or devices are attached.

(b) For purposes of the administration of this article, and for no other purposes, the value of certified solar energy equipment, facilities or devices qualifying for exemption shall be presumed to be not less than the normal cost of purchasing and installing the equipment, facilities or devices. (Code 1963, Sec. 36-128)

Sec. 3-2-289 Effective date of exemption.

This article shall be in force on April 25, 1978, and, upon being granted, an exemption shall be effective beginning in the next succeeding tax year, and shall be permitted for a term of not less than five years.

State Law Reference: Authority of a locality to adopt this section, Code of Va., Sec. 58-16.4.

Secs. 3-2-290 through 3-2-300 reserved.

ARTICLE Q

Fee for Passing Bad Checks to City

Sec. 3-2-301 Generally.

A fee of $35 shall be charged for the uttering, publishing or passing of any check or draft for payment of taxes or any other sums due to the city, which is subsequently returned for insufficient funds or because there is no account or the account has been closed. (Code 1963, Sec. 36-130, as enacted by Ord. No. 2457, 4/12/80; Ord. No. 4005, 6/13/98, Sec. 2; Ord. No. 4540, 5/20/08, Sec. 1)

Secs. 3-2-302 through 3-2-320 reserved.

ARTICLE R

License Taxes on Motor Vehicles, Trailers and Semitrailers

Sec. 3-2-321 License required; license tax levied and billed.

A license is required each year for every motor vehicle, trailer and semitrailer which is normally garaged, stored or parked within the city, and a license tax is imposed each year on every such motor vehicle, trailer and semitrailer for the period from October 5 to the following October 4. Such license tax shall be at the rate set forth in sections 3-2-327 through 3-2-331, and shall be for the purpose of providing revenue for the general fund of the city except such portions thereof as are required by section 46.2-753 of the Code of Virginia (1950), as amended, to be allocated to the Northern Virginia Transportation Commission. Nothing in this section shall be construed as imposing a license tax on any vehicle not required to be licensed by section 46.2-663 et seq., Code of Virginia (1950), as amended, or any vehicle exempted by section 46.2-755, Code of Virginia (1950), as amended, or any vehicle exempted by the Servicemembers Civil Relief Act of 2003, 50 U.S.C. App. section 501 et seq., or the Military Spouses Residency Relief Act, 50 U.S.C. App. section 571. The license tax imposed herein will be billed to taxpayers at the same time as the personal property tax on motor vehicles, imposed pursuant to section 3-2-221 et seq. of this code, and the two taxes will be imposed in a single combined bill. If any portion of the combined bill is not paid timely, late payment penalty and interest charges shall apply to the balance. (Code 1963, Sec. 22-234; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4642, 1/23/10, Sec. 1)

Sec. 3-2-322 Exempt vehicles to obtain license.

Any motor vehicle, trailer or semitrailer exempted from taxation solely by reason of the Servicemembers Civil Relief Act of 2003, 50 U.S.C. App. section 501 et seq., or the Military Spouses Residency Relief Act, 50 U.S.C. App. section 571 shall be issued a license in the same manner as if it were not so exempt. Application for the license shall be made in the manner prescribed by section 3-2-323 of this code. There shall be no charge for the issuance of any such license. (Code 1963, Sec. 22-234.1; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4642, 1/23/10, Sec. 2)

Sec. 3-2-323 Application for and issuance of license; when tax payable.

(a) Application for the license prescribed by this article shall be made each year not later than October 5 on forms prepared by the director. The license tax covered by section 3-2-321 of this code shall be due and payable to the director not later than October 5 of each license tax year. Upon payment of the license tax, the director of finance shall issue to the applicant an appropriate license plate or license windshield tag for such vehicle; except that decals made of reflective, waterproof material shall be issued for motorcycles, trailers and semitrailers; provided, however, that the director may issue to an applicant, whose prior year license tax and personal property tax have been paid on all vehicles owned by such applicant and subject to such license tax and personal property tax in the city, the appropriate license plate or license windshield tag, and bill the applicant for the current year license tax. The license plate, tag or decal shall remain valid until November 15 of the following calendar year.

(b) At the time of application for the initial city licensing of a motor vehicle, trailer or semitrailer, the applicant shall present his state registration or other proof of ownership. Such initial application and payment of the appropriate license tax shall be made:

(1) upon registering and licensing any motor vehicle, trailer or semitrailer with the Virginia Division of Motor Vehicles when the registration of such a vehicle shows an address in the city;

(2) upon commencement of operation upon the streets of the city of any motor vehicle, trailer or semitrailer which has been in the city for a period of at least 30 days and which is registered and licensed by another state or by the Virginia Division of Motor Vehicles whose records show as an address elsewhere in Virginia; or

(3) upon commencement of operation upon the streets of the city of a motor vehicle, trailer or semitrailer from a place of business within the city, which vehicle is used in the conduct of any business or occupation within the city. (Code 1963, Sec. 22-235, as amended by Ord. No. 2396, 10/13/79, Sec. 6; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4332, 1/24/04, Sec. 1; Ord. No. 4479, 5/12/07, Sec. 1)

Sec. 3-2-324 License period; use of license plates, windshield tags or decals before license period.

The period during which a license plate, windshield tag or decal issued under this article is

valid shall run from October 5 of a calendar year through November 15 of the subsequent calendar year. In no event shall any license plate, windshield tag or decal be used beyond November 15 of the license period for which is it issued. (Code 1963, Sec. 22-353.2, as amended by Ord. No. 2396, 10/13/79, Sec. 7; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4332, 1/24/04, Sec. 2)

Sec. 3-2-325 Payment of personal property taxes prior to issuance.

(a) No license plate or windshield tag shall be issued under this article for any motor vehicle, trailer or semitrailer unless and until the applicant for such license shall have produced satisfactory evidence that all prior year license tax and personal property tax upon all motor vehicles, trailers or semitrailers owned by the applicant have been paid which have been properly assessed or are assessable against the applicant.

(b) A license plate or windshield tag may be issued to an applicant before payment of the current year personal property tax on the vehicle for which application is made, provided that all prior year license tax and personal property tax have been paid on all vehicles owned by such applicant and subject to such license tax and personal property tax in the city. (Code 1963, Sec. 22-236, as amended by Ord. No. 2396, 10/13/79, Sec. 8; Ord. No. 2397, 10/13/79, Sec. 1; Ord. No. 4332, 1/24/04, Sec. 3; Ord. No. 4479, 5/12/07, Sec. 2)

Sec. 3-2-326 Display of license plate, windshield tag and decal.

Each license plate issued under this article shall be attached to the front or rear state license tag and kept in full view at all times. Each license windshield tag issued under this article shall be affixed on the inside of the windshield of the vehicle. It shall be placed adjacent to the state inspection sticker and not more than three inches from the bottom of the windshield. Each decal issued under this article shall be affixed to motorcycles on the front fork adjacent to the state safety inspection sticker. Each decal issued under this article shall be affixed to trailers and semitrailers on the front side of the vehicle body adjacent to the state safety inspection sticker. (Code 1963, Sec. 22-237, as amended by Ord. No. 2396, 10/13/79, Sec. 9)

Sec. 3-2-327 Tax on vehicles used for transportation of passengers.

(a) The annual license tax on motor vehicles, trailers and semitrailers designed and used for the transportation of passengers shall be as follows:

(1) $33 for a passenger car or motor home if such passenger car or motor home is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire.

(2) $0.30 per 100 pounds of weight or major fraction thereof for a private motor vehicle with a normal seating capacity of more than 10 adult persons, including the driver, if such private vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire; provided, that in no case shall the tax be less than $23.

(3) $0.30 per 100 pounds of weight or major fraction thereof for a private school bus; provided, that in no case shall the tax be less than $23.

(4) $23 for a trailer or semitrailer designed for use as living quarters for human beings.

(5) $23 for a taxicab and any other vehicle kept for rent or hire and operated with a chauffeur for the transportation of passengers, which operates or should operate under permits issued by the state corporation commission as required by law, and $28 for any such vehicle that weighs in excess of 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

(6) $21 for a motorcycle with or without a sidecar.

(7) $23 for a bus used exclusively for transportation to and from Sunday school or church for the purpose of religious worship, and $28 for any such bus which, when empty, weighs in excess of 4,000 pounds.

(8) $13 in addition to $0.70 per 100 pounds of weight or major fraction thereof for other passenger-carrying vehicles.

(b) The license tax for passenger vehicles owned by members of the Virginia National Guard shall be one-half of the license tax prescribed in this section, upon presentation of evidence by the registered owners that special Virginia National Guard license plates have been issued to the vehicles as provided in section 46.2-744 of the Code of Virginia (1950), as amended. (Code 1963, Sec. 22-238; Ord. No. 2667, 3/13/82, Sec. 1; Ord. No. 2715, 9/18/82, Sec. 1; Ord. No. 2735, 11/13/82, Sec. 1; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4488, 6/16/07, Sec. 1)

Sec. 3-2-328 reserved.

Editorial Note: Ord. No. 3871, § 3, adopted June 15, 1996, repealed § 3-2-328, which pertained to tax on vehicles used for transportation of passengers—small rented vehicles jointly owned. See the Code Comparative Table.

Sec. 3-2-329 Tax on vehicles not designed or used for transportation of passengers.

(a) The annual license tax on all motor vehicles, trailers and semitrailers not designed and used for the transportation of passengers shall be determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when loaded to maximum capacity for which it is registered and licensed, according to the following schedule:

Gross Weight Groups (Pounds)	*Tax*
4,000 or less	$33.00
4,001—10,000	38.00
10,001—12,000	43.00
12,001—15,000	48.00
15,001—18,000	53.00
18,001—20,000	58.00
20,001—22,000	63.00
22,001—24,000	68.00
24,001—26,000	73.00
26,001—40,000	83.00
40,001 and up	98.00

(b) The license tax for pickup trucks and panel trucks owned by members of the Virginia National Guard shall be one-half of the license tax prescribed in this section, upon presentation of evidence by registered owners that special Virginia National Guard license plates have been issued to the vehicles as provided in section 46.2-744 of the Code of Virginia (1950), as amended. (Code 1963, Sec. 22-240; Ord. No. 2667, 3/13/82, Sec. 2; Ord. No. 2715, 9/18/82, Sec. 3; Ord. No. 2735, 11/13/82, Sec. 2; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 3907, 1/25/97, Sec. 1; Ord. No. 4488, 6/16/07, Sec. 1)

Sec. 3-2-330 Tax on certain trailers.

The annual license tax on a one or two wheel trailer of a cradle, flat bed or open pickup type, with a body length of not more than nine feet and a width not greater than the width of the motor vehicle to which it is attached at any time of operation, which is to be attached to the owner's own motor vehicle and used only for carrying property belonging to the owner of such trailer, which is pulled or towed by a passenger car or station wagon, or a pickup or panel truck having an actual gross vehicle weight not exceeding 5,000 pounds, and which is used for carrying property not exceeding 1,000 pounds at any time, and the annual license tax on a trailer having a body length of not more than 16 feet which is designed and used exclusively for carrying boats, shall be $14.50. Nothing herein shall be construed as applying to the license taxes for trailers or semitrailers designed for use as living quarters for human beings or to those trailers or semitrailers operated under lease or rental agreement or operated for compensation. (Code 1963, Sec. 22-241; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4488, 6/16/07, Sec. 1)

Sec. 3-2-331 Combination of tractor-trucks and semitrailers.

(a) In the case of a combination of a tractor-truck and a semitrailer, each vehicle constituting a part of such combination shall be registered as a separate vehicle, and separate vehicle license plates shall be issued therefor, but, for the purpose of determining the gross weight group into which any such vehicle constitutes a part, shall be considered a unit, and the aggregate gross weight of the entire combination shall determine such gross weight group. The tax for license plates for a semitrailer constituting a part of such combination shall be $18 for a vehicle weighing less than 1,501 pounds, $28.50 for a vehicle weighing at least 1,501 pounds but less than 4,001 pounds, and $40.00 for a vehicle weighing at least 4,001 pounds.

(b) In determining the tax to be paid for the license plates for a tractor-truck constituting a part of such combination the tax shall be assessed at the total weight and the tax per 1,000 pounds applicable to the gross weight of the combination when loaded to the maximum capacity for which it is registered and licensed. However, there shall be no deduction from this tax for the tax of the semitrailer in combination. (Code 1963, Sec. 22-242; Ord. No. 2715, 9/18/82, Sec. 4; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4488, 6/16/07, Sec. 1)

Sec. 3-2-332 Transfer of plates and replacement of windshield tag or decal.

(a) Any owner who has paid a license tax required under this article for any motor vehicle, trailer or semitrailer for which a license plate was issued may transfer the license plate to another

motor vehicle, trailer or semitrailer registered in such owner's name, provided the vehicle to which the license plate is transferred is a like vehicle and category as specified in this article and requires an identical license tax, upon application on forms furnished by the director of finance or presentation of the registration card for the motor vehicle, trailer or semitrailer to which the license plate is being transferred, accompanied by a fee of $1; provided, that if such other motor vehicle, trailer or semitrailer requires a greater license tax than that for which the license plate was issued, the amount of the difference in license taxes shall also be paid.

(b) Any owner who has paid a license tax required under this article for any motor vehicle, trailer or semitrailer for which a windshield tag or decal was issued may obtain a replacement windshield tag or decal for use on another vehicle registered in such owner's name, upon application on forms furnished by the director of finance and presentation of the registration card for the vehicle for which the replacement windshield tag or decal is sought and pieces of the previously issued license windshield tag or decal as proof that it was removed from the vehicle for which the license tax was previously paid, accompanied by a fee of $1; provided, that if such other motor vehicle, trailer or semitrailer requires a greater license tax than that for which the license windshield tag or decal was issued, the amount of the difference in license taxes shall also be paid. (Code 1963, Sec. 22-243, as amended by Ord. No. 2396, 1/13/79, Sec. 10)

Sec. 3-2-333 Replacement of lost plates, tags and decals.

Any person losing his original license plate, license windshield tag or decal issued as provided in section 3-2-325 of this article may secure a new license plate, license windshield tag or decal by making affidavit to the director of finance that the original license plate, license windshield tag or decal has been lost and by paying a fee of $1 to the director of finance. (Code 1963, Sec. 22-244, as amended by Ord. No. 2396, 1/13/79, Sec. 11; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 4332, 1/24/04, Sec. 4)

Sec. 3-2-334 Vehicle decal reciprocity.

Notwithstanding any provisions of this article to the contrary, if a license tax has been paid for a license period to the county of Arlington, Fairfax or Loudoun or the city of Fairfax or Falls Church, or the town of Herndon, jurisdictions which are participating in the Northern Virginia Local Motor Vehicle License Compact, and the vehicle relocates to the city during the period, the owner may obtain a city decal for the current license period by completing the forms prescribed by the director of finance and presenting the state vehicle registration and pieces of the previously issued license decal, accompanied by a fee of $5. (Code 1963, Sec. 22-2345, as amended by Ord. No. 2396, 10/13/79, Sec. 12; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 3954, 10/25/97, Sec. 1; Ord. No. 4332, 1/24/04, Sec. 5)

Sec. 3-2-335 reserved.

Editorial Note: Ord. No. 3871, § 3, adopted June 15, 1996, repealed § 3-2-335, which pertained to refund for unused portion of fee paid. See the Code Comparative Table.

Sec. 3-2-336 Offenses relating to license plate, windshield tag and decal.

(a) No person shall:

(1) operate or permit a motor vehicle, trailer or semitrailer, controlled by him and subject to this article, to be operated or parked at any location in the city without first procuring and displaying the required city license plate or license windshield tag or decal or, if applicable, the license plate or license windshield tag or decal required by the county of Fairfax, Arlington or Loudoun, the city of Fairfax or Falls Church, or the town of Herndon, pursuant to the Northern Virginia Local Motor Vehicle License Compact and section 10-4-37.1 of this code;

(2) display, cause or permit to be displayed, or have in his possession any license receipt or city license plate or license windshield tag or decal, knowing the same to be fictitious or to have been altered;

(3) remove any city license plate or license windshield tag or decal from the custody of any person to whom the same has been issued by or under the authority of the director of finance;

(4) lend or knowingly permit the use, by one not entitled thereto, of any city license plate or license windshield tag or decal;

(5) use a false or fictitious name or address on any application for a city license plate or license windshield tag or decal, or knowingly make a false statement of a material fact, conceal a material fact or otherwise commit a fraud in any such application;

(6) use any city license plate or license windshield tag or decal issued under this article on any vehicle other than the vehicle for which such license plate or license windshield tag or decal was issued or to which such license plate or license windshield tag or decal was transferred by the director of finance;

(7) fail to carry the license receipt for the vehicle which he operates; or

(8) display any city license plate or license windshield tag or decal after the expiration date of such license plate or license windshield tag or decal.

(b) Upon conviction of a violation of subsection (a)(1), (a) (2), (a)(4), (a)(5), (a)(6) or (a)(8) of this section, a person shall be punished by a fine not exceeding $35; provided, that a violation of subsection (a)(1), (a)(2), (a)(6) or (a)(8), or of sections 10-4-37 and 10-4-37.1 of this code, shall not be discharged unless payment of the requisite fine is accompanied by satisfactory evidence that the required city license plate or windshield tag or decal has been obtained. Upon conviction of a violation of subsection (a)(3), a person shall be guilty of a class 1 misdemeanor. Upon conviction of a violation of subsection (a)(7), a person shall be punished by a fine of not less than $1 and not more than $10; provided, that if a person charged with such a violation presents to the department of finance or to the court to which the person has been summoned a proper license receipt, the person shall be deemed to have complied with subsection (a)(7).

(c) Subsection (a) of this section may be enforced through the issuance of citations, summonses, parking tickets or uniform traffic summonses. (Code 1963, Sec. 22-247, as amended by Ord. No. 2396, 10/13/79, Sec. 14; Ord. No. 2968, 9/15/84, Sec. 1; Ord. No. 3376, 5/13/89, Sec. 1; Ord. No. 3573, 5/16/92, Sec. 1; Ord. No. 3574, 5/16/92, Sec. 1; Ord. No. 3721, 5/14/94, Sec. 1; Ord. No. 3871, 6/15/96, Sec. 4; Ord. No. 3954, 10/25/97, Sec. 2; Ord. No. 4005, 6/13/98, Sec. 3)

Sec. 3-2-337 Presumption of operation on city streets.

In any prosecution of a violation of any provision of this article requiring a license, proof that the motor vehicle, trailer or semitrailer was located in the city and was displaying a current license plate of any state shall constitute in evidence a prima facie presumption that such motor vehicle, trailer or semitrailer was operated on the public streets of the city. (Code 1963, Sec. 22-248)

Secs. 3-2-338 through 3-2-350 reserved.

ARTICLE S

Payment, Contest and Enforcement of Parking Citations

Sec. 3-2-351 Payment of uncontested citations.

(a) For any parking citation issued pursuant to the provisions of section 5-8-72, 5-8-114, 9-12-162 through 9-12-164, 10-4-1 through 10-4-19, 10-4-22 through 10-4-25, 10-4-28, 10-4-30, 10-4-33 through 10-4-43 of this code, and for any citation issued pursuant to section 3-2-336, the amount of the penalty established by section 3-2-354 for the violation for which the citation was issued, when the citation is uncontested, may be paid to the director of finance in lieu of a trial on the charge.

(b) The registered owner of any motor vehicle receiving such a citation shall execute on an appropriate form a waiver of his right to contest the citation and enter his plea of guilty to the charge for which the citation was issued before payment tendered by him for the same may be accepted by the director of finance. (Code 1963, Sec. 22-152.3; Ord. No. 3073, 9/14/85, Sec. 1; Ord. No. 3345, 11/22/88, Sec. 5; Ord. No. 3573, 5/16/92, Sec. 2)

Sec. 3-2-352 Director of finance to accept payment of uncontested citations; delinquent citations.

(a) The director of finance shall receive and accept payment tendered pursuant to section 3-2-351 for any uncontested parking citations, and shall account for same.

(b) When any parking citation for which payment may be accepted pursuant to section 3-2-351 plus any fees or penalties imposed pursuant to section 3-2-354 are unpaid and uncontested at the expiration of 120 days from the date the citation was issued, the director of finance shall cause a letter to be sent to the last known address of, or the address shown on the records of the division of motor vehicles for the registered owner of the motor vehicle receiving the citation. Such letter shall notify the registered owner that, unless the citation is paid by a specified date not more than 45 days from the date of the letter, a summons or warrant shall be requested to issue to such registered owner to appear in court and answer on the citation. If the citation is unpaid as of the date specified in the letter, the director of finance shall obtain a summons or warrant for the registered owner to appear and answer on the citation. (Code 1963, Sec. 22-152.4; Ord. No. 4590, 5/16/09, Sec. 1)

Sec. 3-2-353 Contested parking citations.

The registered owner of any motor vehicle receiving a parking citation issued for a violation of the provisions of sections 3-2-336, 5-8-72, 5-8-114, 9-12-162 through 9-12-164, 10-3-1242, 10-4-1 through 10-4-18, 10-4-22 through 10-4-25, 10-4-28, 10-4-30, 10-4-33 through 10-4-42, 10-4-44 of this code who wishes to contest the same may do so by executing on an appropriate form provided by the director of finance, or his designee, an affidavit of his intent to contest the citation in court. The director of finance, or his designee, shall certify the same in writing on an appropriate form to the general district court or, in the case of a juvenile, the juvenile and domestic relations court. The registered owner must contest the ticket within three years of the issuance of the parking citation. (Code 1963, Sec. 22-152.5; Ord. No. 3345, 11/22/88, Sec. 6; Ord. No. 4739, 10/15/11, Sec. 1; Ord. No. 4830, 9/21/13, Sec. 1)

Sec. 3-2-354 Penalties for uncontested citations.

Any other provisions of this code to the contrary notwithstanding, the penalty for any of the following violations of this code shall, when the citation which was issued for the violation is uncontested, be as follows:

(a) If a payment is tendered to the director of finance within 30 calendar days from the date the citation was issued:

(1) $40 for a violation of section 10-4-1, "Stopping contrary to directions of police officers;"

(2) $40 for a violation of section 10-4-2, "Permitting vehicle to remain parked contrary to the directions of an official sign;"

(3) $40 for a violation of section 10-4-3, "Right to parking space;"

(4) $40 for a violation of section 10-4-4, "Stopping so as to obstruct traffic or on crossing;"

(5) $40 for a violation of section 10-4-5, "Double parking;"

(6) $40 for a violation of section 10-4-6, "Parking trucks or commercial vehicles in residential districts;"

(7) $40 for a violation of section 10-4-7, "Parking of vehicles by businesses on streets;"

(8) $25 for a violation of section 10-4-8, "Parking for more than 72 continuous hours;"

(9) $40 for a violation of section 10-4-9, "Parking trailers or recreational vehicles in residential districts;"

(10) $40 for a violation of section 10-4-10, "Parking on sidewalk;"

(11) $40 for a violation of section 10-4-11, "Parking in alleys or courts;"

(12) $40 for a violation of section 10-4-12, "Parking of vehicles on private property;"

(13) $40 for a violation of section 10-4-13, "Stopping for purpose of sale, repairs, etc.;"

(14) $40 for a violation of section 10-4-14, "Use of bus stops;"

(15) $40 for a violation of section 10-4-15, "Stopping for loading or unloading passengers or cargo generally;"

(16) $40 for a violation for section 10-4-16, "Permit for parking truck beside railroad car on public right-of-way;"

(17) $40 for a violation of section 10-4-17, "Angle parking for loading and unloading;"

(18) $40 for a violation of section 10-4-18, "Use of loading zones;"

(19) The amount set by order of the Supreme Court of Virginia, pursuant to Section 16.1-69.40:1 of the Code of Virginia, as amended, for a violation of subsection (a) of section 10-3-1242, "Parking in spaces reserved for persons with a disability;"

(20) $40 for a violation of section 10-4-22, "How meter and space to be used; how pay station and space to be used;"

(21) $40 for a violation of section 10-4-23, "Overtime parking;"

(22) $40 for a violation of section 10-4-24, "Depositing coin or payment in meter or station for purpose of extending time;"

(23) $40 for a violation of section 10-4-25, "Permitting vehicle to remain parked at meter after expiration of time limit; permitting vehicle to remain parked in block with pay station after expiration of time limit;"

(24) $40 for a violation of section 10-4-28, "Parking across lines designated parking space;"

(25) $40 for a violation of section 10-4-30, "Interfering with enforcement of chapter;"

(26) $40 for a violation of section 10-4-33, "Use of metered parking lots by vehicles other than private passenger automobiles;"

(27) $40 for a violation of section 10-4-34, "Parking illegally in permit parking districts;"

(28) $40 for a violation of section 5-8-114, "Designation of parking spaces; parking across lines;"

(29) $40 for a violation of section 10-4-40, "Location of parked vehicles;"

(30) $40 for a violation of section 10-4-37, "Failure to procure and display city license plate, windshield tag or decal;"

(30A) $40 for a violation of section 10-4-37.1, "Enforcement of the Northern Virginia Local Motor Vehicle License Compact;"

(31) $40 for a violation of section 10-4-38, "Parking without display of current state inspection sticker or current state license plate;"

(32) $40 for a violation of section 10-4-39, "Temporary parking prohibited;"

(33) $40 for a violation of section 9-12-162, "Use of locations other than designated parking spaces by sight-seeing buses;"

(34) $40 for a violation of section 9-12-163, "Use of parking spaces designated for use by sight-seeing buses by other vehicles;

(35) $40 for a violation of section 9-12-164, "Use of designated spaces by sight-seeing buses;"

(36) The amount set by order of the Supreme Court of Virginia, pursuant to Section 16.1-69.40:1 of the Code of Virginia, as amended, for a violation of section 10-4-41, "Parking prohibited at certain locations;"

(37) The amount set by order of the Supreme Court of Virginia, pursuant to Section 16.1-69.40:1 of the Code of Virginia, as amended, for a violation of section 10-4-42, "Parking prohibited near fire hydrant, etc.;"

(38) $40 for a violation of section 10-4-35, "Parking in two-hour parking zones in the central business district;"

(39) $40 for a violation of section 10-4-36, "Removal of chalk marks placed for enforcement purposes;"

(40) $40 for a violation of section 3-2-336, "Offenses relating to city license plate, windshield and decal."

(b) If payment is not tendered to the director of finance with 30 calendar days of the date the citation is issued, a penalty of $25 in addition to the penalty imposed by subsection (a) for the violation for which the citation was issued; provided, that, in the event the 30th calendar day from the date the citation is issued is a Saturday, Sunday or legal holiday, such additional penalty shall not be imposed if payment is tendered in the amount required by subsection (a) on the next succeeding business day; provided further, that if payment is remitted to the director of finance in a sealed envelope bearing a postmark on or before midnight of the 30th calendar day from the date the citation is issued, no such additional penalty shall be imposed; and provided further, that the director of finance may waive such additional

penalty, even though payment has not been tendered or mailed within 30 calendar days of the date the citation was issued, whenever the owner of the vehicle identified in the citation establishes any of the following to the satisfaction of the director:

(i) that the owner did not find the citation at the time of its issuance on the owner's vehicle and only learned of the citation after the day on which it was issued, and has tendered the required payment with 30 days of first learning of the citation;

(ii) that, within 30 days after the issuance of the citation or, if later, after first learning of the citation, the owner has made a written request to the director for information concerning the citation, and has tendered the required payment within 30 days of the director's response; or

(iii) that the owner was medically incapable of making the required payment within 30 calendar days of the date the citation was issued.

(c) In addition to the fees and charges imposed pursuant to subsections (a) and (b) hereof, upon collection the director of finance shall impose on each person chargeable with a delinquent parking citation fees to cover the administrative costs and reasonable attorney's or collection agency fees actually contracted for. The attorney's or collection agency's fees shall not exceed 20 percent of charges collected. The administrative costs shall not exceed $30 for any amount collected subsequent to 30 days or more after notice of a delinquent parking citation is provided by the director of finance but prior to taking judgment and shall not exceed $35 for any amount collected subsequent to judgment. (Code 1963, Sec. 22-152.6; Ord. No. 2596, 6/13/81, Secs. 1, 2; Ord. No. 2712, 9/14/82, Sec. 1; Ord. No. 2720, 10/16/82, Sec. 1; Ord. No. 2968, 9/15/84, Sec. 2; Ord. No. 3073, 9/14/85, Sec. 2; Ord. No. 3141, 6/14/86, Secs. 1—4; Ord. No. 3188, 3/21/87, Sec. 1; Ord. No. 3297, 6/18/88, Sec. 1; Ord. No. 3345, 11/22/88, Sec. 7; Ord. No. 3403, 9/16/89, Secs. 1, 2; Ord. No. 3509, 4/13/91; Ord. No. 3573, 5/16/92, Sec. 3; Ord. No. 3574, 5/16/92, Sec. 1; Ord. No. 3600, 11/14/92, Sec. 1; Ord. No. 3731, 6/18/94, Sec. 1; Ord. No. 3871, 6/15/96, Sec. 5; Ord. No. 3933, 6/14/97, Sec. 11; Ord. No. 4006, 6/13/98, Sec. 1; Ord. No. 4474, 1/20/07, Sec. 1; Ord. No. 4548, 6/14/08, Sec. 1; Ord. No. 4590, 5/16/09, Sec. 2; Ord. No. 4739, 10/15/11, Sec. 2; Ord. No. 4772, 6/26/12, Sec. 1)

Sec. 3-2-355 Removal or immobilization of motor vehicles against which there are outstanding parking citations.

(a) Whenever there is found a motor vehicle parked anywhere within the city, other than on property owned or occupied as a single-family residence, which has three or more outstanding or otherwise unsettled parking citations issued for a violation of any provision of title 10, chapter 4, or title 5, chapter 8, article C through G, of this code, such vehicle may, by towing or otherwise, be removed to another place for temporary storage and safekeeping by an officer or employee of the police department, or by another person acting under the direction of such an officer or employee, or such vehicle may be immobilized in such manner as to prevent its removal or operation; provided, that no such vehicle when parked on private property shall be removed or immobilized unless written authorization to enforce this section has been given by the property owner or, when the property is held in common by an association of owners established pursuant to sections 55-79.1 through 55-79.38 or sections 55-79.39 through 55-79.103 of the Code of Virginia, by such association, and the city has agreed in writing that it will hold the property owner harmless from all loss, damage or expense, including costs and attorney's fees, that the owner may incur as a result of actions taken by the city pursuant to this section.

(b) It shall be the duty of any police officer removing or immobilizing a motor vehicle or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices for which or on account of which such vehicle was removed or immobilized. In any case involving immobilization of a vehicle pursuant to this section, there shall be placed on such vehicle, in a conspicuous manner, a notice warning that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage thereto.

(c) The owner of an immobilized vehicle, or other duly authorized person, shall be allowed not less than 24 hours from the time of immobilization to repossess or secure the release of the vehicle, following which such vehicle may be removed to a storage area for safekeeping under the direction of a police officer.

(d) The owner of such removed or immobilized motor vehicle, or other duly authorized person, may repossess or secure the release of the vehicle by payment of outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all reasonable costs incidental to the immobilization, removal and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should such owner fail or refuse to pay such fines and costs, or should be identity or whereabouts of such owner be unknown and unascertainable, such vehicle may be sold as provided by section 5-8-46 of this code. (Code 1963, Sec. 22-152.7; Ord. No. 3459, 6/16/90, Sec. 1)

ARTICLE T

Short-Term Rental Tax*

Sec. 3-2-356 Definitions.

The following words, phrases and terms shall for the purposes of this article, have these meanings:

(a) "Affiliated" means a person that is an officer, director, partner, member, shareholder, parent or subsidiary of the lessee or if a person and the lessee have any common ownership interest in excess of five percent. Any rental to a person affiliated with the lessee shall be treated as rental receipts but shall not qualify for purposes of the 80 percent requirement of subsection (f)(1) below or the 60 percent requirement of subsection (f)(2) below.

(b) "Certificate of registration" means the annual certificate issued pursuant to section 3-2-359 to persons engaged in a short-term rental business.

(c) "Director" means the director of finance or a designee duly authorized to act for the director.

(d) "Gross proceeds" means the total amount charged to persons, including penalties, late charges and interest, for the rental of short-term rental property by a short-term rental business, excluding any state and local sales taxes paid pursuant to chapter 6 of title 58.1 of the Code of Virginia (1950), as amended.

(e) "Gross rental receipts" means the total amount charged to persons, including penalties, late charges and interest for the rental of short-term rental property by a short-term rental business, less the portion of such amount which is for the retention of personal services for the operation, but not the delivery or installation of the property.

(f) A person is engaged in the short-term rental business if:

(1) Not less than 80 percent of the gross rental receipts of such business during the preceding year arose from transactions involving the rental of short-term rental property, other than heavy equipment as defined in subsection (2) below, for periods of 92 consecutive days or less, including all extensions and renewals to the same person or a person affiliated with the lessee; or

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***Editor's note—**Ord. No. 4633, §§ 1, 2, adopted Nov. 21, 2009, repealed art. T and enacted a new article as set out herein. The former art. T, §§ 3-2-356—3-2-365, pertained to daily rental tax and derived from Ord. No. 3411, § 1, adopted Nov. 18, 1989; and Ord. No. 4058, § 6, adopted June 12, 1999.

(2) Not less than 60 percent of the gross rental receipts of such business during the preceding year arose from transactions involving the rental of heavy equipment property for periods of 270 consecutive days or less, including all extensions and renewals to the same person or a person affiliated with the lessee. For purposes of this article "heavy equipment property" means rental property of an industry that is described under code 532412 or 532490 of the 2002 North American Industry Classification System as published by the United States Census Bureau, excluding office furniture, office equipment and programmable computer equipment and peripherals as defined in section 58.1-3503(A)(16) of the Code of Virginia (1950), as amended.

(g) "Short-term rental property" means all tangible personal property held for rental and owned by a person engaged in a short-term rental business, except trailers as defined in section 46.2-100 of the Code of Virginia (1950), as amended, and other tangible personal property required to be licensed or registered with the Virginia Department of Motor Vehicles, the Virginia Department of Game and Inland Fisheries or the Virginia Department of Aviation.
(Ord. No. 4633, 11/21/09, Sec. 2)

Sec. 3-2-357 Levy and rate of short-term rental tax.

(a) In addition to all other taxes of every kind now or hereinafter imposed by law, for tax year 2009 and each year thereafter, there is hereby levied and imposed:

(1) on every person engaged in a short-term rental business as defined in subsection 3-2-356(f)(1) a short-term rental tax of one percent on the gross proceeds of such business; and

(2) on every person engaged in a short-term rental business as defined in subsection 3-2-356(f)(2) a short-term rental tax of one and one-half percent on the gross proceed of such business.

(b) This tax shall be levied in addition to the sales tax levied under section 3-2-91 of this code.

(c) Except for daily rental vehicles pursuant to § 58.1-3510 of the Code of Virginia (1950), as amended, and short-term rental property, rental property shall be classified, assessed and taxed as tangible personal property.
(Ord. No. 4633, 11/21/09, Sec. 2; Ord. No. 4685, 11/13/10, Sec. 1)

Sec. 3-2-358 Application for certificate of registration.

(a) Every person engaging in a short-term rental business shall annually file with the director an application for a certificate of registration. The application shall be filed by January 31 of each year or within 30 days of the start of a short-term rental business. The application shall be on a form prescribed by the director and shall contain:

(1) the name under which the applicant operates or intends to operate the business;

(2) each location in the city from which the business is to be conducted, as well as the location of the short-term rental business headquarters;

(3) the subsection of 3-2-356(f) under which the applicant asserts that it is qualified for certification as a short-term rental business;

(4) a statement of the total gross receipts, as that term is defined in section 9-1-2 of this code, the total gross proceeds and the total gross rental receipts of the business for the immediately preceding calendar year;

(5) a statement of the portion of the business' gross proceeds for the immediately prior year for which no short-term rental tax was assessable pursuant to section 3-2-357 or 3-2-368;

(6) a listing of all the short-term rental property owned by the business of January 1 of the current year;

(7) a listing of all property leased or licensed to, and held for rental by, the business on January 1 of the current year, and the name and address of the owner of such property;

(8) an oath signed by the person making the application or by an officer, partner or duly authorized agent of the applicant that the business is qualified for tax treatment as a short-term rental business and that the business will collect and remit short-term rental taxes in the time and manner prescribed by law; and

(9) such other information as the director may require.

(b) A person who has not previously been engaged in the short-term rental business who applies for a certificate of registration pursuant to this section shall be eligible for registration upon his certification that he anticipates meeting the requirements of either subsection 3-2-356(f)(1) or 3-2-356(f)(2), designated by the applicant at the time of application, during the year for which registration is sought.
(Ord. No. 4633, 11/21/09, Sec. 2)

Sec. 3-2-359 Certificate of registration.

Upon approval of the application by the director, required by section 3-2-358, a certificate of registration shall be issued for each location from which a short-term rental business is to be conducted or operated in the city. The certificate shall be conspicuously displayed at all times at the place of business for which it is issued. The certificate shall not be assignable and shall be valid only for the business and location designated thereon.
(Ord. No. 4633, 11/21/09, Sec. 2)

Sec. 3-2-360 Decertification and recertification.

(a) In the event that the director makes a written determination that a rental business previously certified as short-term rental business, pursuant to section 3-2-359, has failed to meet either of the tests set forth in subsection 3-2-356(f) during a preceding tax year, such business shall lose its certification as a short-term rental business and shall be subject to the business personal property tax with respect to all rental property for the tax year in which such certification is lost and any subsequent tax years until such time as the rental business obtains recertification pursuant to this article.

(b) In the event that a rental business loses its certification as a short-term rental business pursuant to this section, such business shall not be required to refund to customers short-term rental taxes previously collected in good faith and shall not be subject to assessment for business personal property taxes with respect to rental property for tax years preceding the year in which the certification is lost unless the director makes a written determination that the business obtained its certification by knowingly making materially false statements in its application, in which case the director may assess the taxpayer the amount of the difference between short-term rental taxes remitted by such business during the period in which the taxpayer wrongfully held certification and the business personal property taxes that would have been due during such period but for the certification obtained by the making of the materially false statements.

(c) A rental business that has been decertified pursuant to this section shall be eligible for recertification for a subsequent tax year upon a showing that it has met one of the tests provided in subsection 3-2-356(f) for at least 10 months of operations during the present tax year.
(Ord. No. 4633, 11/21/09, Sec. 2)

Sec. 3-2-361 Appeals.

Any assessment made pursuant to subsection 3-2-360(b) and any determination not to certify or to decertify a rental business as a short-term rental business as defined in this article, may be appealed pursuant to the procedures and requirements set forth in section 58.1-3983.1 of the Code of Virginia (1950), as amended, for appeals of local business taxes, which shall apply mutatis mutandis to such assessments and certification decisions.
(Ord. No. 4633, 11/21/09, Sec. 2)

Sec. 3-2-362 Collection and record-keeping.

(a) Every person engaging in a short-term rental business with a valid certificate of registration shall collect the short-term rental tax from each lessee of short-term rental property at the time of the rental. The amount of the tax shall be separately stated and added to the rental price or charge.

(b) Every person collecting the short-term rental tax shall maintain a record of the rental transactions for which the tax is collected. This record shall, for each transaction, contain the following:

(1) a description of the property rented;

(2) the period of time over which the property was rented;

(3) the name and address of the person to whom the property was rented; and

(4) the total amount charged for the rental, including all late charges, penalties and interest.

(c) Every person engaging in a short-term rental business shall maintain a record of the rental transactions which are claimed to be exempt from payment of the short-term rental tax. In addition

to the information specified in subsection (b), this record shall, for each transaction, contain the following as applicable:

(1) a copy of the Virginia Department of Taxation tax exemption certificate;

(2) a copy of the U.S. State Department tax exemption certificate which specifies the exempt lessee by name; or

(3) other explanation and proof of the claimed exemption.

(Ord. No. 4633, 11/21/09, Sec. 2)

Sec. 3-2-363 Quarterly returns and remittance of tax.

(a) Each certified short-term rental business subject to the provisions of this article shall file quarterly tax returns with the director. Such returns shall be filed within 15 days of the end of a quarter and shall state for the quarter just ended:

(1) the total gross receipts, as the term is defined in section 9-1-2 of this code, of the business;

(2) the total gross proceeds of the business;

(3) the portion of the total gross proceeds of the business claimed to be exempt from the short-term rental tax pursuant to section 3-2-357 or 3-2-368; and

(4) the total short-term rental taxes due and owing for the quarter.

(b) The director shall assess the tax due, and the short-term rental business shall pay the tax so assessed to the director not later than the last day of the month following the end of the quarter. Until paid to the city, any short-term rental taxes collected by the business shall be deemed to be held in trust for the city.

(c) Whenever any person required to collect a tax under this article shall cease to operate the short-term rental business, such person shall, within 20 days of ceasing to operate the business, file with the director a report containing the information required by subsection (a) and shall make the payment required by subsection (b).

(Ord. No. 4633, 11/21/09, Sec. 2)

Sec. 3-2-364 Effect of failure or refusal to collect tax.

The certificate of registration of any person engaging in a short-term rental business who fails or refuses to collect the tax imposed under this article shall, after 15 days notice by the city, be revoked. Thereafter, unless a new certificate is issued, the business shall be ineligible for the tax status conferred by this article and shall be subject to all applicable taxes levied by this code.

(Ord. No. 4633, 11/21/09, Sec. 2)

Sec. 3-2-365 Penalties and interest; failure to file return or pay over taxes collected.

(a) If any person engaging in a certified short-term rental business fails or refuses, within the time specified in this article, to file a return required by section 3-2-363 or to remit to the director the taxes required to be collected, there shall be added to the taxes past due a penalty equal to six percent of such taxes if the failure is not for more than one month, with an additional six percent for each additional month, or fraction thereof, during which the failure continues, not to exceed 30 percent in the aggregate. In no case, however, shall the penalty be less than $10.00 and such minimum penalty shall apply whether or not any tax is due for the period for which such return was required. If such failure is due to providential or other good cause shown to the satisfaction of the director, such return with or without remittance may be accepted exclusive of penalties.

(b) In the case of a false or fraudulent return where willful intent to defraud the city of the tax due under this article, or in the case of a willful failure to file a return with the intent to defraud the city of any such tax, a specific penalty of 50 percent of the amount of the proper tax shall be assessed. It shall be prima facie evidence of intent to defraud the city of any tax due under this article when any person engaged in a short-term rental business reports his gross proceeds at 50 percent or less of the actual amount.

(c) In addition, interest on both the overdue taxes and the penalty shall commence on the first day following the day such taxes are due and shall continue until all taxes and penalties are paid. Interest at a rate determined in accordance with section 58.1-15 of the Code of Virginia (1950), as amended, shall accrue on the tax until the same is paid, or until an assessment is made, pursuant to section 58.1-15 of the Code of Virginia (1950), as amended, after which interest shall accrue as provided therein.

(d) All penalties and interest imposed by this article shall be payable by the person engaged in the short-term rental business and collectible by the director in same manner as if they were part of the tax imposed.

(12) *Non-residential interruptible gas consumer.* A non-residential consumer who or which receives natural gas service, pursuant to an executed contract, which may be interrupted by the service provider under tariffs approved by the State Corporation Commission of Virginia.

(13) *Person.* Any individual, corporation, company or other entity.

(14) *Pipeline distribution company.* A person, other than a pipeline transmission company which transmits, by means of a pipeline, natural gas, manufactured gas or crude petroleum and the products or byproducts thereof to a consumer for purposes of furnishing heat or light.

(15) *Residential consumer.* The owner or tenant of property used primarily for residential purposes, including but not limited to, apartment houses and other multiple-family dwellings.

(16) *Service provider.* A person who delivers electricity to a consumer, or a gas utility or pipeline distribution company which delivers natural gas to a consumer.

(17) *Used primarily.* Relates to the larger portion of the use for which utility service is furnished.

(18) *Utility service.* Electric service or natural gas service. (Ord. No. 4164, 10/14/00, Sec. 2)

Editor's note—It should be noted that § 4 of Ord. No. 4164 provides that "sections 1 and 2 of this ordinance shall be deemed to be enacted on the date of the final passage of this ordinance, but shall not be effective until the date of the first meter reading of each consumer's meter, by such consumer's service provider, after December 31, 2000."

Sec. 3-2-373 Electric utility consumer tax.

There is hereby imposed and levied a monthly tax on each purchase of electricity delivered to a consumer by a service provider, classified as determined by such service provider, as follows:

(a) *Residential consumers.* Such tax on residential consumers shall be at the rates per month for the classes of residential consumers as set forth below:

(i) *Residential consumers generally.* Such tax on a residential consumer, except as set forth below, shall be $1.12, plus the rate of $0.012075 on each kWh delivered monthly to such residential consumer by a service provider, not to exceed $3 monthly.

(ii) *Group meter consumer.* Such tax on a group meter consumer shall be $1.12, multiplied by the number of dwelling units served by such group meter, plus the rate of $0.012075 on each kWh delivered monthly to such group meter consumer by a service provider, not to exceed $3 monthly multiplied by the number of dwelling units served by such group meter.

(b) *Non-residential consumers.* Such tax on non-residential consumers shall be at the rates per month for the classes of non-residential consumers as set forth below:

(i) *Commercial consumers.* Such tax on a commercial consumer shall be $1.18, plus the rate of $0.005578 on each kWh delivered monthly to such commercial consumer by a service provider.

(ii) *Industrial consumers.* Such tax on an industrial consumer shall be $1.18, plus the rate of $0.004544 on each kWh delivered monthly to such industrial consumer by a service provider. (Ord. No. 4164, 10/14/00, Sec. 2; Ord. No. 4827, 9/21/13, Sec. 1; Ord. No. 4877, 5/27/14, Sec. 1)

Note—See editor's note at § 3-2-372.

Sec. 3-2-374 Natural gas utility consumer tax.

There is hereby imposed and levied a monthly tax on each purchase of natural gas delivered to consumers by pipeline distribution companies and gas utilities classified by "class of consumers," as such term is defined in Virginia Code § 58.1-3814(J), as follows:

(a) *Residential consumers.* Such tax on residential consumers shall be at the rates per month for the classes of residential consumers as set forth below:

(i) *Residential consumers generally.* Such tax on a residential consumer, except as set forth below, shall be $1.28, plus the rate of $0.124444 on each CCF delivered monthly to such residential consumer by a service provider, not to exceed $3 monthly.

(ii) *Group meter consumer.* Such tax on a group meter consumer shall be $1.28, multiplied by the number of dwelling units served by such group meter, plus the rate of $0.050909 on each CCF delivered monthly to such group meter consumer by a service provider, not to exceed $3 monthly multiplied by the number of dwelling units served by such group meter.

(iii) *Group meter interruptible gas consumer.* Such tax on a group meter interruptible gas consumer shall be $1.28, multiplied by the number of dwelling units served by such group meter, plus $0.023267 on each CCF delivered monthly to such group meter interruptible gas consumer by a service provider, not to exceed $3 monthly multiplied by the number of dwelling units served by such group meter.

(b) *Non-residential consumers.* Such tax on non-residential consumers shall be at the rates per month for the classes of non- residential consumers as set forth below:

(i) *Commercial consumers.* Such tax on a commercial consumer shall be $1.42, plus the rate of $0.050213 on each CCF delivered monthly to such commercial consumer by a service provider.

(ii) *Industrial consumers.* Such tax on an industrial consumer shall be $1.42, plus the rate of $0.050213 on each CCF delivered monthly to such industrial consumer by a service provider.

(iii) *Non-residential interruptible gas consumers.* Such tax on a non-residential interruptible gas consumer shall be $4.50, plus the rate of $0.003670 on each CCF delivered monthly to such non-residential interruptible gas consumer by a service provider. (Ord. No. 4164, 10/14/00, Sec. 2; Ord. No. 4827, 9/21/13, Sec. 2)

Note—See editor's note at § 3-2-372.

Sec. 3-2-375 Exemptions; maximum tax.

(a) The United States of America, diplomatic personnel exempted by the laws of the United States, the state and the political subdivisions, boards, commissions and the authorities and agencies thereof, including the city, are hereby exempt from the payment of the tax imposed and levied by this article with respect to the purchase of utility services used by such governmental agencies.

(b) The tax imposed and levied by this article upon (i) purchases of utility services by and for the exclusive benefit of any local unincorporated religious congregation, church or religious society or branch or division thereof located within the city, provided such utility services are used in and for property being devoted primarily to religious purposes at the time of the purchases, or (ii) purchases of utility services to be used in any schools conducted within the city by any such local unincorporated religious congregation, church or religious society or branch or division thereof, shall not exceed $0.97 a month for electric service and $1.42 a month for natural gas service.

(c) The tax imposed and levied by this article upon hospitals which operate within the city and upon entities which receive, or are eligible for, an exemption from city real property taxes under title 58.1 of the Virginia Code (1950), as amended, or under the Virginia Constitution, shall not exceed $24 a month. (Ord. No. 4164, 10/14/00, Sec. 2)

Note—See editor's note at § 3-2-372.

Sec. 3-2-376 Billing, collection and remittance of tax.

(a) The service provider shall bill the tax to each consumer who is subject to the tax and to whom it delivers utility services, by adding it as a separate charge to such consumer's monthly statement, and shall collect the tax from all such consumers. Until the consumer pays the tax to such service provider, the tax shall constitute a debt of the consumer to the city. If any consumer receives and pays for utility service but refuses to pay the tax that is imposed by this article, the service provider shall notify the director of the name and address of such consumer. If any consumer fails to pay a bill issued by a service provider, including the tax that is imposed by this article, the service provider shall follow its normal collection procedures with respect to the charge for service and the tax, and upon collection of the bill or any part thereof shall (i) apportion the net amount collected between the charge for utility service and the tax, and (ii) remit the tax portion to the city. After the consumer pays the tax to the service provider, the tax collected shall be deemed to be held in trust by such service provider until remitted to the city.

(b) A service provider shall remit monthly to the city the amount of tax paid during the preceding month by the service provider's consumers.

(c) The tax shall be remitted to the city, on or before the last day of the succeeding month of collection. Failure to remit timely will result in a ten percent penalty.

(d) Bills shall be considered as monthly bills for the purposes of this article if submitted 12 times per year with approximately 30 days in each billing cycle. Accordingly, the tax for a bi-monthly bill (approximately 60 days in each billing cycle) shall be determined as follows: (i) a monthly usage of utility service shall be calculated by dividing the kWh or CCF usage number in a bi-monthly bill by two; (ii) a monthly tax shall then be calculated by multiplying the quotient determined in (i) above by the rate in the appropriate classification set forth in sections 3-2-373 or 3-2-374; (iii) the monthly tax determined in (ii) above shall be multiplied by two; and (iv) the tax determined in (iii) above shall not exceed twice the monthly "maximum tax" for the appropriate classification set forth in sections 3-2-373 or 3-2-374. (Ord. No. 4164, 10/14/00, Sec. 2)

Note—See editor's note at § 3-2-372.

Sec. 3-2-377 Reports and records.

At the same time that service providers remit the monthly taxes collected in accordance with section 3-2-376, all such service providers shall file reports of collections received from consumers, and those reports shall show all taxes collected, all taxes not collected, and all amounts apportioned pursuant to section 3-2-376. All such reports shall include the names and addresses of any consumer who has refused to pay any tax imposed by this article. All service providers shall also keep complete records showing all utility service provided in the city, which records shall show all purchases of the utility services in the city, the amount of tax imposed under this article, and the date of payment of such tax, and such records shall be kept open for inspection by the director or other authorized agent of the city. (Ord. No. 4164, 10/14/00, Sec. 2)

Note—See editor's note at § 3-2-372.

Sec. 3-2-378 Power of director of finance to prescribe forms, make regulations and extend time of payment.

(a) The director is hereby authorized to prescribe forms for the filing of any report or the payment of any funds as set forth in this article.

(b) The director is hereby authorized to make and establish rules and regulations not inconsistent with this article to help carry out the provisions of this article.

(c) The director is hereby authorized to extend, for good cause shown, the time of filing any form required to be filed by the provisions of this article; provided, that no such extension shall exceed a period of 90 days. (Ord. No. 4164, 10/14/00, Sec. 2)

Note—See editor's note at § 3-2-372.

Sec. 3-2-379 Violation of article.

Any consumer or service provider violating the provisions of this article, and any officer, agent or employee of any service provider violating the provisions of this article, shall be deemed guilty of a class 4 misdemeanor. Each failure, refusal, neglect or violation and each day's continuance thereof shall constitute a separate offense. A conviction for violation of this article shall not relieve any person from the payment, collection and remittance of the tax as provided in this article. (Ord. No. 4164, 10/14/00, Sec. 2)

Note—See editor's note at § 3-2-372.

§§ 3-2-380, 3-2-381 reserved.

Article W

ADMISSION TAX

Sec. 3-2-382 Definitions.

The following words and phrases, when used in this article, shall have the following respective meanings, except where the context clearly indicates a different meaning:

(1) *Admission charge.* A charge made, directly or indirectly, to a person or group of persons for admission to any event, including a charge made for season tickets, and a cover or other charge made for the use of seats or tables, and excluding any separately stated federal or state tax thereon, or any separately stated service charge made by an agent or party other than the owner or operator for the sale or issuance of a ticket or receipt which entitles the bearer to admission to an event.

(2) *Charitable purposes.* Any charitable, benevolent, humane, philanthropic, patriotic, eleemosynary, educational, religious, cultural or similar purpose intended to better the condition of society or any considerable portion thereof, including, without limitation, support for the activities, other than unrelated business income activities, of an organization recognized as exempt from federal income taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

(3) *Event.* Any amusement, entertainment, performance, exhibition or similar production, open to the general public, including without limitation: circuses, carnivals, motion pictures, fairs, shows and exhibitions of all kinds; dances; tours; sporting events; theatrical, dramatic, operatic and musical and similar performances; lectures, talks, symposia, library readings and performances similar thereto; and such attractions as merry-go-rounds, ferris wheels, roller coasters and the like.

(4) *Open to the general public.* Available for attendance by any person upon payment of an admission charge, without, in addition to such payment, (i) meeting any duly established requirements or selection criteria for membership in or belonging to a *bona fide* society, club, congregation, organization, party or similar group, or (ii) making or promising to make a donation, subscription or other similarly valuable contribution to the owner or operator, or to the designee thereof, which exceeds a commercially reasonable relationship to the economic value of the event to the person admitted.

(5) *Owner or operator.* A person who owns, operates, conducts, promotes, produces or provides an event.

(6) *Sporting event.* Any athletic activity engaged in by one or more individuals, including, without limitation, baseball, basketball, football, wrestling, boxing, swimming, tennis, golf, soccer or hockey. (Ord. No. 4395, 5/2/05, Sec. 1)

Sec. 3-2-383 Amount and levy of tax.

Except as provided in section 3-2-384, there is hereby levied an admission tax in the amount of ten percent of any admission charge, not to exceed $0.50 per person admitted. (Ord. No. 4395, 5/2/05, Sec. 1)

Sec. 3-2-384 Exclusions from tax.

There shall be no admission tax on any admission charge:

(1) For any event, the gross receipts of which go wholly to one or more charitable purposes;

(2) For any event, the purpose of which is solely to raise money for one or more charitable purposes, and the net receipts of which are utilized by or transferred to one or more entities that are exempt from sales and use tax pursuant to Section 58.1-609.11 of the Code of Virginia, 1950, as amended;

(3) For any public or private elementary, secondary or college school-sponsored event, whether or not on school property or at a school facility, including events sponsored by school-recognized student organizations;

(4) For entry into museums, botanical and similar gardens, and zoos;

(5) For participation as an entrant in a sporting event. (Ord. No. 4395, 5/2/05, Sec. 1)

Sec. 3-2-385 Situs.

The tax imposed by this article shall be levied on admission charges for events which occur within the City of Alexandria, irrespective of the location at which admission to such events may be sold, contracted for or paid. (Ord. No. 4395, 5/2/05, Sec. 1)

Sec. 3-2-386 Collection of tax.

(a) Every owner or operator, or the agent thereof, receiving a payment of an admission charge on which an admission tax is levied shall collect the amount of such tax from the person making the payment at the time the payment is made.

(b) The taxes required to be collected under subsection (a) shall be deemed to be held in trust by the owner, operator and agent required to collect the same, jointly and severally, until remitted to the city as provided in this article. (Ord. No. 4395, 5/2/05, Sec. 1)

Sec. 3-2-387 Reports and remittances generally.

Every owner or operator collecting admission taxes shall prepare a report for each calendar month, upon such forms and setting forth such information as the director may prescribe, showing the number of persons admitted, the amount of admission charges collected, the amount of the taxes due on such charges under this article, and the amount of taxes being remitted along with the report, and shall sign and deliver the report, and remit the taxes, to the director. The report and the remittance of taxes shall be made to the director on or before the last day of the calendar month next following the month being reported. (Ord. No. 4395, 5/2/05, Sec. 1)

Sec. 3-2-388 Reports, remittances and deposits by temporary or transitory events.

(a) Whenever an admission charge is made to attend an event of a temporary or transitory nature, the director may require the report and remittance of taxes to be made within seven days following the event, or within seven days following the conclusion of a series of events, or at such other reasonable time as the director shall determine.

(b) Before any temporary or transient event shall be held in the city, and before any business license under title 9 of this code, if required, shall be issued therefor, the owner or operator of the event shall deposit with the director a sum of money, to be determined by the director, sufficient to cover the admission taxes that the director estimates will be required to be collected by such owner or operator, which the director shall hold as security for the collection of taxes and payment thereof to the city. Within seven days of the conclusion of the temporary or transient event, or such other time as set by the director under subsection (a), the owner or operator shall deliver to the director the report and the amount of taxes required by section 3-2-387. Upon such delivery, the director shall refund the deposit made under this section. Should an owner or operator fail timely to deliver such report and taxes, the direc-

tor may assess the owner or operator the amount of taxes provided by section 3-2-390, in which case the director shall retain the deposit made under this subsection as a credit toward the amount of assessed taxes. (Ord. No. 4395, 5/2/05, Sec. 1)

Sec. 3-2-389 Penalty and interest for failure to remit taxes when due.

Any owner or operator who fails or refuses to remit admission taxes to the city, within the time and in the amount required by this article, shall be liable for a penalty equal to ten percent of the amount of the taxes required to be remitted. The owner or operator shall also be liable for interest on the amount of the taxes which remain unpaid, at the rate of ten percent per annum, starting on the date the taxes were initially to be remitted to the city. (Ord. No. 4395, 5/2/05, Sec. 1)

Sec. 3-2-390 Procedure upon failure to collect, report or remit taxes.

(a) If any owner or operator shall fail or refuse to collect admission taxes or to make, within the prescribed time, the report and remittance required by this article, the director shall proceed in such manner as he may deem best to obtain facts and information on which to base an estimate of the taxes due. As soon as the director has obtained such facts and information, he shall determine and assess against the owner or operator the taxes that are due, along with any interest and penalties provided for by this article, and shall notify the owner or operator by mail of the total amount of such taxes, interest and penalties. The total amount of taxes, interest and penalties shall be paid within ten days from the date of such notice.

(b) It shall be the duty of the director to ascertain the name of every owner or operator in the city who fails, refuses or neglects to collect admission taxes, or to timely make the report and remittances, required by this article. (Ord. No. 4395, 5/2/05, Sec. 1)

Sec. 3-2-391 Preservation of records.

Except as may be provided by the director by regulation, every owner or operator required to collect and remit admission taxes shall keep and preserve, for a period of two years, such records as are necessary to enable the director to determine the amount of taxes such owner or operator was responsible for collecting and remitting to the city. The director shall have the right to inspect such records at all reasonable times and to make copies of all or any parts thereof. (Ord. No. 4395, 5/2/05, Sec. 1)

Sec. 3-2-392 Duty of owner or operator going out of business.

Whenever any owner or operator required to collect and remit admission taxes shall dispose of his business or otherwise cease to operate, any taxes payable to the city under this article shall become immediately due and payable, and such owner or operator shall immediately make a report and pay the taxes due. (Ord. No. 4395, 5/2/05, Sec. 1)

Sec. 3-2-393 Authority of director.

The director shall have the power and the duty of enforcing this article, including the authority to adopt reasonable procedures and regulations for the administration of the admissions tax, and shall cause all taxes remitted to the city under this article to be paid into the general treasury of the city. (Ord. No. 4395, 5/2/05, Sec. 1)

Sec. 3-2-394 Penalty for violation of article.

Any person violating or failing to comply with any provision of this article shall be guilty of a class 3 misdemeanor and each such violation or failure shall constitute a separate offense. No conviction for violating or failing to comply with a provision of this article shall relieve the convicted person from the payment, collection and remittance of the taxes, interest and penalties as provided in this article. (Ord. No. 4395, 5/2/05, Sec. 1)

ARTICLE X

Pollution Control Equipment Tax Exemption*

Sec. 3-2-395 Separate class of property.

Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of real or personal property.
(Ord. No. 4632, 11/21/09, Sec. 1)

Sec. 3-2-396 Definitions.

(a) As used in this article the term "certified pollution control equipment and facilities" shall mean any property, including real or personal property, equipment, facilities or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth of Virginia and which the state certifying authority having jurisdiction with respect to such property has certified to the Virginia Department of Taxation as having been constructed, reconstructed, erected or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination. Such property shall include, but is not limited to, any equipment used to grind, chip or mulch trees, tree stumps, underbrush and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing and distributing or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the department of taxation by a state certifying authority. Such property shall not include the land on which such equipment or facilities are located.

(b) As used in this article the term "state certifying authority" shall mean the State Water Control Board, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Mines, Minerals and Energy, for coal, oil, and gas production, including gas, natural gas and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities and landfill gas production facilities and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth of Virginia.

(c) As used in this article "local tax rate" shall mean the real estate property tax rate or personal property tax rate, as applicable.
(Ord. No. 4632, 11/21/09, Sec. 1)

Sec. 3-2-397 Exemption authorized.

Tax exemption is provided according to the terms of this article for qualified property owners who possess certified pollution control equipment or facilities.
(Ord. No. 4632, 11/21/09, Sec. 1)

Sec. 3-2-398 Administration of exemption.

The exemption shall be administered by the local revenue administration division and the local real estate assessments office according to the general provisions of this article.
(Ord. No. 4632, 11/21/09, Sec. 1)

Sec. 3-2-399 Requirements for exemption.

Exemption shall be granted to persons subject to the following provisions:

(1) The title of the property for which exemption is claimed is held, or partially held, on the first day of the taxable year, by the person or persons claiming exemption.

(2) The state certifying authority has certified that the applicant has met all requirements qualifying the equipment or facilities for exemption from taxation.
(Ord. No. 4632, 11/21/09, Sec. 1)

Sec. 3-2-400 Claiming the exemption.

Upon receipt of the certificate from the state certifying authority, the local revenue administration division or real estate assessments officer shall proceed to determine the value of such qualifying pollution control equipment or facilities.
(Ord. No. 4632, 11/21/09, Sec. 1)

Sec. 3-2-401 Amount of exemption.

The amount of the exemption provided by this article shall be determined by applying the pertinent local tax rate to the value of the certified pollution control equipment or facilities and subtracting this amount from the total personal property tax due on the personal property or subtract-

*__Editor's note—__Section 2 of Ord. No. 4632, adopted Nov. 21, 2009, specifies that this article shall become effective on January 1, 2011.

ing this amount from the total real estate property tax due on the real property to which the equipment, facilities or devices are attached.
(Ord. No. 4632, 11/21/09, Sec. 1)

Sec. 3-2-402 Effective date of exemption.

This article shall be effective for the tax year beginning on January 1, 2011.
(Ord. No. 4632, 11/21/09, Sec. 1)

ARTICLE Y

Local Motor Vehicle License Plate Tax

Editorial Note: Ord. No. 4873, § 1, adopted May 1, 2014, enacted provisions intended for use as Art. X. Inasmuch as there were already sections so designated, the provisions of Ord. No. 4873 have been included herein as Art. Y at the discretion of the editor.

Sec. 3-2-403 License tax on certain motor vehicles.

A license tax of $100 annually shall be imposed upon the owners of motor vehicles that do not display current license plates and that are not exempted from the requirements of displaying such license plates under the provisions of Article 6 (§ 46.2-662 et seq.) of Chapter 6 of Title 46.2, Code of Virginia (1950), as amended, §§ 46.2-1554 and 46.2-1555, Code of Virginia (1950), as amended, are not in a public dump, in an "automobile graveyard" as defined in § 33.1-348, Code of Virginia (1950), as amended, or in the possession of a licensed junk dealer or licensed motor vehicle dealer. Nothing in this section shall be applicable to any vehicle being held or stored by or at the direction of any governmental authority, to any vehicle owned by a member of the armed forces on active duty or to any vehicle regularly stored within a structure. Nothing in this section shall be applicable to motor vehicles that are stored on private property for the purpose of restoration or repair or for removing parts for the repair of another vehicle. (Ord. No. 4873, 5/1/14, Sec. 1)

Sec. 3-2-404 Penalty.

(a) There shall be imposed a penalty in the amount of $250 upon the owner of each motor vehicle that, following the end of the first 30 days of residency in the Commonwealth, is required to be registered in Virginia but which has not been so registered.

(b) The levy and collection of the penalty shall be the responsibility of the director and such penalty when so assessed shall become a part of the tax and shall be collected in the same manner as is provided by law for the collection of taxes.
(Ord. No. 4873, 5/1/14, Sec. 1)

CHAPTER 3

Purchases and Contractual Services

Editorial Note: Prior to its amendment by Ord. No. 2757, Ch. 3 of Title 3 consisted of §§ 3-3-1—3-3-13 as derived from Code 1963, §§ 2-74, 2-79—2-84, 2-86, 2-91, 2-93 and 2-93.1.

Charter References: Purchasing division of department of finance, charter, Sec. 5.12; competitive bidding, charter, Sec. 5.13.

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ARTICLE A

General Provisions

Sec. 3-3-1 Purpose.

The purpose of this chapter is to provide for the fair and equitable treatment of all persons involved in public purchasing by the city, to maximize the purchasing value of public funds in procurement and to provide safeguards for maintaining a procurement system of quality and integrity. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-2 Application.

(a) This chapter and the policies set forth in this chapter apply to contracts for the procurement of goods, services, insurance and construction entered into by the city whether the city provides monetary or nonmonetary consideration for the goods, services, insurance or construction procured.

(b) When the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any applicable mandatory federal laws or regulations which are not reflected in this chapter. Nothing in this chapter shall prevent any using agency from complying with the terms and conditions of any grant, gift or bequest which are otherwise consistent with law. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 3225, 6/13/87, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 1)

Sec. 3-3-3 Judges of general district court, judge of juvenile and domestic relations court, etc., as using agencies; purchases of provisions, etc., needed by sheriff or for city jail.

The judges of the general district court, the judge of the juvenile and domestic relations court and the clerk of the circuit court, to the extent the city is required by state law to furnish them and pay for supplies, materials, equipment and contractual services, are hereby made using agencies under the provisions of this chapter. Under the authority of the provisions of section 53.1-126, Code of Virginia, all foodstuffs, provisions, supplies, clothing and equipment needed by the sheriff in the feeding and caring for jail prisoners and for which the city is reimbursed in part by the state in proportion as the number of state-prisoner-days bears to the whole number of prisoner-days shall be purchased by or through the city purchas-

ing agent, and to that extent and to the extent that the city is required to furnish to the sheriff or the city jail supplies and equipment and pay the total price thereof, the sheriff is hereby made a using agency under the provisions of this chapter. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-4 Application of chapter to school board, Alexandria library, etc.

The provisions of this chapter shall not apply to the city school board, to the Alexandria library or to any institution to which the city may make a lawful grant-in-aid and over which it retains no control. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-5 Public improvement and public works contracts.

The city council reserves unto itself the authority to let all public improvement or public works contracts. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-6 Definitions.

(1) *Best value:* The overall combination of quality, price, and various elements of required services that in total are optimal relative to the city's needs. The best value process is used to select the most advantageous bid or offer by evaluating and comparing pre-established factors, including, but not limited to, quality, technical features, experience and past performance, in addition to cost or price.

(2) *Brand name specification:* A specification limited to one or more items by manufacturers' names or catalogue numbers.

(3) *Brand name or equal specification:* A specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance and other salient characteristics needed to meet city requirements, and which provides for the submission of equivalent products.

(4) *City council:* The city council of the City of Alexandria.

(5) *City purchasing agent, agent,* or *purchasing agent:* The purchasing agent of the City of Alexandria.

(6) *Construction management contract:* A contract in which a party is retained by the city to coordinate and administer contracts for the provision of construction services by others, and which also provides for such party to furnish construction services to the city.

(7) *Construction:* Building, altering, repairing, improving or demolishing any structure, building or highway, and any draining, dredging, excavation, grading or similar work upon real property.

(8) *Contract:* All types of agreements, regardless of what they may be called, for the procurement of goods, services, insurance or construction.

(9) *Contract modification:* Any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity or other provision of any contract accomplished by mutual action of the parties to the contract.

(10) *Contractor:* Any person having a contract with the city or a using agency thereof.

(11) *Cost analysis:* The valuation of cost data for the purpose of arriving at costs actually incurred or estimates of costs to be incurred, prices to be paid and costs to be reimbursed.

(12) *Cost data:* Factual information concerning the cost of labor, material, overhead and other cost elements which are expected to be incurred or which have been actually incurred by the contractor in performing the contract.

(13) *Cost reimbursement contract:* A contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and the provisions of this chapter and a fee or profit, if any.

(14) *Design-build contract:* A contract in which the contractor agrees to both design and build a structure, roadway or other item specified in the contract.

(15) *Direct or indirect participation:* Involvement through decision, approval, disapproval, recommendation, or preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity.

(16) *Disadvantaged business:* A small business which is owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages.

(17) *Employee:* An individual drawing a salary or wages from the city whether elected or not; any noncompensated individual performing personal services for the city or any department, agency, commission, council, board or any other entity established by law.

(18) *Goods:* All material, equipment, supplies, printing and automated data processing hardware and software.

(19) *Informality:* A minor defect or variation of a bid or proposal from the exact requirements of the invitation for bids, or the request for proposals, which does not affect the price, quality, quantity or delivery schedule for the goods, services, insurance or construction being procured.

(20) *Insurance:* A contract whereby, for a stipulated consideration, one party undertakes to compensate the other for loss on a specified subject by specified perils.

(21) *Invitation for bids:* All documents, whether attached or incorporated by reference, utilized for soliciting sealed bids. No confidential or proprietary data shall be solicited in any invitation for bids.

(22) *Job order contracting:* A method of procuring construction by establishing a book of unit prices and then obtaining a contractor to perform work as needed using the prices, quantities, and specifications in the book as the basis of its pricing. The contractor may be selected through either competitive sealed bidding or competitive negotiation depending on the needs of the City of Alexandria. A minimum amount of work may be specified in the contract.

(23) *Multiphase professional services contract:* A contract for the provision of professional services in multiple phases where the total scope of work in the second or a subsequent phase of the contract cannot be specified without the results of the first or other phase of the contract.

(24) *Nominal value:* So small, slight or the like, in comparison to what might properly be expected, as scarcely to be entitled to the name, but in no case to be more than $10.

(25) *Nonprofessional services:* Any services not specifically identified as professional services in the following definition.

(26) *Professional services:* Work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering.

(27) *Person:* Any business, individual, union, committee, club, other organization or group of individuals.

(28) *Price analysis:* The evaluation of pricing data, without analysis of the separate cost components and profit as in cost analysis, which may assist in arriving at prices to be paid and costs to be reimbursed.

(29) *Pricing data:* Factual information concerning prices for items substantially similar to those being procured. Prices in this definition refer to offer or proposed selling prices, historical selling prices and current selling prices. The definition refers to data relevant to both prime and subcontract prices.

(30) *Public body:* Any legislative, executive or judicial body, agency, office, department, authority, commission, committee, institution, board, political subdivision or other entity created by law to exercise some sovereign power or to perform some governmental duty.

(31) *Public contract:* Any contract between the city and a nongovernmental source that is enforceable in a court of law.

(32) *Qualified products list:* An approved list of goods, services or construction items described by model or catalogue number, which prior to competitive solicitation, the city has determined will meet the applicable specification requirements.

(33) *Request for proposals:* All documents, whether attached or incorporated by reference, utilized for soliciting proposals.

(34) *Responsible bidder or offeror:* A person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability which will assure good faith performance and who has been prequalified, if required.

(35) *Responsive bidder or offeror:* A person who has submitted a bid or proposal which conforms in all material respects to the invitation for bids or request for proposals.

(36) *Services:* Any work performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials or the rental of equipment, materials and supplies.

(37) *Small business:* A United States business which is independently owned and which is not dominant in its field of operation or an affiliate or subsidiary of a business dominant in its field of operation.

(38) *Specification:* Any description of the physical or functional characteristics or of the nature of a good, service or construction item. It may include a description of any requirement for inspecting, testing or preparing a good, service or construction item for delivery.

(39) *Using agency:* Any department, agency, commission, office, bureau or other unit in the city government requiring goods, services, insurance or construction. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 3549, 12/14/91, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 2; Ord. No. 4138, 6/17/00, Sec. 1; Ord. No. 4953, 6/13/15, Sec. 1)

Secs. 3-3-7 through 3-3-10 reserved.

ARTICLE B

Purchasing Division

Sec. 3-3-11 Establishment of purchasing division.

There is hereby established in the department of finance a purchasing division. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-12 Appointment of purchasing agent.

There is hereby created the position of purchasing agent, who shall be the city's principal public purchasing official and shall be in charge of the purchasing division. The purchasing agent shall be appointed by the city manager. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-13 Authority and duties of purchasing agent.

The purchasing agent shall be responsible for the procurement of goods, services, insurance and construction in accordance with this chapter as well as the management and disposal of supplies. In accordance with this chapter, and subject to the supervision of the city manager, the purchasing agent shall:

(a) Purchase or supervise the purchasing of all goods, services, insurance and construction needed by the city;

(b) Exercise direct supervision over the city's central stores and general supervision over all other inventories of goods belonging to the city;

(c) Sell, trade or otherwise dispose of surplus goods belonging to the city; and

(d) Establish and maintain programs for specifications development, contract administration and inspection and acceptance in cooperation with the public agencies using the goods, services and construction. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-14 Rules and regulations.

(a) The purchasing agent shall have authority and power to promulgate and establish, and from time to time amend and revise, all rules and regulations properly necessary to carry into effect the provisions of this chapter; provided, that before any rules and regulations, and any amendments or revisions thereof, shall become effective, the city manager shall approve the same.

(b) The city manager, or his designee, shall have the authority and power to adjust, by regulation, any dollar value threshold established in this chapter up to any similar threshold authorized by the Virginia Public Procurement Act when in the best interest of the city. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4836, 10/19/13, Sec. 1)

Sec. 3-3-15 Delegation.

With the approval of the city manager, the purchasing agent may delegate authority to purchase certain supplies, services or construction items to other city officials, if such delegation is deemed necessary for the effective procurement of those items. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-16 Unauthorized purchases.

Except as herein provided no official, elected or appointed, or any employee shall purchase or contract for any goods, services, insurance or construction within the purview of this chapter other than by and through the purchasing division, and any purchase order or contract made contrary to the provisions hereof is not approved and the city shall not be bound thereby. (Ord. No. 2757, 1/22/83, Sec. 1)

Secs. 3-3-17 through 3-3-20 reserved.

ARTICLE C

Cooperative Procurement

Sec. 3-3-21 Agreements with other public bodies or institutions.

The city may participate in, sponsor, conduct or administer a cooperative procurement agreement with one or more other public bodies or private not-for-profit health or educational institutions, for the purpose of combining requirements to increase efficiency or reduce administrative expenses. Any public body or other entity which enters into a cooperative procurement agreement with the city shall comply with the policies and procedures established by this chapter. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 3)

Sec. 3-3-22 Assistance from state director of division of purchase and printing.

The city purchasing agent is hereby authorized, with the consent of the city manager and without observing the competitive provisions of this chapter, to seek the aid and cooperation of the state director of the division of purchase and printing in the purchasing of supplies, materials and equipment for the using agencies of the city to the end that cheaper prices may be obtained. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-23 Purchases from federal government.

The city purchasing agent may, with the consent of the city manager and without observing the competitive provisions of this chapter, purchase from the federal government or any of its agencies any surplus or other supplies, materials and equipment needed by the using agencies when these purchases will serve the best interest of the city. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-24 Purchases under contracts competitively entered by other public bodies.

(a) Notwithstanding any other provision of this chapter to the contrary, except as listed under subsection (b), the city may purchase from another public body's contract even if the city did not participate in the request for proposal or invitation to bid. Prior to any city purchase under a contract entered by another public body, the pur-

chasing agent shall find that the process pursuant to which the contract was entered generally complied with the policies and procedures established by this chapter.

(b) The city may not purchase:

(1) from another public body's contract for architectural or engineering services or

(2) for construction in excess of $200,000, from the contract of another local public body that is more than a straight line distance of 75 miles from the territorial limits of the city. The installation of artificial turf or other athletic surfaces shall not be subject to the limitations prescribed in this subsection. Nothing in this subsection shall be construed to prohibit sole source or emergency procurements awarded pursuant to section 3-3-71 or 3-3-73. (Ord. No. 3681, 11/13/93, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 4; Ord. No. 4470, 12/16/06, Sec. 1; Ord. No. 4699, 12/18/10, Sec. 1)

Secs. 3-3-25 through 3-3-30 reserved.

ARTICLE D

Contract Formation and Methods of Source Selection

DIVISION 1

Competitive Sealed Bidding

Sec. 3-3-31 Competitive sealed bidding required.

All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance or construction, shall be awarded after competitive sealed bidding or competitive negotiation as provided in this chapter, unless otherwise authorized by law. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-31.1 Service contract wages.

(a) *Required wage rate.*

(1) Except as otherwise provided in this section, each public contract for the provision of services, awarded after a process of competitive sealed bidding, shall require that the contractor pay each employee assigned to perform services under such public contract, while performing such services on property owned or controlled by the city, an hourly rate equal to:

(i) the average poverty threshold for a family of four, as determined pursuant to the poverty guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services under authority of 42 U.S.C. § 9902(2), divided by 2,080, plus

(ii) the average cost per hour incurred by an employer, on behalf of each employee, for the provision of health insurance, as determined by the U.S. Bureau of Labor Statistics (U.S. Bureau of Labor Statistics, Table 8, Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Private industry workers, by establishment employment size, 500 or more workers).

(2) For purposes of subparagraph (a)(1) above, the initial required wage rate shall be computed based upon the average poverty threshold for a family of four, as determined pursuant to the poverty guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services under authority of 42 U.S.C. § 9902(2), for 2000, and the costs for health insurance, as determined by the U.S. Bureau of Labor Statistics (U.S. Bureau of Labor Statistics,

Table 8, Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Private industry workers, by establishment employment size, 500 or more workers), in March of 1999.

(3) If either the U.S. Department of Health and Human Services or the U.S. Bureau of Labor Statistics discontinues the determinations used to establish the required wage rate, the city manager, in his discretion, shall adopt a substitute procedure to establish the required wage rate, which reasonably reflects the average poverty threshold for a family of four or the average cost per hour incurred by an employer, on behalf of each employee, for the provision of health insurance, as applicable.

(4) The contractor under each such public contract shall include the provisions of this subsection (a) in every subcontract so that such provisions, and the other provisions of this section 3-3-31.1, will be binding upon each subcontractor. When a contractor undertakes a public contract subject to this section 3-3-31.1, the contractor agrees to assume the obligation that this section's wage requirements will be observed in fulfilling the requirements of the public contract. This obligation may not be relieved by shifting all or a part of the work under the public contract to another, and the contractor shall be jointly and severally liable with any subcontractor for any underpayment of wages on the part of any such subcontractor. The appropriate enforcement sanctions under this section may be invoked against both the contractor and any such subcontractor in the event of such subcontractor's failure to comply with any of the provisions of this section 3-3-31.1.

(5) The required wage rate set forth in subparagraph (a)(1) above shall be paid without contemporaneous or subsequent deduction or rebate of any nature, except such payroll deductions as are required or permitted by law, by a collective bargaining agreement, or by specific written authorization from an employee.

(b) *Adjustments.* The wages required to be paid under subsection (a) above shall be adjusted as of July 1 of each year to reflect the most current determinations made by the U.S. Department of Health and Human Services and the U.S. Bureau of Labor Statistics and shall be applicable to any public contract awarded thereafter until the date of the next adjustment; provided, however, the wage rates in effect at the time a public contract is awarded to a contractor by the city shall remain in effect under such public contract during its original term. At the time of the exercise by the city of any renewal option under a public contract, the required wage rate shall be adjusted as provided above, and as adjusted, shall remain in effect during the renewal term.

(c) *Limits on applicability.* The provisions of this section shall not apply to public contracts for professional services, contracts for construction, construction management contracts, design-build contracts or contracts for services procured under sections 3-3-71, 3-3-72, 3-3-73 and 3-3-74, as amended. Nor shall the provisions of this section require payment of the required wage rate to persons employed by a contractor and incarcerated at the city jail.

(d) *Publication and notice.*

(1) As soon as possible after the annual determination of the required wage rate, as adjusted pursuant to subsection (b) above, the purchasing agent shall publish such rate in English and Spanish on the purchasing division's world wide web site.

(2) The then current required wage rate shall be posted by each contractor in English and Spanish, on such form as shall be provided by the purchasing agent, in a prominent place at its offices and each location where its employees perform services under a public contract.

(3) Within five days of an employee's request, a contractor shall provide to such employee a written statement in English and Spanish, on such form as shall be provided by the purchasing agent, of the then current required wage rate.

(4) Notice of the required wage rate shall be stated in the procurement solicitation, as required by subsections 3-3-44(b) and 3-3-66(b) of this code.

(e) *Records and reports.* Each contractor and its subcontractors subject to the provisions of this section 3-3-31.1 shall:

(1) for a period of three years after the expiration or earlier termination of the applicable public contract, keep and preserve records which show wages and benefits provided by such contractor and its subcontractors to each employee assigned to perform services under such public contract. The purchasing agent, or his designee, shall have the power to examine such records at reasonable times and without unreasonable interference with the business of such contractor or its subcontractors, for the purpose of administering and enforcing the provisions of this section, and to make copies of all or any parts thereof; and

(2) on a quarterly and annual basis during the term of the applicable public contract, submit to the purchasing agent a report, in a form accept-

able to the purchasing agent, which shows hourly wage rates, wages and benefits provided by such contractor and its subcontractors to each employee assigned to perform services under such public contract, and such other information as may be required by the purchasing agent.

(f) *Additional contract requirements.*

(1) Any contractor subject to this section shall, as a term of the public contract, further comply with all applicable federal, state and city laws, rules and regulations including, but not limited to, the U.S. Fair Labor Standards Act of 1938, as amended, the U.S. Occupational Safety and Health Act of 1970, as amended, the U.S. Employee Retirement Income Security Act, as amended, and Chapter 3 of Title 40.1 of the Code of Virginia, 1950, as amended. The violation of any such laws, rules or regulations by a contractor, as determined by the purchasing agent, shall be grounds for termination of such public contract, and debarment of such contractor, in accordance with the procedures set forth in article F, chapter 3, title 3.

(2) As an additional term of the public contract, no contractor shall discharge, reduce the compensation of, or otherwise retaliate against any employee who files a complaint with the purchasing agent, or takes any other action to enforce the requirements of this section or a public contract subject to this section.

(g) *Enforcement.*

(1) Within six months of a contractor's or subcontractor's failure to comply with the wage requirements of a public contract, an aggrieved employee may file a complaint with the purchasing agent, requesting that the purchasing agent enforce the wage requirements of such public contract. In the event that the purchasing agent determines that the employee has not received the wages required under this section 3-3-31.1, the purchasing agent shall direct the payment forthwith of such wages, plus interest at the judgment rate from the date originally due, and less any deductions required or permitted by law. Failure of a contractor or subcontractor to comply with the directive of the purchasing agent shall be grounds for termination of such public contract and debarment of such contractor or subcontractor, in accordance with the procedures set forth in article F, chapter 3, title 3.

(2) Any contractor or subcontractor which fails to pay an employee the wage required by this section shall be liable to the employee affected in the amount of the unpaid wage, plus interest at the judgment rate from the date originally due, and less any deductions required or permitted by law.

(3) Any employee assigned to perform services under a public contract subject to the requirements of this section 3-3-31.1 shall be deemed a third party beneficiary of this section and the provisions mandated by this section in any public contract.

(h) *Administrative procedures.* Subject to the approval of the city manager, the purchasing agent may promulgate such additional procedures, not inconsistent with the provisions of this section, and consistent with the procedures for the procurement of services, as he deems necessary and appropriate to effect and enforce the provisions of this section. (Ord. No. 4138, 6/17/00, Sec. 2)

Sec. 3-3-32 Competitive bidding on state aid projects.

No contract for the construction of any building or for an addition to or improvement of an existing building for which state funds of not less than $50,000, in the aggregate or for the sum of all phases of a contract or project, either by appropriation, grant-in-aid or loan, are used or are to be used for all or part of the cost of the construction, addition or improvement shall be let except after competitive sealed bidding or competitive negotiation as provided under subsection (b) of section 3-3-62. The procedure for the advertising for bids or the submission of proposals and the letting of the contract shall conform, mutatis mutandis, to this chapter. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 3225, 6/13/87, Sec. 2; Ord. No. 4004, 6/13/98, Sec. 5; Ord. No. 4699, 12/18/10, Sec. 2)

Sec. 3-3-33 Public access to procurement information.

(a) Except as otherwise provided in this section, all proceedings, contracts and other records relating to procurement transactions shall be open to the inspection of any interested person, firm or corporation in accordance with the Virginia Freedom of Information Act.

(b) Cost estimates relating to a proposed procurement transaction prepared by or for the city shall not be open to public inspection.

(c) Any competitive sealed bidding bidder shall, upon request, be afforded the opportunity to inspect bid records within a reasonable time after the opening of all bids but prior to contract award, except in the event that the city decides not to accept any of the bids and again to solicit bids. Otherwise, bid records shall be open to public inspection only after award of the contract.

(d) Any competitive negotiation offeror shall, upon request, be afforded the opportunity to inspect proposal records within a reasonable time after the evaluation and negotiations of proposals are completed but prior to contract award, except in the event that the city decides not to accept any of the proposals and again to request proposals. Otherwise, proposal records shall be open to public inspection only after award of the contract.

(e) Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.

(f) Trade secrets or proprietary information submitted by a bidder, offeror or contractor in connection with a procurement transaction shall not be subject to public inspection or disclosures under the Virginia Freedom of Information Act; provided, however, that the bidder, offeror or contractor must invoke the protections of this section prior to or upon submission of the trade secrets or proprietary information, must identify the data and other materials containing such secrets and information to be protected and must state the reasons why protection is necessary. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 3225, 6/13/87, Sec. 3)

Cross Reference: Records management, retention and disposition, Title 2, Chapter 6.

Sec. 3-3-34 Employment discrimination by contractor prohibited.

Every contract shall comply with the provisions of section 12-4-6 of this code. (Ord. No. 2757, 1/22/83, Sec. 1)

Cross References: Discrimination in granting bid prohibited, Sec. 3-3-75; equal opportunity in city contracts, Sec. 12-4-6.

Sec. 3-3-35 Prequalification of bidders.

(a) The purchasing agent is authorized to prequalify prospective bidders prior to the issuance of any invitation for bids, whether for goods, services, insurance or construction, as provided in this section.

(b) For purposes of prequalification, the purchasing agent shall prepare an application form that sets forth the criteria, based on the standards set forth in subsection (f), upon which the qualifications of prospective bidders will be evaluated. The application form shall request of prospective bidders only such information as is appropriate fob an objective evaluation of all prospective bidders pursuant to such criteria. Such application form shall allow the prospective bidder seeking prequalification to request, by checking the appropriate box, that all information voluntarily submitted by the prospective bidder pursuant to this subsection shall be considered a trade secret or proprietary information subject to the provisions of section 3-3-33.

(c) In all instances in which the city requires prequalification of prospective bidders, advance notice shall be given of the deadline for submission of prequalification applications. The deadline for submission shall be sufficiently in advance of the date set for the submission of bids so as to allow the procedures set forth in this section to be accomplished.

(d) At least 30 days prior to the date established for submission of bids under the procurement of the contract for which the prequalification applies, the city shall advise in writing each prospective bidder which has submitted an application whether that prospective bidder has been prequalified. In the event that a prospective bidder is denied prequalification, the written notification to such prospective bidder shall state the reasons for denial of such prequalification and the factual basis of such reasons.

(e) A decision by the purchasing agent denying prequalification under the provisions of this section shall be final and conclusive unless the prospective bidder appeals the decision as provided in section 3-3-101.

(f) The city may deny prequalification to any prospective bidder only if the purchasing agent finds one of the following:

(1) The prospective bidder does not have sufficient financial ability to perform the contract. If a bond is required to ensure performance of a contract, evidence that the prospective bidder can acquire a surety bond from a corporation included on the United States Treasury list of acceptable surety corporations in the amount and type required by the city shall be sufficient to establish such financial ability.

(2) The prospective bidder does not have appropriate experience to perform the contract.

(3) The prospective bidder, or any officer, director or owner of the prospective bidder, has had judgments entered against him within the past 10 years for breach of contract.

(4) The prospective bidder has been in substantial noncompliance with the terms and conditions of one or more prior contracts with a public body without good cause. If the city has not previously contracted with a prospective bidder, the city may deny prequalification if the prospective bidder has been in substantial noncompliance with the terms and conditions of comparable contracts with another public body without good cause. The city may not utilize this provision to deny prequalification unless the facts underlying such substantial noncompliance were documented in writing in the prior contract file and such information given to the prospective bidder at that time, with the opportunity to respond.

(5) The prospective bidder or any officer, director, owner, project manager, procurement manager or chief financial official of the prospective bidder has been convicted within the past 10 years of a crime related to construction or contracting.

(6) The prospective bidder or any officer, director or owner of the prospective bidder is currently debarred pursuant to an established debarment procedure from bidding or contracting by any public body, agency of another state or agency of the federal government.

(7) The prospective bidder failed to provide to the city in a timely manner any information requested by the city relevant to subsections (1) through (6) of this subsection.

(g) The provisions of subsections (b) through (f) shall not apply to prequalification for contracts let under Section 33.1-12 of the Code of Virginia, 1950, as amended.

(h) Prequalification of a prospective bidder shall not constitute a conclusive determination that the prospective bidder is responsible, and such prospective bidder may be rejected as nonresponsible on the basis of subsequently discovered information.

(i) Failure of a prospective bidder to prequalify with respect to a given procurement shall not bar the prospective bidder from seeking prequalification as to future procurements or from bidding on procurements which do not require prequalification. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 6; Ord. No. 4750, 2/25/12, Sec. 1)

Sec. 3-3-36 Notice of invitation to bid.

(a) Notice inviting bids shall be published on the website of the purchasing division for at least 10 days prior to the last day set for the receipt of bids.

(b) The purchasing agent also shall solicit sealed bids from all responsible prospective vendors who have registered their names with the city to receive city solicitations. In any case, invitations sent to registered vendors shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

(c) The purchasing agent also may advertise pending solicitations by notice posted on the public bulletin board in the division of purchasing, by submitting notice of pending solicitations for posting on the central electronic procurement website of the Virginia Department of General Services, or pursuant to any other means determined by the purchasing agent by regulation.

(d) The purchasing agent may solicit bids directly from unregistered vendors to increase competition or as is otherwise in the best interest of the city. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4623, 9/12/09, Sec. 1; Ord. No. 4836, 10/19/13, Sec. 2)

Sec. 3-3-37 Use of brand names.

Unless otherwise provided in the invitation to bid, the name of a certain brand, make or manufacturer does not restrict bidders to the specific brand, make or manufacturer named; it conveys the general style, type, character and quality of the article desired, and any article which the city in its sole discretion determines to be the equal of that specified, considering quality, workmanship, economy of operation and suitability for the purpose intended, shall be accepted. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-38 Comments on specifications.

For complex equipment, supplies or repair, prebid conferences with prospective bidders are desirable after draft specifications have been prepared. Such conferences help to detect unclear provisions and tend to widen competition by removing unnecessarily restrictive language. Conferences on purchasing bids may be called by the purchasing agent and attended by a department representative and, if necessary, the city attorney. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-39 Bid bonds on construction contracts.

(a) Except in cases of emergency, all bids or proposals for nontransportation-related construction contracts in excess of $500,000 or transportation-related projects authorized under Section 33.1-12 of the Code of Virginia, 1950, as amended,

that are in excess of $250,000 and partially or wholly funded by the Commonwealth shall be accompanied by a bid bond from a surety company selected by the bidder or offeror which is legally authorized to do business in Virginia, as a guarantee that if the contract is awarded to such bidder or offeror, the bidder or offeror will enter into the contract for the work mentioned in the bid or proposal. The amount of the bid bond shall not exceed five percent of the amount bid.

(b) For nontransportation-related contracts in excess of $100,000 but less than $500,000, where the bid bond requirements are waived, prospective bidders or offerors shall be prequalified for each individual project in accordance with section 3-3-35.

(c) No forfeiture under a bid bond shall exceed the lesser of the difference between the bid for proposal for which the bond was written and the next low bid or proposal or the face amount of the bid bond.

(d) Nothing in this section shall preclude the city from requiring bid bonds to accompany bids or proposals for construction contracts anticipated to be less than $500,000 for nontransportation-related projects or $250,000 for transportation-related projects authorized under Section 33.1-12 of the Code of Virginia, 1950, as amended, and partially or wholly funded by the Commonwealth. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 3225, 6/13/87, Sec. 5; Ord. No. 4470, 12/16/06, Sec. 2; Ord. No. 4750, 2/25/12, Sec. 2)

Sec. 3-3-40 Bonds for other than construction contracts.

(a) At the discretion of the purchasing agent, bidders may be required to submit with their bid a bid bond, or a certified check, in an amount to be determined by the purchasing agent and specified in the invitation to bid, which shall be forfeited to the city as liquidated damages upon the bidder's failure to execute within 10 days a nonconstruction contract awarded to him or upon the bidder's failure to furnish any required performance or payment bonds in connection with a contract awarded to him.

(b) The purchasing agent may require successful bidders to furnish a performance bond and/or a payment bond at the expense of the successful bidder, in amounts to be determined by the purchasing agent and specified in the invitation to bid, to ensure the satisfactory completion of the work for which a contract or purchase order is awarded. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-41 Rejection of bids.

(a) An invitation for bids, a request for proposals or another solicitation may be cancelled, or any or all bids or proposals may be rejected, in whole or in part, when the purchasing agent determines that it is in the best interest of the city to do so. The reasons therefor shall be made a part of the record in the matter. The purchasing agent shall not cancel or reject an invitation for bids, a request for proposals or another solicitation solely to avoid awarding a contract to a particular responsive and responsible bidder or offeror.

(b) The purchasing agent may waive informalities in bids. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 7)

Sec. 3-3-42 Bid opening.

Bids shall be submitted sealed to the purchasing agent and shall be identified as bids on the envelope. Bids shall be opened publicly at the time and place designated in the invitation for bids. The amount of each bid and such other relevant information as the purchasing agent deems appropriate, together with the name of each bidder, shall be recorded. Except as provided in section 3-3-33(c) and (d), bid records shall be open to public inspection only after the award of the contract. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 3225, 6/13/87, Sec. 6; Ord. No. 4004, 6/13/98, Sec. 8)

Sec. 3-3-43 Withdrawal of bid.

(a) A bidder for a public contract may withdraw his bid from consideration at any time prior to the commencement of the bid opening procedure by notifying the purchasing agent in writing of such withdrawal.

(b) A bidder for a public contract, may withdraw his bid from consideration subsequent to the commencement of the bid opening procedure if the price bid was substantially lower than the other bids due solely to a mistake therein; provided, (i) that the bid was submitted in good faith, (ii) that the mistake was a clerical mistake as opposed to a mistake in judgment and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of the bid, and (iii) that the unintentional nature of the arithmetic error or omission is clearly shown to the satisfaction of the purchasing agent

by objective evidence drawn from original work papers, documents and materials used in the preparation of the bid sought to be withdrawn.

(c) If a bid contains both clerical and judgment mistakes, a bidder may withdraw his bid from consideration if the price bid would have been substantially lower than the other bids due solely to the clerical mistake, that was an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid that shall be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn.

(d) The bidder shall give notice in writing of his claim of right to withdraw within two business days after the conclusion of the bid opening procedure and shall submit original work papers, documents and materials with such notice. Bidder shall submit notice and documents to the purchasing agent.

(e) The procedure for bid withdrawal subsequent to commencement of the bid opening procedure shall be stated in the advertisement for bids.

(f) No bid may be withdrawn under this section when the result would be the awarding of the contract on another bid of the same bidder or on a bid of another bidder in which the ownership of the withdrawing bidder is more than five percent.

(g) If a bid is permitted to be withdrawn under subsection (b) or (c), following a determination by the purchasing agent, the lowest remaining bid shall be deemed to be the low bid.

(h) No bidder who withdraws a bid under subsection (a) or is permitted to withdraw a bid under subsection (b) or (c) shall, for compensation, supply any material or labor to, or perform any subcontract or other work for, the person or firm to whom the contract is awarded, or shall otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted.

(i) If the purchasing agent denies the withdrawal of a bid under the provisions of subsection (b) or (c), he shall notify the bidder within five business days of his decision regarding the bidder's request to withdraw his bid. If the purchasing agent denies the withdrawal of a bid under subsection (b) or (c), he shall state in such notice the reasons for his decision and award the contract to such bidder at the bid price, provided such bidder is a responsible and responsive bidder. At the same time that the notice is provided, the purchasing agent shall return all work papers and copies thereof that have been submitted by the bidder. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 9; Ord. No. 4750, 2/25/12, Sec. 3)

Sec. 3-3-44 Bid evaluation.

(a) Evaluation of bids shall be based upon the requirements set forth in the invitation, which may include special qualifications of potential contractors, life cycle costing, value analysis and any other criteria such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose, which are helpful in determining acceptability.

(b) Best value concepts may be considered when procuring goods and nonprofessional services, but not construction or professional services. The criteria, factors and basis for consideration of best value and the process for the consideration of best value shall be as stated in the invitation for bids. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4138, 6/17/00, Sec. 3)

Sec. 3-3-45 Bid award.

(a) Bids shall be awarded to the lowest responsive and responsible bidder. When the terms and conditions of multiple awards are so provided in the invitation to bid, awards may be made to more than one bidder.

(b) The contract shall be awarded with reasonable promptness by written notice to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. In the event all bids for a construction project exceed available funds as certified by the director of finance and the lowest responsive and responsible bid does not exceed such funds by more than three percent, the purchasing agent is authorized, when time or economic considerations preclude resolicitation of work of a reduced scope, to negotiate an adjustment of the bid price with the lowest responsive and responsible bidder in order to bring the bid within the amount of available funds. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4138, 6/17/00, Sec. 4)

Sec. 3-3-46 Tie bids.

(a) In the case of a tie bid, preference shall be given to goods produced in Virginia, goods or services or construction provided by Virginia persons, firms or corporations; otherwise, the tie shall be decided by lot, or as hereinafter provided.

(b) Whenever any bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a preference, a like preference may be allowed to the lowest responsible bidder who is a resident of Virginia.

(c) If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder.

(d) In the event that there is a tie bid, the tie bidders shall be invited to resubmit written bids below the original bid, and award shall be made to the bidder with the lowest bid price. Any price quote made verbally shall be confirmed in writing.

(e) In the event that none of the foregoing provisions of this section resolves the tie, the purchasing agent may cancel the solicitation and rebid. Records shall be kept of any proceeding connected with tie bids. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4208, 6/16/01, Sec. 1)

Sec. 3-3-47 Multistep sealed bidding.

When it is considered impractical initially to prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-48 Contract pricing arrangement.

(a) Except as prohibited herein, public contracts may be awarded on a fixed price or cost reimbursement basis, or on any other basis that is not prohibited.

(b) Except in case of emergency affecting the public health, safety or welfare, no public contract shall be awarded on the basis of cost plus a percentage of cost. A policy or contract of insurance or prepaid coverage having a premium computed on the basis of claims paid or incurred, plus the insurance carrier's administrative costs and retention stated in whole or part as a percentage of such claims, shall not be prohibited by this section. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-49 Multiterm contracts.

(a) Unless otherwise provided by law, a contract for goods, services or insurance may be entered into for any period of time deemed to be in the best interest of the city provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor.

(b) When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-50 Contract modification.

(a) A public contract may include provisions for modification of the contract during performance, but no fixed price contract may be increased by more than 25 percent of the amount of the contract or $50,000, whichever is greater, without the advance written approval of the city council.

(b) Any contract award, change order or contract modification under which the submission and certification of cost or pricing data are required shall contain a provision stating that the price to the city, including profit or fee, shall be adjusted to exclude any significant sums by which the city finds that such price was increased because the contractor-furnished cost or pricing data was inaccurate, incomplete or not current as of the date agreed upon between the city and the contractor. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4138, 6/17/00, Sec. 5)

Sec. 3-3-51 Retainage on construction contracts.

(a) In any public contract for construction which provides for progress payments in installments based upon an estimated percentage of completion, the contractor shall be paid at least 95 percent of the earned sum when each payment is due, with not more than five percent being retained from each payment to assure faithful performance of the contract. All amounts withheld may be included in the final payment.

(b) Contracts of $200,000 or more for construction of highways, roads, streets, bridges, parking lots and miscellaneous drainage structures, for demolition, clearing, grading, excavating, paving and pile driving, and for installation of water, gas and sewer lines, and pumping stations, where portions of the contract price are to be retained, shall include in the invitation for bids an option for the contractor to use an escrow account proce-

dure for utilization of the retainage funds. In the event the contractor elects to use the escrow account procedure, the contractor shall submit an escrow agreement form, executed by the appropriate parties, within 15 calendar days after notification of award. If the escrow agreement form is not submitted within the 15-day period, the contractor shall forfeit its rights to use of the escrow account procedure. The escrow agent shall be a trust company, bank or savings institution with its principal office located in the Commonwealth. The escrow agreement and all regulations promulgated by the city shall be substantially the same as those used by the Virginia Department of Transportation.

(c) Any public contract which includes payment of interest on retained funds shall contain a provision whereby the contractor, exclusive of reasonable circumstances beyond the control of the contractor stated in the contract, shall pay a specified penalty for each day exceeding the completion date stated in the contract.

(d) Any subcontract for a public project which provides for similar progress payments shall be subject to the provisions of this section. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 10)

Sec. 3-3-51.1 Damages for delays.

(a) Any provision contained in any public construction contract that purports to waive, release, or extinguish the rights of a contractor to recover costs or damages for unreasonable delay in performing such contract, either on his behalf or on behalf of his subcontractor if and to the extent the delay is caused by acts or omissions of the city, its agents or employees and due to causes within their control shall be void and unenforceable as against public policy.

(b) Subsection (a) shall not be construed to render void any provision of a public construction contract that:

(1) allows the city to recover that portion of delay costs caused by the acts or omissions of the contractor, or its subcontractors, agents or employees;

(2) requires notice of any delay by the party claiming the delay;

(3) provides for liquidated damages for delay; or

(4) provides for arbitration or any other procedure designed to settle contract disputes.

(c) A contractor making a claim against the city for costs or damages due to the alleged delaying of the contractor in the performance of its work under any public construction contract shall be liable to the city and shall pay it for a percentage of all costs incurred by the city in investigating, analyzing, negotiating, litigating and arbitrating the claim, which percentage shall be equal to the percentage of the contractor's total delay claim that is determined through litigation or arbitration to be false or to have no basis in law or in fact.

(d) Upon denial of a contractor's claim for costs or damages due to the alleged delaying of the contractor in the performance of work under any public construction contract, the city shall be liable to and shall pay such contractor a percentage of all costs incurred by the contractor to investigate, analyze, negotiate, litigate and arbitrate the claim. The percentage paid by the city shall be equal to the percentage of the contractor's total delay claim for which the city's denial is determined through litigation or arbitration to have been made in bad faith. (Ord. No. 4232, 1/26/02, Sec. 1)

Sec. 3-3-52 Performance and payment bonds.

(a) Except as provided in subsection (h), upon the award of any (i) public construction contract exceeding $500,000 to any prime contractor; (ii) construction contract exceeding $500,000 awarded to any prime contractor requiring the performance of labor or the furnishing of materials for buildings, structures or other improvements to real property owned or leased by a public body; (iii) construction contract exceeding $500,000 in which the performance of labor or the furnishing of materials will be paid with public funds; or (iv) transportation-related projects exceeding $350,000 that are partially or wholly funded by the Commonwealth, such contractor shall furnish to the city the following bonds:

(1) A performance bond in the sum of the contract amount conditioned upon the faithful performance of the contract in strict conformity with the plans, specifications and conditions of the contract. For transportation-related projects authorized under Article 2 (§ 33.2-208 et seq.) of Chapter 2 of Title 33.2 of the Code of Virginia, 1950, as amended, such bond shall be in a form and amount satisfactory to the purchasing agent.

(2) A payment bond in the sum of the contract amount. Such bond shall be for the protection of claimants who have and fulfill contracts to supply

labor or materials to the prime contractor to whom the contract was awarded or to any subcontractors in the prosecution of the work provided for in such contract, and shall be conditioned upon the prompt payment for all such material furnished or labor supplied or performed in the prosecution of the work. For transportation-related projects authorized under Article 2 (§ 33.2-208 et seq.) of Chapter 2 of Title 33.2 of the Code of Virginia, 1950, as amended, such bond shall be in a form and amount satisfactory to the purchasing agent. Labor or materials shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.

(b) For transportation-related construction contracts in excess of $100,000 but less than $500,000, where the bid bond requirements are waived, prospective bidders or offerors shall be prequalified for each individual project in accordance with section 3-3-35.

(c) Each of such bonds shall be executed by one or more surety companies selected by the contractor which are legally authorized to do business in Virginia.

(d) The bonds shall be made payable to the city.

(e) Each of the bonds shall be filed with the purchasing agent.

(f) Nothing in this section shall preclude the purchasing agent from requiring payment or performance bonds for construction contracts below $500,000 for nontransportation-related projects or $350,000 for transportation-related projects authorized under Article 2 (§ 33.2-208 et seq.) of Chapter 2 of Title 33.2 of the Code of Virginia, 1950, as amended, and partially or wholly funded by the Commonwealth.

(g) Nothing in this section shall preclude such contractor from requiring each subcontractor to furnish a payment bond with surety thereon in the sum of the full amount of the contract with such subcontractor conditioned upon the payment to all persons who have and fulfill contracts which are directly with the subcontractor for performing labor and furnishing materials in the prosecution of the work provided for in the subcontract.

(h) The performance and payment bond requirements of subsection (a) for transportation-related projects that are valued in excess of $250,000 but less than $350,000 may only be waived by the purchasing agent if the bidder provides evidence, satisfactory to the purchasing agent, that a surety company has declined an application from the contractor for a performance or payment bond. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 3225, 6/13/87, Sec. 7; Ord. No. 4470, 12/16/06, Sec. 2; Ord. No. 4750, 2/25/12, Sec. 4; Ord. No. 4953, 6/13/15, Sec. 2)

Sec. 3-3-53 Action on performance bond.

No action against the surety on a performance bond shall be brought unless within one year after:

(1) Completion of the contract, including the expiration of all warranties and guarantees, or

(2) Discovery of the defect or breach of warranty, if the action be for such. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-54 Actions on payment bonds.

(a) Any claimant who has a direct contractual relationship with the contractor and who has performed labor or furnished materials in accordance with the contract for which a payment bond has been given, and who has not been paid in full therefor before the expiration of 90 days after the day on which such claimant performed the last of such labor or furnished the last of such materials for which he claims payment, may bring an action on such payment bond to recover any amount due him for such labor or material, and may prosecute such action to final judgment and have execution on the judgment. The obligee named in the bond need not be named a party to such action.

(b) Any claimant who has a direct contractual relationship with any subcontractor from whom the contractor has not required a subcontractor payment bond under section 3-3-52 but who has no contractual relationship, express or implied, with such contractor, may bring an action on the contractor's payment bond only if he has given written notice to such contractor within 90 days from the day on which the claimant performed the last of the labor or furnished the last of the materials for which he claims payment, stating with substantial accuracy the amount claimed and the name of the person for whom the work was performed or to whom the material was furnished. Any claimant who has a direct contractual relationship with a subcontractor from whom the contractor has required a subcontractor payment bond under section 3-3-52 but who has no contractual relationship, express or implied, with such contractor, may bring an action on the subcontractor's payment bond. Notice to the contractor shall be served by registered or certified mail, postage prepaid, in an envelope addressed to such contractor at any place where his office is regu-

larly maintained for the transaction of business. Claims for sums withheld as retainages with respect to labor performed or materials furnished shall not be subject to the time limitations stated in this subsection.

(c) Any action on a payment bond must be brought within one year after the day on which the person bringing such action last performed labor or last furnished or supplied materials.

(d) Any waiver of the right to sue on the payment bond required by this section shall be void unless it is in writing, signed by the person whose right is waived, and executed after such person has performed labor or furnished material in accordance with the contract documents. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4208, 6/16/01, Sec. 2; Ord. No. 4750, 2/25/12, Sec. 5)

Sec. 3-3-55 Alternative forms of security.

(a) In lieu of a bid, payment or performance bond, a bidder may furnish a certified check, cashier's check, or cash escrow in the face amount required for the bond.

(b) If approved by the city attorney, a bidder may furnish a personal bond, property bond, or bank or savings institution's letter of credit on certain designated funds in the face amount required for the bid, payment or performance bond. Approval shall be granted only upon a determination that the alternative form of security proffered affords protection to the city equivalent to the corporate surety's bond.

(c) Purchase of owner-controlled insurance in construction projects.

(1) Notwithstanding any other provision of law to the contrary, the city may purchase at its expense an owner-controlled insurance program in connection with any public construction contract where the amount of the contract or combination of contracts is more than $100 million, provided that no single contract valued at less than $50 million shall be combined pursuant to this section. The city shall provide notice if it intends to use an owner-controlled insurance program, including the specific coverages of such program, in any request for proposal, invitation to bid, or other applicable procurement documents.

(2) The city shall not require a provider of architecture or professional engineering services to participate in the owner-controlled insurance program, except to the extent that the city may elect to secure excess coverage. No contractor or subcontractor shall be required to provide insurance coverage for a construction project if that specified coverage is included in an owner-controlled insurance program in which the contractor or subcontractor is enrolled.

(3) For the purposes of this subsection, "owner-controlled insurance program" means a consolidated insurance program or series of insurance policies issued to the city that may provide for some or all of the following types of insurance coverage for any contractor or subcontractor working on or at a public construction contract or combination of such contracts: general liability, property damage, workers' compensation, employer's liability, pollution or environmental liability, excess or umbrella liability, builder's risk, and excess or contingent professional liability. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 11; Ord. No. 4470, 12/16/06, Sec. 2; Ord. No. 4953, 6/13/15, Sec. 3)

Sec. 3-3-56 Prompt payment to city contractors.

(a) Every using agency that acquires goods or services pursuant to a public contract, or conducts any other type of contractual business, with a contractor shall promptly pay for the completed delivered goods or services by the required payment date, which shall be either (i) the date on which payment is due under the terms of the contract, or (ii) if such date is not established by the contract, the date which is 45 days after goods or services are received or the invoice is rendered, whichever is later.

(b) Notwithstanding anything to the contrary contained in this section, payment shall be deemed to have been made when offset proceedings have been instituted, as authorized under the Virginia Debt Collection Act (section 2.1-726 et seq., Code of Virginia (1950), as amended).

(c) Within 30 days after receipt of the invoice or the goods or services, whichever is later, the using agency shall notify the contractor of any defect or impropriety which would prevent payment by the required payment date.

(d) Unless otherwise provided in the contract, every using agency that fails to pay by the required payment date shall pay any finance charges assessed by the contractor which do not exceed one percent per month.

(e) In those cases where payment is made by mail, the date of postmark shall be deemed to be the date payment is made for purposes of this section. (Ord. No. 4004, 6/13/98, Sec. 12)

Secs. 3-3-57 through 3-3-60 reserved.

DIVISION 2

Competitive Negotiation

Sec. 3-3-61 Definition of competitive negotiation.

Competitive negotiation is a method of source selection which involves individual discussions between the city and the offeror on the basis of responses to the city's request for proposals. The source selection method of competitive negotiation incorporates sections 3-3-33 to 3-3-35, 3-3-37 and 3-3-38, 3-3-41 and 3-3-48 to 3-3-50, in addition to the provisions of sections 3-3-62 to 3-3-68 of this chapter. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-62 Conditions for use.

(a) Upon a determination made in advance by the purchasing agent and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services or insurance may be procured by competitive negotiation. The writing shall document the basis for this determination. Notwithstanding the foregoing, upon a determination made in advance by the purchasing agent that the procurement of insurance by competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed broker or agent selected through competitive negotiation. The basis for this determination shall be documented in writing.

(b) Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the purchasing agent and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

(1) for the construction of highways, streets and alleys;

(2) for the draining, dredging, excavation or grading of, or similar work upon, real property;

(3) for construction contracts on a fixed price or not-to-exceed price design-build or construction management basis and otherwise in compliance with Sections 2.2-4303 and 2.2-4308 of the Code of Virginia, 1950, as amended, and other applicable law governing design-build or construction management contracts for public bodies; or

(4) as otherwise provided in section 3-3-70. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 3144, 6/14/86, Sec. 1; Ord. No. 3225, 6/13/87, Sec. 8; Ord. No. 3885, 9/21/96, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 13; Ord. No. 4232, 1/26/02, Sec. 2; Ord. No. 4470, 12/16/06, Sec. 3; Ord. No. 4567, 12/13/08, Sec. 1; Ord. No. 4699, 12/18/10, Sec. 3; Ord. No. 4750, 2/25/12, Sec. 6)

Sec. 3-3-63 Request for proposals.

Request for proposals shall be in writing and indicate in general terms that which is sought to be procured, specifying the factors which will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of the contractor. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-63.1 Service contract wages.

The provisions of section 3-3-31.1 shall apply to public contracts awarded by competitive negotiation, unless excluded pursuant to section 3-3-31.1(c). (Ord. No. 4138, 6/17/00, Sec. 6)

Sec. 3-3-63.2 Prequalification for proposers.

The provisions of section 3-3-35 shall apply to prequalification for public contracts awarded by competitive negotiation. (Ord. No. 4750, 2/25/12, Sec. 7)

Sec. 3-3-64 Public notice.

A reasonable time prior to the date set for receipt of proposals, public notice shall be given by posting on the Commonwealth of Virginia's Department of General Services' central electronic procurement website or other appropriate websites and by publication in a newspaper of general circulation in the area in which the contract is to be performed. In addition, proposals may be solicited directly from potential contractors. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4623, 9/12/09, Sec. 2; Ord. No. 4953, 6/13/15, Sec. 4)

Sec. 3-3-65 Receipt of proposals.

No proposals shall be handled so as to permit disclosure of the identity of any offeror or the contents of any proposal to competing offerors during the process of negotiation. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-66 Evaluation factors.

(a) The request for proposals shall state the relative importance of price and other evaluation factors.

(b) Best value concepts may be considered when procuring goods and nonprofessional services, but not construction or professional services. The criteria, factors and basis for consideration of best value and the process for the consideration of best value shall be as stated in the request for proposals. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4138, 6/17/00, Sec. 7)

Sec. 3-3-67 Discussion with responsible offerors and revision of proposals.

As provided in the request for proposals, discussion may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-68 Award.

Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the city taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made. When the terms and conditions of multiple awards are so provided in the request for proposals, awards may be made to more than one offeror. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4138, 6/17/00, Sec. 8)

Sec. 3-3-69 Contracting for professional services by competitive negotiation.

(a) Professional services shall be procured by competitive negotiation. The purchasing agent may establish purchase procedures, if adopted in writing, not requiring competitive negotiation for single or term contracts for professional services if the aggregate or the sum of all phases is not expected to exceed $50,000; however, such small purchase procedures shall provide for competition wherever practicable.

(b) The purchasing agent shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence to provide the required services. Repetitive informal interviews shall be permissible. Such offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project and to explore alternative concepts of performance of the contract. In addition, offerors shall be informed of any ranking criteria that will be used by the purchasing agent in addition to the review of professional competence of the offeror. The request for proposals shall not seek estimates of person hours or costs for services. However, these discussions may encompass nonbinding estimates of total project costs, including, but not limited to, where appropriate design, construction, life cycle costs and nonbinding estimates of price for services. Proprietary information from competitive offerors shall not be disclosed to the public or to competitors. At the conclusion of the discussions and on the basis of evaluation factors published in the request for proposals and all information developed in the selection process to this point, the purchasing agent shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the city can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations shall be conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the request for proposal, the city may award contracts to more than one offeror. If, at the conclusion of the discussions, the purchasing agent determines in writing and in his sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration,

a contract may be negotiated and awarded to that offeror. Once formally terminated, negotiations may not be reopened with any offeror.

(c) With respect to the procurement of legal services, the duties and responsibilities imposed upon the purchasing agent in subsection (b) above shall devolve upon the city attorney.

(d) A contract for architectural or professional engineering services relating to multiple construction projects may be awarded by the purchasing agent, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the request for proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum cost authorized in this subsection, whichever occurs first.

(1) Such contracts may be renewable for four additional one-year terms at the option of the purchasing agent. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.

(2) The sum of all projects performed in a one-year contract term shall not exceed $6 million.

(3) Competitive negotiations for such contracts may result in awards to more than one offeror provided (i) the request for proposal so states and (ii) the purchasing agent has established procedures for distributing multiple projects among the selected contractors during the contract term.

(4) The fee for any single project shall not exceed $2.5 million.

(5) Any unused amounts from one contract term shall not be carried forward to any additional term.

(e) Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, when completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the entering into of any such contract, the purchasing agent shall state the anticipated intended total scope of the project and determine in writing that the nature of the work is such that the best interests of the city require awarding the contract. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 2817, 6/28/83, Sec. 1; Ord. No. 3225, 6/13/87, Sec. 9; Ord. No. 4004, 6/13/98, Sec. 14; Ord. No. 4208, 6/16/01, Sec. 3; Ord. No. 4470, 12/16/06, Sec. 3; Ord. No. 4567, 12/13/08, Sec. 2; Ord. No. 4750, 2/25/12, Sec. 8; Ord. No. 4953, 6/13/15, Sec. 5)

Sec. 3-3-70 Design-build and construction management contracts.

(a) While the competitive sealed bid process remains the preferred method of construction procurement for the city, the city may enter into a contract for construction on a fixed price or not-to-exceed price design-build or construction management basis, provided the city complies with the requirements of this section.

(b) Prior to making a determination as to the use of design-build or construction management for a specific construction project, the city shall employ or contract with a licensed architect or engineer with professional competence appropriate to the project to advise the city regarding the use of design-build or construction management for that project and to assist in the preparation of the request for qualifications and the request for proposals and the evaluation of such proposals.

(c) The following procedures shall be followed in the selection and evaluation of offerors and award of design-build and construction management contracts:

(1) Prior to the issuance of a request for qualifications, the purchasing agent shall determine that a design-build or construction management contract is more advantageous for the construction project than a competitive sealed bid construction contract, that there is benefit to the city in using a design-build or construction management contract, and that competitive sealed bidding is not practical or fiscally advantageous. The basis for this determination shall be documented in writing.

(2) The purchasing agent shall appoint an evaluation committee of not less than three members, one of whom shall be the architect or professional engineer employed by or under contract with the city pursuant to subsection (b).

(3) Prequalification of potential offerors:

(i) The purchasing agent shall issue a notice of request for qualifications from potential offerors by posting on a public bulletin board and advertising in two newspapers of daily circulation in the city at least 10 days preceding the last day set for the receipt of qualifications. In addition, qualifications may be solicited directly from potential offerors. The request for qualifications shall indicate in general terms that which is sought to be procured, specifying the criteria which will be

used in evaluating the potential offerors' qualifications, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of offerors. The request for qualifications shall request of potential offerors only such information as is appropriate for an objective evaluation of all potential offerors pursuant to such criteria. The purchasing agent shall receive and consider comments concerning specifications or other provisions in the request for qualifications, prior to the time set for receipt of qualifications.

(ii) The evaluation committee shall evaluate each responding potential offeror's qualifications submittal and any other relevant information, and shall select a minimum of two offerors deemed fully qualified and best suited on the basis of the criteria contained in the request for qualifications. An offeror may be denied prequalification only upon those grounds specified in section 3-3-35(f). At least 30 days prior to the date established for the submission of proposals, the purchasing agent shall advise in writing each potential offeror whether that offeror has been selected. In the event that a potential offeror is not selected, the written notification to such potential offeror shall state the reasons therefor.

(4) Request for proposals.

(i) The purchasing agent shall issue a request for proposals to the selected offerors at least 10 days prior to the date set for receipt of proposals. The request for proposals shall indicate in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications that will be required of the contractor. The request for proposals shall include and define the requirements of the specific construction project in areas such as site plans, floor plans, exterior elevations, basic building envelope materials, fire protection information plans, structural, mechanical (HVAC) and electrical systems, and special telecommunications. The request for proposals may also define such other requirements as the purchasing agent deems appropriate for the construction project. In the case of a construction management contract, the request for proposals shall also define the pre-design, design phase, bid phase and/or construction phase services to be performed by the construction manager. The request for proposals shall specify the evaluation criteria to be used by the evaluation committee to evaluate proposals. The purchasing agent shall receive and consider comments concerning specifications or other provisions in the request for proposals, prior to the time set for receipt of proposals.

(ii) Each selected offeror shall submit a cost proposal and a technical proposal. Cost proposals shall be sealed separately from technical proposals and, in the case of a construction management contract, shall include the offeror's lump sum price for all requested pre-construction phase services. A lump sum price or guaranteed maximum price shall be established for all requested construction services. Upon receipt of an offeror's technical and cost proposals, the offeror's cost proposal shall be secured by the purchasing agent and kept sealed until evaluation of all technical proposals is completed.

(iii) The evaluation committee shall evaluate each technical proposal based on the criteria set forth in the request for proposals. As a part of the evaluation process, the evaluation committee shall grant each of the offerors an equal opportunity for direct and private communication with the evaluation committee. Each offeror shall be allotted the same fixed amount of time. In its conversations with offerors, the evaluation committee shall exercise care to discuss the same owner information with all offerors. Based upon its review of each offeror's technical proposal, the evaluation committee shall determine whether any changes to the request for proposals should be made to correct errors or omissions or to clarify ambiguities in the request for proposals, or to incorporate project improvements or additional details identified by the committee during its review. Any such changes shall be set out in an addendum to the request for proposals. Each offeror shall be provided an opportunity to amend or supplement its technical proposal to address the changes.

(iv) Based on final technical proposals, the evaluation committee shall conduct negotiations with the offerors. After negotiations have been conducted, offerors may submit sealed additive and/or deductive modifications to their cost proposals.

(v) Following receipt of the cost proposal modifications, the evaluation committee shall publicly open, read aloud and tabulate the cost proposals including any modifications submitted by an offeror.

(5) Final selection of design-builder.

(i) Following opening of cost proposals, the evaluation committee shall make its recommendation to the purchasing agent based upon its evaluation and negotiations.

(ii) Following receipt of the recommendation of the evaluation committee, the purchasing agent shall award the contract to the fully qualified offeror who submits an acceptable proposal determined to be the best value in response to the request for proposal.

(6) Final selection of construction manager.

(i) Following the opening of cost proposals, the evaluation committee shall make its recommendation to the purchasing agent based on its evaluation and negotiations. In making its recommendation, price shall be considered, but need not be the sole determining factor.

(ii) Following receipt of the recommendation of the evaluation committee, the purchasing agent shall award the contract to the fully qualified offeror who submits an acceptable proposal determined to be the best value in response to the request for proposal. Should the purchasing agent determine in writing that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the other offerors under consideration, a contract may be negotiated and awarded to that offeror.

(iii) For any guaranteed maximum price construction management contract, the contract shall provide that not more than 10 percent of the construction work (measured by the cost of the work) shall be performed by the construction manager with its own forces, that the remaining 90 percent of the construction work shall be performed by subcontractors of the construction manager, and that the construction manager shall procure such work by competitive sealed bidding or competitive negotiation.

(7) Trade secrets or proprietary information provided by an offeror in response to a request for qualifications or a request for proposals shall not be disclosed to the public or to competitors, provided the offeror has invoked protection pursuant to section 3-3-33.

(d) Subject to the approval of the city manager, the purchasing agent may promulgate such additional procedures, not inconsistent with the provisions of this section or the applicable rules and regulations of the review board, and consistent with the procedures for the procurement of nonprofessional services through competitive negotiation, as he deems necessary and appropriate to effect the selection and evaluation of offerors and the award of design-build and construction management contracts. (Ord. No. 4004, 6/13/98, Sec. 15; Ord. No. 4232, 1/26/02, Sec. 3; Ord. No. 4435, 1/21/06, Sec. 1; Ord. No. 4470, 12/16/06, Sec. 3; Ord. No. 4750, 2/25/12, Sec. 9)

DIVISION 3

Miscellaneous Provisions

Sec. 3-3-71 Sole source procurement.

Upon a determination by the purchasing agent in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. In such event, the purchasing agent shall issue a written notice stating that only one source was determined to be practicably available and identifying that which is being procured and the contractor selected. Such notice shall be posted in a designated public area on the date of decision to award the contract or the date of announcement of such award, whichever occurs first. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 16)

Sec. 3-3-72 Small purchases.

(a) Any contract for goods, non-professional services, or for professional services for an amount not exceeding the amounts established for small purchases not requiring competitive sealed bids or competitive negotiation set forth in the Virginia Public Procurement Act, whichever is applicable, may be made in accordance with small purchase procedures promulgated by the purchasing agent; provided, however, that contract requirements shall not be artificially divided so as to constitute a small purchase under this section.

(b) The small purchase procedures promulgated pursuant to subsection (a) of this section shall provide for competition wherever practicable. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 3483, 11/17/90, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 17; Ord. No. 4138, 6/17/00, Sec. 9; Ord. No. 4836, 10/19/13, Sec. 3)

Sec. 3-3-73 Emergency purchases.

(a) Emergency purchases for immediate delivery to meet emergencies arising from unforeseen causes, to prevent delays in work, contracts or transportation, or to prevent spoilage and for medical supplies, laboratory equipment and surgical instruments needed and to be used by the health department may be made directly by a using agency with the consent of the city purchasing agent.

(b) If an emergency occurs and the purchasing agent has consented to a direct purchase, the using agency shall, however, whenever practicable, secure competitive telephone bids and order delivery to be made by the lowest responsible bidder. The agency shall also, not later than the next regular city business day thereafter, submit to the purchasing agent a requisition, a tabulation of bids received, if any, a copy of the delivery record and a brief written explanation of the circumstances of the emergency.

(c) Anything in this chapter to the contrary notwithstanding improvements, repairs, services and purchases may be made or obtained without the necessity of complying therewith when, in the opinion of the city manager, an emergency has arisen which requires an expenditure to meet a pressing need for other than a regular or recurring requirement, in order to protect the public health, safety or welfare; provided, the city manager first approves the transaction in writing. The city manager shall within 30 days after approval notify the city council in writing of his action, which writing shall contain a statement of the emergency and the transaction. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-73.1 Reverse auctioning.

(a) The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning.

(b) During the reverse auctioning bidding process, bids shall be revealed to other bidders and bidders shall have the opportunity to modify their bids until the time designated for bid opening.

(c) For purposes of this section, "reverse auctioning" means a method of source selection in which bidders are invited to bid on specified goods or nonprofessional services through real-time electronic bidding, with the award being made to the lowest responsive and responsible bidder. (Ord. No. 4208, 6/16/01, Sec. 4)

Sec. 3-3-74 Miscellaneous sources.

The following transactions are hereby exempt from the provisions of this chapter:

(a) Purchases from the state penitentiary or state contracts from the state purchasing department warehouse.

(b) (i) Legal services, and (ii) expert witnesses and other services associated with actual or potential litigation or regulatory proceedings.

(c) Purchases for water, sewer, electric, telephone and other utility services and motor vehicle license plates.

(d) Purchases for special police work when the chief of police certifies to the purchasing agent that items are needed for undercover police operations.

(e) Purchases of goods and personal services for direct use by individual recipients of services under the public assistance programs administered by the department of human services, the fuel assistance program administered by the department of human services, the mental health, mental retardation or substance abuse programs administered by the community service board and the department of mental health, mental retardation and substance abuse, or the Comprehensive Services Act for At-Risk Youth and Families administered in the city by the Alexandria community management and policy team established by section 12-12-1 of this code. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 3638, 6/12/93, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 18)

Sec. 3-3-75 Discrimination prohibited.

In the solicitation or awarding of contracts, the city shall not discriminate because of race, religion, color, sex or national origin of the bidder or offeror. (Ord. No. 2757, 1/22/83, Sec. 1)

Cross References: Employment discrimination by contractor prohibited, Sec. 3-3-34; equal opportunity in city contracts, Sec. 12-4-6.

Sec. 3-3-76 Purchase at public auction.

Upon a written determination documented and made in advance by the purchasing agent that the purchase of goods from a public auction sale is in the best interests of the city, such items may be purchased at public auction. (Ord. No. 4004, 6/13/98, Sec. 19)

Sec. 3-3-77 Incentive contracting.

The purchasing agent may adopt procedures, subject to approval by the city manager, which provide for use of incentive-contracting. Such procedures may provide for the contractor to share in any cost savings realized by the city when project costs are reduced by the contractor, without affecting project quality, during the contract. The fee, if any, charged by a project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings. (Ord. No. 4004, 6/13/98, Sec. 19)

Sec. 3-3-78 Drug-free workplace.

Any public contract over $10,000 shall include substantially the following provision:

"During the performance of this contract, the contractor agrees to (i) provide a drug-free workplace for the contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over $10,000, so that the provisions will be binding upon each subcontractor or vendor."

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific public contract awarded to a contractor in accordance with this chapter, the employees of which are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract. (Ord. No. 4138, 6/17/00, Sec. 10)

Sec. 3-3-79 Permitted contracts with certain religious organizations; purpose; limitations.

(a) It is the intent of the city council, in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, to authorize the city to enter into contracts with faith-based organizations for the purposes described in this section on the same basis as any other nongovernmental source without impairing the religious character of such organization, and without diminishing the religious freedom of the beneficiaries of assistance provided under this section.

(b) For the purposes of this section, "faith-based organization" means a religious organization that is or applies to be a contractor to provide goods or services for programs funded by the block grant provided pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193.

(c) The city, in procuring goods or services, or in making disbursements pursuant to this section, shall not (i) discriminate against a faith-based organization on the basis of the organization's religious character or (ii) impose conditions that restrict the religious character of the faith-based organization, except as provided in subsection (f), or impair, diminish, or discourage the exercise of religious freedom by the recipients of such goods, services, or disbursements.

(d) The city shall ensure that all invitations to bid, requests for proposals, contracts, and purchase orders prominently display a nondiscrimination statement indicating that the city does not discriminate against faith-based organizations.

(e) A faith-based organization contracting with the city (i) shall not discriminate against any recipient of goods, services, or disbursements made pursuant to a contract authorized by this section on the basis of the recipient's religion, religious belief, refusal to participate in a religious practice, or on the basis of race, age, color, gender or national origin and (ii) shall be subject to the same rules as other organizations that contract with the city to account for the use of the funds provided; however, if the faith-based organization segregates public funds into separate accounts, only the accounts and programs funded with public funds shall be subject to audit by the city. Nothing in clause (ii) shall be construed to supersede or otherwise override any other applicable state law.

(f) Consistent with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, funds provided for expenditure pursuant to contracts with the city shall not be spent for sectarian worship, instruction, or proselytizing; however, this prohibition shall not apply to expenditures pursuant to contracts, if any, for the services of chaplains.

(g) Nothing in this section shall be construed as barring or prohibiting a faith-based organization from any opportunity to make a bid or proposal or contract on the grounds that the faith-based organization has exercised the right, as expressed in 42 U.S.C. (§ 2000e-1 et seq.), to employ persons of a particular religion.

(h) If an individual, who applies for or receives goods, services, or disbursements provided pursuant to a contract between the city and a faith-based organization, objects to the religious character of the faith-based organization from which the individual receives or would receive the goods, services, or disbursements, the city shall offer the individual, within a reasonable period of time after the date of his objection, access to equivalent goods, services, or disbursements from an alternative provider.

(i) The city shall provide to each individual who applies for or receives goods, services, or disbursements provided pursuant to a contract between the city and a faith-based organization a notice in bold face type that states: "Neither the city's selection of a charitable or faith-based provider of services nor the expenditure of funds under this contract is an endorsement of the provider's charitable or religious character, practices, or expression. No provider of services may discriminate against you on the basis of religion, a religious belief, or your refusal to actively participate in a religious practice. If you object to a particular provider because of its religious character, you may request assignment to a different provider. If you believe that your rights have been violated, please discuss the complaint with your provider or notify the appropriate person as indicated in this form." (Ord. No. 4232, 1/26/02, Sec. 4)

Sec. 3-3-80 Job order contracting.

(a) A job order contract may be awarded by the purchasing agent for multiple jobs, provided (i) the jobs require similar experience and expertise, (ii) the nature of the jobs is clearly identified in the solicitation, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first. Contractors may be selected through either competitive sealed bidding or competitive negotiation.

(b) Such contracts may be renewable for two additional one-year terms at the option of the purchasing agent. The fair and reasonable prices as negotiated shall be used in determining the cost of each job performed, and the sum of all jobs performed in a one-year contract term shall not exceed $5 million. Individual job orders shall not exceed $500,000.

(c) Any unused amounts from one contract term shall not be carried forward to any additional term.

(d) Order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed in subsection (b) is prohibited.

(e) No job order shall be issued or used, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those

terms are defined in § 54.1-400 of the Code of Virginia, 1950, as amended. However, professional architectural or engineering services may be included on a job order where such professional services (i) are incidental and directly related to the job, (ii) do not exceed $25,000 per job order, and (iii) do not exceed $75,000 per contract term.

(f) Job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. (Ord. No. 4953, 6/13/15, Sec. 6)

ARTICLE E

Disposal of Surplus Property

Sec. 3-3-81 Procedure.

(a) All using agencies shall submit to the purchasing agent at such time and in such form as he shall prescribe, reports showing stocks of all surplus property.

(b) Except as provided in subsection (c), the purchasing agent, under the supervision of the city manager, shall have the authority to sell, exchange, trade-in, or otherwise dispose of all surplus property.

(c) Approval by city council, after notice and public hearing, is required if property in the following categories is sold with the intent to lease back the property and the value of the proposed sale exceeds $2,000,000: school or transit bus fleet, vehicle fleet or road construction equipment. The public hearing shall be advertised once in a newspaper having general circulation in the city at least seven days prior to the date set for the hearing.

(d) With the approval of the city manager, the purchasing agent may delegate authority to dispose of surplus property.

(e) Surplus property as set forth herein means personal property owned by the city, including, but not limited to, materials, supplies, equipment, and recyclable items, which is obsolete, worn out, unusable, or no longer used. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 20; Ord. No. 4750, 2/25/12, Sec. 10)

Secs. 3-3-76 through 3-3-80 reserved.

ARTICLE F

Debarment

Sec. 3-3-91 Authority to debar or suspend.

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the purchasing agent is authorized to debar a person for cause from consideration for award of contracts. The debarment shall not be for a period of more than three years. The purchasing agent is authorized to suspend a person from consideration for award of contracts if there is probably cause to believe that the person has engaged in any activity which might lead to debarment. The suspension shall not be for a period of more than three months. The causes for debarment include:

(a) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(b) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously or business honesty which currently, seriously and directly affects responsibility as a city contractor;

(c) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

(d) Violation of contract provisions, as set forth below, of a character which is regarded by the purchasing agent to be so serious as to justify debarment action:

(1) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

(2) A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided, that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment; or

(e) Any other cause the purchasing agent determines to be so serious and compelling as to affect responsibility as a city contractor, including debarment by another governmental entity for

any cause in this chapter, and for violation of the ethical standards set forth in this chapter. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-92 Decision to debar or suspend.

The purchasing agent shall issue a written decision to debar or suspend. the decision shall state the reasons for the action taken and inform the debarred or suspended person involved of his rights concerning judicial or administrative review. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-93 Notice of decision.

A copy of the decision required by section 3-3-92 of this chapter shall be mailed or otherwise furnished immediately to the debarred or suspended person. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-94 Finality of decision.

A decision under section 3-3-92 of this chapter shall be final and conclusive, unless the debarred or suspended person within 10 days after receipt of the decision takes an appeal to the city manager. (Ord. No. 2757, 1/22/83, Sec. 1)

Secs. 3-3-95 through 3-3-100 reserved.

ARTICLE G

Appeals and Remedies for Bid Protests

Sec. 3-3-101 Ineligibility of bidder, offeror or contractor.

(a) Any bidder, offeror or contractor declared ineligible to participate in public contracts shall be notified in writing. Such notice shall state the reasons for the action taken. This decision shall be final unless the bidder, offeror or contractor appeals within 30 days of receipt by invoking the administrative procedures set forth in the contract, if any, or in the alternative by instituting legal action as provided in section 3-3-108 of this chapter.

(b) If, upon appeal, it is determined that the action taken was arbitrary or capricious, or not in accordance with the Constitution of Virginia, statutes or regulations, the sole relief shall be restoration of eligibility. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 21)

Sec. 3-3-102 Appeal of denial or withdrawal of bid.

(a) A decision denying withdrawal of bid under the provisions of section 3-3-43 shall be final and conclusive unless the bidder appeals the decision within 10 days after receipt of the decision by invoking the administrative procedures set forth in the contract, if any, or in the alternative by instituting legal action as provided in section 3-3-108 of this chapter.

(b) If no bid bond was posted, a bidder refused withdrawal of a bid under the provisions of section 3-3-43 prior to appealing shall deliver to the purchasing agent a certified check or cash bond in the amount of the difference between the bid sought to be withdrawn and the next lowest bid. Such security shall be released only upon a final determination that the bidder was entitled to withdraw the bid.

(c) If, upon appeal, it is determined that the decision refusing withdrawal of the bid was arbitrary or capricious, the sole relief shall be withdrawal of the bid. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-103 Determination of nonresponsibility.

(a) If the purchasing agent preliminarily determines that a bidder responding to an invitation for bids who, despite being the apparent low

bidder, is not a responsible bidder for a particular contract, the purchasing agent shall proceed as follows:

(1) Prior to the issuance of a written determination of nonresponsibility, the purchasing agent shall (i) notify the apparent low bidder in writing of the preliminary determination, (ii) disclose the factual support for the preliminary determination, and (iii) allow the apparent low bidder an opportunity to inspect any documents which relate to the preliminary determination, if so requested by the bidder within five business days after receipt of the notice.

(2) Within 10 business days after receipt of the notice, the bidder may submit rebuttal information challenging the preliminary determination. The purchasing agent shall issue a final determination of responsibility based on all information in his possession, including any rebuttal information, within five business days of the date the purchasing agent receives the rebuttal information. At the same time, the purchasing agent shall send the bidder written notice of his final determination, certified mail, return receipt requested.

(3) Such notice shall state the basis for the determination, which shall be final unless the bidder appeals the decision within 10 days of receipt by invoking the administrative procedures set forth in the contract, if any, or in the alternative, by instituting legal action as provided in section 3-3-108.

(4) The provisions of this subsection shall not apply to procurements involving the prequalification of bidders and the rights of any potential bidders under such prequalification to appeal a decision that such bidders are not responsible.

(b) If, upon appeal, it is determined that the decision of the purchasing agent was arbitrary or capricious or not in accordance with the Constitution of Virginia, applicable state law or regulation, and the award of the contract in question has not been made, the sole relief shall be a finding that the bidder is a responsible bidder for the contract in question. If it is determined that the decision of the purchasing agent was arbitrary or capricious or not in accordance with the Constitution of Virginia, applicable state law or regulation, the relief shall be as set forth in section 3-3-104(b).

(c) A bidder contesting a determination that he is not a responsible bidder for a particular contract shall proceed under this section, and may not protest the award or proposed award under section 3-3-104.

(d) Nothing contained in this section shall be construed to require the city when procuring by competitive negotiation to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 22)

Sec. 3-3-104 Protest of award or decision to award.

(a) Any bidder or offeror may protest the award or decision to award a contract by submitting such protest in writing to the purchasing agent no later than 10 days after public notice of the award or the announcement of the decision to award, whichever occurs first. Public notice of the award or the announcement of the decision to award shall be given by the purchasing agent in the manner prescribed in the terms or conditions of the invitation for bids or request for proposals. No protest shall lie for a claim that the selected bidder or offeror is not a responsible bidder or offeror. The written protest shall include the basis for the protest and the relief sought. The purchasing agent shall issue a decision in writing within 10 days stating the reasons for the action taken. This decision shall be final unless the bidder or offeror appeals within 10 days of receipt of the written decision by invoking the administrative procedures set forth in the contract, if any, or in the alternative by instituting legal action as provided in section 3-3-108 of this chapter. Nothing in this section shall be construed to permit a bidder or offeror to challenge the validity of the terms or conditions of the invitation for bids or request for proposals.

(b) If prior to an award it is determined that the decision to award is arbitrary or capricious, then the sole relief shall be a finding to that effect. The awarding authority (city council or purchasing agent) shall cancel the proposed award or revise it to comply with the law. If, after an award, it is determined that an award of a contract was arbitrary or capricious, then the sole relief shall be as hereinafter provided. Where the award has been made but performance has not begun, the performance of the contract may be enjoined. Where the award has been made and performance has begun, the awarding authority (city council or purchasing agent) may declare the contract void upon a finding that this action is in the best interest of the public. Where a contract is declared void, the performing contractor shall be

compensated for the cost of performance up to the time of such declaration. In no event shall the performing contractor be entitled to lost profits.

(c) Where the awarding authority (city council or purchasing agent) determines, after a hearing held following reasonable notice to all bidders, that there is probable cause to believe that a decision to award was based on fraud or corruption or on an act in violation of the ethics in public contracting article (article I of this chapter), the city council or the purchasing agent, as the case may be, may enjoin the award of the contract to a particular bidder. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 23; Ord. No. 4138, 6/17/00, Sec. 11)

Sec. 3-3-105 Effect of appeal upon contract.

Pending final determination of a protest or appeal, the validity of a contract awarded and accepted in good faith in accordance with this chapter shall not be affected by the fact that a protest or appeal has been filed. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-106 Stay of award during protest.

An award need not be delayed for the period allowed a bidder or offeror to protest, but in the event of a timely protest under section 3-3-104, no further action to award the contract shall be taken unless there is a written determination that proceeding without delay is necessary to protect the public interest or unless the bid or offer would expire. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 24)

Sec. 3-3-107 Contractual disputes.

(a) Contractual claims, whether for money or other relief, shall be submitted in writing no later than 60 days after final payment; however, written notice of the contractor's intention to file such claim shall have been given at the time of the occurrence or beginning of the work upon which the claim is based. Nothing herein shall preclude a contract from requiring submission of an invoice for final payment within a certain time after completion and acceptance of the work or acceptance of the goods. Pendency of claims shall not delay payment of amounts agreed due in the final payment.

(b) A procedure for consideration of contractual claims may be included in each contract. Such procedure, which may be contained in the contract or may be specifically incorporated into the contract by reference and made available to the contractor, shall establish a time limit for a final decision in writing by the purchasing agent.

(c) A contractor may not invoke the administrative procedures set forth in the contract, if any, or institute legal action as provided in section 3-3-108 of this chapter, prior to receipt of the decision on the claim, unless the purchasing agent fails to render such decision within the time specified in the contract.

(d) The decision of the purchasing agent shall be final and conclusive unless the contractor appeals within six months of the date of the final decision on the claim by the purchasing agent by invoking the administrative procedures set forth in the contract, if any, or in the alternative by instituting legal action as provided in section 3-3-108 of this chapter. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4208, 6/16/01, Sec. 5)

Sec. 3-3-108 Legal actions.

(a) A bidder or offeror, actual or prospective, who is determined to be ineligible to participate in bidding or to respond to a request for proposals, or who is determined not to be a responsible bidder or offeror for a particular contract, may bring an action in the circuit court of the City of Alexandria challenging that decision, which shall be reversed only if the petitioner establishes that the decision was arbitrary or capricious or not in accordance with the Constitution of Virginia, applicable state law or regulation, or, in the case of the denial of prequalification, that the decision to deny prequalification was not based upon the criteria for denial of prequalification set forth in section 3-3-35(f) of this chapter. The provisions of section 3-3-104(b) shall apply to any decision of the circuit court.

(b) A bidder denied withdrawal of a bid under section 3-3-102 of this chapter may bring an action in the said circuit court challenging that decision, which shall be reversed only if the bidder establishes that the decision of the city was clearly erroneous.

(c) A bidder, offeror or contractor may bring an action in the said circuit court challenging a proposed award or the award of a contract, which shall be reversed only if the petitioner establishes that the proposed award or the award is not an honest exercise of discretion, but rather is arbitrary or capricious or not in accordance with the Constitution of Virginia, statutes, regulations or the terms and conditions of the invitation to bid or request for proposals.

(d) If injunctive relief is granted, the court, upon request of the city shall require the posting of reasonable security to protect the city.

(e) A contractor may bring an action involving a contract dispute with the city in the said circuit court.

(f) A bidder, offeror or contractor need not utilize the administrative procedures authorized by section 3-3-107 of this chapter, but if those procedures are invoked by the bidder, offeror or contractor, the procedures shall be exhausted prior to instituting legal action concerning the same procurement transaction unless the city council agrees otherwise.

(g) Nothing herein shall be construed to prevent the city from instituting legal action against a contractor. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 25)

Secs. 3-3-109, 3-3-110 reserved.

ARTICLE H

Assistance to Small and Disadvantaged Businesses

Sec. 3-3-111 Participation of small businesses and businesses owned by women and minorities.

(a) The purchasing agent shall establish programs consistent with all provisions of this chapter to facilitate the participation of small businesses and businesses owned by women and minorities in procurement transactions. Such programs shall comply with the provisions of any enhancement or remedial measures authorized by the city manager pursuant to section 15.2-965.1 of the Code of Virginia, 1950, as amended, and shall include specific plans to achieve any goals established therein. A small, women- or minority-owned business that is certified by the Virginia Department of Minority Business Enterprises pursuant to section 2.2-1403 of the Code of Virginia, 1950, as amended, shall not be required by any locality to obtain any additional certification to participate in any program designed to enhance the participation of such businesses as vendors or to remedy any documented disparity.

(b) As used in this section:

"Minority individual" means an individual who is a citizen of the United States or a non-citizen who is in full compliance with United States immigration law and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Marinas, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business concern that is at least 51 percent owned by one or more minority individuals or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals and both the management and daily business operations are controlled by one or more minority individuals.

"Small business" means an independently owned and operated business which, together with affiliates, has 250 or fewer employees, or average annual gross receipts of $10 million or less averaged over the previous three years.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" shall not include any county, city, or town.

"Women-owned business" means a business concern that is at least 51 percent owned by one or more women who are citizens of the United States or non-citizens who are in full compliance with United States immigration law, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are citizens of the United States or non-citizens who are in full compliance with United States immigration law, and both the management and daily business operations are controlled by one or more women who are citizens of the United States or non-citizens who are in full compliance with United States immigration law. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 3225, 6/13/87, Sec. 10; Ord. No. 4470, 12/16/06, Sec. 4)

Secs. 3-3-112 through 3-3-120 reserved.

ARTICLE I

Ethics in Public Contracting

Cross Reference: Code of ethics, Title 2, Chapter 5, Article C.

Sec. 3-3-121 Purpose.

The provisions of this article supplement but do not supersede other provisions of law including, but not limited to, the State and Local Government Conflict of Interests Act (Section 2.2-3100 et seq., Code of Virginia (1950), as amended), the Virginia Governmental Frauds Act (Section 18.2-498.1 et seq., Code of Virginia (1950), as amended) and Articles 2 (Section 18.2-438 et seq.) and 3 (Section 18.2-446 et seq.) of Chapter 10, Title 18.2, Code of Virginia (1950), as amended. The provisions of this article apply notwithstanding the fact that the conduct described may not constitute a violation of the State and Local Government Conflict of Interests Act. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 26; Ord. No. 4750, 2/25/12, Sec. 11)

Sec. 3-3-122 Definitions.

The words defined in this section shall have the meanings set forth below throughout this article.

(a) *Immediate family:* A spouse, children, parents, brothers and sisters and any other person living in the same household as the employee.

(b) *Official responsibility:* Administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove or otherwise affect a procurement transaction or any claim resulting therefrom.

(c) *Pecuniary interest arising from the procurement:* A personal interest as defined in the State and Local Government Conflict of Interests Act.

(d) *Procurement transaction:* All functions that pertain to the obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract and all phases of contract administration.

(e) *Public employee:* Any person employed by the city, including elected officials and appointed members of boards and commissions.

(f) *Transaction:* Any matter under consideration or considered by a public employee or on which official action is taken or contemplated. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 2992, 12/12/84, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 27; Ord. No. 4750, 2/25/12, Sec. 12)

Sec. 3-3-123 Proscribed participation by public employees in procurement transactions.

Except as may be specifically allowed by subdivisions (A)(2) and (A)(3) of § 2.2-3112 of the Code of Virginia (1950), as amended, no public employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the city when the employee knows that:

(a) the employee is contemporaneously employed by a bidder, offeror or contractor involved in the procurement transaction; or

(b) the employee, the employee's partner or any member of the employee's immediate family holds a position with a bidder, offeror or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent; or

(c) the employee, the employee's partner or any member of the employee's immediate family has a pecuniary interest arising from the procurement transaction; or

(d) the employee, the employee's partner or any member of the employee's immediate family is negotiating, or has an arrangement concerning prospective employment with a bidder, offeror or contractor. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4232, 1/26/02, Sec. 5)

Sec. 3-3-124 Solicitation or acceptance of gifts.

No public employee having official responsibility for a procurement transaction shall solicit, demand, accept or agree to accept from a bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal or minimal value, present or promised, unless consideration of substantially equal or greater value is exchanged. The city may recover the value of anything conveyed in violation of this section. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-125 Disclosure of subsequent employment.

No public employee or former public employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity con-

cerning procurement transactions for a period of one year from the cessation of employment by the city unless the employee or former employee provides written notification to the city council prior to commencement of employment by that bidder, offeror or contractor. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-126 Gifts by bidders, offerors, contractors or subcontractors and disclosure of interests.

(a) No bidder, offeror, contractor or subcontractor shall confer upon any public employee having official responsibility for a procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

(b) Every person upon initiating, advancing or consummating a transaction with the city which involves the purchase or sale of property, services or construction shall disclose as then known to such person and in the manner provided by regulations adopted hereunder any personal interest of a member of council, the city manager and the city attorney and of the spouse of such official. The term "personal interest" as used herein means a personal and financial benefit or liability accruing to a member of council, the city manager or the city attorney, or to such person's spouse. Such interest shall exist by reason of (i) ownership in real or personal property, tangible or intangible; (ii) ownership in a corporation, firm, partnership or other business entity; (iii) income from a corporation, firm, partnership or other business entity; or (iv) personal liability on behalf of a corporation, firm, partnership or other business entity; however, unless the ownership interest in an entity exceeds three percent of the total equity of such entity, or the liability on behalf of an entity exceeds three percent of the total assets of such entity, or the annual income, and/or property or use of such property, from such entity exceeds $10,000 or may reasonably be anticipated to exceed $10,000, such interest shall not constitute a "personal interest" within the meaning of this section.

(c) A failure to make the disclosure required by subsection (b) shall not be subject to the penalty provided in section 3-3-129 but may result in any or all of the following if and as appropriate: disqualification as a bidder, debarment or suspension from bidding, and rescission of the contract made. Any contract or amendment thereto found to have been made without the complete and true disclosure required by subsection (b) may be declared void and may be rescinded by council within five years of the date of such agreement. When the contract is rescinded, the contractor shall retain or receive only the reasonable value, with no profit or commission, of the property or services furnished prior to the date of receiving notice that the contract has been rescinded. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 2992, Sec. 2, 12/12/84)

Sec. 3-3-127 Kickbacks.

(a) No contractor or subcontractor shall demand or receive from any of his suppliers or his subcontractors, as an inducement for the award of a subcontract or order, any payment, loan, subscription, advance, deposit of money, services or anything, present or promised, unless consideration of substantially equal or greater value is exchanged.

(b) No subcontractor or supplier shall make or offer to make kickbacks as described in this section.

(c) No person shall demand or receive any payment, loan, subscription, advance, deposit of money, services or anything of value in return for an agreement not to compete on a public contract.

(d) If a subcontractor or supplier makes a kickback or other prohibited payment as described in this section, the amount thereof shall be conclusively presumed to have been included in the price of the subcontract or order and ultimately borne by the city and will be recoverable from both the maker and the recipient. Recovery from one offending party shall not preclude recovery from other offending parties. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4750, 2/25/12, Sec. 13)

Sec. 3-3-128 Purchase of building materials, etc., from architect or engineer prohibited.

(a) Except in cases of emergency, no building materials, supplies or equipment for any building or structure constructed by or for the city shall be sold by or purchased from any person employed as an independent contractor by the city to furnish architectural or engineering services, but not construction, for such building or structure, or from any partnership, association or corporation in which such architect or engineer has a pecuniary interest arising from the procurement.

(b) Except in cases of emergency, no building materials, supplies or equipment for any building or structure constructed by or for the city shall be sold by or purchased from any person who has provided or is currently providing design services specifying a sole source for such materials, supplies or equipment to be used in the building or structure to the independent contractor employed by the city to furnish architectural or engineering services in which such person has a pecuniary interest. (Ord. No. 2757, 1/22/83, Sec. 1; Ord. No. 4004, 6/13/98, Sec. 28; Ord. No. 4232, 1/26/02, Sec. 6; Ord. No. 4750, 2/25/12, Sec. 14)

Sec. 3-3-129 Penalty for violation.

Willful violation of any provision of this article shall constitute a class 1 misdemeanor. Upon conviction, any public employee, in addition to any other fine or penalty provided by law, shall forfeit his employment. (Ord. No. 2757, 1/22/83, Sec. 1)

Sec. 3-3-130 Review and opinion precedent to certain disclosures.

(a) The city attorney shall render a written opinion on the applicability of the provisions requiring disclosure of the personal interest of another when requested by and to any person involved in a transaction with the city or otherwise in need of such assistance. The request shall be in writing and shall contain sufficient facts to allow an informed opinion to be rendered.

(b) The actions by the city of disqualification, debarment, suspension or rescission under section 3-3-126 of this code shall not be taken against a person who in good faith relied upon the written opinion of the city attorney, if that opinion was made after a full disclosure of the facts to the city attorney.

(c) The city council intends that the provisions of this section shall be, to the extent possible, construed and applied in the same manner and to the same effect as comparable provisions of the laws of the commonwealth governing conflicts of interest. (Ord. No. 2992, 12/12/84, Sec. 3)

Sec. 3-3-131 Participation in bid preparation; limitation on submitting bid for same procurement.

No person who, for compensation, prepares an invitation for bids or request for proposals for or on behalf of the city shall submit a bid or proposal for that procurement or any portion thereof or disclose to any bidder or offeror information concerning the procurement which is not available to the public. However, the purchasing agent may permit such person to submit a bid or proposal for that procurement or any portion thereof if the purchasing agent determines that the exclusion of such person would limit the number of potential qualified bidders or offerors in a manner contrary to the best interests of the city. (Ord. No. 4004, 6/13/98, Sec. 29)

Sec. 3-3-132 Certification of compliance required; penalty for false statements.

The city manager may require employees having official responsibility for procurement transactions to annually submit a written certification that they complied with the provisions of this article. Any employee who knowingly makes a false statement on such a certification shall be punished as provided in section 3-3-129. (Ord. No. 4004, 6/13/98, Sec. 29)

Sec. 3-3-133 Misrepresentations prohibited.

No employee, in the exercise of official duties in a procurement transaction, shall knowingly falsify, conceal, or misrepresent a material fact, knowingly make any false, fictitious or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry. (Ord. No. 4004, 6/13/98, Sec. 29)

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TITLE 4

Public Safety

Chapter 1 **Police Protection**
Chapter 2 **Fire Protection and Prevention**
Chapter 3 **Emergency Services**
Chapter 4 **Security Alarm Systems**
Chapter 5 **Sheriff**
Chapter 6 **Burglary Prevention Devices**

CHAPTER 1

Police Protection

State Law References: Police and public order, Va. Code, Title 15.1, Ch. 3; authority of cities to preserve peace, Va. Code, Sec. 15.1-137; powers and duties of police force, Va. Code, Sec. 15.1-138.

Cross References: Fires on paved streets, Sec. 5-2-28; parades, Sec. 5-2-45; vicious dogs, Sec. 5-7-36; traffic and parking regulations, Title 5, Ch. 8; powers and duties with reference to junk and secondhand dealers, Title 9, Ch. 8; taxicab drivers' permits, Title 9, Ch. 12; motor vehicles and traffic, Title 10.

ARTICLE A

General Provisions

§ 4-1-1 Appointment and term.
§ 4-1-2 Special police officers.
§ 4-1-3 Off-duty employment of police officers and deputy sheriffs.
§ 4-1-4 Physical examination for police officers.
§§ 4-1-5 through 4-1-10 reserved.

ARTICLE B

Unclaimed Money and Property

§ 4-1-11 Provisions for receipt, safekeeping and records; written claim of finder.
§ 4-1-12 Storage.
§ 4-1-13 Return to owner.
§ 4-1-14 Return to finder.
§ 4-1-15 Money not returned.
§ 4-1-16 Sale, donation or use of property not returned.
§ 4-1-17 Disposition of proceeds of sale.
§ 4-1-18 Disposition of dangerous property.
§ 4-1-19 Disposition of perishable property.
§ 4-1-20 Manner of delivery to owner, finder or purchaser.
§ 4-1-21 Applicability of article.
§§ 4-1-22 through 4-1-30 reserved.

ARTICLE C

Auxiliary Police

§ 4-1-31 Establishment of auxiliary police force.
§ 4-1-32 Eligibility.
§ 4-1-33 Appointment and training.
§ 4-1-34 Powers and authority.
§ 4-1-35 Compensation; indemnification.
§ 4-1-36 Calling auxiliary police into service.
§ 4-1-37 Activities beyond city boundaries.

ARTICLE A

General Provisions

Sec. 4-1-1 Appointment and term.

The chief of police and the police officers shall be appointed by the city manager, to serve at the pleasure of the city manager. (Code 1963, Sec. 2-50)

Sec. 4-1-2 Special police officers.

(a) The city manager is authorized to appoint from time to time, as may be deemed necessary, special police officers not to exceed 250 in number.

(b) Special police officers appointed at the request of merchants, manufacturers or other citizens of the city shall not receive any compensation from the city. (Code 1963, Sec. 2-51)

Sec. 4-1-3 Off-duty employment of police officers and deputy sheriffs.

Police officers and deputy sheriffs of the city may engage in off-duty employment which may occasionally require the use of their police powers in the performance of such employment, subject to such reasonable rules and regulations concerning such employment as may be authorized by the city manager and the sheriff for their officers and deputies, respectively. (Code 1963, Sec. 2-51.01)

Sec. 4-1-4 Physical examination for police officers.

Every police officer in the service of the police department of the city, and every police officer entering upon service hereafter shall receive a physical examination by a physician duly licensed by the Commonwealth of Virginia. Such physical examination shall be prescribed by the director of public health and shall include appropriate laboratory and other diagnostic studies relating to hypertension and heart disease. (Code 1963, Sec. 2-51.1)

Secs. 4-1-5 through 4-1-10 reserved.

ARTICLE B

Unclaimed Money and Property

Sec. 4-1-11 Provisions for receipt, safekeeping and records; written claim of finder.

The chief of police, under the city manager, shall make provision for receiving, safekeeping and maintaining an accurate record of all found property and money and all unclaimed property coming into the possession of the police department. A receipt shall be issued to the person delivering any such property or money, and at the same time the person, unless he or she be a police officer or detective of the city, shall declare in writing whether or not he or she wishes to assert a claim to the property or money as a finder. (Code 1963, Sec. 2-52)

Sec. 4-1-12 Storage.

Property described in section 4-1-11 of this code shall be stored in a safe place, and money described in section 4-1-11 of this code shall be deposited with the director of finance of the city for a period of 60 days, unless sooner claimed by and returned to the rightful owner or unless the property is dangerous or perishable. (Code 1963, Sec. 2-53)

Sec. 4-1-13 Return to owner.

During the 60 day period, during which found and unclaimed money and property is deposited with the director of finance, any of the property may be returned or money paid to the rightful owner upon proof of ownership satisfactory to the chief of police after 10 days' notice by mail to the person who delivered the property or money and any others who may have asserted a claim of ownership. Placing in the mail to the last known address shall be sufficient service of this notice. The decision of the chief of police shall be reviewed by the city manager, who, with the advice of the city attorney, shall affirm or reverse the decision of the chief of police. (Code 1963, Sec. 2-54)

Sec. 4-1-14 Return to finder.

Property or money received pursuant to section 4-1-11 of this code and not returned to the rightful owner within a 60 day period shall be returned to the person who delivered it to the police department, if, at the time of delivery, the person indi-

cated in writing that he wished to assert a claim to the property or money as a finder and the person is not a police officer or detective of the city. (Code 1963, Sec. 2-55)

Sec. 4-1-15 Money not returned.

All money received by the police department, pursuant to section 4-1-11 of this code, and not returned to the rightful owner or the finder dur-

ing the 60 day period provided for in section 4-1-12 of this code, shall be forthwith credited to the general fund of the city by the director of finance. (Code 1963, Sec. 2-56)

Sec. 4-1-16 Sale, donation or use of property not returned.

(a) All property received by the police department pursuant to section 4-1-11 of this code and (i) not returned to the rightful owner within the 60-day period prescribed in section 4-1-12 or, (ii) not returned, following that period, to a finder who has declared under section 4-1-11 that he or she wishes to assert a claim to the property, or (iii) disposed of in accordance with subsection (b) of this section, shall be disposed of by the chief of police, pursuant to the terms of an advertisement which, subsequent to the above-mentioned 60-day period, the chief shall cause to be inserted in a newspaper having general circulation in the city once a week for two successive weeks, which advertisement shall describe the property with reasonable certainty and shall state that, unless the property is claimed by the owner with satisfactory proof of ownership before a specified time and date, the property may, as the chief of police elects, be sold for cash at public auction to the highest bidder at a specified time and place, or be used by the police department in law enforcement operations or, if the property is a bicycle or moped, be donated to a charitable organization.

(b) Any bicycle or moped which has been in the possession of the police department and unclaimed for more than 60 days may, at the discretion of the chief, be disposed of by donation to a charitable organization. Prior to such donation and subsequent to the 60-day period required by this subsection, the chief shall cause an advertisement to be inserted once a week for two successive weeks in a newspaper having general circulation in the city. The advertisement shall describe the property with reasonable certainty and shall state that, unless the property is claimed by the owner, with satisfactory proof of ownership, before a specified time and date, the property may be donated to a charitable organization.

(c) Property advertised pursuant to subsection (a) but not claimed or bid on shall forthwith be reported to the city manager, who shall have the authority to use the property for the best interests of the city or order it destroyed. (Code 1963, Sec. 2-57; Ord. No. 3495, 1/12/91, Sec. 1; Ord. No. 4135, 5/13/00, Sec. 1)

Sec. 4-1-17 Disposition of proceeds of sale.

The proceeds from any sale held pursuant to section 4-1-16 of this code shall be forthwith delivered to the director of finance and credited to the general fund of the city. (Code 1963, Sec. 2-58)

Sec. 4-1-18 Disposition of dangerous property.

Any property coming into the possession of the police department, pursuant to section 4-1-11 of this code, which the chief of police determines is dangerous or very likely to be dangerous to persons or property, may, with the approval of the city manager first obtained, be disposed of by the chief of police, immediately and without further notice, in such manner as the city manager determines to be in the public interest. (Code 1963, Sec. 2-59)

Sec. 4-1-19 Disposition of perishable property.

(a) Any property coming into the possession of the police department, pursuant to section 4-1-11 of this code, which the chief of police determines is perishable, may with the approval of the city manager first obtained, be sold at public auction at any time and after such notice as the chief of police shall deem proper.

(b) Perishable property not claimed or sold shall forthwith be reported to the city manager, who shall have the authority to use the property for the best interests of the city or order it destroyed. (Code 1963, Sec. 2-60)

Sec. 4-1-20 Manner of delivery to owner, finder or purchaser.

Whenever property or money is to be returned or delivered to a rightful owner, finder or purchaser pursuant to the appropriate provision of sections 4-1-13 and 4-1-14 of this code, the property or money shall made available within the city, but the city shall not transport the same to the owner, finder or purchaser, as such owner, finder or purchaser shall pick up the property or money at the place made available within the city. (Code 1963, Sec. 2-61)

Sec. 4-1-21 Applicability of article.

The provisions of this article shall not apply to motor vehicles, confiscated property, property or

money known to be stolen, or other money or property, the disposition of which is otherwise provided for by law. (Code 1963, Sec. 2-62)

Secs. 4-1-22 through 4-1-30 reserved.

ARTICLE C

Auxiliary Police

Sec. 4-1-31 Establishment of auxiliary police force.

The chief of police is authorized to establish, equip and maintain an auxiliary police force. (Ord. No. 3787, 4/22/95, Sec. 1)

Sec. 4-1-32 Eligibility.

Any citizen of the United States over 21 years of age who resides in the city or whose principal place of business or employment is in the city shall be eligible to apply for appointment to the auxiliary police force. (Ord. No. 3787, 4/22/95, Sec. 1)

Sec. 4-1-33 Appointment and training.

(a) The chief of police is authorized to appoint as auxiliary police officers as many persons of good character as may be deemed necessary. The chief of police is further authorized to revoke the appointment of an auxiliary police officer at any time.

(b) The chief of police shall prescribe and implement application, screening, testing and background investigation procedures applicable to auxiliary police officers. All auxiliary police officers shall successfully complete the training requirements prescribed by the chief of police. (Ord. No. 3787, 4/22/95, Sec. 1)

Sec. 4-1-34 Powers and authority.

(a) Auxiliary police officers shall have the powers, authority and immunities of full-time sworn law enforcement officers, subject to any limitations set out in policies or directives issued under subsection (b).

(b) The chief of police shall develop written policies and directives specifying the scope of auxiliary police officer duties, the manner in which such officers shall be utilized and any limitations on their authority. (Ord. No. 3787, 4/22/95, Sec. 1)

Sec. 4-1-35 Compensation; indemnification.

(a) Auxiliary police officers shall serve without compensation, and shall constitute volunteers for, and not employees of, the City of Alexandria. The city manager is authorized to obtain insurance providing benefits for auxiliary officers in the

event they suffer an accidental death or dismemberment during the course and scope of their duties.

(b) The liability, if any, of the city to indemnify auxiliary police officers for personal injuries or property damage they may cause as a result of acts or omissions occurring within the course and scope of their duties as auxiliary officers shall be as defined in the city's self-insurance program. (Ord. No. 3787, 4/22/95, Sec. 1)

Sec. 4-1-36 Calling auxiliary police into service.

The chief of police may, at his discretion, call auxiliary police officers into service to aid and assist regular sworn law enforcement officers in the performance of their duties. (Ord. No. 3787, 4/22/95, Sec. 1)

Sec. 4-1-37 Activities beyond city boundaries.

Auxiliary police officers shall not act outside the boundaries of the city, except when called upon to protect property of the city located beyond its boundaries or when acting in response to a police mutual aid agreement. (Ord. No. 3787, 4/22/95, Sec. 1)

CHAPTER 2

Fire Protection and Prevention

State Law References: Fire protection generally, Va. Code. Title 27; authority of city to regulate for purpose of fire protection, Va. Code, Sec. 15.1-15(4).

ARTICLE A

General Provisions

§ 4-2-1 Pay of incapacitated fire fighters.
§ 4-2-2 Physical examinations for fire fighters.
§§ 4-2-3 through 4-2-10 reserved.

ARTICLE B

Fire Prevention

§ 4-2-11 Title.
§ 4-2-12 Adoption of Virginia Statewide Fire Prevention Code.
§ 4-2-12.1 Local board of fire prevention code appeals.
§ 4-2-13 Same—official copy.
§ 4-2-14 Definition of fire official.
§ 4-2-15 Duties of the fire official, fire marshal, assistant fire marshals, deputy fire marshals, and fire inspectors.
§ 4-2-15.1 Fire inspectors.
§ 4-2-16 Unlawful boarding or tampering with fire department vehicles.
§ 4-2-17 Tampering with fire protection devices; failure to report or delaying alarm of fire; failure to report hazardous material incident.
§ 4-2-17.1 Stairway identification.
§ 4-2-18 Fire hydrant and water mains.
§ 4-2-19 Impersonation.
§ 4-2-20 Reserved.
§ 4-2-21 Changes in Virginia Statewide Fire Prevention Code.

ARTICLE A

General Provisions

Sec. 4-2-1 Pay of incapacitated fire fighters.

There shall be no reduction in the salary of any paid employee of the fire department of the city who was an employee of that department as of July 1, 1976, because of the inability of any such employee to attend to his duties as a paid employee on account of sickness; provided, that the employee shall furnish to the city manager satisfactory evidence of incapacity rendering him or her unfit for duty; and provided, further, that the provisions of this section shall not apply to any paid employee of the fire department after his employment ceases or is terminated for any reason. (Code 1963, Sec. 2-49)

Sec. 4-2-2 Physical examinations for fire fighters.

Every fire fighter in the service of the fire department of the city and every fire fighter entering upon service hereafter shall receive a physical examination from a physician duly licensed by the Commonwealth of Virginia, as required by sections 27-40.1 and 27-40.1:1 of the Code of Virginia (1950), as amended. Such physical examination shall be prescribed by the director of public health and shall include appropriate laboratory and other diagnostic studies relating to respiratory diseases, hypertension and heart disease. All such physical examinations required by the specified sections of the state code performed from August 1, 1973, to the date of passage of this section are hereby ratified and affirmed as satisfying the requirement of this section. (Code 1963, Sec. 2-49.1)

Secs. 4-2-3 through 4-2-10 reserved.

ARTICLE B

Fire Prevention

Editorial Note: Ord. No. 3548, § 1, adopted Dec. 14, 1991, amended Art. B in its entirety to read as herein set forth. Prior to amendment, Art. B, §§ 4-2-11—4-2-25, pertained to similar subject matter and derived from Ord. No. 2584, adopted June 13, 1981; Ord. No. 2872, §§ 1—3, adopted Nov. 12, 1983; Ord. No. 3012, §§ 1—4, adopted Feb. 23, 1985; Ord. No. 3037, § 1, adopted May 18, 1885; Ord. No. 3117, § 1, adopted March 22, 1986; Ord. No. 3278, §§ 1—3, adopted Feb. 27, 1988; and Ord. No. 3433, § 1, adopted Jan. 20, 1990. Subsequently, Ord. No. 4243, § 1, adopted March 16, 2002, amended Art. B in its entirety. Ord. No. 4411, § 1, adopted June 21, 2005, amended Art. B in its entirety to read as herein set out. Subsequently, Ord. No. 4455, § 1, adopted June 17, 2006, amended Art. B in its entirety to read as herein set out. Subsequently, Ord. No. 4725, § 1, adopted June 25, 2011, amended Art. B in its entirety to read as herein set out. See the Ordinance Comparative Table for a detailed analysis.

Sec. 4-2-11 Title.

This article shall be known as the Fire Prevention Code of the City of Alexandria, Virginia. (Ord. No. 4725, 6/25/11, Sec. 1)

Sec. 4-2-12 Adoption of Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code, as promulgated in 2012 is hereby adopted and incorporated as if fully set out in this article and as thereafter amended by the Virginia Board of Housing and Community Development, except such portions of the Virginia Statewide Fire Prevention Code as are deleted, modified, or amended by section 4-2-21 of this article. All future editions of the Virginia Statewide Fire Prevention Code as promulgated by the Virginia Board of Housing and Community Development are hereby automatically adopted and incorporated into this code. (Ord. No. 4725, 6/25/11, Sec. 1; Ord. No. 4960, 6/13/15, Sec. 1)

Sec. 4-2-12.1 Local board of fire prevention code appeals.

The Alexandria Board of Building Code Appeals as created in section 8-1-37 of this code shall serve as the Local Board of Fire Prevention Code Appeals. This board shall hear appeals of the Virginia Fire Prevention Code, its referenced documents, standards and any city amendments. (Ord. No. 4725, 6/25/11, Sec. 1)

Sec. 4-2-13 Same—official copy.

One copy of the Virginia Statewide Fire Prevention Code and the ordinances adopted, deletions, modifications and/or amendments thereto shall be manually signed on its cover by the mayor and the fire official and shall be filed and kept at all times in the office of the city clerk. (Ord. No. 4725, 6/25/11, Sec. 1)

Sec. 4-2-14 Definition of fire official.

Whenever the term "fire official," is used in this article or the Virginia Statewide Fire Prevention Code, it shall mean the "fire official or designee". The fire official shall be designated by the chief of the fire department. In addition to the fire official, fire marshal, assistant fire marshals, and deputy fire marshals, the chief of the fire department may designate additional personnel as fire inspectors to enforce these provisions. (Ord. No. 4725, 6/25/11, Sec. 1; Ord. No. 4960, 6/13/15, Sec. 1)

Sec. 4-2-15 Duties of the fire official, fire marshal, assistant fire marshals, deputy fire marshals, and fire inspectors.

(a) The fire official shall enforce the applicable provisions of this article.

(b) (1) The fire official who serves as the fire marshal, the assistant fire marshals, and the deputy fire marshals shall have the same police powers as a sheriff, police officer, or law enforcement officer, and in addition to such other duties as may be prescribed by law, shall investigate and prosecute all offenses involving fire, threats to bomb, fire bombings, bombings and attempts to commit such offenses; possession and manufacture of explosive devices, substances and fire bombs; storage, use and transportation of hazardous materials and hazardous wastes and the investigation of all releases of hazardous materials and wastes and all other environmental offenses; false alarms relating to such offenses, and may investigate and prosecute all other criminal or civil offenses under local, state or federal law arising out of or during the investigation of the enumerated offenses, and out of or during such other investigations, and prosecutions as may be approved by the city manager.

(2) The police powers granted in this section shall not be exercised by the fire marshal, assistant fire marshals, or deputy fire marshals until such person has satisfactorily completed a course for fire marshals with police powers designed by the Virginia Department of Fire Programs in cooperation with the Virginia Department of Criminal Justice Services and approved by the Virginia Fire Services Board.

(3) The fire marshal, assistant fire marshals, and deputy fire marshals with police powers shall continue to exercise such powers only upon satisfactory participation in in-service and advanced courses and programs designed by the Virginia Department of Fire Programs in cooperation with the Virginia Department of Criminal Justice Services, and approved by the Virginia Fire Services Board.

(4) The fire official, fire marshal, assistant fire marshals, deputy fire marshals, and fire inspectors shall have the authority to enforce the Virginia Statewide Fire Prevention Code, the applicable sections of the Code of Virginia, and the City of Alexandria Code. (Ord. No. 4725, 6/25/11, Sec. 1; Ord. No. 4960, 6/13/15, Sec. 1)

Sec. 4-2-15.1 Fire inspectors.

(a) The term "fire inspector" shall mean technical assistants employed by the fire department who are authorized to conduct inspections, and implement and enforce the Virginia Statewide Fire Prevention Code, and applicable sections of the City of Alexandria Code.

(b) An appointed fire inspector shall have the authority to issue a Virginia Uniform Summons and parking citations in accordance with the Code of Virginia, the Virginia Statewide Fire Prevention Code, and the applicable sections of the City of Alexandria Code. Fire Inspectors shall not be granted police powers and may not implement custodial arrests. The powers granted in this section shall not be exercised by the fire inspectors until such person has satisfactorily completed a course for fire inspectors with summons powers, designed by the Virginia Department of Fire Programs in cooperation with the Virginia Department of Criminal Justice Services and approved by the Virginia Fire Services Board. (Ord. No. 4725, 6/25/11, Sec. 1; Ord. No. 4960, 6/13/15, Sec. 1)

Sec. 4-2-16 Unlawful boarding or tampering with fire department vehicles.

It shall be unlawful for any person, without proper authorization, to cling, attach to, climb upon or board or swing upon any fire department vehicle, whether the vehicle is in motion or at rest, to sound any warning device thereon or to manipulate, tamper with or destroy any lever,

valve, switch, starting device, brake, pump or any equipment, protective clothing or tool or a part of the fire department vehicle. (Ord. No. 4725, 6/25/11, Sec. 1; Ord. No. 4960, 6/13/15, Sec. 1)

Sec. 4-2-17 Tampering with fire protection devices; failure to report or delaying alarm of fire; failure to report hazardous material incident.

(a) It shall be unlawful for any person to tamper with, damage, destroy, use without just cause or authorization, or to hinder the use of any fire alarm system, fire detection system, fire suppression system, fire protection system, fire extinguishing system, or fire extinguisher installed in any building or any structure within the city.

(b) It shall be unlawful for any person knowingly to delay or cause to be delayed an alarm of fire, or to fail to report an alarm of fire to the fire department.

(c) When a fire or evidence of the occurrence of a fire is discovered, even though it has apparently been extinguished, the person making such discovery shall immediately report the same to the fire department.

(d) It shall be unlawful for any person to reset any fire alarm system, fire detection system, fire suppression system, fire extinguishing system, or fire protection system without prior authorization from the fire official or designees. However, the following persons are exempt from this requirement:

(1) Fire suppression personnel,

(2) Fire protection personnel conducting inspection, testing, service or maintenance on a fire protection system during emergencies, and

(3) Law enforcement personnel.

(e) It shall be unlawful for any person to knowingly delay or cause to be delayed the immediate reporting to the fire department any incident related to the willful or accidental release, discharge, or dumping of a hazardous material. (Ord. No. 4725, 6/25/11, Sec. 1; Ord. No. 4960, 6/13/15, Sec. 1)

Sec. 4-2-17.1 Stairway identification.

Stairway identification signs shall be provided at each landing in all interior exit stairways connecting more than three stories, as required in the Virginia Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code as amended by the Code of the City of Alexandria, Virginia. (Ord. No. 4725, 6/25/11, Sec. 1)

Sec. 4-2-18 Fire hydrant and water mains.

(a) With the exception of (1) fire department personnel who use fire hydrants for firefighting, training, and testing purposes; (2) persons who have obtained a permit from the fire official as provided for in this section and in accordance with the terms of the permit; (3) designated Virginia American Water Company personnel and (4) designated Transportation and Environmental Services personnel, it shall be unlawful for any person to use, tamper with, damage or destroy any fire hydrant, valve or water main, water line, or fire service line within the city.

(b) Application for a permit for use of fire hydrants shall be made to the fire official on forms provided for this purpose. Any permit shall be subject to the conditions, specifications, and fees imposed by the fire official for the purpose of protecting equipment and preventing water leakage. No permit shall be issued unless approval is first obtained from the Virginia American Water Company to use water from a hydrant. A separate permit shall be required for each hydrant. If damage occurs to the hydrant, valve, or water main, water line, or fire service line associated with the use of the hydrant or hydrant meter, the permit holder shall be responsible for the costs of labor and materials for any repair or replacement needed after hydrant use. A permit must be in the possession of the actual user at the time of use.

(c) No person shall plant, erect or place any obstruction within three feet of any hydrant nor shall a person stop, stand or cause a motor vehicle to be placed within 15 feet of a hydrant.

(d) No person shall plant erect or place any obstruction within three feet of any fire department connection whether mounted on the exterior of a structure or freestanding. All such connections shall be identified by an approved sign and/or building address as is appropriate for the installation conditions. (Ord. No. 4725, 6/25/11, Sec. 1; Ord. No. 4960, 6/13/15, Sec. 1)

Sec. 4-2-19 Impersonation.

It shall be unlawful for any person to falsely use a fire department badge, uniform or credentials to be identified as, or otherwise to impersonate a fire marshal, a fire officer, a fire fighter, an emergency medical service provider, a fire inspector or another authorized representative of the fire department. (Ord. No. 4725, 6/25/11, Sec. 1)

Sec. 4-2-20 Reserved.

Sec. 4-2-21 Changes in Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code adopted by the city in section 4-2-12, is deleted, modified, or amended in the following respects:

101.1 Title. The regulations set forth herein, as modified and amended in Section 4-2-21 of The Code of the City of Alexandria, together with the additional regulations in article B of chapter 2, title 4 of that code, shall be known as the Fire Prevention Code of the City of Alexandria, Virginia, and are herein referred to as such or as "the code".

103.4. International Fire Code Appendices and City Appendices. Appendices A, B, C, D, H, I, and J of the International Fire Code, 2012 Edition and the Fire Prevention Code of the City of Alexandria 2009 Edition are deleted.

Appendices A, B, C, and D are replaced in both codes as modified within this document and are hereby incorporated as fully enforceable provisions of this code.

TABLE 107.2 OPERATIONAL PERMIT REQUIREMENTS

Description	*Code Section*	*Permit Fee*
Aerosol products. Aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight when manufacturing, storing or handling.	5101.2	$200.00
Amusement buildings.	401.10	$200.00
Asphalt Kettles.	303.10	$143.00
Assembly Uses, Educational Uses. Up to 100 persons (A) Occupancy 100 to 150 persons (B) Occupancy over 150 persons (C)	401.11 401.9	 $114.00 $228.00 $342.00
Aviation facilities.	2001.3	$143.00
Battery systems. Stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189L).	608.1.1	$171.00
Carnivals and fairs.	403.11.2.1	$314.00
Cellulose nitrate film. Storage, handling or use in any assembly or educational occupancy (Group A and E)	306.3	$143.00
Combustible dust-producing operations.	2201.2	$200.00
Combustible fibers. Storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m2) Exception: Not required for agricultural storage.	5201.3	$200.00
Compressed gas. Storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle. PERMITS AMOUNTS FOR COMPRESSED GASES Type of Gas — Amount - CU FT Corrosive — 200 Flammable (except cryogenic fluids and liquefied petroleum gases) — 200 Highly toxic — Any Amount Inert, simple asphyxiant and non-flammable gases — 6000 Oxidizing (including oxygen) — 504 Pyrophoric — Any Amount Toxic — Any Amount	5301.2	$171.00

Description	*Code Section*	*Permit Fee*
For SI: 1 cubic foot = 0.02832 m^3		
Covered and open mall buildings	403.10.1.7	$570.00
Corrosives. Storage, use, handling: • Gases 200 cubic feet at (NTP) • Liquids 55 gallons • Solid 1,000 pounds	5401.2	$143.00
Cryogenic fluids. Produce, store, transport on site, use, handle, or dispense.	5501.2	$200.00
Type — Inside Bldg (gal) — Outside Bldg (gal) Flammable — More than 1 gallon — 60 Inert — 60 — 500 Oxidizing - (includes oxygen) — 10 — 50 Physical or health not indicated above — Any Amount — Any Amount Exception: Vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading		
Cutting and Welding. Sweating pipes and hot works • Per single occurrence or fixed based operation • Annual permit (multiple job locations in the City)	3501.2	 $154.00 $314.00
Dry cleaning plants.	2101.2	$171.00
Indoor exhibits, trade shows, and special amusement events.	401.10	$171.00
Explosives and fireworks. An operational permit is required for the manufacture, possession, storage, handling, sale or other disposition, transportation or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of Chapter 56, or to operate a terminal for handling explosive materials, or to deliver or receive delivery of explosives or explosive materials from a carrier between sunset and sunrise. Note: Valid for 6 months period only	5601.2 5607.1.1	$285.00 $285.00
Explosive Vehicle Inspection. (Valid for 6 months only)	5610.6.1.2	$228.00
Fire hydrants and valves. Operate or use any fire hydrants or valves used for fire suppression service.	507.5.7	$143.00
Flammable and combustible liquids. 1. To use or operate a pipeline for the transportation with facilities or flammable or combustible liquids. This requirement shall not apply to the offsite transportation (DOTn) nor does it apply to piping systems. 2. To store, handle or use of Class I liquids in excess of 5 gallons (19L) in a building or in excess of 10 gallons (37.9L) outside of a building, except that a permit is not required for the following: 2.1 The storage or use of Class I liquids in the fuel tanks of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant unless such storage, in the opinion of the fire official would cause an unsafe condition. 2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.	5701.4	$143.00

Description	*Code Section*	*Permit Fee*
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95L) in a building or in excess of 60 gallons (227L) outside a building, except for fuel oil used in connection with oil-burning equipment. 4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by means other than the approved, stationary on-site pumps normally used for dispensing purposes. 5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used. 6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank. 7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed. 8. To manufacture, process, blend, or refine flammable or combustible liquids.		
Flammable Gases.	5801.2	$143.00
Flammable Solids.	5901.2	$143.00
Flammable Finish Application. Floor Surfacing and Finishing. Using Class I or Class II liquids exceeding 350 square feet (33 m2).	2401.3 2410.1.1	$143.00 $143.00
Fruit and crop ripening.	2501.2	$143.00
Fumigation and thermal insecticidal fogging.	2601.2	$143.00
Hazardous materials. PERMIT AMOUNTS FOR HAZARDOUS MATERIALS TYPE OF MATERIAL — AMOUNT • Combustible Liquids — See flammable and combustible liquids • Corrosive material Gases — See compressed gases Liquids — 55 gallons Solids — 1,000 pounds • Explosive materials — See explosives and fireworks • Flammable materials Gases — See compressed gases Liquids — See flammable and combustible liquids Solids — 100 pounds • Highly Toxic materials Gases — See compressed gases Liquids — Any Amount	5001.5	$285.00

Description		*Code Section*	*Permit Fee*
Solids	Any Amount		
• Oxidizing materials			
Gases	See compressed gases		
Liquids			
Class 4	Any Amount		
Class 3	1 gallon		
Class 2	10 gallons		
Class 1	55 gallons		
Solids			
Class 4	Any Amount		
Class 3	10 pounds		
Class 2	100 pounds		
Class 1	500 pounds		
• Organic peroxides			
Liquids			
Class I	Any Amount		
Class II	Any Amount		
Class III	1 Gallon		
Class IV	2 Gallons		
Class V	No permit required		
Solids			
Class I	Any Amount		
Class II	Any Amount		
Class III	10 Pounds		
Class IV	20 Pounds		
Class V	No permit required		
• Pyrophoric Materials			
Gases	See compressed gases		
Liquids	Any Amount		
Solids	Any Amount		
• Toxic Materials			
Gases	See compressed gases		
Liquids	10 Gallons		
Solids	100 Pounds		
• Unstable (reactive) Materials			
Liquids			
Class 4	Any Amount		
Class 3	Any Amount		
Class 2	5 Gallons		
Class 1	10 Gallons		
Solids			
Class 4	Any Amount		
Class 3	Any Amount		
Class 2	50 pounds		
Class 1	100 pounds		
• Water-reactive Materials			
Liquids			
Class 3	Any Amount		

Description	*Code Section*	*Permit Fee*
Class 2 5 Gallons Class 1 55 Gallons Solids Class 3 Any Amount Class 2 50 pounds Class 1 500 pounds For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg. Note: a. 20 gallons when table 5003.1.1(1) note K applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less. b. 200 pounds when table 5003.1.1(1) note K applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 gallons or less.		
Heliports and Helistops.	2007.1.1	$143.00
Highly Toxic Materials.	6001.2	$285.00
High-piled storage. Use of a building or portion exceeding 500 square feet (46 m^2).	3201.2	$200.00
Indoor display of vehicles or equipment.	314.4.1	$143.00
Indoor Pyrotechnics.	5608.1.1	$285.00
Industrial ovens.	3001.2	$200.00
Lumber yards and woodworking plants. Storage or processing exceeding 100,000 board feet (8,333 ft^3) (236m^3)	2801.2	$200.00
Liquid or gas fueled vehicles in assembly buildings.	6103.2.2.1	$143.00
LP Gas. Storage and use inside or outside of any building. Exception: 1. Individual containers with 500 gallons (1893 L) water capacity or less serving occupancies in Use Group R-3. 2. Operation of cargo tankers that transport LP gas.	6101.2	$143.00
Magnesium. Melt, cast, heat treat or grind more than 10 pounds (4.54 kg).	5906.1.1	$143.00
Miscellaneous combustible storage. Store in any building or upon any premises in excess of 2,500 cubic feet (71 m^3) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber cork or similar combustible material.	315.2	$200.00
Open burning. Open burning - Charitable organizations.	307.2 307.2.1.1	$143.00 $11.00
Open flames Examples of open flames include, but not limited to, all heat producing appliances, torches for removing paint, torches for sweating pipe, sterno utilized for warming food, BBQ grills, and aerial lanterns.	308.2 308.3.3	$143.00 $143.00
Organic coatings. Manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.	2901.2	$143.00
Organic peroxides.	6201.2	$200.00
Oxidizers.	6301.2	$200.00
Portable Food Vending Vehicles Food vendors preparing food inside vehicles that utilize LPG, fuel tanks, open flames, heating devices, at stationary locations. Note: All inspections will be coordinated with the Health Department	321.4	$171.00
Pyrophoric materials.	6401.2	$143.00
Pyroxylin plastics. Storage and handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastic and for the assembly or manufacture of articles involving pyroxylin plastics.	6501.2	$200.00

Description	*Code Section*	*Permit Fee*
Repair Garages, Service Stations and Motor Fuel Dispensing Facilities	2301.2	$200.00
Semiconductor Fabrication Facilities - HPM Facilities	2701.5	$285.00
Special Assembly and Events. See Alexandria Special Events policy for additional costs associated with additional staff.	403.11.2.1	$285.00
Special Assembly and Events - Food Vendors. Food vendors preparing food that utilize LPG, fuel tanks, open flames, heating device, tents or a combination thereof as part of the special event approved by the fire official. Note: All inspections will be coordinated through the fire marshal's office.	403.11.2.4.1	$171.00
Spraying and Dipping of Flammable Finishes Exterior spraying areas	2401.3 2404.10.1	$200.00 $200.00
Storage of scrap tires and tire by-products. Establish, conduct or maintain storage of scrap tires and tire by-products exceeding 2,500 cubic feet (71 m^3) of total volume of scrap tires and for indoor storage of tires and tire by-products.	3401.2	$200.00
Temporary membrane structures, tents and canopies. Membrane structures, tents and canopies that are 200 square feet or greater. Note: An inspection report shall be provided to the fire official identifying structural stability, fabric compliance, and anchoring to prevent movement.	3103.4	$171.00
Tire rebuilding plants.	3403.1.1	$285.00
Unstable (reactive) materials.	6601.2	$285.00
Waste material and junk yards.	319.2	$228.00
Water reactive materials.	6701.2	$250.00
Wood products. Store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m^3)	2801.2	$200.00

Fire Protection and Detection Testing and Retesting Fees	*Code Section*	*Permit Fee*	*Hourly Fee / Inspector*
Re-Inspections Resulting From Non-Compliance	Res 2550	N/A	$125
Testing and Re-inspection of Existing Fire Protection Systems (per each Inspector)	901.6.4 - 901.6.19	N/A	$125
Cancelation of scheduled test	Res 2550	N/A	$125
Private Hydrant Inspection	507.5.7	N/A	$125
Faulty Fire Protection Systems	Res 2550	N/A	$125
Child Day Care (Note this is an inspection fee only and no permit is issued).			
• When requested by Department of Human Services for exempt facilities.		$35	N/A
• When required for State licensing inspection/ approval.		$75	N/A

Note: The permit fees for each item set forth in Table 107.2, Operational Permit Requirements may be amended by the fire official as approved by City Council.

107.2.1 Reference to permits in other chapters. Where there is a reference to operational permits, fire prevention permits, or other permits in any chapter of the Virginia Statewide Fire Prevention Code or the Fire Prevention Code of the City of Alexandria, Virginia amendments thereof, unless specifically stated to the contrary, the provisions of Table 107.2 shall apply when determining if a permit is required and the quantity necessary (if regulated) to require the permit.

107.15 Non-refundable fees. All required operational permit fees identified in Table 107.2 are non-refundable once the required inspection is completed.

108.3.5.1 Access to permit premises. Any person or business required by Table 107.2 to have a permit(s) on premises shall make the necessary keys, any manufacturers material safety data sheets related to products regulated by the permit(s), location of the operation subject to permit(s) within the premises, emergency personnel information and other pertinent information relating to the permitted activity available to fire department personnel by use of an approved locking box on the exterior of the building.

110.7 Imminent danger or threat to human health or safety or to property. If the fire official determines that any violation creates an imminent danger or threat to human health or safety or to property, the fire official may forthwith correct or abate such violation, and request that the city attorney institute appropriate legal proceedings to recover the full cost of such response from the property owner, tenant or other responsible party.

202 Special Assembly (definition added to existing list). A place of assembly or other area where people congregate to witness a display, exhibition, performance or event that includes but is not limited to sporting events, fairs, trade shows, carnivals, exhibits, special amusement events, and outdoor events that present special hazards as identified by the fire official.

301.2 Permits. Permits shall be required as set forth in Table 107.2 for the activities or uses regulated by Sections 303, 306, 307, 308, 314, 315, 319, and 321.

303.10 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

303.10.1 Safety Plan. Where required by the fire official, a fire safety plan, emergency procedures, and employee training programs for roof installation, repair, and other related operations shall be approved by the fire official prior to operations.

304.3.2.1 Secondary containment. All cooking oil containers exceeding 5.88 cubic feet (44 gallons) shall be provided with approved secondary containment.

306.3 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

307.1 General. A person shall not cause or allow open burning unless approved in accordance with this code and the air pollution control code (chapter 1 of title 11 of the City Code) of the city. No person shall kindle, or authorize to be kindled or maintain any fire in such a manner that it constitutes a danger to public health and safety as determined by the fire official.

Exception: Approved outdoor live fire-training performed by the Alexandria Fire Department.

307.1.1 Prohibited open burning. Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous as determined by the fire official.

307.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

307.2.1.1 Permits. Charitable organizations shall obtain permits for open burning from the fire official in accordance with Table 107.2.

308.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2 (1) if a torch or open flame-producing device is used to remove paint from a structure; (2) if an open flame, fire or burning is used in connection with Group A or E occupancies; (3) if the use or operation of torches and other devices, machines or processes are liable to start or cause fire in or upon wildfire risk areas; or (4) if a torch or open flame-producing device is used for sweating or soldering pipe.

308.3.3 Permits required. Permits shall be obtained from the fire official in accordance with Table 107.2 prior to engaging in any open flame, fire, or burning activities.

314.4.1 Permit Required. A permit shall be obtained from the fire official in accordance with Table 107.2.

315.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

319.0 Waste Materials and Junk Yards.

319.1 General. No person making, using, storing, having charge of or having under his control in a building or on any vacant lot, alley, parking lot, open space or property any combustible excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible waste material shall fail at the close of each day to remove all such material which is not compactly baled and/or stacked in an orderly manner, from the building or on any vacant lot, alley, parking lot, open space or property or store it in suitable vaults or in metal-lined and covered receptacles or bins. The fire official shall require suitable baling equipment to be installed in stores, apartment buildings, factories and other buildings where accumulations of paper and waste material are not removed at least every second day.

319.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2 for the operation of waste material facilities, junkyards or any facility where 2500 cubic feet of material is stored.

320.0 Noxious, Flammable or Combustible vapors.

320.1 General. This section shall apply to any process or operation which produces flammable, combustible or noxious fumes or vapors, other than during the regular course of processes or operations normally conducted at the premises.

320.2 Ventilation. All such processes or operations shall have sufficient natural or supplied ventilation to prevent the migration of such fumes or vapors within the structure. Such processes or operations shall be conducted at times when the building has the fewest number of occupants.

320.3 Ignition sources. No such process or operation shall be conducted prior to assuring that all potential ignition sources have been identified and extinguished.

320.4 Alarm and sprinkler systems. If the potential exists to activate an alarm system by conducting such a process or operation, the alarm system shall be disabled and a fire watch in accordance with the requirements of Chapter 9 section 901.7 in this code shall be maintained by a person other than the person conducting the process or operation. The person maintaining the fire watch shall have the capability of contacting the Fire Department without having to reactivate the alarm system. No disabling of the alarm system shall be permitted, without prior notification to the Alexandria Department of Emergency Communications. Any protective measures taken to protect either the fire alarm or sprinkler systems at the premises, such as covering detectors or taping sprinkler heads, shall be reported to the communication section of the fire department, prior to such measures being taken. At the completion of the process or operation, all such systems shall be fully restored to function and the fire department shall be so notified.

320.5 Fire Department notification. Any person conducting such process or operation shall notify the Alexandria Department of Emergency Communications of the time, date and place at which such process or operation will be conducted at least 24 hours prior to commencement. Such notice is required even if a permit has previously been obtained for the process or operation.

320.6 Occupant notification. The owner, tenant, property manager or other person responsible for causing such process or operation to be conducted shall give reasonable notice to occupants of the premises of the type of process, date and time of occurrence and of the potential for the production of flammable, combustible or noxious fumes or vapors.

321.0 Portable Food Vending Vehicles.

321.1 Food Vending Vehicles Producing Grease Laden Vapors. Vehicles containing commercial cooking operations that produce grease laden vapors shall comply with Section 609 of the Virginia Statewide Fire Prevention Code when stationary and functioning as a fixed stationary facility. Vehicles containing commercial cooking operations that are in transit shall be governed by the Department of Transportation (DOT) when mobile.

321.2 Food vending Vehicles Containing Fixed Fire Protection Systems. Vehicles containing commercial cooking exhaust fire protection systems shall comply with Sections 904.11 through 904.11.6 of the Virginia Statewide Fire Prevention Code when stationary and functioning as a fixed stationary facility. Vehicles containing commercial cooking exhaust fire protection systems shall be governed by the Department of Transportation (DOT) when mobile.

321.3 Food Vending Vehicles Containing Hazardous Materials. Vehicles containing hazardous materials shall comply with Chapters 50, 57, 58, and 61 of this code when stationary and functioning as a fixed stationary facility. Vehicles containing hazardous materials that are in transit shall be governed by the Department of Transportation (DOT) when mobile.

321.4 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

401.9 Permits. Permits shall be obtained from the fire official for all places of education in accordance with Table 107.2.

401.10 Permits. A permit shall be obtained from the fire official for all indoor exhibits, trade shows, and special amusement buildings and areas in accordance with Table 107.2.

401.11 Permits. A permit shall be obtained from the fire official for the utilization of a space or structure for the purpose of assembly in accordance with Table 107.2.

403.1.2 Submission of Safety plan. A safety plan outlining the event shall be submitted to the fire official 30 days prior to the event start date. The safety plan shall include a site map identifying locations of fire lanes, apparatus access points, food vendors, amusement rides, tents, hazardous materials, hydrants, citizen assembly points and emergency evacuation shelters.

403.1.3 Emergency coordinators. The event coordinator shall provide the fire official with on-site and emergency contact telephone numbers for at least five event coordinators.

403.1.4 Outdoor food handling. All deep fat fryers, woks utilized for deep fat frying or similar cooking devices using hot oil or grease, or producing grease laden vapors, shall be in a mobile unit or trailer with a vented hood and an approved fire suppression system.

403.4.2 Plan Approval Group E. Fire evacuation plans for all educational occupancies shall be submitted to the fire official for review and approval at least 30 days prior to the start of each school session, unless otherwise approved by the fire official.

403.10.1 Covered mall buildings. Covered and open mall buildings shall comply with the requirements of Sections 403.10.1.1 through 403.10.1.7.

403.10.1.7 Permit required. A permit shall be obtained from the fire official in accordance with Table 107.2.

403.11.2.1 Permits. A permit shall be obtained from the fire official for special outdoor assembly events, carnivals, and fairs in accordance with Table 107.2.

403.11.2.2 Submission of Safety Plan. A safety plan outlining the event shall be submitted to the fire official 30 days prior to the event start date. The safety plan shall include a site map identifying locations of fire lanes, apparatus access points, food vendors, amusement rides, tents, hazardous materials, hydrants, citizen assembly points, and emergency evacuation shelters.

403.11.2.3 Emergency coordinators. The event coordinator shall provide the fire official with on-site and emergency contact telephone numbers for at least five event coordinators.

403.11.2.4 Outdoor food handling. All deep fat fryers, woks utilized for deep fat frying, or similar cooking devices using hot oil or grease that produce grease-laden vapors shall be in a mobile unit or trailer with a vented hood and an approved fire suppression system.

403.11.2.4.1 Permits. Food vendors preparing food that utilize LPG, fuel tanks, open flames, heating devices, tents or a combination thereof shall obtain Operation Permits from the fire official in accordance with Table 107.2.

Table 405.2

e. In those buildings equipped with "areas of rescue assistance" or "horizontal exits", evacuation to such areas by persons designated to use such areas, shall be deemed to comply with the requirements of this section.

503.1 Emergency access roadways. Emergency vehicle access shall be installed and maintained in accordance with this section and Appendix D, Emergency Vehicle Access.

503.1.4 Temporary Emergency Vehicle Easements. The fire official is authorized to designate and identify temporary emergency vehicle easements during emergency conditions to ensure access of fire department equipment and personnel.

503.2 Signs and markings. The property owner or designee shall supply, install and maintain signs and other markings to designate and identify emergency vehicle easements as directed by the fire official. The signs shall identify the starting point, continuation and end point for all emergency vehicle easements.

503.3 Sign Specifications. Emergency Vehicle Easement signs shall conform to the following standards, and shall be installed in accordance with the requirements of Appendix D, Emergency Vehicle Easements.

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads and emergency vehicle easements shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Appendix D, Emergency Vehicle Easements shall be maintained at all times.

503.6.1 Security Gate Override. All newly installed security gates that restrict automatic operation by the fire department and require special tools or knowledge to override shall be fitted with two override functions including a yelp siren sensor and a manual key override (Knox® item number 3501) as approved by the fire official.

506.1 Key Box. Owners of buildings in which fire alarm or fire suppression systems are installed after June 14, 1997, shall provide a key box to the satisfaction of the fire official. Keys shall be placed in the key box to allow the fire department access to investigate alarms of fire reported from the building. This key box shall be of a type approved by the fire official and shall be located on the exterior of the building, within 5 feet of the main entrance and other entrances as determined by the fire official or designee. The key box shall not be more than 5 feet or less than 4 feet above grade. The types of key boxes and the number of key sets placed in boxes shall be determined by the fire official or designee. Key boxes shall be of sufficient size to handle the number of key sets necessary to permit the fire department to operate during an emergency. Keys shall be labeled and coded as follows:

1. Master Key (White)
2. Main Entrance (Green)
3. Any additional entrance or exit points (Yellow)
4. Stairwell doors that are locked to prevent entry back on to a floor if an automatic override is not provided (Yellow)
5. Roof (Yellow)
6. Fire Control Room (Red)
7. Fire Alarm Reset (Red)
8. Sprinkler control pad lock(s) (Red)
9. Sprinkler Room (Red)
10. Elevator Firemen's Service (Red)
11. Elevator Machine Room (Blue)
12. Storage Room(s) (Orange)
13. Laundry Room(s) (Brown)
14. Mechanical Room(s) (Brown)
15. Trash Room(s) (Brown)
16. Electrical Room(s) (Purple)

17. Apartment Master (Black)

507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B, Fire Flow Requirements for Buildings.

507.3.1 Reduction for fire sprinkler system installation. Percentage reductions in the calculated needed fire flow may be applied at the discretion of the fire official or designee for the following types of systems:

1. NFPA 13 Systems - 50%
2. NFPA 13R Systems - 33%
3. NFPA 13D Systems - 25%

507.5.1 Where required. Fire hydrants shall be installed as required by Appendix C, Fire Hydrant and Fire Main Requirements.

507.5.7 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2 for all private and public fire hydrants to operate or use fire hydrants or valves used for fire suppression service. All private fire hydrant use shall be coordinated with the property owner and the fire official.

Exception: A permit is not required for authorized employees of the City of Alexandria, the Virginia American Water Company or their designees that manage the water system, or the Fire Department to use or operate fire hydrants or valves.

508.1.5 Required Features.

19. All buildings that have a fire control room shall equip that room with an operations manual. The fire official shall review and approve the contents of the manual.

511 Emergency Information

511.1 Emergency Building Contact Information. Commercial building owners and or tenants shall provide the Alexandria Department of Emergency Communications with a minimum of three contact names and phone numbers for after-hours emergency contact.

Exception: Requirements for emergency contact information shall not apply to single family homes or occupants in dwelling units.

608.1.1 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

609.3.3.4 Documentation Alternatives. Contractors and service technicians shall install approval stickers on the exterior of the kitchen exhaust hood and each clean-out opening during the required inspections that identifies the date cleaned, the next due cleaning date, non-accessible areas, and the service technician's name and company affiliation. Fire protection service technicians shall attach an inspection tag to the manual pull station and product cylinder identifying the service date, the next required service date, and the technician's name and company name.

805.4 Use Group A and R-2 college and university dormitories. The requirements of sections 805.4.1 through 805.4.2.3 shall apply to assembly areas, and college and university dormitories classified in Group R-2, including decks, porches, and balconies.

805.4.1 Upholstered furniture. New and existing upholstered furniture shall meet the requirements of sections 805.4.1.1 through 805.4.1.3.

901.6.2 Test records. A completed written record of all tests and inspections required under this chapter shall be maintained on the premises by the owner or occupant responsible for said premises and a copy of any such record shall be provided to the fire official after the completion of any test or inspection if requested. Accurate logs shall be maintained, indicating the number, location and type of device tested. Any defect, modification or repair shall be logged, and the log shall be made available to the fire official. All records of system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of 5 years and made available to the fire official upon request.

901.6.3 Test responsibility and notification. The fire official shall not be responsible for any damages incurred during any test required under the provisions of this chapter. Any test required under the provisions of this chapter shall be performed in the presence of the fire official, unless such requirement is waived by the fire official. Any such test shall be scheduled at the convenience of the owner or occupant responsible for said premises and the fire official.

901.6.4 Periodic testing, inspection and maintenance. All water-based extinguishing systems including fire sprinkler, water mist, water-spray, and standpipe systems shall be periodically inspected, tested, and maintained in accordance with the requirements of NFPA 25 listed in Chapter 80 of this code. Any required inspections and tests shall be performed in the presence of the fire official, unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.5 Periodic testing, inspection and maintenance. All foam-extinguishing systems shall be periodically inspected tested, and maintained in accordance with NFPA 11, NFPA 16, and NFPA 25 listed in Chapter 80 of this code and Section 904.7 through 904.7.1. Any required inspections and tests shall be performed in the presence of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.6 Periodic testing, inspection and maintenance. All fire suppression systems including those listed in Sections 901.6.7 through 901.6.11 shall be periodically inspected, tested, and maintained in accordance with the requirements and standards listed in Chapter 80 of this code. Any required inspections and tests shall be performed in the presence of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.7 Periodic testing, inspection and maintenance. All carbon dioxide extinguishing systems shall be periodically inspected, tested, and maintained in accordance with NFPA 12 listed in Chapter 80 of this code and Sections 904.8 through 904.8.5. Any required inspections and tests shall be performed in the presence of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.8 Periodic testing, inspection and maintenance. All halogenated extinguishing systems shall be periodically inspected, tested, and maintained in accordance with NFPA 12A listed in Chapter 80 of this code and Sections 904.9 through 904.9.4. Any required inspections and tests shall be performed in the presence of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.9 Periodic testing, inspection and maintenance. All clean agent fire extinguishing systems shall be periodically inspected, tested, and maintained in accordance with NFPA 2001 listed in Chapter 80 of this code, the system manufacturer's instructions and Sections 904.10 through 904.10.3. Any required inspections and tests shall be performed in the presence of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.10 Periodic testing, inspection and maintenance. All dry-chemical extinguishing systems shall be periodically inspected, tested, and maintained in accordance with NFPA 17 listed in Chapter 80 of this code, the system manufacturer's instructions and Sections 904.6 through 904.6.2. Any required inspections and tests shall be performed in the presence of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.11 Periodic testing, inspection and maintenance. All wet-chemical extinguishing systems shall be periodically inspected, tested, and maintained in accordance with NFPA 17A listed in Chapter 80 of this code and Sections 904.5 through 904.5.2. Any required inspections and tests shall be performed in the presence

of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.12 Periodic testing, inspection and maintenance. All fire detection and alarm systems shall be periodically inspected, tested, and maintained in accordance with NFPA 72 listed in Chapter 80 of this code and sections 907.8 through 907.8.5. Any required inspections and tests shall be performed in the presence of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.13 Periodic testing, inspection and maintenance. Emergency alarms in building, rooms or areas used for the storage of hazardous materials shall be periodically inspected, tested, and maintained. Test methods and frequency shall be in accordance with NFPA 72 listed in Chapter 80 of this code and Section 908. Any required inspections and tests shall be performed in the presence of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.14 Periodic testing, inspection and maintenance. All fire pumps shall be periodically inspected, tested, and maintained in accordance with NFPA 25 listed in Chapter 80 of this code and Section 913. Any required inspections and tests shall be performed in the presence of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.15 Periodic testing, inspection and maintenance. Water tanks, fire service mains, and fire hydrants shall be periodically inspected, tested and maintained in accordance with NFPA 25 listed in Chapter 80 of this code. Any required inspections and tests shall be performed in the presence of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.16 Periodic testing, inspection and maintenance. All fire department connections shall be periodically inspected and tested and maintained in accordance with NFPA 25 listed in Chapter 80 of this code and Section 912. Any required inspections and tests shall be performed in the presence of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.17 Periodic testing, inspection and maintenance. All smoke control and smoke management systems shall be periodically inspected, tested, and maintained in accordance with the requirements listed in Section 909.20. Any required inspections and tests shall be performed in the presence of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.18 Periodic testing, inspection and maintenance. All access control systems shall be periodically inspected, tested, and maintained in conjunction with any fire protection system inspection and test. Any required inspections and tests shall be performed in the presence of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.6.19 Periodic testing, inspection and maintenance. All fire extinguishers shall be periodically inspected, tested, and maintained in conjunction with the requirements of NFPA 10 listed in Chapter 80 of this code and Section 906. Any required inspections and tests shall be performed in the presence of the fire official unless such requirement is waived by the fire official. Fees for the attendance of the fire official shall be charged in accordance with the fee schedule of the Fire Prevention and Life Safety Section of the Alexandria Fire Department.

901.7 Systems out of service. When a system becomes impaired or is unable to provide the proper protection for which it was designed, for short term and on a temporary basis, a fire watch shall be established in accordance with the following requirements to provide onsite observation, documentation, and notification in the event of a fire emergency.

901.7.1 Procedures. When the establishment of a fire watch is ordered by the fire department operations personnel, the fire official, the owner or the owner's representative shall implement the following procedures and requirements for the duration of the fire watch. The fire watch shall be maintained until such time the noted system(s) is returned to normal ready service and approved for use by the fire official.

901.7.2 Requirements. A fire watch shall consist of a designated number of staff (minimum of two personnel) at all times until the compromised system has been repaired, inspected, tested and certified to be placed back in service by the fire official. Each participating staff member shall be equipped with reliable two-way communications. One staff member shall always be stationed in an area or room equipped with a working telephone or cellular phone to report an alarm by dialing 9-1-1.

When dialing 9-1-1 from a cellular phone, some cellular phone systems may connect the user with another jurisdiction's emergency communications center, therefore the caller should confirm they are speaking with the Alexandria Department of Emergency Communications. A walking tour of all areas of the building shall occur no less than every 10 minutes to observe for conditions where fire, smoke, or hazardous situations require fire department response, or a complete tour of the facility shall occur within a time frame prescribed by a representative of the fire department operation personnel, fire official, or designee and with the staffing level contingent upon the size of the facility and the type of occupancy.

If the building or property is of such size that two individuals cannot adequately perform the required fire watch, fire department personnel or the fire official may require additional on site personnel. Fire Department personnel or the fire official may permit one person to perform the fire watch if the building or property is of a size that one person can adequately perform the fire watch.

901.7.3 Required documentation. A legibly written log shall be kept on site at all times for review by any fire department operations personnel or the fire official, and it shall contain the following information: reason the fire watch was implemented; date and time the fire department was notified that the fire watch was initiated and concluded; start and stop time of each building or property tour; key locations visited in the building(s) requiring the fire watch; name(s) of personnel conducting the fire watch; and name(s) of personnel recording the information.

901.7.3.1 Tag Required. A tag shall be used to indicate that a system, or portion thereof, has been removed from service.

901.7.3.2 Placement of Tag. An all-weather tag shall be posted at each fire department connection, system, control valve, fire alarm control unit, fire alarm annunciator, and fire command center indicating which system or part thereof has been removed from service. The fire official shall specify where the tag is to be placed.

901.7.4 Requirement for Personnel. In all cases, the sole duty of personnel assigned to the fire watch shall be to perform constant patrols of the protected premises, to keep watch for fires, and if necessary to summon the fire department. Personnel conducting the fire watch shall be: capable of performing patrol duties; reliable; not addicted to the use of or under the influence of intoxicants, narcotics, illegal drugs, and/or physically or mentally impaired by prescription drugs; able to clearly and accurately converse with fire department personnel in English, in the event of any emergency; able to remain awake and alert at all times.

901.7.5 Determination of a Fire Emergency. If a fire is located, the fire watch staff shall not attempt to extinguish the fire. The fire watch staff shall immediately call 9-1-1 and report the location of the fire within the building. If possible, the fire watch staff shall sound the building alarm by activation of a manual station. If safe to do so, the fire watch staff shall begin the evacuation of the building starting on the fire floor, then above the fire floor, then below the fire floor.

901.7.6 Restoration of fire protection system. When the fire sprinkler, alarm, detection or suppression system is back in service, the fire watch personnel shall contact the Alexandria Department of Emergency Communications to place the system back in normal ready service.

901.7.7 Systems out of service for routine inspection, testing, and maintenance. The fire department and or fire official shall be immediately notified when a fire sprinkler, alarm, detection, suppression, or protection system is out of service for routine inspection, testing and maintenance. Any person or organizations performing any of these activities shall notify the Alexandria Department of Emergency Communications and provide the name of the responsible person and organization, telephone number, and estimated time the system or systems will be out of service. If it is determined by the fire official that the inspection, testing, or maintenance of the system or systems presents an unacceptable level of risk for the period of the inspection, test, or maintenance, a fire watch shall be required by the fire official.

901.7.7.1 Restoration of fire protection system. Upon completion of the inspection, testing, or maintenance, the responsible party shall contact the Alexandria Department of Emergency Communications to place the system back in normal ready service.

903.5.1 Flow test. All systems shall be tested at the inspector's test pipe with the proper test orifice to determine that the water-flow detecting devices, including the associated alarm circuits are in proper working order.

906.11 Maintenance. Maintenance of fire extinguishers shall be in accordance with NFPA 10, but at not less than monthly visual checks, yearly service by a certified individual or organization, and hydrostatic test of cylinders every five years.

912.4.1 Additional identification sign. All fire department connections shall have an additional sign that is visible from the street and permanently mounted at the height approved by the fire official above the location of each fire department connection. Signs shall be 8 inch × 12 inch reflective metal and have red letters "FDC" that are 6 inches in height and 2 inches wide on a white background. Where the FDC cannot be seen from the street, a sign shall be mounted on the street front or at a viewable location that indicates by use of words or an arrow the location of the fire department connection. All signs are subject to approval by the fire official.

1001.3 Overcrowding. Admittance of any person beyond the approved occupant load established by the building official or the building code under which the building was constructed, or obstructing aisles, passageways or any part of the means of egress shall not be allowed. The fire official, upon finding any condition that constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

1001.4 Accountability. A person responsible for controlling the occupancy capacity shall develop a system to manage the occupancy capacity for approval by the fire official. This system shall be implemented outside the main entrance and consist of a mechanism to count persons as they enter a facility without restricting egress.

1001.5 Operator responsibility. The operator or the person responsible for the operation of an assembly or educational occupancy shall check egress facilities before such building is occupied to determine compliance with this section. If such inspection reveals that any element of the required means of egress cannot be accessed, is obstructed, locked, fastened or otherwise unsuited for immediate utilization, admittance to the building shall not be permitted until necessary corrective action has been completed.

1004.3.1 Occupancy placards. Occupancy load placards required by the building and/or fire code shall be maintained by the owner, occupant, or lessee.

1022.9 Stairway identification signs. Stairway identification signs shall be provided at each landing in all interior exit stairways connecting more than three stories. Stairways shall be identified by letter designation starting next to the main entrance with "A" and continuing in a clockwise or left to right pattern using consecutive letters of the alphabet for each additional stairway. Two copies of the stairway signs shall be submitted to the fire official for approval within 30 days of completion of construction or receipt of notification.

1022.9.1 Sign requirements. Stairway signs shall designate the stairway letter, state the floor level, the level of exit discharge, and if there is access or no access to the roof regardless if the access door or roof hatch locks. The bottom of the sign shall be located five (5) feet above the floor landing in a position that is readily

visible when the stairwell door is opened or closed. The signs must have lettering that is a minimum of 2 inches but no greater than 4 inches in height. This information may be stenciled directly onto the wall but all lettering must be of a color contrasting with the background stairway wall color. (See Figure 1022.9.1)

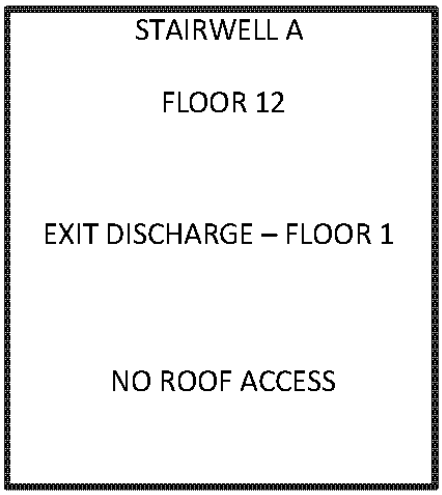

Figure 1022.9.1 Example Stairway Identification Sign

1022.9.2 Footprint requirements. In buildings greater than three stories where there is no graphic representation of the building footprint, a simplified building schematic must be on display in the lobby. The simplified building footprint shall be an overhead view of the building's exterior and the general layout of the lobby of the first floor. Stairways shall be denoted by letter as stated in section 1022.9 (See Figure 1022.9.2)

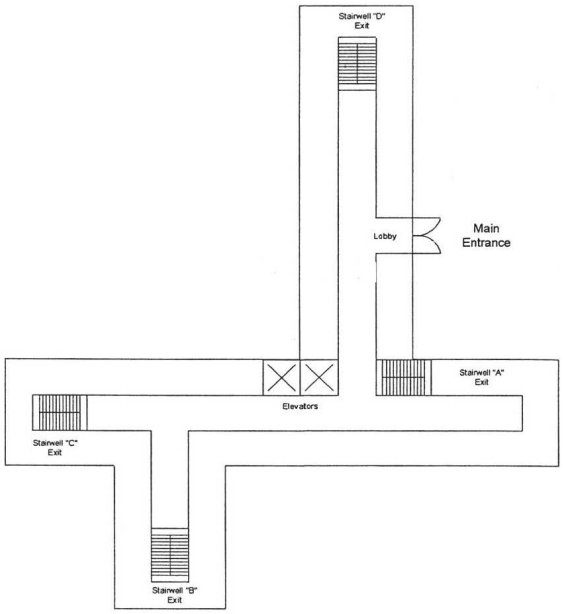

Figure 1022.9.2 Example Building Footprint Sign

1030.3.1 Overcrowding. The fire official, upon finding any condition which constitutes a life safety hazard or where the reliability of the means of egress has been reduced as a result of overcrowding shall be authorized to cause the event to be stopped until such conditions or obstructions are corrected.

2007.1.1 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

2007.1.2 Safety Personnel. A minimum of two trained safety personnel shall supervise the landing area during landing and takeoff. Safety personnel shall be dedicated to the landing area and ensure the area is clear of pedestrians and unauthorized personnel.

2101.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

2201.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

2301.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

2401.3 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

2404.10 Exterior Spray Operations. This section applies to exterior spray painting operations of flammable or combustible finishes that do not exceed an accumulative area of 9 (nine) square feet per day.

2404.10.1 Permit Requirements. A permit shall be applied for with all required supporting documentation, and upon approval, issued to perform limited exterior spray-painting of flammable or combustible finishes. The applicant shall submit two copies of the proposed procedure outlining the process to include the following: a complete list of Material Safety Data Sheets for materials to be utilized, a chemical/paint inventory, the method of on site storage, the method of transportation between sites, the method of paint application, the method of waste/spray paint recovery, site plans, a list of all application areas in which spraying will occur, the type of on site fire protection, 24 hour emergency contact information and the site contact. The Hazardous Use Permit shall be kept in the on site contractor's vehicle at all times. Absence of the on site permit will void permitted process and the area will be deemed non-compliant. If this occurs, all equipment and paint shall be removed from the City of Alexandria limits.

2404.10.2 General Requirements. The following general requirements shall apply to all exterior spray painting operations of flammable and combustible finishes and are subject to review and approval by the fire official or designee prior to commencing exterior spray painting operations. The following requirements apply to the exterior application of flammable and combustible finishes:

1) As practical, the applicant shall locate spray-painting operations away from a building, structure or a property line.

2) The applicant shall ensure the spray painting operation is not continuous in nature.

3) The applicant shall ensure that no exterior electrical equipment is within 20 feet unless it meets the requirement of NEC Class I, Division II, including flexible electrical extension cords, and is approved by the Department of Code Administration.

4) The applicant shall not use portable electrical lamps inside the spray-painting area.

5) The applicant shall provide a minimum of one (40-BC) dry chemical fire extinguisher outside the application area and within 30 feet of travel.

6) The applicant shall remove all possible ignition sources. This shall include securing and stopping all motors on vehicles.

7) The applicant shall not permit open flames within 20 feet of the designated spray area.

8) The applicant shall not permit hot or heated surfaces within the designated spray area.

9) The applicant shall not permit smoking within the spray area. Signage shall be posted and visible from the exterior of the designated spray areas.

10) The applicant shall clean spray-painting equipment in a manner approved by the fire official. Only Class II or III solvents shall be utilized on the exterior.

11) The applicant shall provide a smooth surface for the limited area spray operation. A porous surface such as asphalt is not permitted.

12) If an interior limited area spray operation is approved and utilized, the applicant shall provide the area with approved fire protection and positive ventilation approved for flammable liquids.

13) The applicant shall ensure that all equipment and containers are listed for the flammable or combustible liquid use.

14) If flammable liquids will be transferred from one container to another, the applicant shall ensure that at least one container is bonded and/or grounded.

15) The applicant shall ensure that Class I flammable liquids and/or solvents are not utilized for cleaning of equipment. Only Class II and III combustible liquids may be utilized for cleaning of equipment.

16) The applicant shall keep the limited spray-painting area clean of over spray and residue.

17) The applicant shall provide self-closing metal waste cans to handle waste and rags.

18) The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.

19) The applicant shall not dispose of material by venting material into the atmosphere.

2410.1.1 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

2501.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

2601.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

2701.5 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

2801.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

2807.1.1 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

2901.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

3001.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

3103.4 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

3201.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

3303.1.1 Plans. Floor plans designating the location of heating equipment, heating fuel source, exits, fire extinguishers and fire department access points shall be submitted to the fire official for approval prior to implementation of temporary heating operations.

3303.1.2 Membranes and Sheathing. All material utilized for isolation of heating areas shall be fire retardant.

3304.5 Fire watch. When required by the fire official for building demolition that is hazardous in nature, a fire watch shall be implemented in accordance with the requirements in Section 901.7.

3304.8 Refueling Tanks. All tanks utilized on construction sites shall be equipped with secondary containment and vehicle protection.

3401.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

3403.1.1 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

3409.2 Indoor Storage of Scrap Tires and Tire Byproducts. The indoor storage of scrap tires and tire byproducts exceeding 2,500 cubic feet (71 m^3) shall require a permit.

3501.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

3504.2.7 Exterior Operations. When welding and cutting carts are moved or relocated out of an approved welding and cutting area, the welding and cutting carts shall be equipped with a securely mounted and approved 2A-20BC fire extinguisher.

5001.5 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

5101.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

5201.3 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

5301.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

5401.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

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5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, display, and use of fireworks within the City of Alexandria is prohibited. The fire official or designee shall seize, take, remove or cause to be removed at the expense of the owner, all fireworks that are offered for sale, stored, or are held in violation of this code.

Exception: For public and private displays as permitted by the fire official where a permit is obtained prior to any display in accordance with the requirements of this chapter.

5601.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2 for all blasting operations, firework aerial displays, pyrotechnic events before an audience, the transportation, manufacture, possession, use, storage of explosives and fireworks and the operation of a terminal for handling explosive material and the delivery to or receipt from a carrier at a terminal between sunset and sunrise. An application for the display of aerial fireworks shall be completed and submitted to the fire official 45 days before the scheduled event. The application for aerial fireworks display shall include the following:

1) A copy of an insurance policy with the City of Alexandria named as a co-insured.

2) A site plan with the layout of the discharge site, spectator site, viewing area, parking area, fallout area and the distances for each; the distances to all tents, buildings and structures shall be included.

3) A complete list of aerial fireworks to be displayed.

4) The type and amount of fire protection.

5) The type of physical barrier that will be installed around the display site and the number of monitors that will be used during performance.

6) Identification of the type of security and the number of monitors that will be onsite during the display.

7) The shooter/operator's name, address, social security number, and date of birth.

8) The fireworks display company's address and emergency contact numbers.

9) Emergency contact information, including the owner of the property name and phone number, third shooter/operator (within one hour of travel), and the hazardous material transport company responsible for transportation and security.

10) The method of storage and location that display fireworks are to be stored.

11) A copy of the current ATF shooters license.

5601.2.2 Sale and Retail Display. The sale and retail display of fireworks, explosives or any explosive materials is prohibited within the City of Alexandria.

5601.2.4 Insurance Responsibility. The fire official shall not issue any permit until the requirements of this chapter are met and an application has been submitted for review, approved, and the applicant files a certificate of insurance with the City of Alexandria named as a co- insured on all policies in the amount of two million ($2,000,000) dollars for each bodily injury and property damage. The insurance policy shall become available for the payment of any damage arising from acts or omissions of the applicant, his agents or his

employees in connection with the display of aerial fireworks. The applicant shall ensure the insurance policy is in effect at the time of the commencement of activities authorized by the permit and remains continuously in effect until such are completed.

5602.1 (see Chapter 2 also) Definitions. Fireworks (added to existing list). "Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, chemical reaction, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, model rockets, Roman candles, Daygo bombs, sparklers, pinwheels, poppers, or other devices containing any explosive or flammable compound, or any tablets or other devices containing any explosive; except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with the DOT regulations for packing and shipping as provided therein, and toy pistols, toy cannons, toy canes, toy guns or other devices for use of the caps, the sale and use of which shall be permitted at all times. Pyrotechnics (special fireworks) shall comply with the applicable provisions of this Chapter.

5603.2.1 Records. Daily records shall be kept of the amount of explosives received from a supplier and the amount delivered to the magazine. A daily record shall be kept of the amount of explosives removed from the magazine for daily use and the amount returned to the magazine. This record will be kept within the magazine so that, on inspection of the magazine, an inventory for all explosives can be made. The inventory shall be separated as to the different types of explosives stored and used. Forms for these records shall be approved by the fire official.

5604.5.2.3 Type 3 magazines. Type 3 magazines may be used for temporary storage of explosives at the site of blasting operations where the amount constitutes not more than one day's supply for use at the blast site. All explosives not used in the day's operation shall be returned to a Type 1 magazine at the end of the work day for overnight storage. In no case shall a Type 3 magazine be used for overnight storage unless approved by the fire official. Type 3 magazines shall be allowed only in the I/Industrial Zone.

5606.4.3 Small arms primers and ammunition. No more than 10,000 small arms primers and ammunition shall be stored in occupancies limited to Groups R-3 and R-5.

5607.1.1 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

5608.1.1 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

5608.11 Retail display and sale. The retail display or sale of fireworks is prohibited.

SECTION 5610 TRANSPORTATION

5610.1 Prohibited transportation. Explosive materials shall not be carried or transported on a public conveyance or vehicle carrying passengers for hire.

5610.2 Vehicle design. Vehicles transporting explosive materials shall be strong enough to carry the load and shall be in good and safe mechanical condition. The floors shall be tight and shall have no exposed spark producing surface on the inside of the body. Where explosive materials are transported on a vehicle with an open body, the explosive material shall be stored in a portable magazine or other closed container that is securely fastened to the vehicle body.

5610.3 Vehicle prohibitions. The attachment of a trailer behind a truck, tractor of semi-trailer combination for transporting explosive materials is prohibited. The transport of explosive materials in any pole trailer is prohibited. Exception: Such transport as permitted by DOTn 49 CFR listed in Chapter 80 of this code.

5610.4 Vehicle restrictions. Vehicles containing explosive materials shall not be taken into a garage or repair shop for repair or storage.

5610.5 Vehicle contents. Only those articles authorized to be loaded with explosive materials in accordance with the provisions of this chapter shall be carried in the body of a vehicle transporting explosive materials.

5610.6 Vehicle inspections. The person to whom a permit has been issued to transport explosive materials over the streets and highways of the city shall inspect each vehicle used for such purposes daily, to ensure that:

1. Fire extinguishers are filled and in working order.

2. All electrical wiring is completely protected and is securely fashioned to prevent short circuiting.

3. The motor, chassis, oil pan and body undersides are reasonably clean and free of excess grease and oil.

4. Both the fuel tank and fuel line are secure and free from leaks.

5. The brakes, lights, windshield wipers, horn and steering mechanism are functioning properly.

6. The tires are property inflated, have proper tread depth, and are free of defects.

7. The vehicle is otherwise in proper operating condition and is acceptable for transporting explosive materials.

8. The operator shall maintain all inspection reports in the vehicle at all times.

5610.6.1 Prior Inspection. Vehicles routinely transporting explosive materials within the city shall be inspected by the fire official prior to entering the city limits. Inspection shall occur at six month intervals. The fire official shall issue a fire prevention permit to all approved vehicles.

5610.6.1.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

5610.7 Vehicle signs. Vehicles transporting any quantity of explosive materials shall display all placards, signs lettering or numbering in accordance with DOTn 49 CFR listed in Chapter 80.

5610.8 Separation of detonators and explosives. Detonators shall not be transported in the same vehicle with Class A or Class B explosive materials or blasting agents, except as permitted by DOTn 49 CFR listed in Chapter 80.

5610.9 Vehicle traveling clearances. Vehicles transporting explosive materials and traveling in the same direction shall not be driven within 300 feet (91,440 mm) of each other.

5610.10 Vehicle routing. The route followed by vehicles transporting explosive materials shall not pass through congested areas or heavy traffic, except as permitted by the fire official. A transportation plan identifying the route of travel shall be submitted to the fire official for review and approval.

5610.11 Restricted transportation. Explosive materials shall not be transported through any vehicular tunnel or subway or over any bridge, roadway or elevated highway through or over which such transport is prohibited.

5610.12 Portable fire extinguishers. Every vehicle transporting explosive materials shall be equipped with portable fire extinguishers capable of being readily accessed, filled and ready for immediate discharge.

5610.12.1 Vehicles 14,000 lbs. or greater. At least two portable fire extinguishers with a minimum 2-A:40-B:C rating shall be provided on trucks with a gross vehicle weight of 14,000 lbs. (6356 kg) or greater.

5610.13 Operating precautions. No person shall carry matches of any other flame producing device, or carry unauthorized firearms or cartridges while in or near a vehicle transporting or storing explosive materials. No person shall drive, load or unload such a vehicle in a careless or reckless manner.

5610.14 Spark protection. Spark producing metal or tools, oils, matches, firearms, electric storage batteries, flammable materials, acids, oxidizers or corrosives shall not be transported or stored in the body of any vehicle that is being used to store or transport explosive materials or blasting agents.

5610.15 Unattended vehicles. Vehicles being used to store or transport explosive materials shall not be left unattended at any time within the city. No unauthorized person shall ride or be permitted to ride on any such vehicle.

5610.15.1 Responsibilities. The authorized vehicle attendant shall remain awake and alert at all times.

5610.16 Vehicle parking and transfer. Vehicles being used to transport explosive materials shall not be parked, attended or unattended, on any street or road within the city or adjacent to or in proximity to any building or structure, including a bridge or tunnel, or other place where persons work, congregate or assemble, prior to reaching the vehicles' destination. Explosive materials shall not be transferred from one vehicle to another except in an emergency and under the supervision of the fire official.

5610.16.1 Emergency conditions. In the event a vehicle being used to transport explosive materials breaks down, is involved in an accident, or catches on fire, the city police and fire department shall be notified immediately. Only in the event of a breakdown or accident shall explosive materials be transferred from the disabled vehicle to another, and then only by proper and qualified personnel and under the supervision of the fire official.

5610.17 Delivery. Delivery of explosive materials shall only be made to authorized persons and into approved magazines or approved temporary storage or handling areas.

5610.18 Explosive materials at terminals. The fire official shall designate the location and specify the maximum quantity of explosive materials which are to be loaded, unloaded, reloaded, or stored at any given time at each terminal where such operations are permitted.

5610.19 Carrier responsibility. A carrier shall immediately notify the fire official when explosive materials or blasting agents are to be transported within the City.

5610.20 Notice to consignee. A carrier shall immediately notify the consignee of the arrival of explosive materials at the carrier's terminal.

5610.21 Consignee responsibility. Upon notification that a shipment of explosive materials has arrived at a terminal, the consignee shall remove such materials to a storage area complying with the provisions of this chapter. Such removal shall be accomplished within 48 hours after receipt of notice, excluding Saturdays, Sundays and legal holidays.

5701.4 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

5704.2.7.12 Spill prevention plan. The owner or operator of any storage facility comprised of one or more tanks above or below ground with a total capacity of 5,000 gallons or more shall prepare and maintain on site a plan for product spill prevention, control and countermeasures certified by a professional engineer registered in the Commonwealth of Virginia and approved by the fire official. The certification of the professional engineer shall be that the plan is in substantial compliance with the spill prevention, control and countermeasures plan requirements of the Environmental Protection Agency contained in part 112 of Title 40, Code of Federal Regulations. A plan that has been approved by the Environmental Protection Agency may be submitted to the fire official in lieu of one certified by a professional engineer.

5704.2.7.13 Clean-up of spill and leaks. The owner, tenant or other person in control of premises where a spill or leak has occurred shall be responsible for taking immediate and effective countermeasures to contain the spill, clean up the flammable or combustible liquid and dispose of all waste in an approved manner. Upon notification by the city that it has determined that such person lacks the capability or intent to perform these countermeasures, the person notified shall have a reasonable opportunity to elect either to contract with another for the performance of these countermeasures or to join the city in a contract with another for such work. In either case, the person shall pay the entire cost of the work. If a person who has received a notice from the city under this section fails to inform the city of his election within the time specified in the notice, the city may proceed without delay to undertake the required countermeasures, and to charge the owner, tenant, or other person in control of the premises, the entire cost of such work.

5704.2.7.14 Monitoring wells. Two permanent monitoring wells shall be installed in opposing corners of the tank field on all new installation after the effective date of this regulation. These wells shall extend to a minimum depth of two feet below the bottom of the tanks in the tank field. These wells shall be a minimum of four inches schedule 40 PVC screen pipe or equivalent and shall be flush with covering surface and covered with standard metal cover and gravel packed to prevent clogging. The screened section shall have a minimum size of .025 inch.

5704.2.7.15 Tank closure. All underground storage tanks permanently removed from service shall have a site assessment in accordance with the regulations of the Virginia Statewide Water Control Board. A copy of this assessment must be submitted to the fire official and to the Virginia Water Control Board if it so requires. A minimum of three soil samplings should be obtained to complete this assessment. Previously used tanks which are removed from the ground shall not be reinstalled unless the original manufacturer certifies that they are suitable for service. The manufacturers written certification must be kept on file at the facility and be available for inspection by the fire official.

5704.2.7.16 Product inventory. All buried tanks installed after this regulation is effective shall have provision for taking direct measurements of readings of content level by the stick method. Liquid levels of storage tanks shall be measured by the operator each day of operation and compared with pump meter readings taken on receipt of the product. These records shall be kept in a log book and be available for reasonable inspection by the fire official. Loss of product above normal evaporation (one-half of one percent of pump meter sales readings) shall be reported immediately to the fire official. Records shall be retained for two years. This period shall be extended upon request of the fire official.

5704.2.7.17 Special equipment. High liquid level gauges or alarm systems as well as pump cut-off devices shall be installed by the owner or the authorized operator in all oil storage tanks wherever in the judgment of the fire official there is a possibility that product may be lost by overflowing. Since these emergency devices can fail to operate, their use for spill prevention purposes shall be considered only as auxiliary and supplementary to the use of personnel engaged in a transfer of fill operation.

5706.6.5 Maintenance. Tank vehicles operating within the city while in transit into or out of the city shall be maintained in accordance with the federal regulations contained in parts 390 through 397 of Title 49, Code of Federal Regulations. Part 397.3 of Title 49 requires that all motor vehicles carrying hazardous materials comply with state and local laws, ordinances and regulations, unless the regulations of the U.S. Department of Transportation apply and are stricter. Any duly sworn law enforcement officer of the city, including the fire official, fire marshal, assistant fire marshal, and any deputy fire marshals may halt any tank vehicle which is observed to have a condition or characteristic which indicates that there is a violation of city, state or federal regulations governing the transportation of hazardous materials. The vehicle may be detained long enough to determine whether the permits required for transporting hazardous materials have been obtained, whether the cargo is secure, and whether the observed condition or characteristic presents an immediate threat of a transportation related spill or other catastrophic event. The tank vehicle may resume operation if it is found to be in good repair and free of leaks in accordance with NFPA 385. If that finding is not made, the vehicle shall not be detained any longer than necessary for the officer or official to determine that arrangements for the repair of the vehicle where situated or for its removal to a safe place and repair there, whichever in the judgment of the officer or official if appropriate, are made. Upon refusal of the operator to make arrangements required by the officer or official, the vehicle shall be impounded and held until the repair is made or until the officer or official is certain that it will be made.

5801.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

5901.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

5906.1.1 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

6001.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

6101.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

6103.2.2.1 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2 for the storage and operation of industrial vehicles and floor maintenance machines.

6201.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

6301.2 Permits. Permits shall be obtained from the fire official in accordance with Table 107.2.

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APPENDIX A - SITE PLAN REQUIREMENTS

SECTION A101 - GENERAL

A101.1 Scope. Appendix A, Site Plan Requirements provides specific information concerning various fire protection related issues including, fire hydrant and fire main requirements, emergency vehicle access and easements (emergency vehicle easement requirements), and construction features.

A101.2 Alternatives. Alternative approaches to these requirements will be considered on a case-by-case basis and are subject to the review and approval by the fire official.

SECTION A102 - SITE PLAN INFORMATION

A102.1 Site Plan Requirements. The following general and fire protection information shall be provided on site plans:

1. Submitter name, address, telephone number.

2. Building name and address.

3. Edition of the building code (Virginia Uniform Statewide Building Code), occupancy classification, use group and type of construction. Height of building in feet and stories.

4. Foot print area of building and gross floor area of building.

5. Identification of fire walls, fire barriers, other fire separations with hourly rating.

6. Existing and proposed water and fire main locations and sizes.

7. Existing and proposed fire hydrants locations, size of pipe, and expected flow and pressure.

8. State if a full or partial fire sprinkler system will be installed.

9. If fire sprinkler system will be installed, show location of fire department connections(s). Fire department connection shall be located on street front, address side of building but provide additional fire department connection for buildings five stories or 50 feet or greater, on the other side of the building. Fire department connection shall be visible and accessible with no obstructions within 3 feet of fire department connection. Note: Type of fire department connection will be determined by fire sprinkler system water demand.

10. Topographical map relating grade and elevation to fire department connections.

11. Available water pressure and flow capacity, static pressure, residual pressure, flow in gpm.

12. Calculate required fire flow and indicate available fire flow at 20 psi per Insurance Services Office (ISO) methodology as described in Appendix B of this document.

13. Location of all Emergency Vehicle Easements (EVE) and locations of EVE signs.

14. Adequate emergency vehicle access, turning radii.

Note:

(a) Dead-end emergency vehicle easements greater than 100 feet require turnaround.

(b) Emergency vehicle access to within 100 feet of main entrance.

(c) Show all overhangs and obstructions to emergency vehicle easement. The minimum emergency vehicle clearance for canopies, overhangs, and obstructions is 15 feet.

APPENDIX B - FIRE-FLOW REQUIREMENTS FOR BUILDINGS

B101.1 Fire-Flow Requirements. Fire-flow requirements shall be based on the methodology described in the Insurance Services Office's (ISO) Guide For Determination of Needed Fire Flow, Edition 06-2014.

APPENDIX C - FIRE HYDRANT AND FIRE MAIN INSTALLATION REQUIREMENTS

C101.1 Fire Hydrant Requirements. Fire hydrant installation shall conform to the requirements found in Design and Construction Standards, Department of Transportation & Environmental Services July 1989, Fire Hydrant Installation, CSFH - 1, Page 9. Hydrants shall be Mueller "Super Centurion" (Catalog #A-423) provided with a 6-inch connection to the water main. The hydrant shall have on 1-½ inch pentagon-operating nut, left turn to open, two 2-½ inch NSH nipple outlets capped, and one 4-inch NSH nipple outlet capped. The hydrant shall be connected to a Mueller Gate Valve (Catalog #A2360-20 or Virginia American Water Company approved equivalent) by the 6 inch water supply line and have a minimum 5¼ inch valve opening with 6 inch mechanical joints. Additional requirements are as follows:

1. The hydrant shall be supported by hard, compacted block with hard gravel bedding.

2. The pipe has to have a minimum bed of 6" of 21-A bluestone under hydrant laterals. All underground piping must be poly wrapped.

3. Hydrants shall have a minimum of 9 cu. yds. of 57 stone for the bleeders, tar paper between the concrete kicker and stone, and sitting on a concrete block.

4. The hydrant shall be located so that the thrust block is placed in undisturbed soil. Where this is not practical, the soil beneath the surrounding thrust block shall be compacted to 95% of maximum density.

5. The hydrant shall be plumb and the center of the hydrant (4-inch nozzle cover) shall be a minimum of 18 inches and maximum of 24 inches from the top face of the curb.

6. Excavation shall contain one ton of coarse washed gravel around base of hydrant for drainage.

7. The bottom of the safety flange shall be 2½ inches above the edge of the shoulder on streets without curb and gutter and 2½ inches above the elevation of curb on streets with curb and gutter.

8. Bends in underground piping shall be rodded and blocked.

9. Laterals shall be equipped with shut-off valves at tees or tapping sleeves. Valves shall be secured by rods or bolts, to tees or mains. Valves shall be equipped with standard two-inch square operating nuts and valve boxes with covers. Valves shall have right hand closure.

10. All hydrant branches shall have a minimum cover of four feet at the ditch line.

11. Public hydrants shall be painted with rust inhibitive primer and exterior enamel in the following color(s): Sherwin Williams "Safety Yellow" #B54YZ437 for barrels and Sherwin Williams "Pure White" #B54WZ401 for hydrant bonnets and caps.

Exception: Public hydrant barrels may be painted with an approved flat black paint where such locations are specifically approved in writing by the fire chief. Private hydrant shall be painted with a rust inhibitive primer and exterior enamel Sherwin Williams "Safety Yellow" #B54YZ437 for the barrels and bonnets and Sherman Williams "Pure White" #B54WZ401 for the caps only.

Exception: Hydrant barrels may be painted with an approved flat black where such locations are specifically approved in writing by the fire chief.

12. The building official or designee shall witness all flushing, perform visual inspection, hydrostatic and flow testing of all public and private hydrants by a licensed contractor. The building official or designee personnel shall confirm the hydrant meets the 100% design flow requirement.

13. Sidewalks shall be wrapped around hydrants located in areas where the grass area is shown as two feet or less.

14. Easements shall be required for hydrants located in ditch section streets where there is less than five feet clearance from hydrant to the property line.

15. Hydrants shall be installed, either five feet from the point of curvature of curb returns or on the property line in subdivisions.

16. Fire hydrants shall be located at least 40 feet from all buildings served by the hydrant. When a hydrant cannot be placed at the required distance, the fire official or designee will consider exceptions.

17. No plantings or other obstructions shall be located within three feet of any hydrant or fire department connection.

18. Fire hydrant protection pipe bollards shall be installed as needed for industrial and commercial developments where curbs are not available and in locations where the potential for damage is greater than normal due to vehicular traffic as determined by the fire official. Bollards shall be located adjacent to the hydrant and in such a manner as not to interfere with the ability to connect hoses or operate the hydrant. Steel pipe bollards shall be installed in accordance with Virginia American Water Company Specifications for Pipeline Installation and Street Restoration - Fire Hydrant Protection Pipe Bollard Detail 31-60013 SK. Where possible, bollards shall be at least 36 inches from the center of the hydrant-operating nut in all directions. The bottom of the bollards and encasement shall not be located above the hydrant supply piping and valve or within the area of the hydrant supply piping to prevent the possibility of damage to the underground piping should the bollard be displaced by vehicular contact. Exact locations of bollards will be determined by the engineer of record and approved by the fire official.

19. Where standpipes or sprinkler systems are provided within buildings, a fire hydrant shall be located within 100 feet of the fire department connection. Where possible and practical, the fire hydrant shall be located on the same side of the street as the fire department connection if the hydrant does not violate the minimum distance from all buildings requirement in Item 16.

20. All fire hydrants shall be located so the maximum distance measured from the hydrant to the most remote point of vehicular access on the site is 300 feet.

21. Dead-end water main to fire hydrant distance shall be as follows:

6" line = 380 feet max. distance

8" line = 1,550 feet max. distance

10" line = 4,600 feet max. distance

12" line = 11,150 feet max. distance

SECTION C102 - INSTALLATION AND TESTING OF UNDERGROUND FIRE MAINS AND FIRE LINES

C102.1 Fire Main and Fire Lines Requirements. All installation and testing shall be in accordance with Virginia American Water Company Standards. A Contractors Material and Test Certificate for Underground Piping, (see NFPA 24 appendix) shall be completed and signed by the installing contractors. The building official or designee shall witness all required inspections and tests.

C102.2 General Requirements. The following general requirements shall be followed when installing fire main and fire lines:

1. Fire lines shall have at least four (4) feet of ground cover from the top of the pipe.

2. All bends and tees shall be provided with thrust blocks in accordance with NFPA 24.

3. All rods shall be a minimum of 5/8 inch in diameter. The number of rods shall be determined by the pipe size.

4. All rods, nuts, bolts, washers, clamps and other restraining devices shall be cleaned and thoroughly coated with bituminous or other acceptable corrosion-retarding material.

5. Thrust blocks shall be placed against undisturbed soil. Pipe clamps and tie-rods, thrust blocks, locked mechanical or push-on joints, mechanical joints utilizing set screw retainer glands, or other approved methods or devices shall be used. The type of pipe, soil conditions and available space shall determine the method.

6. When using clamps, rods shall be used in pairs, two to each clamp.

7. Fire lines shall not run under buildings.

8. All pipe shall be hydrostatically tested and visually inspected before being covered. The trench shall be backfilled between joints before testing to prevent movement of pipe.

9. The hydrostatic test of 200 psi or 50 psi over static pressure, whichever is higher shall be conducted for two (2) hours.

10. The contractor shall remain responsible for locating and correcting any leakage. If pipe is covered, no drop in pressure during the hydrostatic test is permitted.

11. Gauges used in performing acceptance tests shall meet the following:

(a) Gauges shall be appropriate for the type of test (i.e., air gauge for air pressure test, water gauge for hydrostatic test.)

(b) Air gauges shall have increments of two (2) pounds or less. Water gauges shall have increments of ten (10) pounds or less.

(c) The gauge shall be capable of registering pressures above the minimum pressure required during the test. The pressure registered during the actual test shall be at least the minimum required for the test and less than the maximum of the gauge register. Gauges shall be marked as accepted by UL, FM, or other approved testing laboratories. No valves shall be installed in a fire line between the street valve at the water main and the OS&Y valve inside the building.

12. All fire lines shall be thoroughly flushed with an opening the same size as the pipe. The minimum rate of flow shall be not less than the water demand rate of the system, which is determined by the system design, or not less than that necessary to provide a velocity of 10 feet per second, whichever is greater. The flushing operation shall continue for sufficient time to ensure thorough cleaning.

13. When the above flow rate cannot be verified or met, supply piping shall be flushed at the maximum flow rate available to the system under fire conditions.

14. Approved site plans showing the size and location of pipe shall be on the job site before the inspection or test is performed.

15. Galvanized spool piece (potable water). The procedure for installing a galvanized pipe between the ductile iron fire line and the OS&Y valve is as follows:

(a) If a spool piece is used between the fire line stub and the OS&Y valve to raise the valve off the fire line stub, then it shall be galvanized pipe. This spool may be hydrostatically tested as part of the underground, or part of the sprinkler riser.

- or -

(b) If the OS&Y valve is rated by the AWWA as suitable for connection to a potable water system, this valve is a suitable transition piece between the fire line stub and the check valve. This OS&Y valve may be attached directly to the fire line stub if there is adequate clearance for proper operation of the valve, and then no galvanized pipe is required.

16. All items shall be inspected before any backfill.

17. Electrical ground wires shall not be connected to underground fire lines.

18. Backfill shall be well tamped, free of rocks and construction debris and free of corrosives.

APPENDIX D - EMERGENCY VEHICLE ACCESS

D101.1 Requirements. The following requirements shall be followed when designing emergency vehicle access:

1. Access for emergency vehicles shall be provided to within 100 feet of the main or principal entrance to every building. The access shall be provided by a public or private street or parking lot.

2. Buildings 5 stories or 50 feet or more in height require ladder truck access (open perimeter) completely on one of the longest sides and a continuance side. When that cannot be achieved, 48% of the total perimeter of the building shall be accessible by ladder truck.

3. When neither of the ladder truck access methods can be achieved, access requirements necessary for fire and EMS operations will be determined by the fire official.

4. Buildings 5 stories or 50 feet or more in height up to the minimum defined height for a High Rise Building as defined in the Virginia Construction Code that cannot meet one of the two ladder truck access requirements shall meet the emergency escape and rescue, elevator, standby power, emergency power, stairway communication, and smoke proof exit enclosure provisions found in Chapter 4 of the Virginia Uniform Statewide Building (International Building Code Section 403) relating to High Rise Buildings. When in the opinion of the fire official it is impractical or unnecessary to meet specific high rise building requirements noted in this section to meet reduced ladder truck access, the fire official will provide written notification to the building official verifying which provisions are not necessary.

5. The access to the rear may be provided by a street, parking lot or emergency vehicle easement designed to all appropriate standards.

6. The inner surface of the ladder truck access way shall be no less than 15 feet and no more than 30 feet from the exterior building wall.

7. Where required, emergency vehicle easements shall have a minimum width of 22 feet.

8. Required fire department access ways over 100 feet in length shall have provisions for turning apparatus around according to the requirements established by the Transportation and Environmental Services Department for emergency vehicle easements.

9. Building overhangs which cross an emergency vehicle easement threshold shall not be occupied space and shall be no less than 15 feet in height, as measured from the top surface of the roadway to the lowest protrusion of the overhang.

10. Residential rear service alleys that function as fire department emergency vehicle access shall meet the access criteria established by the Transportation and Environmental Services Department.

11. Where there is an emergency vehicle easement over a parking structure, the design live load for the parking structure deck shall conform to A.A.H.S.T.O. Loading Standard HS-20.

12. Where curbing is a component of the emergency vehicle easement, the curbing construction shall conform to weight and grade requirements for vehicular traffic. In no circumstances shall a raised curb be located in the path of travel in an emergency vehicle easement. Where a mountable curb is provided as part of an emergency vehicle easement, emergency vehicle easement signs shall be posted at the point nearest the edge of the emergency vehicle easement, but in no case within the clear width of the emergency vehicle easement. With the exception of flush curbs, any fire department access points that require fire apparatus to mount a curb shall conform to the modified 3 inch curb design standard MOD CG-3 or MOD CG-7 design as shown.

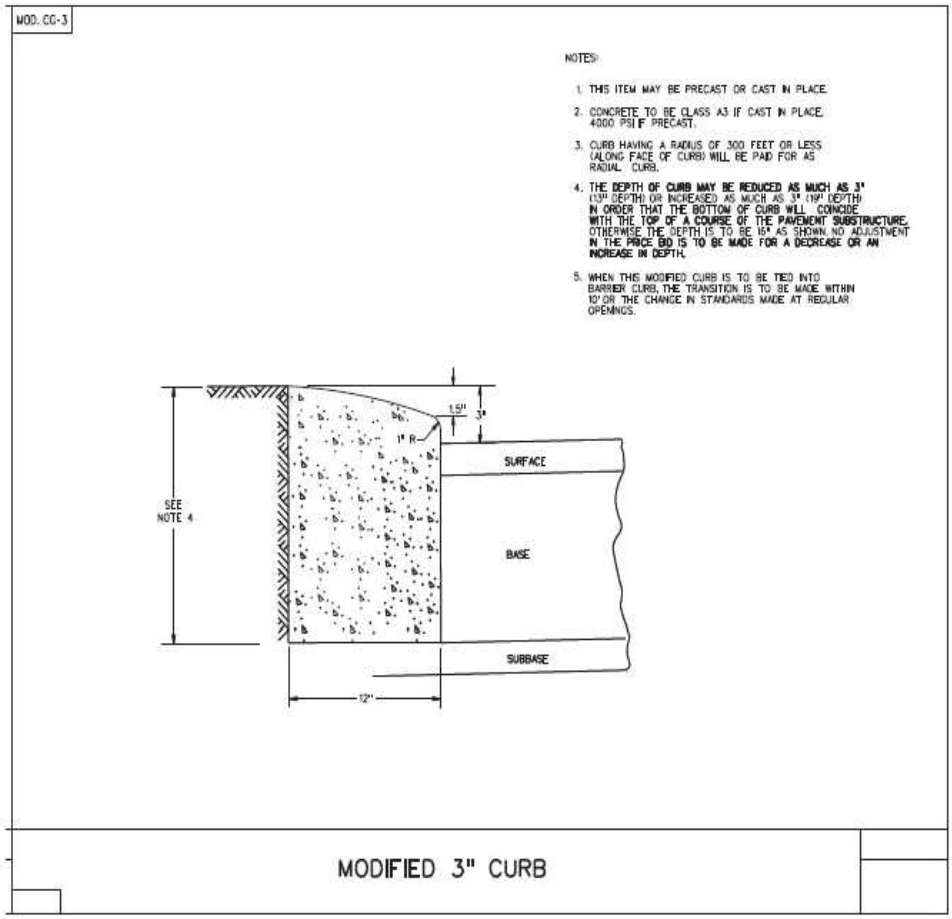

Figure D101.1 Modified 3 inch curb MOD CG-3

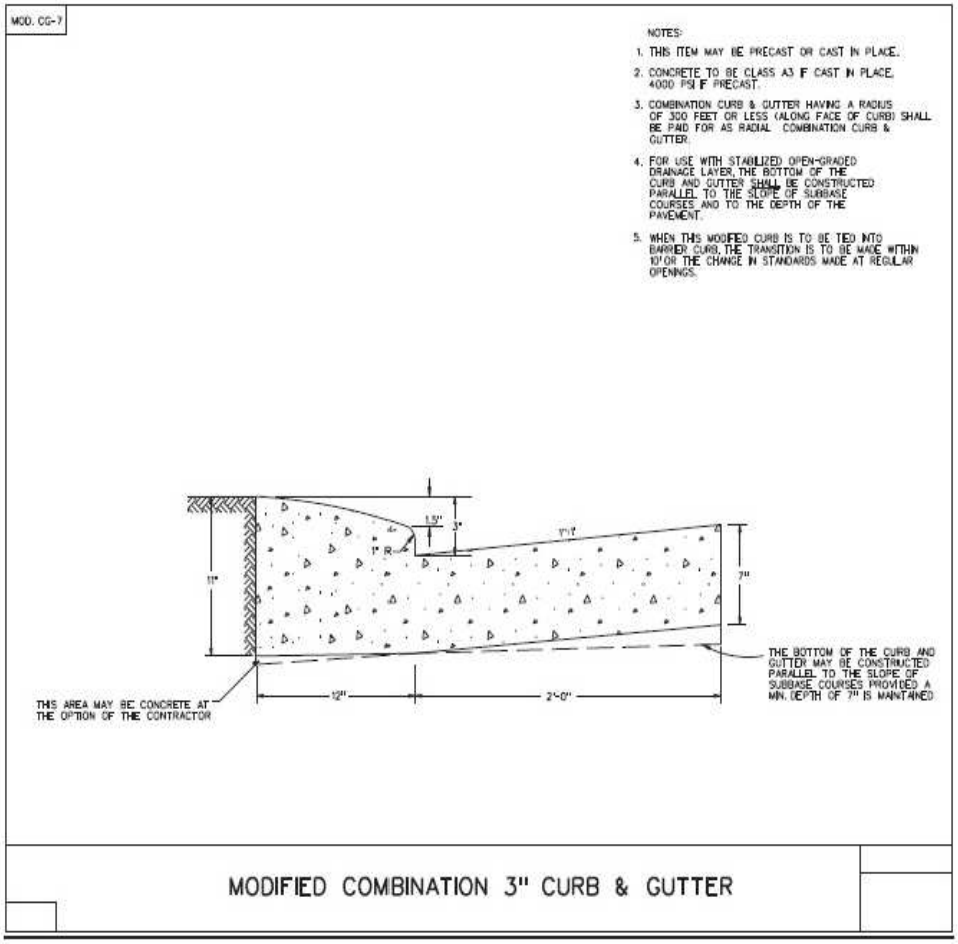

Figure D101.1 Modified Combination 3 inch curb MOD CG-7

D102 - Emergency Vehicle Easements

D102.1 Emergency Vehicle Easements. Emergency vehicle easements shall be a minimum of 22 feet across the travel lane. The emergency vehicle easement shall provide access to strategic areas of the building and fire protection systems. Curbing and street components shall conform to the standards established by Transportation and Environmental Services and this document for emergency vehicle easements.

D102.2 Sign Specifications. Emergency vehicle easement signs shall be metal construction, 12-inches wide and 18 inches in height. Provide red letters on reflective white background with a ⅜-inch red trim strip around the entire outer edge of the sign.

The lettering shall say "NO PARKING," "EMERGENCY VEHICLE EASEMENT," "EM. VEH. EAS," and "City of Alex.," Lettering size shall be as follows: "NO PARKING" - 2 inches, "EMERGENCY VEHICLE EASEMENT" - 2½ inches. EM. VEH. EAS. - 1 inch, CITY OF ALEX. - ½ inch. Directional Arrows - 1 inch by 6 inches solid shaft with solid head - 1½ inches wide and 2 inches deep (For examples, see Figures D102.1, D102.2, and D102.3). Signs shall be mounted with the bottom of the sign 7 feet above the roadway, and shall be properly attached to a signpost or other approved structure such as designated by the fire official. Posts for signs, when required, shall be metal and securely mounted. Signs shall be parallel to the direction of vehicle travel and posted so the directional arrows clearly show the boundaries and limits of the Emergency Vehicle Easement. In areas where emergency vehicle easements involve two-way traffic, double mounted signs shall be provided. The maximum distance between signs shall be 100 feet. Other special signs or modifications to emergency vehicle easement signs shall be approved by the fire official.

D102.3 Fire Dept. Access Lanes/Mountable Curbs. Where curbing is a component of the emergency vehicle easement, the curbing construction shall conform to weight and grade requirements for vehicular traffic. In no circumstances shall a raised curb be located in the path of travel in an emergency vehicle easement. Where a mountable curb is provided as part of an emergency vehicle easement, emergency vehicle easement signs shall be posted at the point nearest the edge of the emergency vehicle easement, but in no case within the clear width of the emergency vehicle easement.

D102.4 Maintenance of Emergency Vehicle Easements. It is the responsibility of the property owner to maintain signage, access, and the drivability of the Emergency Vehicle Easement at all times. This includes Emergency Vehicle Easements constructed with materials that permit apparatus to drive on grass surfaces.

Figure D102.1 EVE Sign
Left Arrow

Figure D102.2 EVE Sign Right Arrow

Figure D102.3 EVE Sign Left and Right Arrow

SECTION D103 - CONVEYANCE OF EMERGENCY VEHICLE EASEMENT TO CITY OF ALEXANDRIA

D103.1 General. The property owner shall have an Engineer or Surveyor submit to the Transportation & Environmental Services Department a preliminary plat indicating location, width, boundary and a description of the composition of easement for the Emergency Vehicle Easement.

D103.2 Agency Review. The Transportation & Environmental Services Department and the fire official shall review the plat to determine whether the Emergency Vehicle Easement is necessary or desirable and has adequate access, width, and turning radius. Transportation & Environmental Services Department will determine if the existing paved surface meets city standard (CSAP-1A). All elevated surfaces shall meet H-20 specifications. If the Emergency Vehicle Easement is attached to the terms and conditions of a Special Use Permit, then the applicant must also file with the City's Planning & Zoning Office for review. All appropriate agencies will comment on the content of the plat.

D103.3 Approval. If approved, the applicant will submit a final plat and descriptive deed. The City of Alexandria will sign and return to applicant for recordation.

D103.4 Recordation. Upon recordation, the applicant will report deed book and page number (instrument number) to Transportation & Environmental Services Department so information can be kept on file. The final plat and bond will not be released until the deed has been recorded. (Ord. No. 4725, 6/25/11, Sec. 1; Ord. No. 4960, 6/13/15, Sec. 1)

CHAPTER 3

Emergency Services

§ 4-3-1	Short title.
§ 4-3-2	Definitions.
§ 4-3-3	Establishment of office.
§ 4-3-4	Director of office.
§ 4-3-5	Declaration of local emergency.
§ 4-3-6	State of emergency.
§ 4-3-7	Emergency operations plan.
§ 4-3-8	City liability.

Sec. 4-3-1 Short title.

This chapter shall be known and may be cited as the Emergency Services Code of the City of Alexandria, Virginia. (Code 1963, Sec. 10B-1)

Sec. 4-3-2 Definitions.

(a) *Emergency services.* The preparation for and the carrying out of functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from natural or manmade disasters; together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions. These functions include, without limitations, fire fighting services, police services, medical and health services, rescue engineering, air raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection.

(b) *Natural disaster.* Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, fire or other catastrophe result in damage, hardship, suffering or possible loss of life.

(c) *Man-made disaster.* Any condition following an attack by an enemy or foreign nation upon the United States resulting in substantial damage to property or injury to persons in the United States and may be by use of bombs, missiles, shellfire, atomic, radiological, chemical or biological means or other weapons or processes; also their condition resulting from causes such as oil spills, other injurious environmental contamination, conflagrations, explosions, sabotage, covert and overt paramilitary actions or other similar acts.

(d) *Local emergency.* The condition declared by city council when in its judgment the threat or actual occurrence of a disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby; provided, however, that a local emergency arising wholly or substantially out of a resource shortage may be declared only by the governor, upon petition of the city council, when he deems the threat or actual occurrence of a disaster to be of sufficient severity and magnitude to warrant coordinated city council action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby.

(e) *Resource shortage.* The absence, unavailability or reduced supply of any raw or processed natural resource, or any commodities, goods or services of any kind which bear a substantial relationship to the health, safety, welfare and economic well-being of the citizens of the commonwealth.

(f) *Interjurisdictional agency for emergency services.* Any organization established between contiguous political subdivisions to facilitate the cooperation and protection of the subdivisions in work of disaster prevention, preparedness, response and recovery. (Code 1963, Sec. 10B-2)

Sec. 4-3-3 Establishment of office.

There is hereby established the office of emergency services of the City of Alexandria, Virginia. (Code 1963, Sec. 10B-3)

Sec. 4-3-4 Director of office.

(a) The city manager shall be the director of the office of emergency services. Duties and responsibilities of the director are as follows:

(1) The director shall organize emergency service and direct emergency operations through the regularly constituted government structure, and shall use equipment, supplies and facilities of existing departments, offices and agencies of the city to the maximum extent practical. The officers and personnel of all the departments, offices and agencies are directed to cooperate with and extend any services and facilities to the director upon request.

(2) The director shall prepare or cause to be prepared and kept current a city emergency operations plan.

(3) The director may, in collaboration with other public and private agencies within the state, develop or cause to be developed mutual aid

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agreements or reciprocal assistance in the case of an emergency or disaster too great to be dealt with unassisted.

(b) The director shall have authority to appoint a coordinator of emergency services with the consent of the city council. The coordinator shall be responsible to the director and shall carry out any tasks as designated by the director. (Code 1963, Sec. 10B-4)

Editorial Note: The emergency preparedness coordinator is an employee assigned to the fire chief.

Sec. 4-3-5 Declaration of local emergency.

(a) A local emergency may be declared by the director of emergency services with the consent of council. In the event that council cannot convene due to the emergency or other exigent circumstances, the director or any member of council in the absence of the director may declare the existence of a local emergency, subject to confirmation by council at its next regularly scheduled meeting or at a special meeting within 14 days of the declaration, whichever occurs first. When in its judgment all emergency actions have been taken, council shall take appropriate action to end the declared emergency.

(b) A declaration of a local emergency shall activate the response and recovery programs of all applicable local and interjurisdictional emergency operations plans and authorize the furnishing of aid and assistance thereunder.

(c) Whenever a local emergency has been declared, the director of emergency services may be authorized by the council to enter into contracts and incur obligations on behalf of the city necessary to combat the threatened or actual disaster, protect the health and safety of persons and property, and provide emergency assistance to the victims of the disaster. In exercising the powers vested under this section, under the supervision and control of council, the director may proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and other expenditures of public funds, providing any funds in excess of allocations authorized by city council are available.

(d) Whenever a local emergency has been declared, the director, or member of the council acting in the absence of the director, shall notify the state office of emergency services when all local resources have been committed and assistance is needed from the state. (Code 1963, Sec. 10B-5; Ord. No. 3784, 3/18/95, Sec. 1)

Sec. 4-3-6 State of emergency.

Whenever the governor has declared a state of emergency, the city council may, under the supervision and control of the governor or his designated representative, enter into contracts and incur obligations necessary to combat the threatened or actual disaster beyond the capabilities of local government, protect the health and safety of persons and property, and provide emergency assistance to the victims of the disaster, in exercising the powers vested under this section, under the supervision and control of the governor, the city council may proceed without regard to time-consuming procedures and formalities prescribed by law pertaining to public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, levying of taxes, and appropriation and expenditure of public funds. (Code 1963, Sec. 10B-6)

Sec. 4-3-7 Emergency operations plan.

(a) The director shall prepare or cause to be prepared and shall keep current a comprehensive emergency operations plan.

(b) The plan shall include but not be limited to the responsibilities of all local departments, agencies, commissions, etc.

(c) The director shall in the plan establish a chain of command within the emergency organization. The responsible person for each agency shall designate and keep on file with the director a current list of three persons as successors to his position. The list shall be in order of succession. (Code 1963, Sec. 10B-7)

Sec. 4-3-8 City liability.

(a) Neither the city nor agents nor representatives of the city, nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this chapter, shall be liable for any damage sustained to persons or property as a result of this activity.

(b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the city the right to

inspect, designate and use the whole or any parts of the real estate or premises for the purpose of sheltering persons during an actual or impending disaster shall not be civilly liable for the death of, or injury to, any persons on or about the real estate or premises under any license, privilege or other permission, or for loss of or damage to the property of the person.

(c) If any person holds a license, certificate or other permit issued by any state or political subdivision thereof, evidencing the meeting of qualifications for professional, mechanical or other skills, the person may gratuitously render aid involving that skill in the city during a disaster, and that person shall not be liable for negligently causing the death of, or injury to, any person or for the loss of or damage to the property of any person resulting from any gratuitous service. (Code 1963, Sec. 10B-8)

CHAPTER 4

Security Alarm Systems

Editorial Note: Ordinance No. 2480, amended the 1963 code so as to add therein a new chapter designated as 27B codified herein as Chapter 4 of this title.

§ 4-4-1 Definitions.
§ 4-4-2 Unlawful activation of security alarm system.
§ 4-4-3 Automatic dialing device—prohibited.
§ 4-4-4 Charge for false alarms.
§§ 4-4-5 through 4-4-8 reserved.

Sec. 4-4-1 Definitions.

(a) *Audible alarm.* A device located at the protected premises which generates an audible signal when activated. This device is designed to signal a breach of security.

(b) *Automatic dialing device.* A device at the protected premises which is interconnected to the telephone line and is programmed to select a telephone number which terminates at the Alexandria Police Department and transmits a prerecorded voice message or code which signals the existence of criminal activity at the protected premises.

(c) *False alarm.* Any security alarm signal, whether or not from an audible alarm system, communicated directly or indirectly to the Alexandria Police Department which is not in response to actual or threatened criminal activity requiring an immediate police response, including signals which are negligently, accidentally or inadvertently activated, which are the result of faulty, malfunctioning or improperly installed or maintained equipment and which are purposely activated to summon the police; provided, that a false alarm shall not include a signal activated by unusually severe weather conditions or other causes which are determined by the chief of police or his designee to be beyond the control of the user.

(d) *Person.* Any individual, group or persons, firm, partnership, company, corporation or association of any kind.

(e) *Protected premises.* The premises upon which a security alarm system is located.

(f) *Security alarm system.* Any assembly of equipment or a device designated to detect and signal unauthorized intrusion, attempted burglary, robbery or other criminal activity at the protected premises. A security alarm system may include a system connected to a central station or any other system which directly signals the police department.

(g) *User*. Any person using a security alarm system regardless of whether or not the person owns the premises on which the security alarm system is located. (Code 1963, as amended by Ord. No. 2480, 6/14/80, Sec. 1; Ord. No. 3095, 11/16/85, Sec. 1; Ord. No. 3363, 4/15/89, Sec. 1)

Sec. 4-4-2 Unlawful activation of security alarm system.

It shall be unlawful for a person knowingly, and without just cause, to activate a security alarm to notify the police department in situations where there is not actual or threatened criminal activity. Any violation of this section shall be punishable by a fine of not more than $100 for each offense. (Code 1963, as amended by Ord. No. 2480, 6/14/80, Sec. 1)

Sec. 4-4-3 Automatic dialing device—prohibited.

It shall be unlawful for any user to install or operate an automatic dialing device which is programmed to transmit a prerecorded message or a code signal directly to the police department. Any violation of this section shall be punished by a fine of not more than $100. (Code 1963, as amended by Ord. No. 2480, 6/14/80, Sec. 1)

Sec. 4-4-4 Charge for false alarms.

Service charges shall be imposed, in accordance with this section, for false alarms which result in a response by one or more police officers to protected premises. No service charge shall be imposed for the first false alarm in any six-month period which results in a response by one or more police officers to the protected premises. A service charge of $35 shall be imposed for the next false alarm which results in a police response to the same premises, if the alarm occurs within six months of the first false alarm. A service charge of $50 shall be imposed for the next false alarm which results in a police response to the same premises, if the alarm occurs within six months of a false alarm for which a $35 service charge was imposed under this section. A service charge of $50 shall be imposed for every subsequent false alarm which results in a police response to the same premises and which occurs within six months of a false alarm for which a $50 service charge was imposed under this section. Any service charge imposed under this section shall be billed to the user by, and payment shall be made to, the director of finance. (Ord. No. 3363, 4/15/89, Sec. 3)

Editorial Note: Ord. No. 3363, § 2, adopted April 15, 1989, repealed §§ 4-4-4—4-4-8 which pertained to requirements for connection of a security alarm system to the alarm board; responsibility of user of alarm system after approval by chief of police; disconnection from the alarm board; reconnection to the alarm board and appeal proceedings, and derived from Code 1963 as amended by Ord. No. 2480, Section 1, adopted June 14, 1980. Section 3 of said Ord. No. 3363 added a new Section 4-4-4 to read as herein set out.

Secs. 4-4-5 through 4-4-8 reserved.

Note: See the editorial note at § 4-4-4.

CHAPTER 5

Sheriff

(Reserved)

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 multifamily 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. (Ord. No. 4659, 5/15/10, Sec. 2)

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 inch; for all locks installed prior to July 1, 1984, the lock must penetrate the jamb a minimum of one-half inch. This lock is designed for both wood and metal doors.

(g) *Multifamily rental dwelling.* A building, or portion thereof, containing three 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 multifamily 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 multifamily 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 inch in diameter and approximately two to three 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 inch.

(m) *Vertical dead bolt lock.* Two 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. (Ord. No. 4659, 5/15/10, Sec. 2)

Sec. 4-6-3 Responsibility for compliance.

The owner or operator of the premises shall be responsible for compliance with this chapter. (Ord. No. 4659, 5/15/10, Sec. 2)

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 multifamily 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 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. (Ord. No. 4659, 5/15/10, Sec. 2)

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 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. (Ord. No. 4659, 5/15/10, Sec. 2)

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. (Ord. No. 4659, 5/15/10, Sec. 2)

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. (Ord. No. 4659, 5/15/10, Sec. 2)

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. (Ord. No. 4659, 5/15/10, Sec. 2)

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TITLE 5

Transportation and Environmental Services

Cross Reference: Director of transportation and environmental services to have supervision of trees, shrubs, plants, etc., Sec. 6-2-1.

Chapter 1	**Solid Waste Control**
Chapter 2	**Streets and Sidewalks**
Chapter 3	**Underground Utilities**
Chapter 4	**Erosion and Sediment Control**
Chapter 5	**Reserved**
Chapter 6	**Water and Sewer**
Chapter 7	**Animals and Fowl**
Chapter 8	**Parking and Traffic Regulations**
Chapter 9	**Weed Control**
Chapter 10	**Cemeteries**
Chapter 11	**Gypsy Moth Control**

CHAPTER 1

Solid Waste Control

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§ 5-1-2 Definitions.
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§ 5-1-82 Accumulation of solid waste, recyclable material, etc.
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§ 5-1-84 Removal of accumulation by city; billing and collection of charges; unpaid bill to constitute lien against property.
§ 5-1-85 Rules and regulations.
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§ 5-1-95 Reporting requirements.
§ 5-1-96 Adaptations for materials.
§ 5-1-97 Penalties.
§ 5-1-98 Right to appeal notices, fines and denials of requests for adaptation.
§ 5-1-99 Adequate space.

ARTICLE A

General provisions

Sec. 5-1-1 Findings of fact and declaration of policy.

(a) The City Council of the City of Alexandria, Virginia finds: That technological progress in manufacturing, packaging and marketing of consumer products has resulted in continuing increases in the mass of material discarded by purchasers of such products. That inefficient and improper methods of collection of solid wastes create hazards to the public health, including pollution of air and water resources, foster unhealthful and unsanitary living conditions, create public nuisances and otherwise adversely affect community life. That failure to reuse some waste materials depletes our natural resources and damages the environment.

(b) Therefore, it is hereby declared to be the policy of the city in the exercise of its police power to preserve the safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants, to improve and make more efficient the city's solid waste control system by establishing and enforcing rules and regulations relating to solid waste collection and to reduce the amount of unsalvageable materials by establishing a recycling program to utilize the potential resources in solid wastes. (Code 1963, 32A-1)

Sec. 5-1-2 Definitions.

The following words and phrases, when used in this chapter, shall for the purpose of this chapter have the meanings ascribed to them in this section, except for those instances where otherwise expressly provided.

(1) *Ashes.* Residue resulting from the combustion of coal, wood, coke or other combustible materials, including residue from incineration of solid wastes.

(2) *Bulk waste containers.* A sturdy, watertight, covered metal container which can only be emptied directly into a refuse truck by mechanical means.

(3) *Collection.* Removal or transportation of solid waste, ashes, recyclable material and yard debris, from its place of storage or collection point to its place of disposal.

(4) *Demolition debris.* The residue from building demolition.

(5) *Director.* The director of transportation and environmental services of the city or his authorized representative.

(6) *Dwelling, row.* One of a series of three or more attached dwelling units under a common roof with a common exterior wall, and separated from one another by continuous vertical party walls without openings from basement to roof.

(7) *Dwelling, single family.* A detached building, designed for or intended to be occupied by one family.

(8) *Dwelling two family.* A building designed for or intended to be occupied by not over two families, living independently of each other. This shall include both duplex (one dwelling unit above another in a single detached building) and semi-detached (two dwelling units having a common vertical party wall).

(9) *Facility.* A refuse-to-energy, solid waste disposal facility under contract with the City of Alexandria for disposal of solid waste and trash generated within the boundary of the City of Alexandria, Virginia.

(10) *Garbage.* Animal and vegetable waste resulting from the handling, preparation, cooking, serving or consumption of food, except for oyster and clam shells from businesses, but excluding human waste.

(11) *Occupied premises.* Any premises being put to some actual use, as distinguished from idle or vacant premises, or premises where human beings work or live.

(12) *Recyclable materials.* For purposes of this chapter, recyclable materials shall consist of newspapers, magazines and similar printed materials.

(12a) *Required user.* The owner of any required user property.

(12b) *Required user property.* Any single family, two family or row dwelling, or any building or structure used solely for residential purposes and containing four or fewer dwelling units, that is located within the city, excluding condominium dwellings and dwelling units, and also excluding dwellings and dwelling units in any residential development wherein an owners' association is required by special use permit to provide solid waste and recyclable material collection service by private collector.

(13) *Solid waste.* Unwanted or discarded material in a solid or semi-liquid state, consisting of garbage, trash or a combination thereof, but excluding recyclable materials.

(14) *Trash.* Solid waste materials incident to the ordinary conduct of a household, place of business or industrial establishment, including unmounted tires, but not including ashes, building materials, industrial wastes, hazardous wastes, recyclable materials or metal objects over three feet in length or weighing over 75 pounds.

(15) *Unoccupied premises.* Any premises not being put to some actual use; vacant, idle or upon which no person works or lives.

(16) *Waste container.* A watertight and covered receptacle used by any person to store solid waste or ashes for collection.

(17) *Yard debris.* Shrubbery prunings, tree prunings not over two inches in diameter, grass clippings, leaves and similar materials. (Code 1963, 32A-2; Ord. No. 3021, 3/16/85, Sec. 1; Ord. No. 3570, 5/11/92, Sec. 1; Ord. No. 3819, 9/16/95, Sec. 1; Ord. No. 4982, 12/12/15, Sec. 1)

Secs. 5-1-3 through 5-1-10 reserved.

ARTICLE B

Precollection Regulations

Sec. 5-1-11 Preparation of solid waste for collection.

(a) *Garbage.* All garbage shall first be drained of liquid and placed in a plastic liner or an approved waste container, except that automatic disposal units may be used when available. Garbage shall not be placed in a waste container without mixing it with trash when available so that the contents of the container constitute a mixture.

(b) *Trash.* All trash, except as herein below provided, shall be placed in a plastic liner or an approved waste container.

(c) *Ashes.* Ashes shall not be placed in any waste container with garbage or trash. Ashes shall be cool and dry before being placed in an approved waste container.

(d) *Recyclable material.* Recyclable material shall be placed out for collection in strong brown paper bags or securely tied bundles, but paper bags will not be returned. Brown corrugated cardboard boxes shall first be folded into flat pieces and stacked.

(e) *Yard debris.* Yard debris may be placed out for collection in securely tied bundles not exceeding four (4) feet in length or may be placed in plastic liners.

(f) *Weight limitation.* Except for bulk waste containers, the total weight of any waste container, plastic liner or bundle of recyclable material or yard debris, including its contents, shall not exceed 75 pounds in weight. (Code 1963, Sec. 32A-3)

Sec. 5-1-12 Approved waste containers.

(a) The following shall be deemed approved waste containers for collection and shall be emptied and, except for plastic liners and waterproof paper bags, shall be returned to or left on the premises when collection is made by the city:

(1) for ashes not in excess of one cubic yard per week: a sturdy metal, water-tight container equipped with handles and a tight fitting metal cover, with a capacity of not less than 15 nor more than 30 gallons.

(2) for solid waste not in excess of one cubic yard per week: a sturdy metal or heavy plastic container which is water-tight, equipped with handles and a tight fitting metal or plastic cover, with a capacity of not less than 15 nor more than 30 gallons.

A plastic liner at least 39 inches long with a minimum diameter of 60 inches made of min. 1.7 mil opaque plastic or a waterproof paper bag approved by the director may be used in a metal or plastic container specified above. The plastic liner or waterproof paper bag may be removed from the metal or plastic container, securely tied and placed at the proper point of collection.

(3) for ashes in excess of one cubic yard per week: a bulk waste container not exceeding three cubic yards capacity which is approved by the director.

(4) for solid waste in excess of one cubic yard per week: a bulk waste container not exceeding three cubic yards capacity which is approved by the director.

(b) The following shall be deemed approved waste containers for collection and shall be emptied and, except for plastic liners and waterproof paper bags, shall be returned to or left on the premises when collection is made by private collectors:

(1) for ashes not in excess of one cubic yard per week: a sturdy metal, watertight container equipped with handles and a tight fitting metal cover, with a capacity of not less than 15 nor more than 30 gallons.

(2) for solid waste not in excess of one cubic yard per week: a sturdy metal or heavy plastic container which is watertight, equipped with handles and a tight fitting metal or plastic cover, with a capacity of not less than 15 nor more than 30 gallons.

A plastic liner at least 39 inches long with a minimum diameter of 60 inches made of min. 1.7 mil opaque plastic or a waterproof paper bag approved by the director may be used in a metal or plastic container specified above. The plastic liner or waterproof paper bag may be removed from the metal or plastic container, securely tied and placed at the proper point of collection.

(3) for ashes in excess of one cubic yard per week: a bulk waste container which is approved by the director.

(4) for solid waste in excess of one cubic yard per week: a bulk container which is approved by the director.

(c) The director shall not approve any bulk waste container that is not sturdy, in good condition, made of watertight metal and tightly covered except when being filled or emptied and stored in a place that affects or offends the occu-

pants, the general public and nearby residents as little as reasonably possible under the circumstances. In order to so protect the occupants, the general public and nearby residents, the director may require screening of the storage place as a prerequisite for approval. (Code 1963, Sec. 32A-4)

Sec. 5-1-13 Covers to be kept on waste containers.

A tight fitting cover shall at all times be kept on every waste container, except when the containers are being filled or emptied. (Code 1963, Sec. 32A-5)

Sec. 5-1-14 Plastic liners and waterproof paper bags to be securely tied.

Plastic liners and waterproof paper bags containing solid waste shall be securely tied when they are removed from or placed outside of a metal or plastic container for collection. (Code 1963, Sec. 32A-6)

Sec. 5-1-15 Waste containers to be kept in good condition.

All waste containers shall be kept in good condition and solid waste shall not be placed in any container that is so constructed or is so defective that the contents leak or spill out. (Code 1963, Sec. 32A-7)

Sec. 5-1-16 Area on which waste containers located to be kept clean.

The area upon which waste containers are stored or placed for collection shall be kept clean and free of solid waste. (Code 1963, Sec. 32A-8)

Sec. 5-1-17 Sunken waste containers prohibited; exception.

(a) It shall be unlawful for any person to install a new waste container, the bottom of which is sunken or depressed below the abutting surface level.

(b) It shall also be unlawful for any person to use or cause to be used an existing waste container the bottom of which is sunken or depressed below the abutting surface level after any such sunken container has been disapproved by the director unless such sunken container shall have been approved by the director upon further inspection. This section shall not be construed to prohibit any person from repairing or replacing an existing sunken waste container for the purpose of meeting minimum sanitary standards set by the director.

Sunken waste containers in existence may continue in use unless they are disapproved by the director. As soon as he reasonably can after the date of passage of this article, the director shall inspect each existing sunken container. The director shall disapprove any sunken container that in his opinion is unsanitary or likely to cause unsanitary conditions. The director shall thereafter from time to time inspect sunken containers that are in existence to determine whether or not they should be approved or disapproved.

(c) Any person using any sunken waste container shall place such container at the point of collection on collection day. The contents of any sunken waste container may be placed in an approved plastic liner or waterproof paper bag before being placed at the point of collection. (Code 1963, Sec. 32A-9)

Secs. 5-1-18 through 5-1-30 reserved.

ARTICLE C

Solid Waste Collection Generally

Sec. 5-1-31 Collection and disposal by city.

The city shall collect and dispose of solid waste (other than special collection items which may be collected pursuant to section 5-1-41(g)), ashes and yard debris on a weekly basis, and shall collect and dispose of recyclable material on a less frequent but regular basis, as determined by the director, from every required user property. Every required user shall use this collection and disposal service of the city. Any persons not required by this section to use the city's collection and disposal service, including the owners of buildings and structures containing more than four dwelling units, of commercial establishments and of churches, may request that the city provide such service to their properties. The city shall be under no obligation to honor such requests, and reserves the right to provide some or all of its collection and disposal service to such persons only when and to the extent that resources and facilities are available. (Code 1963, Sec. 32A-10; Ord. No. 2806, 5/14/83, Sec. 1; Ord. No. 3570, 5/11/92, Sec. 2)

Sec. 5-1-32 Substances not collected by city.

Poisons, acids, caustics, dead animals, hospital waste, manure, human excreta, soil, loam, stones, bricks, automobiles, demolition debris, industrial waste, building waste, building material that may accumulate as a result of building repairs and dangerous, hazardous or explosive waste will not be collected by the city. (Code 1963, Sec. 32A-11)

Sec. 5-1-33 Collection by private collectors.

Any persons who are not required by section 5-1-31 to use the city's collection and disposal service and who obtain the collection and disposal services of a private collector shall cause solid waste, ashes, recyclable material and yard debris to be collected from their respective buildings, establishments and premises, and disposed of, in such a manner as not to create a nuisance or public health hazard. (Code 1963, Sec. 32A-12; Ord. No. 3570, 5/11/92, Sec. 3)

Sec. 5-1-34 City charge for collection and disposal service; billing.

(a) From time to time, the city council, by resolution, shall set an annual charge for the collection and disposal of solid waste, ashes, recyclable materials, and yard debris from required user properties on a fiscal year basis, and all required users shall pay the charge so established by council. Any other person receiving collection and disposal service from the city shall pay an annual charge based on the average volume of refuse generated by the person compared with the average volume of refuse generated by a typical single family dwelling in the city.

(b) The city shall bill required users for the city's collection and disposal service by including the annual charge established by city council pursuant to subsection (a), as well as any penalties and interest assessed pursuant to subsection (e), in the real estate tax bill for required user properties, and the charge shall be paid no later than the time or times by which the real estate tax bill is to be paid. The city shall bill the owners of non-required user properties who receive collection and disposal service from the city for the annual charge established by the director pursuant to subsection (a), as well as any penalties and interest assessed pursuant to subsection (e), at times and pursuant to procedures established by the director, and any such charge shall be paid within 30 days of the date of the city's bill.

(c) The charges set by council and the director pursuant to this section shall be set so as to recover up to 100 percent of the estimated city cost of providing the collection and disposal service, including the cost of billing and collecting charges and inspecting properties, but no more.

(d) The owner of any required user property which loses its status as a required user property shall immediately notify the director of this change in property status. The owner of any non-required user property which qualifies as required user property shall immediately notify the director of this change in property status.

(e) Whenever the payment of a charge imposed pursuant to this section is not made when due, a penalty shall be added to the overdue charge equal to 10 percent of such charge. In addition, interest on the overdue charge and the penalty, calculated at an annual rate of 10 percent, shall commence on the first day following the date the charge was due and shall continue until the overdue charge and the penalty are paid.

(f) Any payment by a required user on a real estate tax bill for required user property shall, before being applied to real estate taxes, be applied in the following manner and order: (i) to any outstanding overdue charges assessed against the property pursuant to this section; (ii) to any outstanding penalties assessed against the prop-

erty pursuant to this section; (iii) to any interest that has accrued on overdue charges and penalties assessed against the property pursuant to this section; and (iv) to the current charge assessed against the property pursuant to this section.

(g) Any required user who has obtained a full or partial exemption from or a deferral of real estate property taxes pursuant to section 3-2-162 of this code shall be granted a full exemption from any charge imposed pursuant to this section. (Ord. No. 2806, 5/14/83, Sec. 2; Ord. No. 3570, 5/11/92, Sec. 4; Ord. No. 3872, 6/15/96, Sec. 1; Ord. No. 4421, 9/20/05, Sec. 1; Ord. No. 4982, 12/12/15, Sec. 1)

Sec. 5-1-35 City collection by private contract.

The city may let a private contract for part or all of its direct service with such cost budgeted in lieu of city personnel and equipment providing said service. In such cases the provisions governing city collection contained in section 5-1-34 of this code shall apply. (Ord. No. 2806, 5/14/83, Sec. 3)

Secs. 5-1-36 through 5-1-40 reserved.

ARTICLE D

Solid Waste Collection Regulations

Sec. 5-1-41 Collection by city.

(a) *Points of collection.* The city shall not make any collection under this chapter except from a proper point of collection. It shall be the duty of occupants of premises to place approved waste containers, approved plastic liners, recyclable material and yard debris at the proper point of collection.

(1) Points of collection from streets.

a. Approved waste containers and yard debris shall be placed for collection at a point 10 feet or less from the curb line or at a point on the property line adjacent to which the collection vehicle stops.

b. Approved plastic liners and recyclable materials shall be placed for collection within 10 feet of the curb line or property line if there is no curb line, unless in the instance of unusual circumstances another arrangement has been made between the occupant and the director.

(2) Points of collection from alleys. Approved waste containers, plastic liners, recyclable material and yard debris shall be placed for collection at a point adjacent to and not more than 10 feet distant from the alley.

(b) *Points of collection for approved bulk waste containers.* The point of collection shall be at a place that has been approved by the director. The director shall only approve places that affect or offend the occupants, the general public and nearby residents as little as reasonably possible under the circumstances. The director may require surfacing of the point of collection as a prerequisite for approval. It shall be the duty of the owner or operator of an establishment using an approved bulk waste container to secure the approval of the director for the point of collection.

(c) *Interference with parking, etc., prohibited.* Approved waste containers, approved plastic liners, recyclable material and yard debris shall not be placed at a point of collection that will hinder or interfere with parking, traffic or pedestrians.

(d) *Number of waste containers and plastic liners limited.* An annual average of no more than nine approved waste containers and approved plastic liners shall be collected per collection per residence or business establishment. If an annual average of more than nine approved waste containers and approved plastic liners are required per collection per residence or business establish-

ment, a bulk waste container shall be used. The bulk waste container shall be provided and maintained by the occupant.

(e) *Persons other than city collectors.* It shall be unlawful for any person other than a city collector, when collection is made by the city, to remove solid waste, ashes, recyclable material, yard debris, or special collection items from any point of collection; except that nothing shall prohibit any person from removing his own solid waste, recyclable materials, ashes, yard debris or special collection items.

(f) *Time of collection.*

(1) The city will normally provide collection under this chapter once each week unless otherwise directed by the city manager due to unusual conditions. Recyclable material shall be collected by the city once every two weeks.

(2) The city is not required to collect from any premises unless the approved waste containers, plastic liners, yard debris and recyclable material are placed at the point of collection no later than 6:00 a.m. from May 1 through September 30 and no later than 7:00 a.m. from October 1 through April 30 of each year on collection day. For premises served from the street where approved waste containers, plastic liners, yard debris and recyclable material are placed at the curbline or property line for collection, the waste containers should not be placed at a point of collection sooner than 5:00 p.m. of the day preceding the regularly scheduled collection day and the waste containers not collected by the city should be returned to their normal storage point not later than 7:00 p.m. of the collection day.

(g) *Special collections.* The city will, by appointment, make a special collection of large or bulk items from required user properties or from other properties to which it provides collection and disposal service under this article. A special collection item includes but is not limited to large metal objects, mattresses, and white goods, but does not include automobile parts, rocks, dirt or building materials. White goods shall include but not be limited to refrigerators, stoves, hot water heaters, clothes washers and dryers. The city may impose a separate fee, established by resolution of the city council, for the collection and disposal of special collection items. Such fee shall be paid in a manner and at a time or times established by the director.

(h) *Interference with collection.*

(1) Occupants of premises shall facilitate collection by confining animals that might interfere with collection. Collection will not be made where animals interfere with or are likely to interfere with collections.

(2) Any gates blocking access to the point of collection shall be unlocked no later than the applicable times of collection set forth in subparagraph (f), above, for collection on collection days. If reasonably possible, snow and ice shall be cleared away from the vicinity of the approved waste containers and from approach walks no later than said above-stated applicable times of collection on the day of collection.

(i) *Collection not required where regulations violated.* The city is not required to collect from premises where the provisions of this chapter are violated and failure to collect shall not relieve the responsible persons from prosecution and penalty as set forth in this chapter. (Code 1963, Sec. 32A-13; Ord. No. 2937, 6/18/84, Sec. 1; Ord. No. 3570, 5/11/92, Sec. 5)

Sec. 5-1-42 Collection by private collectors.

(a) *Points of collection for approved waste containers and plastic liners for premises not served by city.* The point of collection shall be as agreed upon between the owner and a private collector duly licensed pursuant to article E of this chapter; provided, that such point shall not be on a public right-of-way and shall not hinder or interfere with parking, traffic or pedestrians.

(b) *Points of collection for approved bulk waste containers.* The point of collection shall be at a place that has been approved by the director. The director shall only approve places that affect or offend the occupants, the general public and nearby residents as little as reasonably possible under the circumstances. The director may require surfacing of the point of collection as a prerequisite for approval. It shall be the duty of the owner or operator of an establishment using an approved bulk waste container to secure the approval of the director for the point of collection.

(c) *Time of collection.* Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area.

(d) *Persons other than licensed collectors not to remove solid waste from containers.* It shall be unlawful for any person other than a private

collector duly licensed pursuant to article E of this chapter, when collection is made by a private collector, to remove solid waste, ashes, recyclable material, special collection items or yard debris from any point of collection; except that nothing shall prohibit any person from removing his own solid waste, recyclable material, ashes, yard debris or special collection items. (Code 1963, Sec. 32A-14; Ord. No. 2983, 11/17/84, Sec. 1)

Secs. 5-1-43 through 5-1-49 reserved.

ARTICLE E

Private Collectors

Sec. 5-1-50 Required report.

(a) Each person to whom a permit has been issued to collect, transport or dispose of solid waste, ashes, yard debris or recyclable material pursuant to this article shall annually submit to the director a report of the tonnage of such materials collected by such person within the City of Alexandria. Such report shall be submitted on a form provided by the director, and shall provide information as to the classes or categories of materials specified thereon by the director. Such report shall be filed with the director on or before March 15th of each year, for materials collected during the preceding calendar year.

(b) Any person who fails timely to file a report required by subsection (a) of this section, or who knowingly files an incomplete or erroneous report, shall be liable for a class three civil violation, as prescribed in section 1-1-11 of this code. (Ord. No. 4252, 5/18/02, Sec. 1)

Editor's note—It should be noted that section 2 of Ord. No. 4252 provides, "That this ordinance shall become effective upon the date and at the time of its final passage; provided, however, that the date when first reports are due pursuant to the ordinance shall be March 15, 2003; and provided further that, for calendar year 2002 only, and in the absence of actual data, a person required to file a report may utilize a good faith estimate of tonnage collected for the months of January through June."

Sec. 5-1-51 Solid waste collection permit—required.

It shall be unlawful for any person to collect, transport or dispose of any solid waste, trash, ashes, yard debris or recyclable material in the city without first obtaining a solid waste collection permit therefor from the director; provided, that this provision shall not apply to employees of the holder of a permit; and provided further, that this shall not prohibit a person from processing or transporting his own solid waste, trash, ashes, yard debris or recyclable material in a vehicle of one ton gross weight or less not used solely for transporting solid waste, trash, ashes, yard debris or recyclable material; and provided further, that a permit shall not be required for any solid waste transporter, who or which has been inspected by and has received a comparable permit from the County of Arlington, so long as such transporter makes no collections within the city and transports material over the streets of the

city for the sole purpose of disposing of it at the facility designated by the director pursuant to section 5-1-73 and the director finds that the standards adhered to by the County of Arlington in the inspection and permitting of transporters meet or exceed the minimum standards set forth in section 5-1-59. (Code 1963, Sec. 32A-15; Ord. No. 3021, 3/16/85, Sec. 2; Ord. No. 3200, 4/11/87, Sec. 1)

Sec. 5-1-52 Same—application.

Any person desiring a permit to collect, transport or dispose of any solid waste, ashes, yard debris or recyclable material in the city shall make application to the director. Each application shall contain the name, address and telephone number of the place where the applicant proposes to maintain his equipment and vehicles, and number and description of vehicles to be used. (Code 1963, Sec. 32A-16)

Sec. 5-1-53 Same—inspection of premises, vehicles and certain solid waste containers prior to issuance; issuance or denial of permit; applicable fees.

(a) The director, before issuing any permit, shall cause an inspection to be made of the premises within the city and vehicles named and described

in the application for a permit under this article for the purpose of determining whether the premises and vehicles comply with the provisions of this article, including but not limited to the standards established in section 5-1-59 of this article. The director shall also inspect all dumpster-type containers (three to 10 cubic yard capacity) and all roll-off containers (20 to 40 cubic yard capacity). If the director shall be satisfied from the inspection that the premises, vehicles and containers are in conformity with this chapter, he shall issue, or cause to be issued, upon payment by the applicant to the city of a fee per vehicle to be used in the city and a fee per container, said fees to be set by resolution of city council, a permit authorizing the applicant to collect, transport or dispose of solid waste, ashes, yard debris and recyclable material, in the city.

If the director shall not be so satisfied, or if the applicant has refused the director the right to enter and inspect any premises, except the interior of any residence, and vehicles pursuant to section 5-1-55 for the purpose of enforcing the provisions of this article, he shall deny the application and advise the applicant in writing of the denial setting forth the reasons therefor.

(b) At the time of the issuance of a permit, the director shall assign to all vehicles to be used by the permittee in the city a tag number which shall be displayed by the applicant on the front of the vehicle at all times. In addition, the permittee's name and telephone number shall be painted on both sides of the vehicle on the door of the cab in letters and numbers not less than two inches high. All solid waste containers inspected and approved pursuant to this section shall have affixed a seal of approval to be furnished and applied by the director, which seal shall signify approval at time of inspection, but which approval may be revoked at any time should said container deteriorate, in the opinion of the director, to an unsatisfactory condition, and each seal of approval shall expire at the time the owner's permit expires. In addition, the permittee's name and telephone number shall be painted on one side of the container in letters and numbers not less than two inches high. (Code 1963, Sec. 32A-17; Ord. No. 3041, 5/18/85, Sec. 1; Ord. No. 3639, 6/12/93, Sec. 1)

Sec. 5-1-54 Same—termination; renewal; nontransferable.

Every permit issued pursuant to this article shall terminate at the end of the fiscal year (June 30) for which it is issued, unless sooner suspended. The permittee's premises and all vehicles shall be inspected each year and the permit shall be renewed if the premises and vehicles are in conformity with this article. A permit shall not be transferable to any other person. (Code 1963, Sec. 32A-18)

Sec. 5-1-55 Right of entry; inspection of premises.

The director is hereby authorized to enter and inspect any premises, except the interior of any residence, and vehicles in the city used by an applicant for a permit or a permittee in the business of collecting, transporting or disposing of solid waste, ashes, yard debris and recyclable material. Any inspection shall be made during business hours and only with the consent of said applicant or permittee for the purpose of enforcing the provisions of this article and for no other purpose. (Code 1963, Sec. 32A-19)

Sec. 5-1-56 Suspension of permit—effect of order.

(a) If the director finds that the premises and vehicles, for which the permit was issued, do not conform to the provisions of this article, that a permittee has refused the director the right to enter and inspect such premises, except the interior of any residence, or vehicles pursuant to section 5-1-55 for the purpose of enforcing the provisions of this article, or that a permittee or an employee of a permittee has failed or neglected to comply with any of the minimum standards set forth in section 5-1-59, the director may enter an order for the suspension of the permit until such time as he finds that the reason for the suspension no longer exists. A copy of the order shall be sent to the permittee at his place of business by certified mail, which order shall set forth the reasons for the suspension. The suspension shall be effective 10 days after the date it is executed by the director, and the order shall state this effective date; provided, however, that if the director finds that an immediate suspension is necessary to protect the health or safety of city residents, the suspension shall be effective immediately and the order shall so state. Except in cases of an immediate suspension, the order shall inform the permittee that he may dispute the suspension by submitting to the director, in writing or in person, reasons why the permit should not be suspended. The order shall also inform the permittee of the date and time by which such written submission must be submitted and of the date, time and place

at which the permittee may make a submission in person. If the permittee does not make a timely written or personal submission to the director, the suspension shall become effective and the order shall become final on the date set forth in the order. If the permittee does make a submission, the suspension shall be stayed pending the director's consideration of the submission and the issuance of a final order affirming, amending or rescinding the earlier order. This final order shall be effective on the date it is executed by the director and shall be sent to the permittee at his place of business by certified mail. The failure of a permittee to make a written or personal submission to the director shall not affect the director's authority to reinstate a suspended permit, pursuant to section 5-1-57, or the permittee's right to appeal a final order of suspension, pursuant to section 5-1-59.

(b) It shall be unlawful for any person to collect, transport or dispose of solid waste, ashes, yard debris or recyclable material in the city when subject to a final order of suspension. (Code 1963, Sec. 32A-20; Ord. No. 3242, 10/19/87, Sec. 1)

Sec. 5-1-57 Same—reinstatement.

The director may reinstate a suspended permit when no fact or condition exists which would otherwise warrant the director to refuse to grant a permit under the terms of this article. (Code 1963, Sec. 32A-21)

Sec. 5-1-58 Appeal of permit denial and of final suspension order.

Any applicant aggrieved by the denial of an application for a solid waste collection permit under section 5-1-53 and any permittee aggrieved by a final suspension order under section 5-1-56 shall have the right to appeal the denial or order to the city manager. The appeal shall be taken by filing with the city manager, within 10 days of the date on which the notice of the denial has been mailed to such person's place of business or of the effective date of the final order, a written statement setting forth fully the grounds for appeal. The city manager shall schedule a hearing and shall give notice of the hearing to the appellant. The decision of the city manager on appeal shall be final, but shall not preclude the issuance of a permit or the reinstatement of a suspended permit by the director due to changed circumstances. (Code 1963, Sec. 32A-22; Ord. No. 3242, 10/19/87, Sec. 2)

Sec. 5-1-59 Minimum standards.

Any person collecting, transporting or disposing of solid waste in the city who does not comply with the following minimum standards shall be subject to suspension of his permit pursuant to the provisions of section 5-1-56 of this article.

(1) The premises wherein vehicles, equipment and offices are maintained shall be kept in a clean and sanitary condition; and an accumulation of solid waste, ashes, yard debris or recyclable material which tends to create a health problem or nuisance shall not be permitted on such premises.

(2) All vehicles used in the collection of solid waste shall be kept and maintained in a clean and sanitary condition and shall be so constructed and maintained as to prevent spillage of the type of solid waste to be collected therein.

(3) All vehicles hauling solid waste shall be watertight and completely enclosed.

(4) All vehicles two tons gross in weight (G.P.W.) or more to be used to dispose of solid waste at the city incinerator or landfill shall be equipped with suitable hoisting or ejection equipment.

(5) All vehicles shall be emptied before being placed on the permittee's premises for overnight parking (except for Sunday nights only).

(6) No vehicle shall be parked on a city street overnight.

(7) No vehicle shall be parked in violation of section 10-4-6 of the city code, relating to parking of trucks and commercial vehicles in a residential district.

(8) All vehicles shall transport solid waste in such a manner as not to create a nuisance or adversely affect public health.

(9) All provisions of this chapter and all rules and regulations established by the director pursuant to this chapter shall be complied with by every permittee and by all employees of permittee. (Code 1963, Sec. 32A-23; Ord. No. 3242, 10/19/87, Sec. 3)

Secs. 5-1-60 through 5-1-70 reserved.

ARTICLE F

Solid Waste Disposal

Sec. 5-1-71 Disposal sites generally.

(a) It shall be unlawful for any person to operate a private disposal site for solid waste, ashes or yard debris in the city, unless a special use permit shall first have been obtained as specified in sections 7-6-191 through 7-6-195 of this code. It shall also be unlawful for any person to dispose of any solid waste, ashes or yard debris at any site within the city other than those sites designated by the director.

(b) This section shall not be construed to prohibit reclamation, recycling or junk businesses within the city. This section shall also not be construed to apply to sanitary landfills operated pursuant to regulations imposed by the city council by ordinance. (Code 1963, Sec. 32A-24; Ord. No. 3092, 11/16/85, Sec. 1)

Sec. 5-1-72 Use of city disposal sites.

It shall be unlawful for any person to dispose of on any city disposal site any solid waste, ashes or yard debris brought into the city from any point outside of the city limits, except with written permission of the director. (Code 1963, Sec. 32A-25)

Sec. 5-1-73 Designation of facility; acceptable materials.

(a) After January 1, 1987, the director may designate a facility as a place for the disposal of all solid waste, trash and nonrecycled recyclable materials generated within the City of Alexandria, except for any hazardous material which will not be accepted at the facility. Said designation shall be by written notice to each holder of a solid waste collection permit and/or by publishing a notice specifying the location of the facility to be designated in a newspaper of general circulation in the city at least 10 days before the designation becomes effective.

(b) The provisions of this section shall not apply to:

(1) solid waste and/or trash generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or refuse-derived fuel for sale to a person other than an entity controlled by or under the same control as the manufacturer, miner, processor, refiner or converter;

(2) recyclable materials which are those materials that have been source-separated by any person or materials that have been separated from solid waste or refuse by any person for utilization in both cases as a raw material to be manufactured into a new product other than fuel or energy;

(3) construction debris to be disposed of in a landfill.

(4) waste oil;

(5) hazardous material under federal guidelines;

(6) unacceptable and/or unprocessible solid waste material, i.e., explosives, liquid wastes, tires or rims, uncut tires over 16½ inches in diameter offal, tar, asphalt, sealed drums, pressured containers and all unshreddable material; and

(7) industrial wastes. (Ord. No. 3021, 3/16/85, Sec. 3)

Sec. 5-1-74 Compliance with article.

It shall be unlawful for any person who holds a refuse permit to dispose of solid waste nonrecycled materials, and/or trash that he or she collects, transports or disposes of under a solid waste collection permit at any place other than the facility designated by the director in accordance with section 5-1-73 of this code. (Ord. No. 3021, 3/16/85, Sec. 3)

Secs. 5-1-75 through 5-1-80 reserved.

ARTICLE G

Miscellaneous Provisions

Sec. 5-1-81 Placing solid waste, etc., in street boxes prohibited.

It shall be unlawful for any person to dispose of in any street box, in the city, placed at various locations in the city to prevent littering on the public ways, any solid waste, ashes, recyclable materials or yard debris generated incident to the ordinary conduct of a household, place of business or industrial establishment. (Code 1963, Sec. 32A-26)

Sec. 5-1-82 Accumulation of solid waste, recyclable material, etc.

(a) It shall be unlawful to allow, permit, or have an accumulation of ashes, solid waste, recyclable material or yard debris on any premises within the city which tends to create a public nuisance or health problem. Whenever the director or his agent finds that it reasonably appears there is immediate danger to the life, health or safety of any person due to the aforesaid accumulation on any premises within the city, then such premises are hereby declared to be a public nuisance.

(b) When such a public nuisance is found to exist on any premises, the occupant, or the owner in the event the premises is unoccupied, shall be given written notice by the director with the request that such accumulation shall be removed within seven days of the receipt of the notice. Should the occupant, or the owner in the event the premises is unoccupied, fail to comply with the request within that time, he shall be considered in violation of this section. (Code 1963, Sec. 32A-27)

Sec. 5-1-83 Duty of owners and occupants to comply with article.

(a) It shall be the duty of the owner and the occupant of any premises to comply with the provisions of this article.

(b) It shall be the duty of the owner and the occupant of any premises to provide and keep in a suitable place a sufficient number of approved receptacles capable of holding the ashes, recyclable material, yard debris and solid waste from the premises. (Code 1963, Sec. 32A-28; Ord. No. 3570, 5/11/92, Sec. 6)

Sec. 5-1-84 Removal of accumulation by city; billing and collection of charges; unpaid bill to constitute lien against property.

(a) Whenever an owner of unoccupied premises fails to remove solid waste, ashes, yard debris, recyclable material, litter or other substances which might endanger the health of other residents of the city within seven days from the receipt of written notice from the director to remove the accumulation pursuant to section 5-1-82, the removal may be made by the department of transportation and environmental services or its agent. When removal is made by the department of transportation and environmental services or its agent, the cost or expense thereof shall be forthwith computed, charged to the owner and a bill for the cost or expense shall be prepared by the department of transportation and environmental services and mailed to the owner at his last known post office address within a reasonable time after the removal.

(b) In the event the city does not receive payment of the bill within 30 days after mailing, a duplicate statement of the bill shall be forwarded to the director of finance, who shall see that the cost or expense is charged to the owner and collected in the same manner as city taxes. Every charge with which the owner of such property shall have been assessed and which remains unpaid shall constitute a lien against such property. (Code 1963, Sec. 32A-29)

Sec. 5-1-85 Rules and regulations.

The city manager shall have the power to establish rules and regulations, consistent with the provisions of this chapter, governing the removal, keeping, collection and depositing of ashes, solid waste, yard debris, special collection items and recyclable material. (Code 1963, Sec. 32A-30)

Sec. 5-1-86 Enforcement of chapter.

(a) The director of the department of transportation and environmental services or his authorized representative shall be responsible for, collect pursuant to and enforce the provisions of this chapter.

(b) The city manager may, upon the request of the director, allocated such resources and personnel of the city as the city manager may deem necessary to assist the director in the enforcement of such provisions of this chapter as the city manager shall specifically designate.

(c) Any violation of this chapter shall be cited in a written summons issued by the director or his authorized representative, and such summons may be executed within the jurisdictional limits of the City of Alexandria, by mailing a copy thereof by first class mail to the person who occupies the subject premises. Nothing herein contained, however, shall have the effect of eliminating any other methods prescribed by law for the execution of any summons. (Code 1963, Sec. 32A-31, as amended by Ord. No. 2430, 1/22/80, Sec. 1; Ord. No. 2939, 6/18/84, Sec. 1)

Sec. 5-1-87 Penalty for violation of chapter.

Any person violating any provision of this chapter shall, upon conviction thereof, be punished by a fine not to exceed $1,000. Each day such violation is committed or permitted to continue, or where applicable, each separate vehicle trip in violation of any provision of this chapter, shall constitute a separate offense. (Code 1963, Sec. 32A-32, as amended by Ord. No. 2430, 1/22/80, Sec. 2; Ord. No. 3021, 3/16/85, Sec. 4)

Sec. 5-1-88 Enforcement by injunction.

Violations of the provisions of this chapter may, in addition to the penalty provided in section 5-1-87 of this chapter, be restrained, prohibited or enjoined by appropriate proceedings in a court of competent jurisdiction. (Code 1963, Sec. 32A-33)

ARTICLE H

Recycling

Sec. 5-1-90 Findings of fact and declarations of policy.

The City Council of the City of Alexandria finds that in order to preserve natural resources, conserve energy, reduce the amount of disposable waste and the cost of waste disposal, and provide for a more efficient and effective means of disposing of waste materials, it is appropriate to exercise the police power in order to initiate a mandatory recycling program. Therefore, in order to reduce the volume of solid wastes and to encourage the effort to recover and reuse valuable resources, this mandatory recycling program is established. (Ord. No. 4438, 2/25/06, Sec. 1)

Sec. 5-1-91 Definitions.

The following words and phrases, when used in this article, shall for the purposes of this article have the meanings ascribed to them in this section, except for those instances where otherwise expressly provided.

(1) *Business.* Any person, partnership, corporation, limited liability company, sole proprietorship, institution, or other entity, operating in the City of Alexandria. This definition excludes home-based businesses, as defined elsewhere herein, and landscaping and lawn maintenance companies.

(2) *Commingled containers.* Any food and beverage containers, such as bottles, jars, and cans that are made from glass, plastic, steel (tin), or aluminum that is collected in a single container for recycling.

(3) *Hauler.* Any person, partnership, corporation, or other public or private entity that collects and/or transports recyclable materials within the City of Alexandria.

(4) *Home-based business.* Any business conducted out of a residential dwelling or a portion thereof conducted in accordance with the terms and conditions set forth in Zoning Ordinance 7-300, et seq.

(5) *Property management company or homeowners association.* A business or association of homeowners within a community whose principal purpose is to ensure the provision of and maintenance of community facilities and services for the common benefit of the residents, including arranging for solid waste and recycling services.

(6) *Multiple-family dwelling.* A building, or portion thereof, designed for occupancy by more than four families living independently. Home-based businesses operating from an individual unit within such dwellings are subject to the requirements of this article for units within multiple-family dwellings.

(7) *Paper/mixed paper.* Any old newspapers, magazines, office paper, specialty papers, paperboard, colored paper, or other approved grades of paper, including corrugated cardboard and paper bags, that is collected in a single receptacle for recycling.

(8) *Principal recyclable materials (PRMs).* Brush/leaves/grass, clean wood/pallets, commingled containers, food waste, paper/mixed paper, plastic film, tires, textiles, and used oil.

(9) *Single-family dwelling.* See Section 5-1-2(7).

(10) *Supplemental recyclable materials (SRMs).* Abandoned automobiles, ash, batteries, construction and demolition waste, electronics, fluorescent light bulbs, kitchen grease and fat, sludge (composted), tree stumps, used antifreeze, and used oil filters.

(11) *Responsible party.* For single-family dwellings that do not have collection arranged through a homeowner s association or similar entity and who are eligible for participation in the City s curbside collection program, the responsible party shall be the dwelling occupant. For single-family residents who have collection services provided through their property management company or homeowners association, the responsible party shall be the property management company or homeowners association. For a multiple-family dwelling, the responsible party shall be the owner, manager, or agent and, if different, the party responsible for the management and disposal of solid waste generated at that property. For a business, the responsible party shall be the business or property owner, manager or agent and, if different, the party responsible for the management and disposal of solid waste generated at that business. (Ord. No. 4438, 2/25/06, Sec. 1; Ord. No. 4475, 2/24/07, Sec. 1)

Sec. 5-1-92 Effective date.

The effective date of this Article shall be July 1, 2006. (Ord. No. 4438, 2/25/06, Sec. 1)

Sec. 5-1-93 Requirements for materials to be collected.

(a) The responsible party of each single-family dwelling eligible for city curbside collection, or any property management company or homeowners association that contracts directly with a hauler for curbside collection, must establish a system to separate mixed paper and commingled containers from refuse for recycling.

(b) The responsible party of each multiple-family dwelling must establish a collection system to separate mixed paper and commingled containers from refuse for recycling.

(c) The responsible party of each business must establish a collection system to separate the two principal recyclable materials (PRMs) that the business generates annually in the greatest quantities. In multiple-tenant properties in which individual businesses do not manage their own solid waste, the two PRMs are determined on the basis of the property s combined waste stream. Each new business that begins operations after July 1, 2006, is required to establish a collection system within 60 days after receiving a City of Alexandria Business License. The responsible party is encouraged to recycle supplemental recyclable materials (SRMs) to the best of their ability and is required to report the amount of SRMs recovered in their recycling data report. Notwithstanding the foregoing, businesses generating less than one cubic yard of recyclable materials per week (i.e. four, 60-lbs bags) may comply with the terms of this article by depositing recyclable materials at city drop-off centers.

(d) The responsible party for each federal, state or local government agency must establish a collection system to separate the two PRMs that are generated in the greatest quantities. Each agency that has a new office or facility that begins operations after July 1, 2006, is required to establish a collection system within 60 days after receiving a City of Alexandria Business License, or from the effective date of the lease agreement. The responsible party is encouraged to recycle SRMs to the best of their ability and is required to report the amount recovered in their recycling data report. (Ord. No. 4438, 2/25/06, Sec. 1)

Sec. 5-1-94 Notification requirements.

(a) Haulers permitted to operate in the City of Alexandria will be responsible for notifying their customers that recycling is mandatory for all businesses and multiple-family dwellings. As part of any service agreements or contracts, haulers

will be responsible for providing customers with the appropriate containers, signage, and collection services to adequately address their recycling needs, relative to industry safety and technical standards.

(b) The responsible party of any property management company or homeowners association, business, federal, state, or local government agency, or multiple-family dwelling shall notify, in writing, its tenants, employees and/or clients, as applicable, that recycling participation is mandatory. Written notification (i.e., letter, newsletter, email notice, etc.) shall be provided within 15 days to all new tenants and employees and no less frequently than bi-annually thereafter to all existing tenants and employees. The written notification shall set forth the requirements of this article and include at a minimum:

1. Source separation of recyclable materials from the waste stream is mandatory for all tenants and employees;

2. What materials will be recycled;

3. How the recyclables are to be prepared;

4. Any set-out requirements;

5. Location of the recycling containers;

6. Prohibitions against contamination of source separated recyclable material;

7. The collection schedule for recyclable material

8. Name and telephone number of a representative of the business or multiple-family dwelling whom the tenant or employee should contact with any questions.

(c) The responsible party shall include the city's commercial recycling specialist or such other city representative(s) as may be designated by the city on their notification distribution list.

(d) The responsible party of any property management company or homeowners association, business, federal, state, or local government agency, or multiple-family dwelling shall ensure that all recycling signs and instructions are displayed prominently in public areas and directional signs are used to direct tenants to the recycling collection area. (Ord. No. 4438, 2/25/06, Sec. 1)

Sec. 5-1-95 Reporting requirements.

(a) The responsible parties for a single-family dwelling property management company or homeowners association, business, federal, state or local government agency or multiple-family dwelling are required to submit an implementation plan to the Department of Transportation and Environmental Services by January 1, 2007 and every second year following. Notification for submissions of these forms will be sent by the Department of Transportation and Environmental Services to each multiple-family dwelling and business address by November 1, prior to each year reports are due.

(b) The responsible party for each new property management company or homeowners association or multiple-family dwelling that is occupied after July 1, 2006 is required to submit this plan within 60 days from the date of first occupancy by a tenant. The responsible party and business owner, if different, of each new business that begins operations after July 1, 2006, are required to submit this plan within 60 days after receipt of a City of Alexandria Business License. The implementation plan must be approved by the Director of the Department of Transportation & Environmental Services or his designee to comply with the terms of this article.

(c) Implementation plans may be rejected if two PRMs have not been selected, or if one or both of the PRMs selected are not generated in larger quantities than other recyclable materials. Plans may also be rejected if the responsible party does not provide the following information: contact name, phone number, email address, mailing address, square footage of property, number of employees, name of solid waste and/or recycling services providers, number of containers, number of compactors, frequency of collection, and other relevant information requested. If an implementation plan is rejected by the Department of Transportation and Environmental Services, the submitting responsible party has 30 days from notification of the rejection to submit a revised plan for approval.

(d) The responsible party for each property management company or homeowners association, federal, state or local government agency, multiple-family dwelling and the responsible party and business owner, if different, of each property are required to submit a recycling data report to the Department of Transportation and Environmental Services by March 15, 2007 and every second year following for recycling activities during the proceeding one-year period. Notification for submission of these forms will be sent by the Department of Transportation and Environmental Services to each multiple-family dwelling and business address by January 31, 2007.

(e) All permitted haulers in the City of Alexandria are required to submit an annual hauler recycling data report to the Department of Transportation & Environmental Services i) documenting the tonnage and types of materials collected from all single-family property management companies or homeowners associations, federal, state

or local government agencies, businesses, and multiple-family dwellings; and ii) itemizing all solid waste and recycling containers of a volume greater than three cubic yards, including, but not limited to, dumpsters, roll-offs or other containers, owned by the hauler and deployed with the City of Alexandria. This report must be submitted by March 15, 2007 and each year following for recycling activities during the preceding calendar year. Notification for submission of this report will be sent by the Department of Transportation & Environmental Services by March 15, 2007 and each year following. All haulers are required to provide a list of its City of Alexandria customers with this report. (Ord. No. 4438, 2/25/06, Sec. 1)

Sec. 5-1-96 Adaptations for materials.

(a) Limited adaptations, as set forth below, may be approved by the Director of Department of Transportation and Environmental Services or his designee. Applications for adaptation from the requirements shall be submitted to the Department of Transportation and Environmental Services on city forms. An adaptation may be allowed where compliance with the ordinance would result in unnecessary hardship to the applicant and the need for adaptation would not be shared generally by other applicants, provided such an adaptation is not contrary to the intended spirit and purpose of this article and would result in substantial justice being done. All adaptations are to be construed as temporary, for a period not to exceed one year, and shall be considered withdrawn on the first to occur of (a) a change in the condition(s) which prompted the adaptation, or (b) the expiration of the time period granted in the adaptation. Should an adaptation be withdrawn because the time period has expired, and applicant may apply for renewal of the adaptation. Application forms will be available online at: www.alexandriava.gov. Applications are evaluated against the following criteria:

1. Incompatibility of compliance with the requirements of this article and compliance with other City of Alexandria ordinances or other laws;

2. Unavailability of collectors or acceptors (defined as licensed haulers of recyclable materials or intermediate or final processors of recyclable materials) for one or more of the required recyclable materials.

3. Unavailability of on-site space for the preparation and temporary storage of one or more of the required recyclable materials;

4. Extreme disparity between the applicant's cost of recycling one or more of the required recyclable material(s); or

5. Negligible generation rates of one or more of the required recyclable materials.

The Director of the Department of Transportation and Environmental Services or his designee will consider these criteria in evaluating the application and will consider the compliance rate, implementation plans, and recycling programs of similar businesses in the City of Alexandria. The Director of Department of Transportation & Environmental Services or his designee will prepare a report on the applicant's property.

(b) After reviewing the information described above, the Director of the Department of Transportation and Environmental Services or his designee will take one of the following actions:

1. Grant an adaptation that requires the applicant to recycle alternative materials identified by the Department of Transportation and Environmental Services;

2. Grant an adaptation that reduces the number of types of materials required to be recycled; or

3. Deny the request for adaptation. (Ord. No. 4438, 2/25/06, Sec. 1)

Sec. 5-1-97 Penalties.

(a) The failure by a hauler to timely notify its customers pursuant to Section 5-1-94(a) or submit conforming recycling data reports pursuant to Section 5-1-95(e) shall be a class three civil violation[1], as set forth in Section 1-1-11(b)(3) herein for every month the reports are not properly submitted. Any hauler who is assessed with a total of three separate civil violations pursuant to this section may be subject to revocation of its City of Alexandria hauler's permit. Enforcement for recycling data reports will begin February 1, 2007.

(b) The failure by a responsible party for each single-family dwelling property management company or homeowners association, business, or multiple-family dwelling that generates more than 10 tons of solid waste to timely provide notification or submit conforming implementation plans and data reports pursuant to Sections 5-1-94 and -95 shall be a class three civil violation, as set forth in Section 1-1-11(b)(3) herein for every month the reports are not properly submitted. The failure by a responsible party for each single-family dwelling property management company or homeowners association, business, or multiple-family dwelling that generates less than 10 tons

of solid waste to timely provide notification or submit conforming implementation plans and data reports pursuant to Sections 5-1-94 and -95 shall be a class five[2] civil violation, as set forth in Section 1-1-11(b)(5) herein for every month the reports are not properly submitted. The failure to comply with the notification and reporting requirements set forth in Sections 5-1-94 and -95 by an entity for which no data on the amount of solid waste generated is available shall be a class four[3] civil violation as set forth in Section 1-1-11(b)(4) herein. Enforcement of implementation plan submission requirements will begin February 1, 2007.

(c) The city's department of transportation and environmental services shall have responsibility for responding to complaints, assessing compliance, levying penalties, violations and fines and otherwise enforcing the terms and provisions of this article. All fines assessed pursuant to this article shall be will be levied as a civil penalty, enforceable through the city treasurer's office. (Ord. No. 4438, 2/25/06, Sec. 1)

[1]For a class three civil violation, the penalty for each individual violation shall be $500 for the first violation, $1,000 for the second violation of the same regulation or requirement arising from the same set of operative facts, and $1,500 for each additional violation of the same regulation or requirement arising from the same set of operative facts

[2]For a class five civil violation , the penalty for each individual violation shall be $25 for the first violation, $50 for the second violation of the same regulation or requirement arising from the same set of operative facts, and $100 for each additional violation of the same regulation or requirement arising from the same set of operative facts

[3]For a class four civil violation , the penalty for each individual violation shall be $100 for the first violation, $250 for the second violation of the same regulation or requirement arising from the same set of operative facts, and $500 for each additional violation of the same regulation or requirement arising from the same set of operative facts

Sec. 5-1-98 Right to appeal notices, fines and denials of requests for adaptation.

Upon service of a notice of violation, fine or denial of a request for an adaptation as provided herein, the responsible party or business owner shall have the right to appeal such notice, fine or denial and shall be granted a hearing before the Director of Department of Transportation and Environmental Services or his designee, provided that a written appeal and request for hearing is received by the Director of Department of Transportation and Environmental Services within five working days after service of the notice. Upon receipt of such an appeal or request, the director of Department of Transportation and Environmental Services or his designee shall advise the appellant of the time and place of the hearing, shall convene the hearing, shall consider the evidence, and shall render a decision in writing and provide a copy to the appellant within 15 business days following the hearing. The Director of Transportation and Environmental Services shall ensure that the person hearing any appeal hereunder did not have any direct involvement in the notice, fine or denial from which the appeal is taken. (Ord. No. 4438, 2/25/06, Sec. 1)

Sec. 5-1-99 Adequate space.

(a) All new and significantly remodeled occupied structures shall provide for the collection and storage of refuse. All new and significantly remodeled occupied structures over 2,000 square feet shall provide adequate space for the collection and storage of recyclable materials. For the purposes of this section "significantly remodeled" shall mean structures where 50 percent or more of the exterior of the structure is reconstructed, remodeled or modified (excluding painting or changing exterior cladding materials).

(b) The following buildings shall be exempt from Section 5-1-99(a) above:

(1) Single-family dwellings; and

(2) Multiple-family dwellings where there are no central or communal refuse/recycling collection or storage facilities, and where refuse and recyclable materials are stored and collected on an individual unit basis.

(c) The amount of space provided shall be adequate for the collection and storage of the amount of recyclable materials generated by the building, and shall be designed to accommodate containers consistent with current methods of local collection, and shall accommodate for example containers for the collection of mixed paper, commingled containers, or other recyclables.

(d) Storage and collection containers shall be clearly labeled or identified to indicate the type of materials accepted. Recyclable materials storage areas shall be located adjacent to refuse collection and storage areas in order to provide convenient recyclable materials storage areas. (Ord. No. 4438, 2/25/06, Sec. 1)

CHAPTER 2

Streets and Sidewalks

State Law References: Authority of city to lay off streets, walks or alleys, alter, improve and light the same and have them kept in good order, see Code of Va., Sec. 15.1-14; alteration and vacation of streets, Code of Va., Sec. 15.1-364; grading streets, Code of Va., Secs. 15.1-368 to 15.1-371; acquisition of land in connection with street changes, Code of Va., Sec. 15.1-372; use of street by public utilities without previous consent of corporate authorities, Code of Va., Sec. 15.1-375; authority of city to permit awnings, fire escapes, etc., to overhang streets, Code of Va., Sec. 15.1-376; authority of city to permit certain encroachments on streets, Code of Va., Sec. 15.1-377.

Cross References: Power of city with reference to streets generally, city charter, Sec. 2.03, subsec. (a); power of city as to sidewalk assessments and alley paving assessments, city charter, Sec. 2.03, subsec. (e).

ARTICLE A

General Provisions

§ 5-2-1 Curb, gutter and sidewalk construction generally.
§ 5-2-2 Construction of curb and gutter upon petition of property owner.
§ 5-2-3 Construction of sidewalks upon petition of property owner.
§ 5-2-4 Conditions precedent to opening or dedicating streets and alleys or constructing sewers or drains in future subdivisions.
§ 5-2-5 Acceptance of streets, sewers, etc., in future subdivisions.
§ 5-2-6 Opening or dedicating streets or constructing sewers or drains in existing subdivisions.
§ 5-2-7 Reconstruction of concrete sidewalks to agree with curb grade.
§ 5-2-8 Persons having right-of-way over or use of streets to be given permit to excavate.
§ 5-2-9 Permit to excavate to be kept on premises.
§ 5-2-10 Removal of barricades, lights or markers.
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§ 5-2-14 Sidewalk crossovers and curb cuts generally.
§ 5-2-15 Permit required for placing crossing, etc., in paved gutter.
§ 5-2-16 Placing merchandise on or otherwise obstructing sidewalks and other public rights-of-way.
§ 5-2-17 Sale of articles of commerce from stands or wagons.
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§ 5-2-26 Photographers.
§ 5-2-27 Hauling of waste materials, construction materials, etc., prohibited.
§ 5-2-28 Fires on paved streets.
§ 5-2-29 Street encroachments.
§ 5-2-30 Curb, gutter and sidewalk construction required.
§§ 5-2-31 through 5-2-40 reserved.

ARTICLE B

Parades

§ 5-2-41 Permit—required.
§ 5-2-42 Same—application.
§ 5-2-43 Same—reference to traffic and parking board; grant or denial.
§ 5-2-44 Same—fees, etc.
§ 5-2-45 Authority of city manager and police department.
§ 5-2-46 Route, etc.
§ 5-2-47 Conduct upon approach of emergency vehicles.
§ 5-2-48 Riots and mischief.
§ 5-2-49 Obscenity or immorality.
§ 5-2-50 Litter and refuse.
§ 5-2-51 Penalty for violation of article.
§§ 5-2-52 through 5-2-60 reserved.

ARTICLE C

Street Names

§ 5-2-61 In general.
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ARTICLE A

General Provisions

Sec. 5-2-1 Curb, gutter and sidewalk construction generally.

(a) No curbs, gutters or sidewalks shall be constructed in the public streets of the city except by the city or under contract with the city; provided, however, that in any subdivision or site plan development, or in cases in which the abutting owner bears the full cost of such construction, the owner may construct curbs, gutters and sidewalks in the public streets of the city, upon plans and specifications approved by and under the supervision of the director of the department of transportation and environment services.

(b) Whenever the owner constructs curbs, gutters or sidewalks, he or his representative shall be subject to and comply with the requirements of title 5, chapter 2. (Code 1963, Sec. 33-1)

Sec. 5-2-2 Construction of curb and gutter upon petition of property owner.

(a) Upon petition by any property owner, the city shall, subject to planning requirements and to the availability of funds, construct curbs and gutters at the proper lines and at grades to be determined by the director of transportation and environment services in the streets in front of or on the sides of the property of the petitioner; provided, that before such construction is commenced, the property owner will pay to the city 50 percent of the cost of such construction on front yard street frontage and 25 percent of the cost of such construction on side yard street frontage.

(b) This section shall not apply when curb and gutter construction is required by any other law of the city. (Code 1963, Sec. 33-2)

Sec. 5-2-3 Construction of sidewalks upon petition of property owner.

(a) Upon petition of any property owner, the city shall, subject to planning requirements and to the availability of funds, construct four foot concrete sidewalks at proper grades to be determined by the director of transportation and environmental services, in the street in front of or on the sides of the property of the petitioner; provided, that before such construction is commenced, the property owner will pay to the city 50 percent of the cost of such construction on the front yard street frontage and 25 percent of the cost of such construction on side yard street frontage. If brick sidewalks are requested, the city will pay the same respective percentages of the cost for front and side yard street frontages of the concrete base for the brick sidewalk, after the owner has paid for the remainder of the cost of the base and all of the cost of the brick construction.

(b) This section shall not apply when sidewalk construction is required by any other law of the city. (Code 1963, Sec. 33-3)

Sec. 5-2-4 Conditions precedent to opening or dedicating streets and alleys or constructing sewers or drains in future subdivisions.

No owner or proprietor or his agent, employee or contractor, of any parcel or tract of land situated in whole or in part within the city, who may hereafter subdivide, resubdivide or divide the parcel or tract for the purpose of laying out any additions or subdivisions, resubdivisions or suburban lots, shall open or dedicate any streets, avenues, lanes, alleys or public ways, or construct, build or establish sewers or drains in such streets, avenues, lanes, alleys or public ways, or tap any existing sewers or lay a sewer in or across any street, avenue, alley or public way in the city for the purpose of sewering or draining the tract of land so subdivided, and no street, avenue, lane, alley or public way shall be accepted by the city, until the following conditions have been complied with:

(1) When scale, maps or plats showing the plan and profile of any street, avenue, lane, alley, public way, sewers and drains, sidewalks and parking, giving grades and gradients, with the front and depth of the lots adjoining have been presented to and approved by the city engineer and city planning commission.

(2) a. *Sizes and grades.* Streets and avenues shall be at least 50 feet in width between property lines and 30 feet in width between curb lines. Alleys shall be at least 16 feet in width between property lines, and be paved for at least 10 feet in width in residential areas and to full width in commercial and industrial areas. Grades and gradients shall be established by approval of the director of transportation and environmental services. Such streets and avenues shall be constructed according to the requirements hereinafter specified.

b. *Design methods.* The method to be used for determining thickness of subbase, base and wearing course shall be the "California Method" as set forth on page 3-76 of the second edition of a book entitled, "Data Book for Civil Engineers, Volume One, Design," written by Elwyn E. Seelye. Values of California bearing ratios used in the design shall be determined by field and/or laboratory tests as outlined in paragraph d. below.

c. *Design wheel loads.* For purposes of design, the following wheel loads and types of streets shall be used.

Type of Street	Wheel Load
Residential cul-de-sacs	4000 lb.
Residential streets not feeder or through streets	7000 lb.
Residential through streets	10000 lb.
Arterial streets—commercial and industrial streets	12000 lb.

Determination of street classification under this schedule shall be made by the director of transportation and environmental services.

d. *Required tests.* Tests required for determination of design shall be conducted by a commercial testing laboratory approved by the director of transportation and environmental services and at the expense of the city. The tests shall consist of Atterburg limit tests, California bearing ratio tests (laboratory and/or field tests required), optimum moisture tests, field density tests (compaction), and such other tests as may be indicated. Where soils similar in characteristics to soils previously tested are encountered, the director of transportation and environmental services may dispense with any of the above tests as in his opinion are unnecessary for proper determination of C.B.R.S.

e. *Inspection and testing charges.*

1. The owner or developer of property involving the installation of public improvements shall pay to the city, prior to commencing the improvement, a fee for inspection and tests on the following:

i. For curb and gutter, sidewalk, storm sewers and sanitary sewers, two and one-half percent (2½ %) of the estimated cost of the improvement.

ii. For street and alleys, three percent (3%) of the estimated cost of such improvement.

2. Estimates of cost shall be made by the director of transportation and environmental services, based on contract prices then in effect on city contracts, or in the absence of any contracts, on comparable prices current in the construction industry in the area.

3. Nothwithstanding the above, for public improvements covered by this section costing less than $250, a minimum inspection fee of $10 will be imposed, and for improvements costing $250 or more, the minimum inspection fee will be $25.

f. *Minimum standards.* In the design of streets under the provisions of this section, streets designed to carry wheel loads of 10,000 pounds and over shall have a designed wearing surface not less than four (4) inches in thickness if constructed as flexible pavements; if constructed over

a rigid base, the wearing surface shall be not less than two (2) inches in thickness; streets designed to carry wheel loads less than 10,000 pounds shall have a wearing surface not less than two (2) inches in thickness. The wearing surface (except in the case of streets having a finished cement concrete surface) shall consist of one (1) inch of Type I-3 or F-1 bituminous concrete and sufficient Type H-2 bituminous concrete (Virginia State Highway Specifications 1954). Alley paving shall consist of not less than six (6) inches of Portland cement concrete, Class P (Virginia State Highway Specifications 1954).

g. *Supervision and inspection of improvements; permit required by contractors.* All work done in the installation of public improvements in the city shall be done under the supervision and inspection of the director of transportation and environmental services, and shall be done by qualified contractors duly registered under the laws of the state. Prior to the beginning any work on public improvements in the city, the contractor shall apply for and, if properly qualified, shall receive a permit from the director of transportation and environmental services to proceed with the work. The permit shall be issued without charge.

h. Sewers, with a catch basin at street intersections, shall be constructed in accordance with grades, sizes and character approved by the city engineer.

i. The sidewalks must have been graded and concrete sidewalk, curb and gutter constructed, laid and established, or other material not inferior to concrete laid and constructed under the supervision of the city engineer or his representative on 100 percent of that portion of the street to be accepted. (Code 1963, Sec. 33-4)

Cross Reference: Subdivisions generally, Ch. 5 of Title 7 of this code.

Sec. 5-2-5 Acceptance of streets, sewers, etc., in future subdivisions.

When the terms and conditions set out in the preceding section have been complied with and satisfactory deeds conveying to the city the unencumbered fee in the land occupied by the streets, avenues, lanes, alleys and public ways, sewers or drains and the rights pertaining thereto and all sewer pipes, traps and drains thereon have been delivered to the council with necessary fees for recording the deeds, the city council will by resolution or ordinance accept such streets, avenues, lanes, alleys, public ways, sewers and drains as city streets and sewers and drains and may so designate them by the erection of signs at the entrances thereto; and from date of acceptance will maintain the streets, avenues, lanes, alleys, public ways, sewers and drains in accordance with the laws and ordinances governing the maintenance of streets and sewers throughout the city, but no approval by the council shall constitute an acceptance unless there shall also be a resolution or ordinance of acceptance. Acceptance may also be by acceptance of a plat as provided in chapter 5 of title 7 of this code, relative to subdivisions. (Code 1963, Sec. 33-5)

Sec. 5-2-6 Opening or dedicating streets or constructing sewers or drains in existing subdivisions.

No owner or proprietor, his agent, employee, lessee or contractor, of an addition, subdivision or suburban lots already laid out and situated in whole or in part within the city, shall open or dedicate any other streets, avenues, lanes, alleys or public ways, or construct, build or establish other or further sewers or drains in such streets, avenues, lanes, alleys or public ways or tap any existing sewer or lay a sewer in or across any street, avenue, alley or public way in the city, and no other streets, avenues, lanes, alleys or public ways will be accepted by the city until the conditions and requirements set forth in section 5-2-4 of this code have been complied with insofar as is practicable; and no street, avenue, lane, alley or public way in any addition, subdivision or suburban lots which have already been laid out shall be accepted by the city, and no sewer or drain to or from such addition, subdivision or suburban lots shall be laid in or across any street or alley in the city, or be or stay connected with any existing sewer, until the conditions and requirements have been complied with insofar as the existing conditions will reasonably permit. (Code 1963, Sec. 33-6)

Sec. 5-2-7 Reconstruction of concrete sidewalks to agree with curb grade.

(a) When in the construction of new curbs and gutters in accordance with grades established by the director of transportation and environmental services, as authorized by section 5-2-2 of this code, the grade of the curb does not accord with a concrete sidewalk previously constructed, and the owner of property facing the curb requests the

walk to be reconstructed to agree with the curb grade, the city will reconstruct the sidewalk provided, that the walk was originally constructed on a grade authorized by the Board of Supervisors of Arlington County, by the Council of the Town of Potomac or by authority of the city council and under the supervision of the surveyor or engineer employed by the board of supervisors or councils to give such grade; provided further, that the property owner shall pay into the city treasury a proportionate amount of the total cost as may be determined in each instance by a committee of three (3) to be composed of the city manager and two (2) members of the city council to be appointed by the mayor, an amount to be not less than one-third (1/3) nor more than two-thirds (2/3) of the total cost. Such committee shall also have authority to decide the conditions under which the original sidewalk was constructed and the advisability of reconstruction.

(b) The property owner shall have the privilege of making payment by means of negotiable promissory notes. (Code 1963, Sec. 33-7)

Sec. 5-2-8 Persons having right-of-way over or use of streets to be given permit to excavate.

Permits to break or dig up any portion of a street or alley shall in no case be refused to any person who shall have been given the right-of-way over or the use of any streets or alleys by the legislature of this state or by the city council, it being the object and intention of the city council that any street or alley broken up or dug up shall be properly repaired under the supervision of the director of transportation and environmental services. (Code 1963, Sec. 33-9)

Sec. 5-2-9 Permit to excavate to be kept on premises.

Any person making any openings as provided for in the preceding section shall keep the permit on the premises and exhibit it upon demand of any police officer. (Code 1963, Sec. 33-10)

Sec. 5-2-10 Removal of barricades, lights or markers.

It shall be unlawful for any person to move or remove any barricade or obstruction erected or placed by the forces of the city to protect work in the course of construction, or for any other necessary municipal purpose, and it shall further be unlawful for any person to remove or molest any lights, flags or markers used in or about such area. (Code 1963, Sec. 33-11)

Sec. 5-2-11 Permit for removal of line stones, etc.

No person shall disturb, remove or deface any line stones, pins or stakes defining the lines of streets or lots in the city without having first obtained a written permit from the director of transportation and environmental services. (Code 1963, Sec. 33-12)

Sec. 5-2-12 Dragging vehicles, heavy objects, etc., over sidewalk.

It shall be unlawful for any person to drag or cause to be dragged any motor vehicle, horse-drawn vehicle, tractor, trailer, roller, heavy object, or any similar thing, over the paved sidewalks of the city, except at a duly established crossover established as provided in section 5-2-14 of this code, or except by special permit as set forth in section 5-2-15 of this code. (Code 1963, Sec. 33-13)

Sec. 5-2-13 Temporary sidewalk crossing.

Any responsible person may make application to the city manager for a special permit to put in or provide for, at his own expense, a temporary crossing over a paved sidewalk of the city for the purpose of excavating, building or filling in on any private premises, or for the purpose of driving or dragging a vehicle or heavy object over a sidewalk. The city manager shall grant the special permit only upon the condition that proper protection to the sidewalk from injury is provided and that proper protection to pedestrians and traffic is given. Any action under such special permit shall constitute an agreement by the permittee that he will save the city harmless from all claims for damages to persons or property by reason of any work or act pursuant thereto. (Code 1963, Sec. 33-14)

Sec. 5-2-14 Sidewalk crossovers and curb cuts generally.

(a) No person shall establish, build, construct, reconstruct, repair or alter any curb cut or sidewalk crossover, either temporary or otherwise,

within the public right-of-way or on the public streets in the city, without first having obtained a written permit from the city, as provided in this section. Nothing in this section, however, shall apply to any curb cut or sidewalk crossover which is shown on a site plan that has been approved under title 5, chapter 5 of this code.

(b) Persons seeking a permit for a curb cut or sidewalk crossover, which is neither temporary nor the replacement or repair of an existing curb cut or sidewalk crossover, shall make application to the director of transportation and environmental services on a form prescribed by the director. Within five (5) calendar days of filing an application and on a form prescribed by the director, the permit applicant shall notify the owners of all adjacent property of his application and of their opportunity to oppose the application by submitting a written statement to the director that states their opposition and the reasons for their opposition. Thereafter, the applicant shall certify to the director that he has notified all adjacent property owners as required by this subsection. Any adjacent property owner who wishes to oppose the application shall submit a written statement to the director within five (5) days of receiving notice. Fourteen (14) days after the filing of the application or as soon as reasonably possible thereafter, the director shall study the proposed curb cut or sidewalk crossover and forward the application and any written statement filed by an adjacent property owner, along with his findings and recommendations, to the city manager.

(c) The city manager shall approve the permit application and issue a written permit only when he finds:

(1) that the location and operation of the curb cut or sidewalk crossover will not interfere unreasonably with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and means of ingress and egress to and from adjacent properties.

(2) that the health, welfare and safety of the public will not be impaired unreasonably by the curb cut or sidewalk crossover.

(3) that the curb cub or sidewalk crossover is of adequate width under existing conditions and circumstances.

(4) that the plans submitted comply with the standard specifications of the city for public work of like character, and that the design of the curb cut or sidewalk crossover has been approved by the director of transportation and environmental services as being in accord with city specifications; provided, however, that the city manager may grant variances from these specifications when strict application of the specifications will prohibit or unreasonably restrict the use of property.

(5) that the costs of construction, as estimated by the director of transportation and environmental services, have been paid for by the applicant if the work on the curb cut or sidewalk crossover is to be done by the city or a contractor employed by the city; however, if the applicant for a permit under this section elects to do the work himself or through his own contractor, he or his contractor shall comply with the requirements of article E of chapter 2 of this title.

(d) Notice of the city manager's decision on the permit application shall be mailed by the director of transportation and environmental services to the applicant and to each adjacent property owner who had submitted a written statement under subsection (b) opposing the application. Any applicant or any such adjacent property owner aggrieved by the manager's decision may appeal the decision to the traffic and parking board by filing a written notice of appeal with the director within 15 days of the date of the decision. The director shall forward the appeal to the traffic and parking board and schedule it to be heard at the next regularly scheduled meeting of the board. The director shall also notify the applicant and any adjacent property owner who has filed a notice of appeal of the date, time and place of the board meeting at which the appeal will be heard. No construction work shall begin on any curb cut or sidewalk crossover which is the subject of an appeal until the appeal has been decided by the board. In deciding an appeal, the board shall afford the applicant and any adjacent property owner an opportunity to present his views on the application and the manager's decision. The board may affirm, modify or overturn the manager's decision; provided, however, that it may modify or overturn the decision only if it concludes that the manager clearly erred in applying the factors in subsection (c)(1) through (5) to the application. The decision of the board shall be final, and no further appeal shall lie to city council.

(e) If the applicant elects to have the city do the work on the curb cut or sidewalk crossover covered by the permit and the expense of construction amounts to more than the estimated cost, the applicant shall pay the additional amount to the city; in cases where the expense of construction amounts to less than the estimated cost, the city shall refund the excess to the applicant.

(f) Where an application for a permit under this section pertains to a curb cut or sidewalk crossover which is temporary in nature or which exists but is in need of repair or replacement, the application shall be made to the director of transportation and environmental services who, after giving due regard to the considerations enumerated in subsection (c) above, may issue a permit, and, if a permit is issued, he shall prescribe the type of construction to be used and, when the curb cut or sidewalk crossover is temporary in nature, he shall also prescribe the time the permit shall be in effect and shall require a reasonable bond or contract of insurance to save the city harmless from any claim of whatsoever nature which may arise as a result of the use of the temporary curb cut or sidewalk crossover.

(g) No curb cut or sidewalk crossover, either temporary or otherwise, shall be of a greater width than 40 feet at the property line, except in those instances in which, in the opinion of the city manager and upon recommendation of the director of transportation and environmental services, the maximum safety and convenience of the general public demand a greater width.

(h) The granting of a permit application under this section shall not be considered as vesting any property interests in the applicant. Use of any curb cut or sidewalk crossover by the applicant or his successor or their patrons shall constitute an agreement by the applicant or his successors, as the case may be, to pay for the maintenance and repair thereof and to indemnify and save harmless the city from any claim for damages to persons or property by reason of the maintenance and use thereof.

(i) In the event the use of any curb cut or sidewalk crossover should be discontinued for a period exceeding 12 months, authority to maintain the same may, at the discretion of the city manager, be forfeited and the director of transportation and environmental services may proceed to restore the curb, gutter and sidewalk to a condition conforming with the curb, gutter and sidewalk on each side thereof.

(j) The city manager is hereby empowered to close any curb cut or sidewalk crossover when its continued use is not necessary for access to the property it is designed to serve and it is being used by the public as a thoroughfare, or when its continued use would unreasonably interfere with public uses of the street, would constitute a serious menace to the safety of the public by reason of want of repair, or would not be in the public interest for any other reason. If the menace is caused solely by disrepair or need for reconstruction, use of the curb cut, or sidewalk crossover may be continued after repair or reconstruction, by the city at the expense of the person for whose convenience or profit the same was permitted.(Code 1963, Sec. 33-15; Ord. No. 3176, 1/24/87, Sec. 1)

Sec. 5-2-15 Permit required for placing crossing, etc., in paved gutter.

It shall be unlawful for any person to place or cause to be placed any crossing, bridge or obstruction in the paved gutters of the city, unless a permit from the city manager is first obtained. (Code 1963, Sec. 33-16)

Sec. 5-2-16 Placing merchandise on or otherwise obstructing sidewalks and other public rights-of-way.

(a) No person shall place any goods, wares, merchandise, foodstuffs or similar items on, or in any way obstruct, any street, sidewalk, walkway of the city or occupy or use any of such sidewalks or walkways or other public right-of-way or use any such public right-of-way for the display or sale of any goods, wares, merchandise, foodstuffs or similar items, except either pursuant to a permit issued in accordance with section 7-2400 of the zoning ordinance and section 5-2-29(g) of this code or when receiving or delivering such items, in which case the items may remain on the public right-of-way only so long as is reasonably necessary for the delivery of same. (Code 1963, Sec. 33-17, as amended by Ord. No. 2545, 2/10/81, Sec. 1; Ord. No. 2609, 7/8/81, Sec. 1; Ord. No. 3368, 4/15/89, Sec. 1; Ord. No. 4608, 6/23/09, Sec. 3)

Sec. 5-2-17 Sale of articles of commerce from stands or wagons.

No person shall use the streets or sidewalks in the city for the purpose of selling, offering for sale, or otherwise disposing of medicines, salves, lotions, jewelry, toys or other articles of trade or commerce from stands or wagons with or without a show, entertainment or other device for attracting crowds. This section shall not be construed to prohibit the peddling of green groceries on the streets of the city, nor to apply to merchants delivering goods to their customers. (Code 1963, Sec. 33-18)

Sec. 5-2-18 Public telephone booths.

A telephone company franchised and licensed to do business within the city may place public telephone booths upon the street, sidewalks or other public places within the city subject to the following terms and conditions:

(1) Written permission from the owner of property abutting the site of any booth to be located on a street or sidewalk shall first be obtained.

(2) The company shall first agree in writing to indemnify and save harmless the city from and against all claims, loss, injury or liability connected with or resulting from the erection, operation or maintenance of any booth.

(3) No booth shall exceed a height of 86⅛ inches or a width of 33 ½ inches. The interior shall be visible from the exterior.

(4) Any booth shall at all times be kept clean, neat and sanitary.

(5) A written permit from the city manager shall first be obtained, upon a showing of public convenience and necessity, which permit shall designate the exact location of the booth, and shall be revocable by the city manager on 10 days' notice.

(6) The company shall, upon removing any booth, restore the property on which it was located to its original condition. (Code 1963, Sec. 33-19)

Sec. 5-2-19 Sale of articles of commerce from vehicles prohibited or limited while parking on city streets.

It shall be unlawful for any person to offer for sale or sell any goods, wares, merchandise, foodstuffs or similar items from a vehicle or trailer that is parked, placed or stopped on a city street alongside of or next to a parking meter. It shall also be unlawful for any person to offer for sale or sell any goods, wares, merchandise, foodstuffs or similar items from a vehicle or trailer that has been parked, placed or stopped for longer than 20 minutes in any one place on a city street that does not contain parking meters. Notwithstanding this prohibition, a display of bicycles offered for rent from the public right of way pursuant to section 7-2400 of the zoning ordinance and section 5-2-29(g) is permitted. (Code 1963, Sec. 33-20; Ord. No. 3368, 4/15/89, Sec. 2; Ord. No. 4608, 6/23/09, Sec. 2)

Sec. 5-2-20 Sidewalks in front of premises to be kept clean.

(a) It shall be unlawful for any person to sweep dirt or trash from the interior of any store, commercial establishment or premises, upon the sidewalk, but such dirt or trash shall be taken up and put in proper receptacles for removal.

(b) It shall be the duty of all persons occupying stores, commercial establishments or premises fronting on any street or public place to keep the sidewalks immediately in front thereof clean and clear of rubbish, trash, waste papers, etc., and it shall not be swept into the driveway or the street, but it shall be taken up and put in proper receptacles to be moved as other trash and waste is removed. In the case of office buildings, apartment buildings and other buildings occupied by three or more tenants, this duty shall be upon the owner thereof or the person in charge of the entire building. In structures where the first floor is occupied as a store or business establishment, the duty of keeping the sidewalk in front thereof clean is hereby imposed upon the occupant of the store or proprietor of the establishment. (Code 1963, Sec. 33-21)

Sec. 5-2-21 Removal of snow, sleet and ice.

(a) Whenever snow shall fall and lie on the sidewalks of the city, it shall be the duty of each owner or occupant to clean same from the public sidewalk abutting the place owned or occupied by him. The time for such removal shall be as follows:

i. When the city manager or his designee has declared a Level 1 snow emergency, within 24 hours after the snow shall have ceased to fall;

ii. When the city manager or his designee has declared a Level 2 snow emergency, within 48 hours after the snow shall have ceased to fall;

iii. When the city manager or his designee has declared a Level 3 snow emergency, within 72 hours after the snow shall have ceased to fall.

It shall be unlawful for any person to move into any city street any snow that has fallen on such person's property. The same requirements shall exist with respect to ice or sleet on sidewalks or footways; except, when it cannot be removed without injury to the sidewalk or footway, it shall be covered within 24 hours with sand, ashes or some other substance which will render it safe for travel. Whenever any building or lot is owned by the Alexandria Redevelopment and Housing Authority, contains four or more rental units, or is unoccupied, it shall be the duty of the owner, or

the agent of the owner thereof, to have the snow or ice removed from the sidewalk or footway, as above required of occupants. It shall be unlawful for any person to fail, refuse or neglect to comply with the provisions of this subsection.

(b) The director of the department of transportation and environmental services, or the director's duly authorized agent, may give notice in writing to the owner or occupant of land in the city abutting a sidewalk where there is snow, sleet or ice, that such snow, sleet or ice must be removed or covered as prescribed above within 24 hours from the receipt of the notice or the city will (1) remove or cover the snow, sleet or ice, bill the owner or occupant for the costs and collect the costs like taxes in the event of nonpayment by the owner, and/or (2) issue a civil penalty citation to the owner or occupant pursuant to subsection (e) of this section. Mailing to the last known post office address shall constitute sufficient service upon owners who cannot be found after a reasonably diligent search.

(c) Whenever the owner refuses, neglects or fails to remove or cover the snow, sleet or ice after being notified in the manner prescribed above, the department of transportation and environmental services may choose to act. The expense thereof shall be forthwith computed, and a bill for such expense shall be prepared by the department of finance and mailed to the owner at his last known post office address within a reasonable time after the work is done.

(d) In the event the city does not receive payment of the bill within 30 days after mailing, the director of finance shall see that the expense is charged to the owner and collected in the same manner as city taxes. Every charge with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

(e) A person shall be assessed a civil penalty of $50 for violating any provision of this section; provided, however, that no such penalty shall be assessed until the written notice required by subsection (b), and an additional period of 24 hours to comply after such notice, shall have been given. The provisions of section 1-1-11 of this code shall apply to the enforcement of such penalty. (Code 1963, Sec. 33-22; Ord. No. 2752, 12/14/82, Sec. 1; Ord. No. 2768, 1/26/82, Sec. 1; Ord. No. 2877, 11/12/83, Sec. 1; Ord. No. 4368, 12/18/04, Sec. 1; Ord. No. 4689, 11/13/10, Sec. 1)

Cross Reference: Snow and bad weather regulations, § 5-8-131 et seq.

Sec. 5-2-22 Barbed-wire fences.

No person shall construct or maintain a barbed-wire fence adjacent to any street, public alley or court line within the city. Each day that any such fence remains, after 10 days' notice in writing to remove it, shall constitute a separate offense. (Code 1963, Sec. 33-23)

Sec. 5-2-23 Packing and unpacking on sidewalks.

No person receiving or shipping goods, wares and merchandise in boxes, crates or other packing, shall be permitted to pack, unpack or store them upon the sidewalk or street unless the package, crate or box is too large to enter the door of the building into which the contents of the package are to be carried, in which case the package, box or container of articles so received or to be shipped, may be unpacked or packed upon the sidewalk without unreasonable delay, provided ample space is left for pedestrians and proper safeguards of the public are provided, and all packing material, trash and boxes shall be immediately removed. (Code 1963, Sec. 33-24)

Sec. 5-2-24 Book agents.

Book agents selling directly to customers shall not sell or offer to sell to persons walking along the sidewalks and streets of the city. (Code 1963, Sec. 33-25)

Sec. 5-2-25 reserved.

Editor's note—Ord. No. 4856, § 3, adopted Jan. 25, 2014, repealed § 5-2-25 which pertained to bootblack stands and derived from § 33-26 of the 1963 Code.

Sec. 5-2-26 Photographers.

Photographers shall not solicit business upon the streets and walkways of the city. (Code 1963, Sec. 33-27)

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, 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, subject to 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 or to minimize disruption to established residential, commercial, institutional and other areas in the 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 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 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 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 section 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. (Code 1963, Sec. 33-28; Ord. No. 4224, 10/13/01, Sec. 1; Ord. No. 4555, 6/14/08, Sec. 1; Ord. No. 4995, 4/16/16, Sec. 1)

Sec. 5-2-28 Fires on paved streets.

No person shall set on fire or burn any garbage, ashes, trash, leaves or any other material of any kind on any public paved or hard surfaced sidewalk, curb, gutter, street or alley. The police department shall enforce this section. (Code 1963, Sec. 33-29)

Sec. 5-2-29 Street encroachments.

Any encroachment into a public street, alley, sidewalk or other right-of-way may be authorized only by a special ordinance adopted by city council, unless the encroachment is authorized pursuant to one of the following exceptions or is otherwise authorized by this code or the City of Alexandria Zoning Ordinance:

(a) *Steps.* Steps not more than 12 feet in length, including the required landings, may project beyond the street lot line up to five feet on streets with a right-of-way width of 100 feet or more, up to four feet on streets with a right-of-way width between 66 and 100 feet, up to three feet on streets with a right-of-way width between 50 and 66 feet and, notwithstanding the above, up to 20 inches on Union Street and on King Street between the Potomac River and the R.F.&P. railroad right-of-way. The term "steps" in this subsection includes ramps and similar structures necessary to provide access to the handicapped.

(b) *Architectural decorations.* Belt courses, lintels, sills, architraves, pediments and similar architectural decorations may project up to four inches beyond the street lot line when less than

10 feet above the curb level, and up to 10 inches beyond the street lot line when 10 feet or more above the curb level.

(c) *Signs.* A sign may be erected or displayed flat against a building wall or at an angle thereto, so long as the sign does not project more than four feet from the building wall or within one foot of an established curb line and the bottom of the sign is at least eight feet above a sidewalk or parking area and at least 14.5 feet above an alley.

(d) *Canopies, awnings and marquees.* Canopies, awnings and marquees suspended from a building or structure with no ground supports, having a clearance of at least eight feet above a sidewalk, extending no more than four feet beyond the front property line, and extending to no more than one foot from the established curb line, may be erected.

(e) *Nonpermanent planters.* Planters which are nonpermanent may be located in a right-of-way subject to the following:

(1) A permanent planter is one which is attached in any permanent manner to a public right-of-way or to a building, building appurtenance or any other structure, or which rests on a foundation or substructure other than a sidewalk. A permanent planter requires a building permit and an encroachment ordinance. Above-grade per-

manent planters located in an historic district also require approval by the board of architectural review.

(2) A nonpermanent planter is a portable container that is light enough to be transported by two people when empty of soil and plants.

(3) A nonpermanent planter may not project into a public right-of-way more than steps would be allowed to project under subsection (a) above and may not exceed 30 inches in height. There is no limit to the number of planters permitted as long as the conditions of this subsection (e) are complied with and the planters are maintained in good condition.

(4) A nonpermanent planter must be located so as to maintain a path for public travel at least five feet in width at all points, along any adjacent sidewalk.

(5) A permit for a nonpermanent planter must be obtained from the department of transportation and environmental services. The permit application shall include the address of the planter, adequate location drawings, and a sketch, photo or dimensions of the planter. Visual inspection by the director of transportation and environmental services or his designee may be substituted for drawings if the location and description of the planter are recorded on the permit application. After a permit has been granted, it may be revoked and the planter removed from the right-of-way by the director or his designee whenever the applicant fails to comply with any permit conditions. A permit application will be reviewed to determine compliance with the following:

a. The location of the planter shall not unduly obstruct the public right-of-way.

b. The planter shall be of such design and construction, and the contents shall be of such nature, so as not to constitute a nuisance or public hazard.

c. The planter shall be of a design, material and color which are generally recognized as intended for and suitable for the display of plant materials on the public right-of-way in an urban environment and, if located in an historic district, are compatible with the streetscape in the district and are consistent with the applicable design guidelines adopted by the board of architectural review.

d. The owner of the planter shall agree to move the planter whenever the city requires access to the planter location.

(f) *Benches.* Benches and similar street furniture may be placed in a public right-of-way, subject to the following:

(1) The bench or street furniture shall be located immediately adjacent to the closest building wall, shall touch the wall along the length of the bench or street furniture, and shall not project from the wall more than 30 inches.

(2) The bench or street furniture shall not be used as part of a business for advertising, or for making sales or providing services to customers, and shall be available for use by the general public.

(3) The director of transportation and environmental services or his designee shall review any bench or street furniture proposed for a right-of-way and its location, and approve it if he finds that it will not interfere with pedestrian access and safety, will not be an attractive nuisance and will promote the health, safety and welfare of the city.

(4) The director of planning and zoning or his designee shall review any bench or street furniture proposed for a right-of-way and shall approve it if he finds that its design is compatible with the character of the surrounding area.

(g) *Rental bicycles.* Bicycles offered for rent may be displayed and rented from areas of right of way pursuant to section 7-2400 of the zoning ordinance and this section 5-2-29.

(h) *Parker-Gray Historic District front fences.* Within the Parker-Gray Historic District, retaining walls less than two feet in height above the lower adjacent grade or fences at the height and location otherwise permitted in a front yard may be constructed in the public right-of-way.

(i) *Street or alley crossing banner.* With a special event permit pursuant to City of Alexandria Special Event Policy and Procedures approved by the city council on January 23, 2010 as the same may be amended, the permittee may place a banner across a public street or alley for up to 10 days upon a determination made by the city manager that the sign does not pose a danger to the safety of the public.

(j) *Encroachment requirements.* In addition to any other restrictions or requirements imposed by this code or the City of Alexandria Zoning Ordinance, the owner of any sign, canopy, awning or marquee, nonpermanent planter, bench, bicycle display or similar street furniture that encroaches into a public right-of-way pursuant to this section shall also comply with the following:

(1) *Liability insurance.* The owner shall obtain and maintain a policy of general liability insurance in the amount of $1,000,000 which will

indemnify the owner (and all successors in interest), and the city as an additional named insured, against all claims, demands, suits and related costs, including attorneys' fees, arising from any bodily injury or property damage which may occur as a result of the encroachment.

(2) *Removal of encroachment.* The owner or any successor in interest shall remove the encroachment if the city determines that the encroachment interferes with public access or is otherwise inconsistent with the public welfare. In such case, the city shall provide the owner or successor in interest with written notice of the need to remove the encroachment at least 10 days prior to the date on which the removal must be completed. If the owner or successor in interest cannot be found, or fails to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of the owner or successor, and shall not be liable for any loss or damage to the encroaching structure that may occur as a result of the removal. (Ord. No. 3864, 5/18/96, Sec. 1; Ord. No. 3995, 5/16/98, Sec. 1; Ord. No. 4608, 6/23/09, Sec. 1; Ord. No. 4834, 10/19/13, Sec. 1; Ord. No. 4987, 2/20/16, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 3)

Secs. 5-2-31 through 5-2-40 reserved.

ARTICLE B

Parades

Sec. 5-2-41 Permit—required.

It shall be unlawful for any person, company, society, association, organization, lodge, club, gathering or group of any kind to parade or march or to attempt to parade, march or hold a procession or motorcade in or upon any of the streets of the city until such person or group shall have obtained a permit as provided in this article. (Code 1963, Sec. 33-30)

Sec. 5-2-42 Same—application.

Each applicant for a permit required by this article shall, in a writing made out in duplicate, file an application with the city manager requesting permission to hold a parade. The application shall be filed at least 15 days prior to the date upon which the parade is to be held. Each application shall also state the name of the person or group holding the parade, the purpose, the number of participants, the number of vehicles and floats, the proposed route, the length of time the parade will take, and such other pertinent data as would assist the city in making plans to conduct the parade. In unusual cases the 15 day period may be waived by the traffic board. (Code 1963, Sec. 33-31)

Sec. 5-2-43 Same—reference to traffic and parking board; grant or denial.

(a) Upon receipt of a proper application to hold a parade, the city manager shall refer the application to the traffic and parking board.

(b) If the applicant's parade meets the requirements set forth in this article, the traffic and parking board shall grant a permit subject to the payment of the permit fee hereinafter required.

(c) If the applicant's parade does not meet the requirements then the permit shall be denied by the traffic and parking board. (Code 1963, Sec. 33-32)

Sec. 5-2-44 Same—fees, etc.

(a) When the traffic and parking board has agreed to grant a parade permit pursuant to this article, the applicant shall pay a permit fee to the office of the city manager, to help cover the expense of regulating the parade, as follows:

(1) Small parades, motorcades, and processions not exceeding 650 feet in length..... $ 5.00

(2) Parades, motorcades, processions more than 660 feet in length but not exceeding 1,320 feet $10.00

(3) Parades, motorcades, processions exceeding, 1,320 feet..... $25.00

(4) The cost of paying off-duty policemen used in the handling of any parade, motorcade or procession, regardless of length.

(b) The permit fee and the cost for off-duty policemen may be waived by the city council. (Code 1963, Sec. 33-33)

Sec. 5-2-45 Authority of city manager and police department.

The city manager and police department of the city are hereby authorized and empowered to take such lawful action as may be necessary to carry out the regulations and requirements of this article, insure an orderly parade or procession, prevent obstruction to and insure the full flow of traffic, and to prevent riots and disorder, and to hire special policemen and employees to aid in these measures. (Code 1963, Sec. 33-34)

Sec. 5-2-46 Route, etc.

No parade shall be held in the city except at a time, place and route designated by the traffic and parking board. The traffic and parking board, except as provided in this article, is hereby empowered to make such designations, provided such designations are reasonable, will aid in protecting the safety, health and welfare of the inhabitants of the city and will carry out the intent and purpose of this article. (Code 1963, Sec. 33-35)

Sec. 5-2-47 Conduct upon approach of emergency vehicles.

All parades held in the city shall upon the approach of any emergency vehicle break ranks or maneuver so as to allow such vehicle to continue on its way. (Code 1963, Sec. 33-36)

Sec. 5-2-48 Riots and mischief.

No parade which will cause a riot or which threatens tangible public or private mischief shall be held in the city. (Code 1963, Sec. 33-37)

Sec. 5-2-49 Obscenity or immorality.

No obscene or immoral parade shall be held in the city. (Code 1963, Sec. 33-38)

Sec. 5-2-50 Litter and refuse.

No parade in which the participants litter the streets or sidewalks shall be held in the city unless the person or group holding the parade shall insure the city that such littering or refuse caused by the parade shall be cleaned up immediately upon the termination of the parade. (Code 1963, Sec. 33-39)

Sec. 5-2-51 Penalty for violation of article.

Any person violating any provision of this article shall, upon conviction, be punished by a fine of not more than $300 or imprisonment in the city jail for a period not to exceed 30 days or by both such fine and imprisonment, in the discretion of the court. (Code 1963, Sec. 33-40)

Secs. 5-2-52 through 5-2-60 reserved.

ARTICLE C

Street Names

Cross Reference: Power of city with reference to names of streets, see city charter, Sec. 2.03, subsec. (r).

Sec. 5-2-61 In general.

All of the names of streets existing on February 24, 1963, within the city shall be retained and shall be so designated on the official street naming map cited in section 5-2-63 of this code, with the exception of those names listed in section 5-2-62 of this code. (Code 1963, Sec. 33-41)

Sec. 5-2-62 Changes of names.

The names of the following streets shall be changed, renamed and designated by their new names on the official map cited in section 5-2-63 of this code as follows:

(1) New Name	Old Name	General Location
Allison Street	Kenwood Avenue	Fairlington Area
Bragg Street	No Name	Lincolnia, south of Duke Street
Beauregard Street	So. Walter Reed Drive	Between King St. and Duke St.
Calhoun Avenue	Patton Boulevard	Dowden Terrace
Chambliss Street	Seminary Drive (except for 2,200 feet, more or less, immediately southwest of Seminary Road)	Dowden Terrace
Cockrell Avenue	No Name	Alnor Heights
Colfax Avenue	Marshall Blvd.	Dowden Terrace
Courtney Avenue	Courtney Drive	Courtney Subdivision
Dawes Avenue	Wainwright Blvd.	Dowden Terrace
Dearing Street	Brad Lee Street	Brad Lee Towers
Donelson Street	Ft. Worth Drive	Delta Subdivision
Dove Street	Dale Street	Duke Street-Telegraph Road
Duke Street	Little River T'pike	
Early Street	Fort Williams Dr. & Major Barbara Street and part of Old Mill Road	Delta Washington Forest
Echols Avenue	Forest Street	Shirley Gardens
Fairbanks Avenue	Gaile Street	Fairlington Area
Farm Road	Wellington Road (Crestwood Drive to Beverly Drive)	
Fillmore Avenue	Washington St.	Washington Forest
	Seminary Drive (2,200 feet, more or less, immediately southwest of Seminary Road)	Dowden Terrace
Floyd Street	Sandy Drive	Quaker Park
Foster Avenue	Joyce Street	Shirley Gardens
Frazier Street	No Name	Piney Court
French Street	Cornelia Drive	Quaker Park
Frost Street	Crawford Street	Piney Court
Garfield Avenue	No Name	Ft. Ward Heights
Gordon Street	Diesel Road	Duke Street
Henry Street	Old Georgetown Road	Westover
Howard Street	Regina Street	Shirley Duke
Imboden Street	Bertland Street	Shirley Duke
Ingalls Avenue	Tacoma Avenue	Brad Lee
Iverson Street	Highview Drive	Shirley Duke
Jay Avenue	Tasby Place	Brad Lee
Jefferson Davis Highway	River Road	Potomac Yards
Jordan Street	Donmanton Blvd.	Shirley Duke
Jason Avenue	Severen Avenue	Brad Lee
Keller Avenue	Trilby Street	Brad Lee
King Street	Leesburg T'pike	Fairlington Area
Lawrence Avenue	Pine Street	Piney Court
Maplewood Pl.	Rosebud Place	Fairlington Area
Notabene Drive	Four Mile Road (Old Dominion Boulevard to Notabene Street)	
Pegram Street	Valley Lane (Yeole Street, north to right angle)	Seminary Hill
Pickett Street	Valley Lane (Seminary Road, south)	Seminary Hill
Pierpont Street	Brandywine	Monticello Park
Polk Avenue	Yeole Avenue	Seminary Hill
S. Quaker Lane	Seminary Lane	Cameron Park Area
Radford Street	No Name (sometimes called Old Seminary Road)	Chinquapin Village
Reynolds Street	Edsall Road (Duke Street, south to right angle)	Edsall Area
Richmond Hwy.	Hunting Creek Rd.	US No. 1 at Hunting Creek
Rosser Street	King Blvd.	Dowden
Raleigh Avenue	Lynnwood Street	Shirley Duke
St. Stephens Rd.	N. Early Street (Seminary Road to point of termination)	
Sanford Street	Alexander Street	Mt. Ida
Shirlington Road	No Name (sometimes called Seminary Road, from Rotary at Shirley Hwy. and Quaker Lane to north city limits)	Shirlington
Stevens Street	Davis Avenue	Dowden
Stevenson Ave.	Service Road No. 4 between city limit line and South Yoakum Street	Lincolnia
Dogwood Drive	Community Drive	Kenwood
Taft Avenue	Candida (east-west portion)	Delta

New Name	Old Name	General Location
Tarlor Run Parkway W.	Burgess Drive	West End
Taney Avenue	Briland Street	Shirley Duke
VanDorn Street	Lincolnia Road (Edsall Road to S.C.L.)	Edsall Area
Wheeler Avenue	Old Mill Road	
30th Street	Central Avenue	Ft. Ward Heights

(2) Changes of names as of June 11, 1969.

New Name	Old Name	General Location
Edsall Road	Woodland Drive (southwardly from Edsall Road to its point of termination)	Edsall Area
Ford Avenue	Fillmore Avenue (eastwardly from Valley Drive to North 30th Street; prior to being named Fillmore Avenue this street had no name)	Ft. Ward Heights
Lincolnia Road	North Armistead Street (southwardly from Qantrell Avenue to Lincolnia Road)	Lincolnia, north of Duke Street
No. Breckinridge Place	No. Beauregard (southwardly from Lincolnia Road to Duke Street; prior to being named North Beauregard this street was known at Route 613)	Lincolnia, north of Duke Street
No. Hampton St.	Valley Drive (southwardly from King Street to Braddock Road extended)	Ft. Ward Heights
So. Walker Street	Relocated Lincolnia Road (southwardly from Duke Street to its point of termination)	Lincolnia
So. Whiting St.	Stevenson Avenue (westwardly from Lincolnia Road to termination; prior to being named Stevenson Avenue this street was known as Service Road No. 4) Lincolnia Road (southwardly from Stevenson Avenue to Edsall Road)	Lincolnia
So. Yoakum St.	Stevenson Ave. (northwardly from So. Yoakum St. to termination; prior to being named Stevenson Ave. this street was known as Service Road No. 4)	Lincolnia
Stevenson Ave.	Relocated Lincolnia Road (eastwardly from Lincolnia Road to So. Van Dorn St.)	Lincolnia
Taft Avenue	No. DeBray St. (southwardly from Taft Ave. to its point of termination; prior to being named No. DeBray Street this street was known as Candida St. [north-south portion])	Delta Subdivision

(3) Changes of names as of April 22, 1969.

New Name	Old Name	General Location
Pommander Walk	Potomac Street (lying between So. Lee Street and So. Union Street and intersection of Franklin Street)	Old Town

(4) Changes of names as of June 24, 1969.

New Name	Old Name	General Location
Eisenhower Ave.	Wheeler Avenue (from So. Van Dorn Street to Clermont Ave.); Taylor Dr. (east of the east line of parcel 3020-01-02, as shown on the 1963 City Tax Assessment Map 2.)	Edsall Area and Hoffman Office building site near near Telegraph Road

(5) Changes of names as of March 28, 1972.

New Name	Old Name	General Location
So. Whiting St.	Lincolnia	
	So. Yoakum St. (westwardly from So. Whiting St. to termination)	

(6) Change of name as of February 26, 1974.

New Name	Old Name	General Location
Yoakum Pkwy.	So. Yoakum St.	Lincolnia, between Stevenson Ave. and Edsall Road

(7) Change of name as of February 22, 1978.

New Name	Old Name	General Location
Cathedral Drive	Cathedral Street	Seminary Hill

(8) Change of name as of May 22, 1979.

New Name	Old Name	General Location
Dearborn Place	Ft. Williams Pkwy. (spur running northeast of Ft. Williams Pkwy. approximately 300 feet, more or less, north of Trinity Drive and south of Ft. Worth Avenue)	Seminary Ridge

(9) Change of name as of April 12, 1980.

New Name	*Old Name*	*General Location*
Tower Court	So. Yoakum St.	North end of South Whitney St.

(10) Change of names as of December 17, 1994:

New Name	*Old Name*	*General Location*
Fort Worth Place	Fort Worth Avenue (4100 block, east of St. Stephens Road)	Fort Worth Avenue and St. Stephens Road

(11) Change of name as of September 16, 1995:

New Name	*Old Name*	*General Location*
Ivor Lane	North Pickett Street (approximately 700 lineal feet immediately south of Braddock Road)	North Pickett Street and Braddock Road

(12) Change of name as of January 1, 1998:

New Name	*Old Name*	*General Location*
Witter Drive	South Longview Drive	Duke Street, approximately 730 feet, more or less, west of the intersection of Taylor Parkway west with Duke Street

(13) Change of name as of November 13, 1999:

New Name	*Old Name*	*General Location*
Mark Center Drive	Nottingham Drive	Within Mark Center running between Seminary Road and North Beauregard Street.

(14) Change of name as of April 15, 2000:

New Name	*Old Name*	*General Location*
Cameron Station Boulevard	Edsall Road (segment south of Pickett Street)	Cameron Station

(15) Change of name as of January 12, 2008:

New Name	*Old Name*	*General Location*
President Ford Lane	Barecroft Place	Oak Grove

The new street names above designated shall be delineated on the "Official Street Naming Map, City of Alexandria, Virginia," referred to in section 5-2-63 of the Code of The City of Alexandria, Virginia, 1981, as amended. (Code 1963, Sec. 33-42 as amended by Ord. 2461, 4/12/80, Sec. 1; Ord. No. 3766, 12/17/94, Sec. 1; Ord. No. 3818, 9/16/95, Sec. 1; Ord. No. 3967, 12/13/97, Sec. 1; Ord. No. 4083, 11/13/99, Sec. 1; Ord. No. 4118, § 1, 4-15-00; Ord. No. 4513, 1/12/08, Sec. 1)

Sec. 5-2-63 Declaration of official names; adoption of street naming map.

The official names of all streets within the city are hereby declared to be those names shown on a map entitled "Official Street Naming Map, City of Alexandria, Virginia," dated February 24, 1953, as amended, and on file in the office of the director of planning and community development, which map is hereby made a part of this section and the map and all notations, references and other data shown thereon is by this reference made a part hereof to the same extent as if the information set forth on the map were fully described and incorporated herein. (Code 1963, Sec. 33-43)

Sec. 5-2-64 Streets named in future.

(a) Except as hereinafter provided, all streets hereafter named and running in a generally eastward direction shall be designated as avenues, and all streets hereafter named and running in a generally north-south direction shall be designated as streets. In the case of diagonal streets, the planning commission shall designate the direction to be applied. Streets may also be designated parkways or places when the planning commission is of the opinion that the use of such a name is more desirable than that of street or avenue.

(1) In that portion of the city lying east of Quaker Lane, names shall be in harmony with the existing developments insofar as possible.

(2) In the area west of Quaker Lane, an alphabetical progression of names shall be instituted, based upon a rectangular grid whose eastern base line shall run in a northerly direction passing through the intersection of Duke Street and Quaker Lane and the intersection of King Street and Quaker Lane, and northern base line of which shall be at right angles to the eastern base line and pass through the northernmost corner of the city limits west of Quaker Lane.

(3) Each base line shall be subdivided into sections 600 feet in length. Beginning at the intersection of the base lines, each 600 feet shall be lettered alphabetically beginning with A and proceeding south and east through W at which point a new alphabet beginning with A shall be begun.

(b) The planning commission is hereby empowered to assign names to all newly acquired or dedicated streets in accordance with the provisions of this section. (Code 1963, Sec. 33-44; Ord. No. 4856, 1/25/14, Sec. 1)

Sec. 5-2-65 Street naming map to be kept current; notice to U.S. post office, etc., of new streets.

It shall be the duty of the planning commission to keep the official map, referred to in section 5-2-63 of this code, current and up to date by adding streets and their newly designated names as soon as the streets are dedicated or acquired by the city. In addition, the planning commission shall at the same time notify the United States post office and all city departments of the location and new name of the streets. (Code 1963, Sec. 33-45)

Sec. 5-2-66 Ordinance required for change of street name.

The name of any street designated by the official naming map referred to in section 5-2-63 of this code or by subsequent designation by the planning commission shall not be changed except by the adoption of an ordinance by the city council. (Code 1963, Sec. 33-46)

Secs. 5-2-67 through 5-2-80 reserved.

ARTICLE D

House Numbers

Sec. 5-2-81 In general.

All of the assigned numbers of properties or principal buildings existing on February 24, 1953, located east of the present right-of-way of the Richmond, Fredericksburg and Potomac Railroad shall be retained and shall be so designated on the official uniform numbering system map cited in section 5-2-83 of this code; except, that when any principal building is hereafter erected or located within that area, numbers shall be established as near as practicable in conformity with the uniform system established in this article. (Code 1963, Sec. 33-47)

Sec. 5-2-82 Establishment of uniform system.

There is hereby established and adopted the following official uniform numbering system in the city as follows:

(1) For all streets running in a general east-west direction, numbers shall begin with 100 at Union Street and proceed westerly at the rate of 100 numbers per block to and including Callahan Drive. From Callahan Drive westerly to the city limit, 100 numbers shall be assigned to each interval of 525 feet, measured along the extension of the center line of Duke Street.

(2) For streets running in a north-south direction, the following system shall be followed.

a. In the area east of the Richmond, Fredericksburg and Potomac Railroad and a line extending due south from the intersection Callahan Drive and Duke Street, King Street shall be used as a base line. Numbers shall start at King Street and proceed north and south along north-south streets at the rate of 100 numbers per block beginning with No. 100 at King Street.

b. In the area west of the line specified in paragraph a. and east of Quaker Lane, the block divisions, 100 numbers, shall follow as closely as possible the existing blocks north of Duke Street; south of Duke Street, the division lines shall be extensions of the streets now existing south of Duke Street and east of the line before mentioned. Duke Street shall be the division line between north and south streets and numbers shall start at one (1) at Duke Street.

c. In the area west of Quaker Lane, Duke Street shall be the zero base line. The extensions of the center line of King Street shall be taken as the 100 line north and blocks to the north of this line shall be spaced at intervals of 300 feet. South of Duke Street, the system set up in paragraph b. above shall be followed. (Code 1963, Sec. 33-48)

Sec. 5-2-83 Declaration of official numbers; adoption of uniform numbering system map.

The official numbers of properties and principal buildings within the city are hereby declared to be as shown on a map entitled "Uniform Numbering System, Alexandria, Virginia," dated February 24, 1953, which is filed in the office of the director of transportation and environmental services, and which map is hereby made a part of this section, and the map and all notations, references and other data shown thereon is by this reference made a part hereof to the same extent as if the information set forth on the map were fully described and incorporated herein. (Code 1963, Sec. 33-49)

Sec. 5-2-84 Identification of properties and buildings.

The owners of all properties or principal buildings within the city, except Gadsby's Tavern Museum, shall number and maintain the numbers on such buildings in accordance with the uniform numbering system adopted in this article and shown on the official numbering system map. All numbers shall consist of plain legible figures placed in a conspicuous place or places on the building facing the street from which the building is numbered and facing the alley in the case of nonresidential buildings with alley access. When numbers on the buildings are not readily visible from the street, auxiliary numbers will be placed on a sign near the street and in between, as necessary, with direction arrows to assure rapid approach to each building. (Code 1963, Sec. 33-50; Ord. No. 2766, 1/26/83, Sec. 1; Ord. No. 2835, 6/28/83, Sec. 1; Ord. No. 2885, 12/19/83, Sec. 1)

Sec. 5-2-85 Separate number for each 20 feet of frontage.

A separate number shall be assigned for each 20 feet of frontage. (Code 1963, Sec. 33-51)

Sec. 5-2-86 Numbers assigned to front entrances of buildings.

Each principal building shall bear the number assigned to the frontage on which the front en-

trance is located. In case a principal building is occupied by more than one business or dwelling unit, each separate front entrance of the building shall bear a separate number. (Code 1963, Sec. 33-52)

Sec. 5-2-87 Posting numbers.

Numerals indicating the official numbers for each principal building or each front entrance to the building shall be posted in the following manner:

(a) Each number shall consist of not less than three-inch-high arabic numerals contrasting in color to the structure on which they are mounted, affixed in such a way as to be located within five feet of the entrance. In those cases where the entrance numbers are not visible from the street, additional numbers shall be installed on the building or on auxiliary signs in such a manner as to be visible from the street.

(b) Building numbers will be a minimum of three inches high for locations up to 50 feet from the curb or pavement edge. For each additional 25 feet of setback beyond the initial 50 feet of setback, the numbers shall increase in size by one inch in height. For buildings over 150 feet from the curb, auxiliary signs shall be installed. (Code 1963, Sec. 33-53; Ord. No. 2766, 1/26/83, Sec. 2; Ord. No. 2835, 6/28/83, Sec. 2)

Sec. 5-2-88 Duty of city manager.

The city manager shall be responsible for maintaining the numbering system. He shall establish all property numbers and in the performance of this duty shall follow the provisions of this article. He shall furnish all owners of property with the information necessary for them to place numbers upon their properties and shall upon request by any owner, issue a certificate of number applicable to the property. (Code 1963, Sec. 33-54)

Sec. 5-2-89 Duty of owners.

Whenever any principal building shall be erected or located in the city after February 24, 1953, in order to preserve the continuity and uniformity of the numbering system and numbers of buildings and properties, it shall be the duty of the owner to procure the correct number, as designated, from the city manager and immediately to fasten the number upon the building. (Code 1963, Sec. 33-55)

Sec. 5-2-90 Change of numbers to agree with uniform numbering system.

All numbers of property and buildings not in conformity with the provisions of the numbering system of this article shall be changed to conform to the system herein adopted and the numbers established by the city manager within three months after receipt of notice that the change is necessary. (Code 1963, Sec. 33-56)

Sec. 5-2-91 Defacing, etc., numbers.

No person shall deface, alter or remove a number placed upon a principal building in accordance with this article. (Code 1963, Sec. 33-57)

Sec. 5-2-92 Compliance with article.

No owner of real property shall number, attempt to number or fail to number the property or the principal building thereon otherwise than in conformity with this article. The director shall send a written notice, by first class mail, to any owner not in compliance with this article, to the owner's address as stated in the records of the city tax assessor, directing specific compliance with any of the provisions of this article, and the failure or refusal of such owner, within 10 days of such notice, to comply with the directives stated therein shall constitute a violation of this article. (Code 1963, Sec. 33-58; Ord. No. 3390, 6/17/89, Sec. 1)

Sec. 5-2-93 Penalties.

The violation of section 5-2-92 shall be punished, for a first offense, by a fine of $25 and, for each subsequent offense committed within a period of 12 months, by a fine not to exceed $100. (Ord. No. 3390, 6/17/89, Sec. 2)

Secs. 5-2-94 through 5-2-100 reserved.

ARTICLE E

Excavations

DIVISION 1

Generally

Sec. 5-2-101 Definitions.

For the purposes of this article, the following words and phrases shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

(1) *Applicant.* Any person who makes application for a permit.

(2) *Director of transportation and environmental services.* The person in charge of the department of transportation and environmental services or his authorized deputy, representative or inspector.

(3) *Emergency.* An unforeseen circumstance or occurrence the existence of which constitutes a clear and immediate danger to persons or properties.

(4) *Permittee.* Any natural person, partnership, firm, association, utility, corporation or authority created pursuant to an act of the general assembly. Whenever used in any section prescribing and imposing a penalty, the item "person," as applied to associations, shall mean the partners or members thereof and as applied to corporations, the officers thereof.

(5) *Street.* Any public street, public highway, public alley, public sidewalk, public easement, public right-of-way or public road accepted or maintained by the city. (Code 1963, Sec. 33-59)

Sec. 5-2-102 Notice of intention to make openings; compliance with article and other regulations.

It is the obligation of the permittee to notify the director of transportation and environmental services prior to any opening in any street and to adhere to any requirements of this article regarding maintaining traffic lanes and times for beginning and ending work and any other ordinances or regulations pertaining to same. (Code 1963, Sec. 33-60)

Sec. 5-2-103 Work to conform to city specifications.

All pavement cuts, openings and excavations shall be properly made, backfilled and temporarily surfaced by the permittee according to city specifications. (Code 1963, Sec. 33-61)

Sec. 5-2-104 Diligent prosecution of work.

After excavation is commenced, the work of making and backfilling shall be prosecuted with due diligence. (Code 1963, Sec. 33-62)

Sec. 5-2-105 Restrictions on size and extension of openings.

No opening or excavation in any street shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily restored. On arterial streets or major thoroughfares, no excavation shall extend across more than one traffic lane unless, in the opinion of the director of transportation and environmental services, such excavation will not unduly impede traffic. No opening shall be any larger in size than specified by the permit provided for in section 5-2-141. (Code 1963, Sec. 33-63)

Sec. 5-2-106 Removal of monuments, survey reference points or bench marks.

Monuments of concrete, iron or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey bench mark within the city shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the director of transportation and environmental services. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper replacement of the monument. (Code 1963, Sec. 33-64)

Sec. 5-2-107 Removal of excavation debris deposited on streets.

When any earth, gravel or other excavated material is caused to roll, flow or wash upon any street, the permittee shall cause the same to be removed from the street immediately upon notification by the director of transportation and environmental services. In the event the earth, gravel or other excavated material so deposited is not removed, the director of transportation and environmental services shall cause such removal, and the cost incurred shall be paid by the permittee. (Code 1963, Sec. 33-65)

Sec. 5-2-108 Maintenance of access to private driveways and hydrants.

Access to private driveways shall be provided at all times except during working hours when construction operations prohibit provision of access. Before any private driveway shall be closed, the users of the access shall be notified and given sufficient time for removal of equipment or automobiles if desired. Fire access must be provided at all times to fire hydrants. (Code 1963, Sec. 33-66)

Sec. 5-2-109 Hours during which work permitted.

Work authorized by a permit required by section 5-2-141 shall be performed between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday, except in an emergency or when otherwise noted on the permit. (Code 1963, Sec. 33-67)

Sec. 5-2-110 Excavated materials.

Excavated materials shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the director of transportation and environmental services may require the permittee to provide toe boards as bins. If the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the director of transportation and environmental services. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee shall keep a passageway at least one-half (½) the sidewalk width open along the sidewalk line. (Code 1963, Sec. 33-68)

Sec. 5-2-111 Backfill.

(a) *Notice of time of commencement.* The director of transportation and environmental services must be notified by the permittee prior to the beginning of backfilling of the date and approximate time at which backfilling will begin.

(b) *Supervision by director of transportation and environmental services or inspector.* No backfilling shall be accomplished unless or until the director of transportation and environmental services or a designated city inspector is present.

(c) *Backfill material.* Backfill material used in

excavation shall be of granular material and conform to sections 206 or 208 type I or type II or 209 or 210 or a combination thereof of the Virginia Department of Highways Road and Bridge Specifications, July 1, 1970 except when, in the opinion of the director of transportation and environmental services or his authorized representative, material excavated from the trench is satisfactory for use.

(d) *Puddling or flooding.* No puddling or flooding of backfill will be permitted.

(e) *Backfilling in street and alley rights-of-way.* The placing of backfill within the limits of the right-of-way of any street or alley shall be done in conformance with section 303.10 under the Virginia Department of Highways Road and Bridge Specifications, July 1, 1970.

(f) *Density.* The compacted backfill shall in all cases be equal to or exceed the density of the natural ground adjoining the excavated area. (Code 1963, Sec. 33-69)

Sec. 5-2-112 Exposure of utility facilities to prevent damage and facilitate relocation.

All utility facilities shall be exposed sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation. (Code 1963, Sec. 33-70)

Sec. 5-2-113 Protection of drains and culverts.

Pipe drains, pipe culverts or other facilities encountered shall be protected by the permittee. (Code 1963, Sec. 33-71)

Sec. 5-2-114 Satisfactory drainage system to be provided.

When work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage to the satisfaction of the director of transportation and environmental services. (Code 1963, Sec. 33-72)

Sec. 5-2-115 Coordination of work with affected utilities; protection of utility installations.

The permittee shall be responsible for coordination of his work with the various public utilities which may be affected thereby and for protecting the installation of the utilities. (Code 1963, Sec. 33-73)

Sec. 5-2-116 Barriers, warning lights, etc., to be provided; installation by city on failure of permittee; removal, etc., prohibited.

(a) Every permittee shall place around the project as many barriers, barricades, lights, warning flags and signs as shall be determined by the director of transportation and environmental services to be necessary for the protection of the public. Additional safety requirements may be prescribed by the director of transportation and environmental services.

(b) Whenever any person fails to provide or maintain the safety devices required by the director of transportation and environmental services, such devices shall be installed and maintained by the city. The amount of the cost incurred shall be paid by the permittee or deducted from his deposit.

(c) No person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with this section. (Code 1963, Sec. 33-74)

Sec. 5-2-117 Daily inspections; employment of full-time inspector.

The director of transportation and environmental services may make daily inspection of all work done on any opening, and the director of transportation and environmental services is authorized and empowered to provide a full-time inspector if the work to be performed is of a nature that he deems the inspector necessary to insure compliance with the provisions of this article. (Code 1963, Sec. 33-75)

Sec. 5-2-118 Issuance of certificate of final inspection after approval of work.

Upon completion of all work accomplished under the provisions of a permit pursuant to section 5-2-141, the permittee shall notify the director of transportation and environmental services in writing. A certificate of final inspection shall be issued by the director of transportation and environmental services to each permittee not sooner than one (1) year after the permanent restoration of the excavation has been made;

provided, the work authorized by the permit has been performed according to city specifications and proper maintenance had. Prior to the issuance of the certificate, the director of transportation and environmental services shall make or cause to be made a final inspection of the restoration to determine whether city specifications and proper maintenance have been adhered to. (Code 1963, Sec. 33-76)

Sec. 5-2-119 Correction of settlement in restored areas.

If any settlement in a restored area occurs within a period of one (1) year from date of completion of the permanent restoration, any expense incurred by the city in correcting the settlement shall be paid by the permittee unless the permittee submits proof satisfactory to the director of transportation and environmental services that the settlement was not due to defective backfilling or other causes controllable by the permittee. (Code 1963, Sec. 33-77)

Sec. 5-2-120 Notice to utilities, etc., of city's intention to pave streets; time limit for making connections and repairs; extension of time limit.

When the city shall plan to improve or pave any street, the director of transportation and environmental services shall first give notice to all persons owning property abutting on the street about to be paved or improved and to all public utilities and authorities operating in the city. All persons, utilities and authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street within 30 days from the giving of notice if they wish to avoid extra costs. The time may be extended if permission is requested in writing and approved by the director of transportation and environmental services. (Code 1963, Sec. 33-78)

Sec. 5-2-121 Maps of subsurface utility installations to be furnished to director of transportation and environmental services.

(a) Every person owning, using, controlling or having an interest in pipes, conduits, ducts or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, communication impulses, water or steam to or from the city or to or from its inhabitants or for any other purposes shall file with the director of transportation and environmental services within 120 days after the adoption of this section a map or set of maps, each drawn to scale, showing the location, size and description of all the installations.

(b) Within 30 days after January 1 of each and every year, each person shall file with the director of transportation and environmental services a corrected map or set of maps, each drawn to scale as above, showing such installations, including all those made during the previous year; provided, however, if no additions have been made to its installation during the previous year, a utility or authority may file with the director of transportation and environmental services a written statement to that effect within the period of time specified above.

(c) Map requirements shall not apply to service connections. (Code 1963, Sec. 33-79)

Sec. 5-2-122 Street restoration; exception for utility companies; curb, gutter and sidewalk restoration.

(a) The work of permanent street restoration, including both paving surface and paving base, shall be performed by the city or its authorized contractor under the supervision of the director of transportation and environmental services except that public utility companies operating under city franchise shall perform any street restoration for which it is responsible by virtue of any excavation it made pursuant to permit issued under section 5-2-141, under the supervision of the director of transportation and environmental services, except where he determines that the city shall do the street restoration.

(b) However, restoration of curbs, gutters and sidewalks may be made, at his own expense, by the property owner, or his representative, responsible therefor by virtue of any excavation he made pursuant to permit issued under section 5-2-141, upon compliance with the requirements of article E of chapter 2 of this title. If the property owner or his representative elects to do the restoration work himself, he will not be required to pay the fees established by section 5-2-123, except for any inspection fee therein required for curb, gutter and sidewalk restoration. (Code 1963, Sec. 33-80)

Sec. 5-2-123 Fees—restoration work performed by city.

The fees for restoration work done by the city shall be as follows:

(1) *Asphalt base or top.* For each square yard or fraction thereof of asphalt base and asphalt top in accordance with the following table:

Number of square yards	*Cost per square yard*
(Zero inches to, but not including six (6) inches in depth)	
The first five (5) yards	$65.00
The next five (5) yards	21.00
The next five (5) yards	19.00
The next 10 yards	17.00
For all yards over 25 yards	15.00
(Six (6) inches and over in depth)	
The first five (5) yards	70.00
The next five (5) yards	23.00
The next five (5) yards	21.00
The next 10 yards	19.00
For all yards over 25 yards	17.00

Notwithstanding the preceding table, there shall be a minimum charge of $200 per patch where restoration work is performed by the city.

(2) *Finished concrete pavement, concrete base and asphalt top, soil cement base and asphalt top.* For each square yard or fraction thereof of finished concrete pavement, concrete base and asphalt top, soil cement base and asphalt top in accordance with the following table:

Number of square yards	*Cost per square yard*
The first five (5) yards	$75.00
The next five (5) yards	31.00
The next five (5) yards	29.00
The next 10 yards	27.00
For all yards over 25 yards	25.00

Notwithstanding the preceding table, there shall be a minimum charge of $200 per patch where restoration work is performed by the city.

(3) *Concrete sidewalk.* For each square yard or fraction thereof of concrete sidewalk, the current unit price per square yard where established by current year city contract; if there is no current annual city contract, the fee shall be the unit price per square yard of the last annual city contract with a minimum charge of $150.

(4) *Concrete curb and gutter.* For each linear foot or fraction thereof of concrete curb and gutter, the current unit price per linear foot where established by current year city contract, if there is no current annual city contract, the fee shall be the unit price per linear foot of the last annual city contract, with a minimum charge of $200.

(5) *Brick pavement or sidewalk on sand base.* For each square yard or fraction thereof of brick pavement on a sand base or brick sidewalk on a sand base, the current unit price per square yard where established by current year city contract, otherwise $35 per square yard with a minimum charge of $200.

(6) *Brick pavement or sidewalk on concrete base; brick sidewalk on asphalt base.* For each square yard or fraction thereof of brick pavement on a concrete base, brick sidewalk on a concrete base or brick sidewalk on an asphalt base, the current unit price per square yard where established by current year city contract, otherwise $45 per square yard with a minimum charge of $200.

(7) *Brick driveway on concrete base.* For each square yard or fraction thereof of brick driveway pavement on a concrete base, the current unit price per square yard where established by current year city contract, otherwise $50 per square yard with a minimum charge of $200.

(8) *Opening in cobblestone pavement.* For any opening in cobblestone pavement, the restoration charge shall be $100 per square yard with a minimum charge of $200.

(9) *Opening in unsurfaced stabilized or unimproved area.* For any opening made in an unsurfaced stabilized or unimproved area, a sum of $50 to cover cost of inspection and/or restoration. (Code 1963, Sec. 33-81; Ord. No. 2776, 2/22/83, Sec. 1)

Sec. 5-2-124 Same—restoration work performed by utility companies.

The fees for restoration work done by public utilities shall be as follows—Actual inspection costs (salaries, test, etc.) plus 30 percent for administration with a minimum charge of $25 per opening. (Code 1963, Sec. 33-82)

Sec. 5-2-125 Installation of new street base and surface—performance by city without charge after excavation work.

The city will normally install or cause to be installed a new street base and surface after excavation without additional cost to any permittee. (Code 1963, Sec. 33-83)

Sec. 5-2-126 Same—approval of director of transportation and environmental services required when privately performed.

It shall be unlawful for any person to install or have installed a new street base or surface at the site of any break, excavation or tunnel in the city streets unless the person shall have first obtained the approval of the director of transportation and environmental services. (Code 1963, Sec. 33-84)

Sec. 5-2-127 Penalty for violation of article.

Any person violating any provision of this article or any regulations or conditions promulgated pursuant thereto shall, upon conviction, be fined in an amount not exceeding $100 or be imprisoned in jail for a period not exceeding 30 days or both. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and each day that a violation continues to exist shall constitute a separate offense. The imposition of the penalties prescribed in this section shall not preclude action to restrain, correct or abate a violation in any court of jurisdiction. (Code 1963, Sec. 33-85)

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. (Ord. No. 4659, 5/15/10, Sec. 4)

Secs. 5-2-129 through 5-2-140 reserved.

DIVISION 2

Permits

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. (Code 1963, Sec. 33-86; Ord. No. 4659, 5/15/10, Sec. 5)

Sec. 5-2-142 Application.

(a) Any person desiring a permit pursuant to section 5-2-141 to dig up, break, excavate, tunnel or undermine any street shall make written application to the department of transportation and environmental services on such forms as the department may prescribe. No work shall commence until such application has been approved and a permit issued.

(b) Applications for a permit shall specify the location, size and purpose of each opening. If, in the opinion of the director of public works, the work is of an extent to warrant detailed plans, the plans shall be filed in triplicate with the application, one (1) copy to be returned to the applicant upon the issuance of the permit. Application shall be made at least 48 hours before the proposed date of starting work, except as provided in section 5-2-141 for emergency work. (Code 1963, Sec. 33-87)

Sec. 5-2-143 Issuance.

Upon approval of the application for a permit required by section 5-2-141, together with the payment of the fee and surcharge designated in this article, if any, and deposit with the director of transportation and environmental services of the required certificates of insurance and bonds, the director of transportation and environmental services shall issue a permit for the requested work, subject to all of the provisions of this article and other applicable laws or regulations. A permit shall not be refused to any person who complies with the provisions of this article and who shall have been given the right-of-way over or use of any streets or alleys by the state or the city except where the provisions of this article or other applicable sections of law would be violated. (Code 1963, Sec. 33-88)

Sec. 5-2-144 Contents.

The permit provided for in section 5-2-141 shall contain, but not be limited to, a description of the location, size and purpose of the excavation, the name of the person to whom issued, any special conditions applicable to the particular permit, the amount of the fee, together with a place for receipt by the director of finance, and a signed agreement by the permittee saving the city harmless from all liability as a result of the work covered by the permit. (Code 1963, Sec. 33-89)

Sec. 5-2-145 Special conditions.

In granting any permit required by section 5-2-141, the director of transportation and environmental services may attach such special conditions thereto as may be reasonably necessary to prevent damage to public or private property and to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. The conditions may include but shall not be limited to:

(1) limitations on the period of the year in which the work may be performed;

(2) restrictions as to the size and type of equipment;

(3) designation of routes upon which materials may be transported;

(4) requirements as to the laying of dust, the cleaning of streets, the preventing of noise and other results offensive or injurious to the neighborhood, the general public or any portion thereof; and

(5) regulations as to the use of streets in the course of the work. (Code 1963, Sec. 33-90)

Sec. 5-2-146 Fees, surcharges and inspection costs—payment required.

(a) It shall be the duty and responsibility of any person to pay the applicable fee as set forth in this article and any surcharge and inspection costs prior to the issuance of a permit pursuant to section 5-2-141.

(b) Notwithstanding the provisions of any other section of this article, the minimum permit and inspection fee for any work covered by this article shall be established and published pursuant to section 3-1-8 of this code. (Code 1963, Sec. 33-91; Ord. No. 4547, 6/14/08, Sec. 1)

Sec. 5-2-147 Same—determination by director of transportation and environmental services; payment prior to issuance of permit; exception for utility companies.

(a) The director of transportation and environmental services, upon receipt of a properly completed application for a permit pursuant to section 5-2-141, shall determine the amount of the fee, surcharge, if any, and inspection costs, if any, to be paid by the permittee in accordance with the provisions of this article. The fee, surcharge and inspection costs shall be paid prior to the time the permit is received. If inspection fees are over estimated, a refund shall be made to the permittee, and if underestimated, the additional cost shall be paid before continuing work.

(b) In the case of excavations by public utility companies operating under a franchise issued by the city, a permit may be granted without payment of such fee, surcharge or inspection costs at the time of issuance, but in such cases the utility shall be liable for payment of all fees, surcharges and inspection costs on a monthly basis, based upon bills submitted by the city; provided, however, that the city may in the future require the fee, surcharge or inspection costs from any utility to be paid at the time of issuance if a bill rendered in accordance with the above remains unpaid 30 days after date of billing. (Code 1963, Sec. 33-92)

Sec. 5-2-148 Same—surcharge for openings in new streets, etc.

(a) No permit required by section 5-2-141 shall be issued which would allow an excavation or opening in any paved or improved street or alley

or sidewalk, the surface of which has been improved within a five (5) year period preceding the date of permit issuance, unless there has first been paid to the city a surcharge which shall be in addition to the usual permit fee. The surcharge shall be equal to 50 percent of the usual permit fee for an opening if the street or alley or sidewalk has been improved within the preceding five (5) years and 75 percent if the improvement was made within the preceding two (2) years, except that for any excavation or opening in excess of 50 feet in length in a paved street which has been surfaced within the preceding five (5) years, the surcharge shall be an amount sufficient to resurface the street full width for the entire length of the opening.

(b) The resurfacing shall be of a type determined by the director of transportation and environmental services but in no case shall the basis for the additional surcharge exceed the cost of resurfacing to a thickness of one (1) inch. The additional surcharge shall be reduced by 20 percent for each year since the street has last been surfaced. Utility companies shall also pay the above surcharges based on city restoration costs. (Code 1963, Sec. 33-93)

Sec. 5-2-149 Same—basis for inspection costs; payment.

Full-time inspection costs, when required, shall be paid by the permittee, and these costs shall be based on the actual cost of inspection, except in those cases where the minimum fee schedule for inspections required by section 5-2-146 of this code would apply. (Code 1963, Sec. 33-94)

Sec. 5-2-150 Same—separate fee for each opening under same permit.

When a permit as provided for in section 5-2-141 covers more than one (1) opening, separate fees shall be charged for each opening. (Code 1963, Sec. 33-95)

Sec. 5-2-151 Not transferable; work to be performed at location designated in permit; refusal to issue.

Permits provided for in section 5-2-141 shall not be transferable from one person to another, and the work shall not be made in any place other than the location specifically designated in the permit. The director of transportation and environmental services may in the public interest refuse to issue further permits to any person who has had an opening permit suspended or revoked or who is delinquent in opening permit fees. (Code 1963, Sec. 33-96)

Sec. 5-2-152 Expiration; extension of time limit; performance of work under expired permit.

Every permit required by section 5-2-141 shall expire at the end of the period of time which shall be set out in the permit. If the permittee shall be unable to complete the work within the specified time, provided the work was commenced prior to the expiration of time, he shall, prior to expiration of the permit, present in writing to the director of transportation and environmental services a request for an extension of time, setting forth therein the reasons for the requested extension. The director of transportation and environmental services may for good cause shown grant an extension of time in writing. If the permit expires before the actual work commences, it shall be necessary to make application for and be issued a new permit. It shall be unlawful for any person to dig up, break, excavate, tunnel or undermine any street when a permit has expired. (Code 1963, Sec. 33-97)

Sec. 5-2-153 Suspension; reinstatement of suspended permit.

(a) The director of transportation and environmental services may order an immediate suspension of any permit required by section 5-2-141 when he finds that there is:

(1) violation of any condition of the permit or any provision of this article;

(2) violation of any provision of any other applicable ordinance, law or regulation relating to the work; and/or

(3) existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or properties of others.

(b) The director of transportation and environmental services may reinstate a suspended permit when he finds that there is no longer a violation, nuisance or danger. (Code 1963, Sec. 33-98)

Sec. 5-2-154 Revocation; notice to permittee; restoration of street to prior condition; performance of work under suspended or revoked permit.

(a) Any permit pursuant to section 5-2-141 may be revoked by the director of transportation and environmental services, after seven days' notice to the permittee, for:

(1) violation of any condition of the permit or any provision of this article;

(2) violation of any provision of any other applicable ordinance, law or regulation relating to the work;

(3) existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or properties of others; and/or

(4) continued existence of a suspended permit which has not been reinstated.

(b) Written notice of any violation or condition shall be served upon the permittee or his agent engaged in the work. The notice shall contain a brief statement of the grounds relied upon for revoking the permit and must be served at least seven days prior to revocation. Notice may be served either by personal delivery to the person to be notified or by certified or registered United States mail addressed to the last known address of the person to be notified.

(c) When any permit has been revoked and the work authorized by the permit has not been completed, the director of transportation and environmental services shall do such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. Expenses incurred by the city may be recovered from the deposit or bond the permittee has made or filed with the city or by any other lawful remedy.

(d) It shall be unlawful for any person to dig up, break, excavate, tunnel or undermine any street when his permit has been suspended or revoked. (Code 1963, Sec. 33-99)

Sec. 5-2-155 Bonds and insurance.

Every person desiring to obtain a permit required by section 5-2-141 shall first furnish the director of transportation and environmental services with:

(1) *Performance and payment bond.* This bond shall be conditioned upon:

a. completion of the opening in satisfactory compliance with the regulations governing street openings and all other applicable city and state laws; and

b. payment for additional work done over and above the original amount of the permit as set forth in the regulations for street openings. This bond shall be in an amount sufficient to cover the cost of making the opening, the amount to be determined by the director of transportation and environmental services. For cases involving more than one permit per year, the bond may be a continuing bond but shall be for not less than $5,000.

(2) *Maintenance bond.* This bond shall be conditioned upon maintaining and keeping the completed opening in good repair in compliance with the provisions of this article. The term of the bond shall begin on the date the city is notified by the permittee that work is completed and shall terminate upon issuance of a final certificate of inspection by the director of transportation and environmental services, but in no case shall the date of termination be less than one year after the date the city is notified by the permittee that work is completed. This bond shall be in an amount sufficient to cover the cost of maintaining and repairing the opening, the amount to be determined by the director of transportation and environmental services. In the case of a permittee who anticipates requesting more than one permit per year, the bond may be a continuing one and shall be for not less than $5,000.

(3) *Public liability and property damage insurance.* Public liability insurance in the amount of $100,000 and property damage insurance in the amount of $10,000 shall be carried by the applicant, who shall deposit certificates of same with the director of transportation and environmental services. The insurance shall be kept in force at all times while the applicant shall hold valid permits for street openings and shall indemnify and save harmless the city from all liability due to acts of omission or commission by the permittee during the life of the permit. Public service corporations franchised to do business by the city may file a bona fide statement of self-insurance in place of a certificate of insurance. (Code 1963, Sec. 33-100)

Secs. 5-2-156 through 5-2-159 reserved.

ARTICLE F

Public Rights-of-Way Use Fee

Sec. 5-2-160 Definitions.

The following words and phrases, when used in this article, shall have the following meaning:

(a) "Access lines" includes residence and business telephone lines and other switched common lines connecting a customer's, or end user's, premises located in the city to the end office switch, but does not include local, state and federal government lines, access lines used to provide service to users as part of the Virginia Universal Service Plan, interstate and intrastate dedicated WATS lines, special access lines, off-premises extensions, official lines used by certified providers of telecommunications service for administrative, testing, intercept and verification purposes, or commercial mobile radio service lines.

(b) "Certificated provider of telecommunications service" or "certificated provider" means a public service corporation holding a certificate issued by the state corporation commission of Virginia to provide local exchange or interexchange telephone service. (Ord. No. 4011, 6/13/98, Sec. 1)

Sec. 5-2-161 Public rights-of-way use fee.

(a) Pursuant to section 56-468.1 of the Code of Virginia (1950), as amended, the city elects to adopt the public rights-of-way fee provided for by said code section. Accordingly, there is hereby imposed upon each access line of every certificated provider of telecommunications service a public rights-of-way use fee in the amount to be calculated annually by the Virginia department of transportation under section 56-468.1(C) of the Code of Virginia.

(b) Every certificated provider that provides local exchange telephone service to end users in the city shall collect the public rights-of-way use fee on a per access line basis by adding the fee to each end user's monthly bill for local exchange telephone service.

(c) Until the end user pays the public rights-of-way use fee to the certificated provider, the fee shall constitute a debt of the user that is owed to the city. Whenever an end user fails or refuses to pay the fee, the certificated provider shall notify the director of finance of the user's identify and the total amount of fees that the user has refused or failed to pay. Such notification of unpaid use fees shall be provided to the director of finance within two months after the end of each calendar quarter.

(d) After an end user pays the public rights-of-way use fee to the certificated provider, the collected fee shall be deemed to be held in trust by the provider until remitted to the director of finance. Within two months after the end of each calendar quarter, the certificated provider shall remit directly to the director of finance all public use fees that it has collected from end users during the quarter.

(e) Every certificated provider shall keep complete records showing all public rights-of-way use fees collected in each calendar quarter. Such records shall be kept open for inspection by the director of finance or the director's designee.

(f) Nothing in this section shall:

(1) relieve any certificated provider from complying with the requirements and restrictions imposed by this code, or by other law or regulations, regarding its use of and activities within public rights-of-way in the city, including but not limited to the placement, construction, repair, maintenance and removal of its facilities; provided, that any permit or other permission required by this code or city regulations that is sought by a certificated provider shall be granted or denied within 45 days of the submission of a complete application, and that any denial shall be accompanied by a written explanation of the reasons for the denial and the actions required to cure the denial;

(2) affect the amount payable by a certificated provider for the right to place facilities or otherwise use property of the city other than public rights-of-way;

(3) affect the authority of the city to impose a franchise fee upon cable television franchisees, or the obligation of such franchisees to pay the franchise fee imposed upon them, pursuant to section 9-3-232 of this code; or

(4) affect the authority of the city to impose a franchise fee upon persons who locate facilities or otherwise use public rights-of-way for purposes other than the provision of local exchange or interexchange telephone service or the provision of cable television service. (Ord. No. 4011, 6/13/98, Sec. 1)

Secs. 5-2-162 through 5-2-169 reserved.

ARTICLE G

Posting of Signs in the Right-of-way

Sec. 5-2-170 Definitions.

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

Fixture means a pole; streetlight; tree; tree box; tree stake; fire hydrant; fire alarm box; trash receptacle; stand; wire; rope; public bridge; railroad trestle; drinking fountain; life buoy or any other lifesaving equipment; standard serving as a base or support for a directional sign, traffic regulation or control signal, sign or device; and any other fixture or structure, whether publicly or privately owned or whether permanently or temporarily placed in, on or over a public way. But the term shall not include a fixture permanently attached to a building, structure, pole or standard on private property serving as a base or support for a sign and projecting over a part of a public way installed and maintained in accordance with law.

Public way means a street, sidewalk, alley, road, highway, bridge, viaduct, subway, underpass, park, parkway, playfield, playground and any other similar place in the city opened to and used by the public.

Sign means a sign, placard, banner, flag, bulletin and any other device of any kind posted for the purpose of communication.
(Ord. No. 4987, 2/20/16, Sec. 2)

Sec. 5-2-171 Unlawful conduct.

It shall be unlawful for any person to paint, mark or write on or post or otherwise affix to or upon a public way or fixture thereon any sign. It shall furthermore be unlawful for any person to cause or, with knowledge, permit such actions to be taken on such person's behalf.

Willful interference with a person who is engaged in abatement under section 5-2-173 shall also constitute a violation of this article.
(Ord. No. 4987, 2/20/16, Sec. 2)

Sec. 5-2-172 Exceptions.

(a) This article shall not apply to the following signs:

(1) Regulatory, traffic, or informational signs established or posted by or at the direction of an authorized city department.

(2) Signs required to be posted pursuant to state, local, or federal laws.

(b) Nothing in this division shall apply to the installation of a plaque, plate, statue, or other commemorative monument or marker in accordance with permission from an authorized city department with the approval of the city council.
(Ord. No. 4987, 2/20/16, Sec. 2)

Sec. 5-2-173 Removal and collection of costs.

Any violation of this article is hereby declared to be a nuisance and may be forthwith removed, obliterated, or abated by the director of the department of planning and zoning or his representatives without notice. No person shall have any legal right to the continued presence of a sign in a public way in violation of this article. The reasonable costs incurred in removal may be assessed against any person responsible for or benefited by the violation, and such costs shall be collected in the same manner as city taxes. For a willful violation, the city shall be entitled to recover costs, the reasonable value of attorney's fees, and punitive damages in any proceeding which it may bring to enjoin future violations.
(Ord. No. 4987, 2/20/16, Sec. 2; Ord. No. 5004, 5/14/16, Sec. 1)

Sec. 5-2-174 Enforcement of article and penalty for violation.

The director of the department of planning and zoning, or his designee, shall be responsible for the enforcement of this article. Violation of this article shall be a class four civil violation which shall be enforced through the levying of a civil penalty pursuant to section 1-1-11 of this code, provided, that the penalty for the first violation shall be $100, for a second violation of the same regulation or requirement the penalty shall be $250, and for each additional violation of the same regulation or requirement the penalty shall be $500. Each individual sign shall be deemed a separate offense. Each day during which any such violation is continued may be treated for all purposes as a separate offense.
(Ord. No. 4987, 2/20/16, Sec. 2; Ord. No. 5004, 5/14/16, Sec. 1)

CHAPTER 3

Underground Utilities

ARTICLE A

New Lines and Pipes.

§ 5-3-1 "Customer utility services" defined.
§ 5-3-2 Customer utility services to be placed underground; exceptions.
§ 5-3-3 Transmission, distribution and main lines to be placed underground; exceptions.
§ 5-3-4 Variance or waiver of provisions of article.
§ 5-3-5 Relation of article to other laws.
§ 5-3-6 Applicability of article to transition period construction, etc., generally.
§§ 5-3-7 through 5-3-20 reserved.

ARTICLE B

Existing Lines and Pipes

§ 5-3-21 Definitions.
§ 5-3-22 Designation of underground districts by ordinance—procedure generally.
§ 5-3-23 Same—effect of designation on construction, continuance, etc.
§ 5-3-24 Same—noncompliance; disconnection of customer service.
§ 5-3-25 Cost of removal and reinstallation.
§ 5-3-26 Applicability of article provisions.
§ 5-3-27 Variance or waiver of provisions of article.
§ 5-3-28 Relation of article to other laws.
§ 5-3-29 Penalty for violation of article.
§§ 5-3-30 through 5-3-40 reserved.

ARTICLE C

Excavation and Utility Line Installation

Division 1. General Provisions.

§ 5-3-41 Definitions.
§ 5-3-42 Administration and enforcement.
§ 5-3-43 Relation of article to other laws.
§ 5-3-44 Survey plats.
§§ 5-3-45 through 5-3-50 reserved.

Division 2. Excavators.

§ 5-3-51 Exceptions.
§ 5-3-52 Demolition or excavation—prior notice.
§ 5-3-53 Same—performance.
§§ 5-3-54 through 5-3-60 reserved.

Division 3. Operators.

§ 5-3-61 Excavation.
§ 5-3-62 Demolition.
§ 5-3-63 Standards and procedures.
§§ 5-3-64 through 5-3-70 reserved.

Division 4. Hazardous and Emergency Procedure.

§ 5-3-71 The excavator.
§ 5-3-72 The operator.
§ 5-3-73 Penalty for violation of article.

ARTICLE A

New Lines and Pipes.

Sec. 5-3-1 "Customer utility services" defined.

As used in this article, the words "customer utility services" shall have the following meaning unless the context otherwise indicates:

All those poles, towers, wires, lines, cables and appurtenant equipment located between the distribution lines and wall of the building or structure occupied or intended to be occupied by a customer in the case of any service such as electricity, telephone, telegraph, cable television, traffic control, fire alarm or police communication, and all those conduits, pipes and appurtenant equipment located between the main and the wall of the building or structure occupied or intended to be occupied by a customer in the case of any service such as gas, water, steam or petroleum. (Code 1963, Sec. 39A-1)

Sec. 5-3-2 Customer utility services to be placed underground; exceptions.

All new customer utility services, extensions of existing customer utility services and existing overhead customer utility services supplied by any existing overhead facilities which are relocated underground shall, after October 15, 1971, be installed below the surface of the ground; provided, that:

(1) Equipment such as electric distribution, transformers, switchgear, meter pedestals, telephone pedestals, terminals and other similar equipment, which is normally installed above ground in accordance with accepted utility practices for underground distribution systems may be so installed.

(2) Meters, service connections, and similar equipment normally attached to the outside wall of the premises it serves may continue to be so installed.

(3) Overhead customer utility services existing as of the effective date of this chapter may be repaired, replaced or increased in capacity.

(4) Temporary overhead facilities required for construction purposes will be permitted.

(5) All customer utility services installed underground and repairs, replacement or increase in capacity thereof shall be performed in accordance

with accepted standards of utility practice for underground construction.

(6) The cost of all services installed underground shall be paid as agreed between the city and the party furnishing the utility services, or in the absence of such agreement as determined or approved by the state corporation commission.

(7) Notwithstanding subsection (6) above, any public service company furnishing customer utility services beyond the period of time for which rights and privileges were granted, under a franchise, granted by the city, shall, as a condition of said public service company's continued use of public rights-of-way, pay the cost of installing all customer utility services until such time as said company is granted a new franchise by the city. (Code 1963, Sec. 39A-2)

Sec. 5-3-3 Transmission, distribution and main lines to be placed underground; exceptions.

All new installation or relocation of poles, towers, wires, lines, cables, conduits, pipes, mains and appurtenances used or intended to be used to transmit or distribute any service such as electric current, telephone, telegraph, cable television, traffic control, fire alarm, police communication, gas, water, steam or petroleum, whether or not on the streets, alleys, or other public places of the city shall, after October 15, 1971, be installed below the surface of the ground or below the surface in the case of bridges and elevated highways; provided that:

(1) Equipment such as electric distribution transformers, switchgear, meter pedestals, telephone pedestals, terminals and other similar equipment, which is normally installed aboveground in accordance with accepted utility practices for underground distribution systems may be so installed.

(2) Overhead facilities existing as of the effective date of this chapter may be repaired, replaced or increased in capacity.

(3) Temporary overhead facilities required for construction purposes will be permitted.

(4) All facilities installed underground and repairs, replacement or increase in capacity thereof shall be performed in accordance with accepted standards of utility practice for underground construction.

(5) All new installation of cable television and all new installation, extension or relocation of city traffic control, fire alarm or police communication lines may use existing overhead facilities until such time as those facilities are required to be installed below the surface of the ground.

(6) The cost of all facilities installed underground shall be paid as agreed between the city and the party furnishing the utility facilities, or, in the absence of such agreement, as determined or approved by the state corporation commission.

(7) Notwithstanding subsection (6) above, any public service company furnishing facilities installed underground beyond the period of time for which rights and privileges were granted under a franchise granted by the city, shall, as a condition of said public service company's continued use of public rights-of-way, pay the cost of installing all facilities until such time as said company is granted a new franchise by the city. (Code 1963, Sec. 39A-3)

Sec. 5-3-4 Variance or waiver of provisions of article.

(a) The director of transportation and environmental services may waive one or more of the requirements of this article pertaining to new or expanded overhead customer utility services, provided that the director makes the following findings with respect to the customer utility service to which the waiver pertains:

(i) that the person seeking the waiver has submitted a written application on a form provided by the director;

(ii) that the person seeking the waiver has paid an application fee of $100;

(iii) that one or more of the following criteria are met:

a. the city arborist has determined that the new or expanded customer utility service, if placed underground, would endanger an existing mature tree by damaging its root system;

b. the new or expanded customer utility service, if placed overhead, would not be visible from a public street or any other public right-of-way;

c. the new or expanded overhead customer utility service, if placed underground, would significantly interfere with one or more existing city or private underground utilities;

d. if the waiver were granted, there would be a reduction in the total number of overhead customer utility service lines serving the applicant's property; and

e. if the waiver were granted, the length of the overhead customer utility service to the applicant's property would be less than the length of the service in existence at the time the application is made.

(b) The director may waive one or more of the requirements of this article pertaining to new or relocated overhead transmission and distribution facilities, provided that the person seeking the waiver submits a written application on a form provided by the director, that said person pays an application fee of $100, and that the director finds that, under the circumstances presented by the application, the general welfare of the city would not be furthered by compliance with the requirements as to which the waiver is sought.

(c) Notwithstanding any provision of subsections (a) and (b) to the contrary, the director may waive one or more requirements of this article pertaining to new or expanded overhead customer utility services and to new or relocated overhead transmission and distribution facilities, provided that the director finds that the new, extended or relocated service or facility is required to provide additional street lighting to suppress criminal activity and that the waiver is requested or supported by the director of the office of citizens' assistance or the chief of police.

(d) Any person whose application for a waiver under subsection (a) or (b) has been denied by the director may appeal the director's denial to the city council. Any such appeal must be filed with the city clerk, on a form provided by the clerk, within 30 days of the director's denial. City council shall conduct a public hearing on any such appeal. In deciding the appeal, council shall determine whether good cause exists to grant the requested waiver; provided, that, in making this determination, council shall, in conjunction with an appeal involving a customer utility service, consider the decision factors set out in subsections (a)(iii), and shall, in conjunction with an appeal involving a transmission or distribution facility, consider the decision factor set out in subsection (b). (Code 1963, Sec. 39A-4; Ord. No. 3575, 5/16/92, Sec. 1; Ord. No. 3587, 6/13/92, Sec. 1)

Sec. 5-3-5 Relation of article to other laws.

The provisions contained in this article shall be considered separate from, supplemental to and additional to the provisions contained in title 8, chapter 1; title 5, chapter 5; chapters 5 and 6 of title 7; and elsewhere in this code or other city ordinances. Nothing contained in this article shall excuse any person from compliance with all other applicable provisions of this code or other city ordinances. In the event of a conflict between any provisions of this article and any provisions of this code or other city ordinances, the provisions of this article shall control. Notwithstanding the above, nothing herein shall be construed to amend any provision of any franchise granted by the city. (Code 1963, Sec. 39A-5)

Sec. 5-3-6 Applicability of article to transition period construction, etc., generally.

(a) All buildings and structures for which a building permit shall have been duly and regularly issued by the director of building and mechanical inspections on or before October 15, 1971, which permit has not expired, may be completed without the necessity of complying with this article.

(b) All buildings, structures, and alterations to buildings or structures for which a final site plan has been duly and regularly issued on or before October 15, 1971, and which site plan has not expired, may be completed without the necessity of complying with this article.

(c) All subdivisions of land for which an approved final plat of subdivision has been duly and regularly issued and released on or before October 15, 1971, which approved plat has not expired and for which the guarantee for the required public improvement is in full force and effect may be completed without the necessity of complying with this article.

(d) Any city, state or federal highway or bridge project for which invitations to bids have been advertised on or before October 15, 1971, may be completed without the necessity of complying with this article.

(e) Any private highway or street highway or bridge project for which actual site construction has begun on or before October 15, 1971, may be completed without the necessity of complying with this article.

(f) Notwithstanding the foregoing provisions of this section, the provisions of this article shall apply prospectively to buildings, structures, alterations to buildings and structures, subdivisions of land, and city, state, federal and private highway and bridge projects after completion of such buildings, structures, alterations to buildings and structures, subdivisions of land, and city, state, federal and private highway and bridge projects. (Code 1963, Sec. 39A-6)

Secs. 5-3-7 through 5-3-20 Reserved.

ARTICLE B

Existing Lines and Pipes

Sec. 5-3-21 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms or similar terms shall, for the purposes of this article, have the meanings indicated in this section.

(1) *Customer utility service.* All those poles, towers, wires, lines, cables and appurtenant equipment located between the distribution lines and the wall of the building or structure occupied or intended to be occupied by a customer in the case of any service such as electricity, telephone, telegraph, cable television, traffic control, fire alarm or police communication, and all those conduits, pipes and appurtenant equipment located between the main and the wall of the building or structure occupied or intended to be occupied by a customer in the case of any service such as gas, water, steam or petroleum.

(2) *Affected property.* A parcel of real property to which customer utility service is provided within an underground district.

(3) *Underground district.* Any area in the city described in an ordinance adopted pursuant to the provisions of this article.

(4) *Main lines and pipes.* Poles, towers, wires, lines, cables, conduits, pipes, mains and appurtenances used or intended to be used to transmit or distribute any service such as electric current, telephone, telegraph, cable television, traffic control, fire alarm, police communication, gas, water, steam or petroleum, whether or not on the streets, alleys, or other public places of the city. (Code 1963, Sec. 39A-7)

Sec. 5-3-22 Designation of underground districts by ordinance—procedure generally.

(a) The council may, from time to time, call public hearings to designate underground districts in which overhead customer utility services and overhead main lines and pipes should be removed and installed underground.

(b) Prior to any public hearing the city manager shall prepare a report which shall be presented and considered at the public hearing. In preparing any report the city manager shall consult with affected public service companies and city departments. The report shall include:

(1) the extent of participation by the public service companies, the owner of the affected property and the city;

(2) the total estimated cost; and

(3) the estimated time required to complete the removal and underground installation.

(c) The city manager also shall suggest one (1) or more suitable underground districts.

(d) Subsequent to any public hearing the council may, by ordinance, designate one (1) or more underground districts and order overhead customer utility services and overhead main lines and pipes within the district removed and installed underground. The ordinance shall include a description of the area comprising the underground district and shall fix the time within which the removal and underground installation shall be accomplished and affected property must be ready to receive underground service. A reasonable time shall be allowed for the removal and installation, having due regard for the availability of labor, materials, equipment, costs and disruption within the underground district. (Code 1963, Sec. 39A-8)

Sec. 5-3-23 Same—effect of designation on construction, continuance, etc.

Whenever the council by ordinance designates an area of the city an underground district as provided in section 5-3-22, it shall be unlawful for any person or public service company to erect, construct, place, keep, maintain, continue, employ or operate any overhead customer utility service or overhead main lines and pipes in such underground district after the date when overhead customer utility service and overhead main lines and pipes or related facilities are required to be removed by the ordinance. (Code 1963, Sec. 39A-9)

Sec. 5-3-24 Same—noncompliance; disconnection of customer service.

Whenever customer utility service has not been installed underground or the affected property is not ready to receive underground service in compliance with the ordinance enacted pursuant to section 5-3-22, the public service company furnishing service to said property is authorized to disconnect the service until such time as the affected property is in compliance. (Code 1963, Sec. 39A-10)

Sec. 5-3-25 Cost of removal and reinstallation.

The cost of removing overhead customer utility service and overhead main lines and pipes and installing customer utility service and main lines and pipes underground shall be paid as agreed between the city and the parties responsible for the removal and installation or in the absence of such agreement, as determined or approved by the state corporation commission. (Code 1963, Sec. 39A-11)

Sec. 5-3-26 Applicability of article provisions.

This article shall not apply to the following:

(1) Equipment such as electric distribution, transformers, switchgear, meter pedestals, telephone pedestals, terminals and other similar equipment which is normally installed aboveground in accordance with accepted utility practices for underground distribution systems may be so installed.

(2) Meters, service connections, and similar equipment normally attached to the outside wall of the premises it serves may continue to be installed.

(3) Temporary overhead customer utility service and overhead main lines and pipes required for construction purposes.

(4) Temporary overhead customer utility service and overhead main lines and pipes required for emergencies. (Code 1963, Sec. 39A-12)

Sec. 5-3-27 Variance or waiver of provisions of article.

The city council may permit less than full compliance with or waive the provisions of this article for good cause shown, provided:

(1) written application is made;

(2) a public hearing is held; and

(3) the decision is made by a majority vote of the entire membership of city council. (Code 1963, Sec. 39A-13)

Sec. 5-3-28 Relation of article to other laws.

The provisions contained in this article shall be considered separate from: supplemental to and additional to the provisions contained in chapter 1 of title 8, chapter 5 of title 5, chapters 5 and 6 of title 7 and elsewhere in this code or other city ordinances. Nothing contained in this article shall

excuse any person from compliance with all other applicable provisions of this code or other city ordinances. In the event of a conflict between any provsions of this article and any provisions of this code or other city ordinances, the provisions of this article shall control. Notwithstanding the above, nothing herein shall be construed to amend any provisions of any franchise granted by the city. (Code 1963, Sec. 39A-14)

Sec. 5-3-29 Penalty for violation of article.

Any person or public service company violating the provisions of this article or any ordinance adopted pursuant to section 5-3-22 of this article shall upon conviction thereof be punished by a fine of not more than $500 or by imprisonment not exceeding six (6) months, or both, for each violation. Each day that prohibited conditions are maintained or allowed to be maintained shall constitute a separate offense. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue. (Code 1963, Sec. 39A-15)

Secs. 5-3-30 through 5-3-40 reserved.

ARTICLE C

Excavation and Utility Line Installation

DIVISION 1

General Provisions

Sec. 5-3-41 Definitions.

The following words and phrases, when used in this article, shall for the purpose of this article have the meaning ascribed to them in this section, except for those instances where otherwise expressly provided.

(1) *Blasting.* The use of an explosive to excavate, loosen or otherwise disturb existing soil or earth.

(2) *Contractor.* Any person, including a subcontractor, who contracts with an operator or property owner, public or private, for the purpose of engaging in, at least, excavation, demolition or blasting.

(3) *Demolition.* The razing of any structure above the existing grade or the demolition of any structure below the existing grade.

(4) *Emergency.* Any condition which may cause an interruption of essential services resulting from the destruction of, disruption of, or damage to underground utility lines. (Emergency is classified as less severe than "hazardous.")

(5) *Excavate.* The movement or removal of earth, using mechanized equipment or blasting, and includes auguring, backfilling, digging, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching, tunnelling and pile driving.

(6) *Excavator.* Any person, contractor or operator engaging in, at least, excavation, demolition, blasting, fence building or landscaping.

(7) *Hazardous.* Any condition which may cause an interruption of essential services and, in addition, may result in death or injury to persons or property due to destruction of, disruption of, or damage to underground utility lines. ("Hazardous" is classified as more severe than "emergency.")

(8) *Mechanized equipment.* Powered equipment used to excavate, and includes equipment used for plowing-in or pulling-in cable or pipe.

(9) *Operator.* Any person who furnishes or transports any of the following materials or services by means of a utility line:

a. flammable, natural, toxic or corrosive gas;

b. petroleum, petroleum products and hazardous liquids;

c. electricity;

d. communications;

e. water.

(10) *Person.* Any individual, partnership, association, corporation, state, subdivision or instrumentality of a state, or the legal representative thereof.

(11) *Property owner.* Any person who owns fee title to or leases a given area of land, excluding, however, any recorded easement or right-of-way.

(12) *Site plan.* Any plan submitted in compliance with the provisions of chapter 5 of this title or a plot plan or other plan showing existing identifiable features and/or legal subdivision, property or easement lines.

(13) *Utility line.* Any underground conduit and its related facilities including pipe or cable, by which an operator furnishes or transports materials or services.

(14) *Working days.* Monday through Friday, excluding, however, any public and legal holidays. (Code 1963, Sec. 39A-16)

Sec. 5-3-42 Administration and enforcement.

The city manager or his designated representative shall be charged with administering and enforcing the provisions of this article. (Code 1963, Sec. 39A-17)

Sec. 5-3-43 Relation of article to other laws.

The provisions contained in this article shall be considered separate from, supplemental to and additional to the provisions contained elsewhere in this code or other city ordinances. Nothing contained in this article shall excuse any person from compliance with all other applicable provisions of this code or other city ordinances. In the event of a conflict between any provisions of this article and any provisions of this code or other city ordinances, the provisions of this articles shall control. Notwithstanding the above, nothing herein shall be construed to amend any provisions of any franchise granted by the city. (Code 1963, Sec. 39A-18)

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. (Ord. No. 4659, 5/15/10, Sec. 6)

Secs. 5-3-45 through 5-3-50 reserved.

DIVISION 2

Excavators

Sec. 5-3-51 Exceptions.

(a) The requirements of division 2 shall not apply to any property owner who is performing work without the aid of a contractor to a depth less than 18 inches within the boundaries of his property, and which does not require the acquisition of any permit issued by the city.

(b) The requirements of section 5-3-52 of this article shall not apply to any person acting as or for the operator of a damaged line in making repairs to its own underground facilities or repairs to the streets or alleys themselves in a condition of emergency when the repairs must be made within a shorter period of time than that provided for in section 5-2-52(a) of this article, provided, however, that his exemption from obtaining information shall not excuse the person making the excavation from any liability for damages caused by his negligence.

(c) The requirements of division 2 shall not apply to the city or its annual contractors when performing non-earth-surface replacement work within the boundaries of public streets and alleys. Non-earth-surface replacement work is defined as replacement of existing concrete, asphalt or similar non-earth material for routine maintenance of sidewalks, curbs and gutters, and similar structures, and for patch-type paving repairs, and where any excavation required for such maintenance work does not exceed the depth of the existing structure including its non-earth subbase material. (Code 1963, Sec. 39A-19; Ord. No. 2948, 6/27/84, Sec. 1)

Sec. 5-3-52 Demolition or excavation—prior notice.

(a) Excavators shall notify all operators who maintain underground utility lines in the area of the proposed excavation or blasting, and the city manager or his designated representative, at least

two (2) working days, but not more than 10 working days prior to commencement of the excavation or demolition. This notification shall consist, at least, of the following:

(1) the excavator's name and telephone number;

(2) the name of the person for whom the proposed work is being done;

(3) the date and approximate time work is to commence;

(4) the location and approximate depth of proposed work;

(5) the nature of work to be done;

(6) the excavator's field representative or field contact, if any; and

(7) any special remarks.

(b) Notwithstanding the preceding subsection, where operators participate in a one (1) call notification system known as "Miss Utility," one (1) call shall serve to notify all participating operators. It shall be the responsibility of the excavator to know which operators participate in the "Miss Utility" system within the city.

(c) It shall be unlawful for any excavator to commence excavation or demolition on any property without first receiving clearance for excavation from each operator as provided in section 5-3-61(a) of this article. (Code 1963, Sec. 39A-20)

Sec. 5-3-53 Same—performance.

(a) Verification that rough grading is to within six (6) inches of finished grade must be provided to the operator in writing by the excavator or property owner before such operator shall commence excavation for the installation of its utility lines.

(b) When excavation approaches the location of any existing utility line(s), which shall have been previously located horizontally as provided in section 5-3-61(a) of this article, the exact location of such existing utility line(s) must be determined by adequately exposing them by hand digging within the proposed limits of excavation before excavation may resume. To prevent damage to such exposed existing utility line(s) or the protective coating thereof, proper supports shall be provided where required.

(c) Any excavator performing excavation or demolition is required to have an approved site plan, subdivision plan, or engineering plan indicating the existence of all known existing and proposed utility lines (with exception of house service laterals) at the site during excavation or demolition.

(d) Any person who is designated to operate mechanized equipment for the purpose of excavation or demolition shall not perform the excavation or demolition until he has examined the plan(s) provided in section, 5-3-53(c) of this article.

(e) The act of obtaining information as required by this article shall not excuse any person making any excavation or demolition from doing so in a careful and prudent manner nor shall it excuse such person from liability for any damage resulting from his negligence. (Code 1963, Sec. 39A-21)

Secs. 5-3-54 through 5-3-60 reserved.

DIVISION 3

Operators

Sec. 5-3-61 Excavation.

(a) An operator who receives notification of a proposed excavation pursuant to section 5-3-52(a) of this article and who has received, if applicable, verification of site grading pursuant to section 5-3-53(a) of this article shall provide clearance of excavation to the excavator before the excavation may commence by:

(1) At least one (1) hour prior to the commencement of the proposed excavation, horizontally locating its utility lines at the site, and notifying the excavator that this marking has been accomplished, or

(2) Notifying the excavator that the proposed excavation will not affect its existing utility lines.

(b) Failure of the operator to respond to notification within 48 hours of notification may be construed by the excavator to mean that the proposed excavation will not affect its existing utility lines, except where a line is shown to exist under the provisions of section 5-3-53(c) a second notification is required at least one (1) hour before proceeding to excavate.

(c) Horizontal location of utility lines at the site of excavation shall consist of a permanent marking system approved by the office of pipeline safety of the Department of Transportation of Virginia, or the state corporation commission of Virginia, or a temporary marking system approved by the city manager or his designated representative clearly and definitely indicating the horizontal location of the operator's facilities.

(d) In order to expedite horizontal location of utility lines, each operator shall:

(1) Provide locating services to mark all facilities including house service laterals affected by the excavation.

(2) Provide to designing engineers horizontal location data on its utility lines prior to field survey for designing new work so that the information on existing utility lines may be included in survey notes.

(3) Have the option to allow the locating crew of another operator to horizontally locate said facilities provided clearance to do so has been given in writing.

(4) Indicate the horizontal location of operator utility lines on a site map if requested by the excavator.

(e) When trenches excavated for the installation of gas pipelines are backfilled a continuous

tape, or similarly effective device, shall be installed after tamping 18 inches above all direct burial plastic mains and 12 inches above services, stubs and stub extensions. The tape shall be not less than three (3) inches wide, brilliant in color and imprinted with words clearly defining the utility line as "GAS." The tape shall be impregnated with metal so that locating equipment can readily pick it up. The remainder of the backfill may then be placed.

(f) When repairs are made to underground gas pipelines, and the device provided in compliance with section 5-3-61(e) above has been disrupted or severed during excavation, the device shall be installed or replaced at the completion of repairs prior to the backfilling. (Code 1963, Sec. 39A-22)

Sec. 5-3-62 Demolition.

An operator who receives notification of a proposed demolition pursuant to section 5-3-52(a) of this article shall ensure clearance for demolition by:

(1) Disconnecting, or causing to be disconnected, as agreed upon by the operator and excavator, all of its utility lines to the structure to be demolished, as well as capping where necessary.

(2) Advising the excavator of the appropriate means of assuring adequate protection for its other utility lines in the vicinity which might be subject to unusual stress during the demolition.

(3) Notifying, or causing to be notified, the excavator that the disconnection has been accomplished or that its utility lines will not be affected by the demolition. (Code 1963, Sec. 39A-23)

Sec. 5-3-63 Standards and procedures.

(a) The horizontal location of all existing underground utility lines and those underground utility lines proposed by any operator shall be indicated on all site plans, subdivision plans, or engineering plans prior to approval.

(b) Depending upon the size and importance of the utility line to be affected, the affected operator shall determine whether or not an inspection by its representative at the site of excavation is necessary during the crossing of its utility lines.

(c) Pre-construction meetings between excavators and utility operators shall be scheduled prior to all excavation projects whenever considered necessary by the city manager or his designated representative. (Code 1963, Sec. 39A-24)

Secs. 5-3-64 through 5-3-70 reserved.

DIVISION 4

Hazardous and Emergency Procedure

Sec. 5-3-71 The excavator.

(a) Communication between the job site and the excavator's base office shall be maintained at all times through the use of a two-way radio system or some other means approved by the Chief of the Alexandria Fire Department.

(b) When any person damages a utility line, or the protective coating thereof, or accidentally exposes or severs a utility line during excavation or demolition, an emergency condition shall be deemed to exist and the operator of such utility line shall be directly notified at that time.

(c) When any gas or flammable liquid utility line is severed, or damaged to the extent that there is escapement of its contents, a hazardous condition shall be deemed to exist and the operator of such utility line and the Alexandria Fire Department shall be immediately notified.

(d) Excavators shall display in plain sight on the instrument or control panel, or dash of all trucks and mechanized equipment operated by them, the current telephone number(s) which is to be utilized to serve hazardous-condition notice as required in subsection (c) above.

(e) The telephone number(s) to be utilized in serving emergency-condition notice as required in subsection (b) above shall be kept at the site during excavation or demolition.

(f) It shall be unlawful to backfill around a damaged utility line, as described in subsection (b) or (c) above until the operator of said utility line has been notified of such incident and has repaired the damage and/or has given written clearance to backfill.

(g) During an emergency or hazardous condition, it shall be lawful to excavate, without using blasting, if notification as required in section 5-3-52(a) of this article is given as soon as possible. (COde 1963, Sec. 39A-22)

Sec. 5-3-72 The operator.

(a) All operators shall make available on a 24-hour basis adequate emergency response crew(s) including answering personnel, radio dispatchers, appliance servicemen and utility repair crews capable of performing all work tasks necessary to cope with emergency or hazardous situations. The number of emergency work crews shall be determined by the operator based upon reasonable response time (one (1) hour maximum to emergency scene during other than work hours) and the number and frequency of experiences recorded.

(b) All reports of hazardous conditions received by operators shall be reported immediately to the Alexandria Fire Department and all reports of hazardous conditions received by the fire department shall be reported immediately to the appropriate operator.

(c) Emergency shut-off valves shall be provided for all new gas service line installations such that:

(1) all gas services supplying inside meters shall be equipped with an outside shut-off; and

(2) services to outside meters shall be equipped with an outside shut-off at the meter.

(d) The decision to shut off a utility line during a hazardous condition shall be vested in an appropriate representative of the utility company concerned.

(e) Only the appropriate utility line representative shall be permitted to reopen any valve or breaker which was closed during a hazardous condition and only after a thorough check has indicated that it is safe to place the affected lines back into service. (Code 1963, Sec. 39A-26)

Sec. 5-3-73 Penalty for violation of article.

Any person or public service company violating the provisions of this article shall upon conviction be punished by a fine of not more than $500 or by imprisonment not exceeding six (6) months, or both, for each violation. Each day that prohibited conditions are maintained or allowed to be maintained shall constitute a separate offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. (Code 1963, Sec. 39A-27)

CHAPTER 4

Erosion and Sediment Control*

Sec. 5-4-1	Definitions.
Sec. 5-4-1.1	Approved erosion and sediment control plan required—construction of buildings.
Sec. 5-4-2	Same—enlargement of buildings.
Sec. 5-4-3	Same—change or disturb terrain.
Sec. 5-4-3.1	Same—erosion impact source area.
Sec. 5-4-3.2	Wetlands mitigation banks.
Sec. 5-4-4	Compliance with approved plan.
Sec. 5-4-5	Exceptions.
Sec. 5-4-6	Permits not to be issued without approved erosion and sedimentation control plan when plan required by chapter.
Sec. 5-4-7	Minimum criteria; city handbook.
Sec. 5-4-8	Erosion and sediment control plans.
Sec. 5-4-9	Regulations and restrictions generally.
Sec. 5-4-10	Failure of director of transportation and environmental services to act.
Sec. 5-4-11	Inspections and amendments of plans.
Sec. 5-4-12	Guarantee of performance of plans.
Sec. 5-4-13	Acceptance of performance.
Sec. 5-4-14	Noncompliance and corrective actions.
Sec. 5-4-14.1	Civil penalties.
Sec. 5-4-15	Time of validity of erosion and sediment control plans.
Sec. 5-4-16	Waiver.
Sec. 5-4-17	Relation of chapter to other laws.
Sec. 5-4-18	Administrative appeal.
Sec. 5-4-19	reserved.
Sec. 5-4-19.1	reserved.

Sec. 5-4-1 Definitions.

As used in this chapter, and pursuant to 9 VAC 25-840, the following terms shall have the meanings set forth below, unless the context requires a different meaning:

(a) "Agreement in lieu of a plan" means a contract between the city and the owner which specifies conservation measures which must be implemented in the construction or modification of a single-family residence; this contract may be executed by the director in lieu of an erosion and sediment control plan.

(b) "Alexandria Water Quality Volume" means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project. This is separate and in addition to the state stormwater management water quality requirement.

(c) "Applicant" shall mean any person submitting an erosion and sediment control plan or an agreement in lieu of a plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

(d) "Certified inspector" means an employee or agent of the city who (i) holds a certificate of competence from the soil and water conservation board in the area of project inspection or (ii) is enrolled in the board's training program for project inspection and successfully completes such program within one year after enrollment.

(e) "Certified plan reviewer" means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the board in the area of plan review, (ii) is enrolled in the board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, landscape architect, land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1, or professional soil scientist as defined in § 54.1-2200.

(f) "Certified program administrator" means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the board in the area of program administration or (ii) is enrolled in the board's training program for program administration and successfully completes such program within one year after enrollment.

(g) "Director" means the director of transportation and environmental services, designee or duly authorized agent.

(h) "Erosion and sediment control plan," "conservation plan" or "plan," shall mean a document containing material for the conservation of soil and water resources of an unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan, inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatments. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

(i) "Erosion impact source area" shall mean an area of land not associated with current land-disturbing activity but subject to persistent erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for resi-

*__Editor's note—__Ord. No. 4489, § 1, adopted June 16, 2007, amended Chapter 4, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Chapter 4 pertained to similar subject matter. See also the Ordinance Comparative Table.

State Law Reference: Erosion and sediment control law, Code of Va., Secs. 21-89.1 to 21-89.15.

dential purposes or to shorelines where the erosion results from wave action or other coastal processes.

(j) "Land-disturbing activity" for the purposes of this chapter shall mean any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

(k) "Natural channel design concepts" means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

(l) "Owner" shall mean the owner or owners of the freehold of the premises or of a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee or another person, firm or corporation in control of a property.

(m) "Peak flow rate" means the maximum instantaneous flow from a given storm condition at a particular location.

(n) "Permittee" shall mean the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

(o) "Person" for the purposes of this chapter shall mean any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the commonwealth, interstate body, or other legal entity.

(p) "Plan-approving authority" shall mean the department of transportation and environmental services which shall be responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or group of units of lands and for approving plans.

(q) "Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

(r) "State waters" shall mean all waters on the surface and or wholly or partially underground that is within or bordering the commonwealth or that is within the jurisdiction of the commonwealth. (Ord. No. 4489, 6/16/07, Sec. 1; Ord. No. 4957, 6/13/15, Sec. 1)

Sec. 5-4-1.1 Approved erosion and sediment control plan required—construction of buildings.

Except as provided in section 5-4-5 of this code, it shall be unlawful for any persons to construct or erect any building or structure on any land within the city unless there is in force an approved erosion and sedimentation control plan issued under the provisions of this chapter. (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-2 Same—enlargement of buildings.

Except as provided in section 5-4-5 of this code, it shall be unlawful for any person to alter any building or structure on any land within the city in such manner as to change the land area covered by the building or structure unless there is in force an approved erosion and sedimentation control plan issued under the provisions of this chapter. (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-3 Same—change or disturb terrain.

(a) Except as provided in section 5-4-5 of this code, it shall be unlawful for any person to clear, grade, excavate, fill, remove topsoil from or change the contour of any land in the city unless there is in force an approved erosion and sedimentation control plan issued under the provisions of this chapter.

(b) Except as provided in section 5-4-5 of this code, it shall be unlawful for any person to remove or destroy trees, shrubs, grass, weeds, vegetation, ground cover or other plant life on any land in the city unless there is in force an approved erosion and sedimentation control plan issued under the provisions of this chapter (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-3.1 Same—erosion impact source area.

Notwithstanding any contrary provision of this chapter, it shall be unlawful for any property owner to fail, neglect or refuse to implement an erosion and sediment control plan, approved by the director, and within such reasonable time as the director shall specify, for any land designated by the director as an erosion impact source area. (Ord. No. 4489, 6/16/07, Sec. 1; Ord. No. 4957, 6/13/15, Sec. 1)

Sec. 5-4-3.2 Wetlands mitigation banks.

In accordance with the procedure set forth by § 62.1-44.15-51(E) of the Code of Virginia which is herein incorporated, any person engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of mitigation banks, pursuant to a permit issued by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specification for wetland mitigation banks annually with the Virginia Soil and Water Conservation Board (board) for review and approval consistent with guidelines established by the board. (Ord. No. 4489, 6/16/07, Sec. 1; Ord. No. 4957, 6/13/15, Sec. 1)

Sec. 5-4-4 Compliance with approved plan.

(a) It shall be unlawful for any person to construct, erect or alter any building or structure for which an approved erosion and sedimentation control plan is required by this chapter, except in accordance with the approved plan.

(b) It shall be unlawful for any person to clear, grade, excavate, fill, remove topsoil from or change the contour of any land in the city for which an approved erosion and sedimentation control plan is required by this chapter except in accordance with the approved plan.

(c) It shall be unlawful for any person to remove or destroy trees, shrubs, grass, weeds, vegetation, ground cover or other plant life on any land in the city for which an approved erosion and sedimentation control plan is required by this chapter except in accordance with the approved plan. (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-5 Exceptions.

The provisions of this chapter shall not apply to any construction, reconstruction, repair or alteration of any building or structure when no land is disturbed and no trees, shrubs, grass or vegetation is destroyed or removed, nor to any of the following:

(a) The construction or erection of any building or structure when the disturbed land area of the site is less than 2,500 square feet in size, provided there is no natural or man-made drainage ditch, swale draining in excess of 2,500 square feet, or storm sewer on the disturbed land and no existing or proposed grade on the disturbed land exceeds 10 percent.

(b) The alteration of any building or structure when the disturbed land area of the site will be less than 2,500 square feet, provided there is no natural or man-made drainage ditch, swale draining in excess of 2,500 square feet, or storm sewer on the disturbed land and no existing or proposed grade on the disturbed land exceeds 10 percent.

(c) The clearing, grading, excavating, filling or changing the contour of, or removing topsoil from, less than 2,500 square feet of land, provided there is no natural or man-made drainage ditch, swale draining in excess of 2,500 square feet, or storm sewer on the disturbed land and no existing or proposed grade on the disturbed land exceeds 10 percent.

(d) The clearing, grading, excavating, filling or changing the contour of, or removing topsoil from, less than 2,500 square feet of land, provided there is no natural or manmade drainage ditch, swale draining in excess of 2,500 square feet or storm sewer on the disturbed land, and further provided the disturbance of the land does not cause sedimentation on land outside the exterior boundaries of the land disturbed.

(e) The removal or destruction of trees, shrubs, grass, weeds, vegetation, ground cover, or other plant life which cover less than 2,500 square feet of land, provided there is no natural or manmade drainage ditch, swale draining in excess of 2,500 square feet, or storm sewer on the disturbed land and no existing or proposed grade on the disturbed land exceeds 10 percent.

(f) The planting, trimming, pruning or removal of trees, shrubs, grass, weeds, vegetation, ground cover or other plant life pursuant to chapter 2 of title 6 of this code.

(g) The removal or destruction of trees, shrubs, grass, weeds, vegetation, ground cover or other plant life which is dead, poisonous or infected with disease or injurious insects or pests.

(h) The gardening and care of lawns.

(i) The removal or destruction of trees, shrubs, grass, weeds, vegetation, ground cover or other plant life from lots of less than 2,500 square feet on which there now exists a dwelling.

(j) The exploration or drilling for oil and gas including the well site, roads, feeder lines and off-site disposal areas.

(k) The repair or rebuilding of the tracts, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.

(l) Shore erosion control projects on tidal waters when the projects are approved by local wetlands boards, the Marine Resources Commission and/or the U.S. Army Corps of Engineers and located on tidal waters and within nonvegetated or vegetated wetlands as defined in Title 28.2 of the Code of Virginia. However, any associated land that is disturbed outside of this exempted area shall remain subject to the article and the regulations adopted pursuant thereto.

(m) Emergency work to protect life, limb or property, and emergency repairs; provided, that, if the land-disturbing activity would have required an approved erosion and sediment control plan if the activity were not an emergency, the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

(n) Individual utility service connections.

(o) Installation, maintenance, or repair of any underground public utility when such activity occurs on an existing hard surfaced road, street, or sidewalk provided the land-disturbing activity is confined to the area of the road, street, or sidewalk which is hard surfaced.

(p) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system.

(q) Surface or deep mining.

(r) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is forested artificially or naturally in accordance with the provisions of Chapter 11(§ 10.1-1100 et seq.) of this title or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163.

(s) Agricultural engineering operations including, but not limited, to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Article 2 (§ 10.1-604 et seq.) of Chapter 6 of the Erosion and Sediment Control Law, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and irrigation.

(t) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles. (Ord. No. 4489, 6/16/07, Sec. 1; Ord. No. 4957, 6/13/15, Sec. 1)

Sec. 5-4-6 Permits not to be issued without approved erosion and sedimentation control plan when plan required by chapter.

(a) No permit shall be issued to construct, erect, or alter any building or structure on any land within the city until a plan has been submitted and approved in accordance with the provisions of this chapter and the applicant has certified in writing that the plan will be followed. The person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence to the program authority, as provided by § 62.1-44.15:52, who will be in charge of and responsible for carrying out the land disturbing activity. However, any plan-approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by § 62.1-44.15:52. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.

(b) No permit shall be issued to clear, grade, excavate, fill, remove topsoil from or change the contour of any land within the city until a plan has been submitted and approved in accordance with the provisions of this chapter and the applicant has certified in writing that the plan will be followed. (Ord. No. 4489, 6/16/07, Sec. 1; Ord. No. 4957, 6/13/15, Sec. 1)

Sec. 5-4-7 Minimum criteria; city handbook.

(a) The director shall administer and enforce the provisions of this chapter.

(b) This chapter, the erosion and sediment control regulations of the Department of Environmental Quality (9 VAC 25-840 et seq.), and the "Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, which are incorporated herein by reference, shall be an integral part of

the city's erosion and sediment control program and shall comprise the city's "Erosion and Sediment Control Handbook." The text of these regulations is on file in the office of the director.

(c) In addition to the minimum requirements for controlling erosion and sedimentation for land-disturbing activities which are contained in 9 VAC 25-840, the following additional minimum requirements shall apply:

(1) Protection of adjacent properties.

a. Properties adjacent to the site of a land disturbance shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance, by installing perimeter controls such as sediment barriers, filters, dikes, sediment basins or by a combination of such measures.

b. Vegetated buffer strips may be used alone only where runoff in sheet flow is expected. Buffer strips should be at least 20 feet in width. If at any time it is found that a vegetated buffer strip alone is ineffective in stopping sediment movement onto adjacent property, additional perimeter controls must be provided.

(2) The director may require sediment basins or traps for smaller disturbed areas where deemed necessary. The sediment basin requirement may also be waived if the director agrees that site conditions do not warrant its construction.

(3) Cut and fill slopes. Cut and fill slopes must be designed and constructed in a manner which will minimize erosion. Consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. Slopes which are found to be eroding excessively within one year of construction must be provided with additional slope-stabilizing measures until the problem is corrected. The following guidelines are provided to aid site planners and plan reviewers in developing an adequate design.

a. Roughened soil surfaces are generally preferred to smooth surfaces on slopes.

b. Diversions should be constructed at the top of long, steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.

(4) The following additional stormwater management criteria shall apply: A stormwater management plan consistent with the requirements of Section 13-109(F) in Article XIII of the Alexandria Zoning Ordinance (the Environmental Management Ordinance and the Virginia Stormwater Management Program (VSMP) regulations shall apply. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of this section shall be satisfied by compliance with water quantity requirements in the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and attendant regulations, unless such land-disturbing activities are in accordance with the grandfathering provisions of the VSMP regulations.

(5) Runoff rate and channel adequacy must be verified with engineering calculations to the satisfaction of the director.

(6) All channel improvements or modifications must comply with all applicable laws and regulations.

(7) If the applicant chooses an option which includes stormwater detention, the applicant must provide the city with a plan for maintenance of the detention facilities. The plan shall set forth the maintenance requirements of the facility and the party responsible for performing the maintenance. The responsible party may be an individual, organization or the city, whichever has consented to carry out the maintenance. If the designated maintenance responsibility is with an individual or organization other than the city, a maintenance agreement should be executed between the responsible party and the city.

(8) Stabilization adequate to prevent erosion must be provided at the outlets of all pipes and paved channels. Energy dissipators shall be installed as required by the director.

(9) Working in or crossing watercourses. Construction vehicles should be kept out of watercourses to the extent possible. Where in-channel work is necessary, precautions must be taken to stabilize the work area during construction to minimize erosion. The channel (including bed and banks) must always be re-stabilized immediately after in-channel work is completed.

(10) Underground utility lines shall be installed in accordance with the following standard in addition to other applicable criteria: no more than 100 feet of trench are to be opened at one time.

(11) Maintenance. All temporary and permanent erosion and sediment control practices must be maintained and repaired as specified in 9 VAC 25-840-60.

(12) Submission of an erosion and sediment control plan to the city is a grant of unlimited right of entry to the property to officials or agents of the city for the purposes of determining ade-

quacy of the proposed plan and inspection of land-disturbing activities for compliance with the approved plan.

(d) The "Virginia Erosion and Sediment Control Handbook, Third Edition, 1992" and the tree planting and preservation regulations authorized by § 11-410(CC)(1) of the Zoning Ordinance of the City of Alexandria, and known as the city's Landscape Guidelines, shall be used by any applicant making a submittal under this chapter and by the director in his or her review and consideration of the adequacy of landscaping elements included in any erosion and sediment control plan submitted. (Ord. No. 4489, 6/16/07, Sec. 1; Ord. No. 4957, 6/13/15, Sec. 1)

Sec. 5-4-8 Erosion and sediment control plans.

(a) Applications for approved erosion and sediment control plans shall be submitted to and filed with the director as part of the plan of development pursuant to the requirements in Article XIII of the Alexandria Zoning Ordinance, on forms prepared by the city, prior to the time any work subject to this chapter is begun on land. Fees for reviewing erosion and sediment control plans, grading plans and performing field inspections for all new structures, exterior alteration, plumbing, electrical, or mechanical building permits where more than 2,500 square feet are disturbed shall be required, the fee to be determined by the director. Five copies of an erosion and sediment control plan or grading plan must accompany any application, parts of which shall also be on forms prepared by the city. Upon receipt of an application and plans, the director shall consider the plan in light of the provisions of this chapter, and Virginia Erosion and Sediment Control Law and attendant regulations, and promptly approve the plan, disapprove the plan or approve the plan with modifications, noting thereon any changes that will be required. The director shall promptly notify the applicant of his or her decision on a plan. Any approved plan shall be issued, dated, and bear the manual signature of the director or appropriate designee prior to the commencement of land-disturbing activities.

(b) An application shall show the following:

(1) The name, address and telephone number of the applicant.

(2) The name, address and telephone number of the owner of record.

(3) The name, address and telephone number of the person preparing the plan.

(4) The location of the site, including lot number and tax map page number.

(5) The total land area, area being disturbed and proposed amount of previous and impervious area.

(6) Soil types by AASHO classification (or other classifications used by soil engineers), if available.

(7) Method for collecting and depositing stormwater.

(8) Test boring and soil test results when:

a. the site is in an area of the city known or suspected by the director to have soil problems or unstable soil;

b. any proposed slope on the site exceeds a grade of 20 percent;

c. the presence of ground water in substantial amounts is known or suspected by the director to be on the site; or

d. unstable soil is known or suspected by the director to be on the site.

(9) Methods for control of contamination of land when the site is in an area found by the director to be contaminated by a toxic substance and hazardous to the public health, safety and welfare. Said methods shall comply and be in accordance with the "Administrative Procedures for Control of Contaminated Land, Alexandria, Virginia," dated October 30, 1976, that were promulgated by the city manager and adopted by the city council on November 23, 1976, by ordinance number 2145. These administrative procedures may be amended or revised from time to time by the city manager with the approval of the city council by motion.

(10) A general description of existing trees, shrubs, grass, weeds, vegetation, ground cover and other plant life.

(11) Any other pertinent information the director may require.

(c) An erosion and sediment control plan shall follow the format of map number 4, plate 6-4 of chapter 6 of the city's erosion and sediment control handbook. The plan shall also include appropriate title blocks, scales and a vicinity map.

(d) Where land-disturbing activities involve lands under the jurisdiction of more than one local control program an erosion and sediment control plan may, at the option of the applicant, be submitted to the Virginia Soil and Water Conservation Board for review and approval rather than to each jurisdiction concerned.

(e) When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the

preparation, submission and approval of an erosion control plan shall be the responsibility of the owner. (Ord. No. 4489, 6/16/07, Sec. 1; Ord. No. 4957, 6/13/15, Sec. 1)

Sec. 5-4-9 Regulations and restrictions generally.

All erosion and sediment control practices shall be in accordance with the city's erosion and sediment control handbook. (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-10 Failure of director of transportation and environmental services to act.

Failure of the director to act on any erosion and sedimentation control plan within 45 days after it has been properly filed, unless otherwise agreed with the applicant, should be deemed to constitute approval of the plan. (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-11 Inspections and amendments of plans.

(a) Periodic inspections are required on all projects by the program authority. The program authority shall either: Provide for an inspection during or immediately following initial installation of erosion and sediment controls, at lease once in every two-week period, within 48 hours following any runoff producing storm event, and at the completion of the project prior to the release of any performance bonds; or establish an alternative inspection program which ensures compliance with the approved erosion and sediment control plan. Any alternative inspection program shall be:

(1) Approved by the Board prior to implementation;

(2) Established in writing;

(3) Based upon a system of priorities that, at a minimum, address the amount of disturbed project area, site conditions and stage of construction; and

(4) Documented by inspection records.

The owner, occupier or operator shall be notified of the inspection. If the plan-approving or permit- issuing authority determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities. Where the plan-approving authority serves such a notice, a copy of the notice shall be sent to the permit-issuing authority. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon receipt of a sworn complaint of a substantial violation of this chapter from the designated enforcement officer, or if land-disturbing activities have commenced without an approved plan, the director may issue an order requiring that all or part of the land-disturbing activity on the site be stopped until the specified corrective measures have been taken. Where the identified non-compliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, drainage systems discharging into such waters, or lower-lying property, or where the land-disturbing activities have commenced without an approved plan or any required permits, a stop- work order may be issued whether or not the permittee has been issued a notice to comply. Otherwise, such an order may be issued only after the permittee has failed to comply with a notice to comply. The order shall be served in the same manner as a notice to comply, and shall remain in effect for seven days from the date of service pending application by the enforcing authority or alleged violator for appropriate relief to the circuit court. If the alleged violator has not obtained an approved plan or all of the required permits within seven days from the date of service of the order, the director may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Upon completion and acceptance of the corrective action, or obtaining an approved plan or any required permits the order shall be immediately lifted. Upon failure to comply with such measures within the time specified, the permit may be revoked, and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this chapter and upon conviction shall be subject to the penalties provided in section 5-4-18.

(b) The director may authorize amendments consistent with the requirements of this chapter to an approved plan when inspection has revealed that the plan is inadequate to satisfy applicable regulations or when the person responsible for carrying out the plan finds that because of changed

circumstances or changed conditions the plan cannot be carried out effectively. (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-12 Guarantee of performance of plans.

A corporate surety bond, letter of credit, certificate of deposit or similar financial guarantee approved by the city attorney, conditioned upon carrying out all and every part of an approved erosion and sedimentation control plan and upon satisfaction of the guarantee required by section 5-4-13 of this chapter for at least the sum estimated to be the full costs of carrying out the plan and a reasonable allowance for estimated administrative costs and inflation which shall not exceed 25 percent of the estimated cost of the conservation action, or a cash escrow, upon the same conditions and in the same amount, shall be furnished the city whenever such costs exceed $500. (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-13 Acceptance of performance.

Upon completion of adequate stabilization of an approved erosion and sedimentation control plan, the permittee shall notify the director of such completion. The director shall then inspect the work and planting and, upon his determination that they are in compliance with the approved plan, he shall issue a letter of preliminary acceptance. A condition of any such preliminary acceptance shall be that the permittee guarantee all erosion and sedimentation control work for a period of one year from the date of its preliminary acceptance, or for a period of one year from any repair or replanting ordered by the director, or until such time that all control structures and a minimum of 90 percent of all plantings shall have survived for a year without need of further replanting or repair. During the one year period of the guarantee, the director may order in writing such replanting or repair work as shall be deemed necessary to enforce compliance with the approved plan or the guarantee. Such an order shall serve to revoke the preliminary acceptance and shall cause the permittee to renew the guarantee for an additional one year from the date of replanting or repair. Final acceptance shall occur when preliminary acceptance has remained unrevoked for a period of one year, or when all control structures and a minimum of 90 percent of all plants have survived for a period of one year without need of further replanting or repair. For purposes of this section, normal cleaning of silt basins alone shall not be construed to be repair work. (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-14 Noncompliance and corrective actions.

(a) In the course of making on-site inspections, should the director determine that active erosion and sediment control measures are not in compliance with the approved plan, he shall verbally notify the responsible contractor to take appropriate corrective measures.

(b) Written confirmation of this notice to comply shall be sent, by certified mail, to the applicant for the erosion and sediment control permit or hand-delivered at the site of the land-disturbing activities to the agent or employee supervising such activities, citing a detailed description of the conservation measures necessary for compliance.

(c) When no action is taken within 48 hours of delivery of notice to comply, the director shall send the applicant, by certified mail, a letter of intent to utilize the performance bond or cash escrow to apply the conservation measures to correct the deficiency if it has not otherwise been corrected by a specified time.

(d) If no action has been taken by the time specified, the director shall proceed to have the deficiency corrected and he shall keep a close account of all related expenses which shall be charged to and paid from the applicant's performance bond or escrow account. If the director takes such conservation action upon such failure by the permittee, the director may collect from the permittee the difference, should the amount of reasonable cost of such action exceed the amount of the security held (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-14.1 Civil penalties.

(a) A violation of any section or provision of this article may, in addition to and not withstanding the penalty provided for in subsection (b), 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 $500 for a person's first violation and of $1,000 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 ten-day period, and shall not result in civil penalties exceeding a total of $3,000.

(b) A violation of any section or provision of this article may, in addition to and not withstanding the penalty provided for in subsection (a), be restrained, prohibited or enjoined by appropriate proceedings in a court of competent jurisdiction. (Ord. No. 4489, 6/16/07, Sec. 1; Ord. No. 4702, 12/18/10, Sec. 1)

Sec. 5-4-15 Time of validity of erosion and sediment control plans.

(a) Any approved erosion and sedimentation control plan shall become null and void 180 days after the date of approval and no further work subject to this chapter shall be allowed unless and until an additional or updated erosion and sediment control plan has been submitted and approved in accordance with the provisions of this chapter or unless all requirements of the approved control plan have been completed in less than 180 days in accord with said plan and verified by an on-site inspection by the director.

(b) When no change in conditions has occurred since the date of approval, an update plan shall be approved in accordance with the provisions of this chapter with no additional requirements. (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-16 Waiver.

The city manager may, for good cause shown, waive the provisions of chapter 4 of this title that require an approved erosion and sediment control plan, provided:

(1) written application is made, and

(2) the director states in writing that such a waiver will not result in increased erosion or sedimentation or violate the general principles of good erosion and sediment control management. (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-17 Relation of chapter to other laws.

The provisions contained in this chapter shall be considered separate from, supplemental to and additional to the provisions contained in chapter 1 of title 8, elsewhere in this code, in the Zoning Ordinance of the City of Alexandria, or in other city ordinances. Nothing contained in this chapter shall excuse any person from compliance with all other applicable provisions of this code the Zoning Ordinance of the City of Alexandria, or other city ordinances. (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-18 Administrative appeal.

Final decisions to disapprove an erosion and sedimentation control plan by the director shall be in writing and subject to review by the city manager, provided the applicant or his duty authorized agent files a written notice of appeal with the city manager within 30 days from the date of the written final decision of disapproval. (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-19 reserved.

Sec. 5-4-19.1 reserved.

CHAPTER 5

Reserved

Editorial Note: Ord. No. 3591, adopted June 24, 1992, repealed Ch. 5, which pertained to site plans in its entirety. See the Ordinance Comparative Table. The user's attention is directed to the new site plan provisions adopted by Ord. No. 3591 which are contained in a separate volume, Titled City of Alexandria Zoning Ordinance.

CHAPTER 6

Water and Sewer

Cross References: Water supply in foodhandling establishments, Sec. 11-2-171 et seq.; drinking water in nursery schools, Sec. 12-3-44.

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ARTICLE A

Water

Editorial Note: Ord. No. 4747, § 1, adopted Jan. 21, 2012, repealed § 5-6-1 and renumbered the remaining sections of Art. A as set out herein. The historical notation has been retained with the amended provisions for reference purposes. The former § 5-6-1 pertained to water use in emergencies and derived from § 40-1 of the 1963 Code.

DIVISION 1

Stagnant Water

Sec. 5-6-1 Stagnant water—owner to fill in place of collection.

(a) It shall be the duty of the owner of any lot or parcel of land located in the city which, because of the contour of the surface of the land, catches and holds rain and surface water, so that pools or ponds of stagnant water result, to fill in the lots, or parcels of land with earth to a grade as will prevent the collection of pools or ponds of stagnant water. In cases where the basin formed by the contour of the land in which the water collects is composed of two or more lots or parcels of land in separate ownership, the owners shall be responsible for the filling in of the portions of their respective lots or parcels of land as may be affected. At the request of any owner, the city engineer shall furnish the proper grade to which the fill should be made.

(b) The provisions of this section shall be applicable in all cases where stagnant water collects, whether the result of abandoned excavations, establishments of street grades or otherwise. (Code 1963, Sec. 40-2; Ord. No. 4747, § 1, 1-21-12)

Charter Reference: Power of city as to grounds subject to be covered by stagnant water, Sec. 2.04(m).

Cross Reference: Drainage of driveways of filling stations, Sec. 9-7-6.

Sec. 5-6-2 Same—action by city when owner refuses to fill in.

(a) In the event that any owner shall fail or refuse to fill in any lot or parcel of land as provided in the preceding section, within 10 days of receipt of written notice from the city manager to do so, the notice to be sent by registered mail, the city manager may cause the lot or parcel of land to be filled in with earth to the proper grade, and the cost thereof shall be a charge against the owner and the amount thereof shall be certified by the city manager to the director of finance to be

added to the current tax bill against the land, which shall constitute a lien thereon as a part of the current tax bill, and the charges shall bear interest at the rate of six percent commencing 30 days after completion of this work.

(b) In addition to certifying the amount of the charges to the director of finance, the city manager may certify same to the city attorney for any appropriate action at law to recover that as may be deemed proper. (Code 1963, Sec. 40-3; Ord. No. 4747, § 1, 1-21-12)

Sec. 5-6-3 Same—penalty for violation of two preceding sections.

Any violation of the provisions of the two preceding sections shall be subject to a fine of not less than $5 nor more than $100, and each day that any owner fails or refuses to comply after 10 days from receipt of the written notice from the city manager as provided in the preceding section, shall constitute a separate offense, but the notice shall not be prerequisite to liability for violation of the provisions of section 5-6-2 of this Code. (Code 1963, Sec. 40-4; Ord. No. 4747, § 1, 1-21-12)

DIVISION 2

Water Supply Emergency

Sec. 5-6-4 Purpose.

The purpose of this division is to provide for the necessary reduction and curtailment of water usage through voluntary and/or mandatory restrictions during a water shortage condition or water supply emergency affecting the city and its residents and businesses. (Ord. No. 4747, § 1, 1-21-12)

Sec. 5-6-5 Definitions.

(a) *Water shortage condition.* A state wherein the Potomac River Basin is experiencing unusually dry weather, or a state wherein there exists the potential for a water supply emergency if water demands are not reduced.

(b) *Water supply emergency.* A condition wherein the present or expected future ability of the city to deliver adequate supplies of water to customers to enable normal levels of potable water usage is endangered due to an extended drought and/or disruption in the city's water supply system. (Ord. No. 4747, § 1, 1-21-12)

Sec. 5-6-6 Declaration of water shortage condition.

(a) Whenever the city manager, or designated agent, determines that a water shortage condition exists, a water shortage condition may be declared by the city manager. The city manager, or designated agent, shall notify the general public that a water shortage condition has been declared and that more specific voluntary restrictions of water usage by residents and businesses are requested in order to help preserve the supply of potable water to the city.

(b) Upon the declaration of a water shortage condition, the city manager, or designated agent, may issue voluntary restrictions or recommend water conservation practices to help preserve the supply of potable water to the city. Such voluntary restrictions or conservation practices may include, but shall not be limited to, voluntary restriction of one or more of the following:

(1) Watering of shrubbery, trees, lawns, grass, plants, or other vegetation, except plants of flowers grown by a duly licensed florist;

(2) Washing of automobiles, trucks, trailers or other mobile equipment, except in a vehicle wash facility with an effective and efficient water recycling system;

(3) Washing of streets, driveways, parking lots, service station aprons, the exterior of commercial or residential buildings, or any other outdoor surfaces unless such washing is required to eliminate a hazard;

(4) Operation of any ornamental fountain or other structure making similar use of water;

(5) Serving water to customers in restaurants, cafeterias, or any other establishment, unless specifically requested;

(6) Filling of swimming and/or wading pools and use of water for outdoor recreation;

(7) Use of water from fire hydrants, except for health and safety purposes;

(8) Request water users to inspect all plumbing and repair leaks; and

(9) Suggestion of a maximum daily consumption goal for residents to strive and achieve.

(c) At any time after the declaration of a water shortage condition, if the city manager determines that such a condition no longer exists, then he or she may declare the rescission of the water shortage condition and the termination of all associated voluntary restrictions and recommended water conservation practices. (Ord. No. 4747, § 1, 1-21-12)

Sec. 5-6-7 Declaration of water supply emergency.

(a) Whenever the city manager finds that a water supply emergency exists, or is reasonably likely to occur if water conservation measures are not taken, he or she may declare a water supply emergency restricting or prohibiting the use of water by residents and businesses for the duration of such emergency or for a period of time necessary to prevent the occurrence of a water supply emergency. Such a condition may be determined from information obtained by the city manager through the city's water supplier (Virginia American Water Company), information obtained from a recognized authority, or from other sources as determined appropriate and prudent by the city manager.

(b) Upon the declaration by the city manager of a water supply emergency he or she is authorized to promulgate and implement, in writing, mandatory water consumption restrictions or prohibitions necessary to preserve the ability of the city to provide adequate and acceptable levels of potable water to preserve the public health, safety and welfare. Water restrictions or prohibitions promulgated by the city manager may include, but shall not be limited to, restriction or prohibition of one or more of the following activities as provided in section 5-6-6(b).

(c) If, at any time after the city manager declares a water supply emergency and the city manager finds that a water supply emergency no longer exists, then the city manager may declare that the water supply emergency has ended. At any time during a water supply emergency, the city manager may, by written declaration, declare the rescission, in whole or in part, of any restrictions or prohibitions promulgated and implemented under section 5-6-7(b). Such declarations by the city manager shall be based upon a factual finding that the ability of the city to deliver acceptable quantities of potable water is no longer limited, or that the extent of the declared emergency is reduced and that the existing restrictions or prohibitions, or some part thereof, are no longer required to protect the public health, safety and welfare.

(d) The city manager, or designated agent, shall notify the general public, and the city council, when the city manager promulgates, or rescinds, mandatory restrictions or prohibitions authorized by this section or by any ordinance adopted hereafter. Such notification shall describe the mandatory restrictions and prohibitions promulgated or rescinded by the city manager, the effective date or dates thereof, and the penalties for noncompliance. Such a notice to the general public shall be published in a newspaper of general circulation within the city and posted in a public space in the city manager's office. Such notice shall be deemed due and proper notice to every customer supplied with water by the city. (Ord. No. 4747, § 1, 1-21-12)

Sec. 5-6-8 Exemptions of essential uses for public health, safety and welfare.

The provisions of any declaration by the city manager of a water supply emergency, and any restrictions or prohibitions implemented by the city manager, shall not apply to any governmental, business, or industrial use which is deemed by the city manager to be essential to the preservation of the public health, safety and/or welfare. (Ord. No. 4747, § 1, 1-21-12)

Sec. 5-6-9 Appeals.

Upon receipt of a written request by an individual customer of water supplied by the city, the city manager, for good cause shown, including evidence that the applicant is affected in a substantial manner not common to other persons or businesses generally, may permit less than full compliance with any of the water restrictions or prohibitions promulgated during a declared water supply emergency. No waiver shall be granted by the city manager unless he or she determines that the public health, safety and welfare will not be adversely affected by the waiver. (Ord. No. 4747, § 1, 1-21-12)

Sec. 5-6-10 Penalties.

(a) Any person who violates or fails to comply with any of the mandatory provisions of this division may be charged with a Class Five civil violation and may be fined as provided in section 1-1-11(b)(5) of this Code.

(b) The imposition of a fine or penalty for violating any of the mandatory provisions of this division shall not excuse the violation or permit it to continue.

(c) The city manager, or designated agent, may seek suspension of water service to any violator of the mandatory provisions of this division by injunction, abatement or other appropriate legal remedy, if the city manager determines that such action is necessary to prevent any continued or future violation. (Ord. No. 4747, § 1, 1-21-12)

Secs. 5-6-11 through 5-6-20 reserved.

ARTICLE B

Sewage Disposal and Drains

DIVISION 1

General Provision

State Law Reference: Authority of city to regulate sewer connections,Code of Va., Sec. 32-61; power of council to construct, etc., sewers and drains, Code of Va., Sec. 15.1-292.

Cross Reference: Power of city as to assessments for construction of sewers, culverts and drains, City Charter. Sec. 2.03, subsec. (e); power of city as to sewer pipes and connections, Charter. Sec. 2.04, subsec. (h); construction of sewers or drains in future subdivisions. Sec. 5-2-4 of this code; acceptance of streets, sewers or drains in future subdivisions. Sec. 5-2-5; constructing sewers or drains in existing subdivisions, Sec. 5-2-6.

Sec. 5-6-21 Control of council.

All sewers, storm, water, sanitary or combined, except house connections from curb line to lot line, that have heretofore been or may hereafter be constructed by any person under any street, road, alley or park space or under any private court or alley, and which have been or may hereafter be connected into any sewer constructed by or belonging to the city, shall be under the jurisdiction and control of the city council so long as such sewer shall remain connected with any sewer constructed by or belonging to the city. (Code 1963, Sec. 28-1)

Sec. 5-6-22 Installed by contract with council.

All sewers that may be constructed by any person in any street, road, alley or park space now open to the public use, any street, road, alley or park space duly dedicated for public use in any city easement or grant or in any area under city option or agreement shall be installed by or under contract with the city council, and shall be of the size and established at such grades and constructed according to such other specifications as may be prescribed by the director of transportation and environmental services; except, that service connections running from a city sewer main, trunk or lateral to any premises shall be installed by the owner as hereinafter provided. (Code 1963, Sec. 28-2)

Sec. 5-6-23 Constructed so as to require separate and direct service for each house, building or parcel of property.

Any extension of the sewer system from sewers now built or hereafter built shall be constructed

so that each house, building or separate parcel of property that connects with or is served by or through any part of the city sewer system shall be connected separately and directly with the city system, when and after the full amount required by section 5-6-25 has been paid into the city treasury, in accordance with provisions of section 5-6-31. (Code 1963, Sec. 28-3)

Sec. 5-6-24 Duty of owner to connect; emptying into wells, tanks or open streams prohibited.

The owner of any dwelling or other building in which human beings live or congregate shall, whenever a trunk line or lateral line sewer is available, connect the dwelling or building with such trunk line or lateral line sewer, subject to the provisions of this article. It shall be unlawful for any person to empty any sewer or sewer system into any well, septic tank or open stream in the city, when a public trunk or lateral line sewer is available with which to connect. (Code 1963, Sec. 28-4)

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. (Ord. No. 4659, 5/15/10, Sec. 7)

Editor's note—Prior to the reenactment of § 5-6-25 by Ord. No. 4659, Ord. No. 4257, § 3, adopted June 15, 2003, repealed § 5-6-25, which pertained to sewer connection permits and service fees; construction costs; constructing sewers by owners rather than city; additional connections. See the Code Comparative Table.

Sec. 5-6-25.1 Sewer connection permits and service fees; construction costs; constructing sewers by owners rather than city; additional connections.

(a) Any person who is required, or who desires, to provide a connection for sewer service from his property, through any sewer constructed by or belonging to the city or any sewer serving the area annexed to the city in 1952, but belonging to a county, by direct connection at a city sewer main, trunk or lateral, shall, before starting to make such connection, apply to the director for a permit to make the connection, and the director shall issue a permit for the sewer connection when and after the person shall have paid to the department of finance the sum hereinafter provided.

(1) For each single family dwelling, townhouse dwelling, or townhouse type dwelling irrespective of classification for other purposes, or for each dwelling unit in a two-family dwelling, the amount of $8,404.

(2) For each multifamily dwelling, an amount equal to the product of the number of dwelling units in the multifamily dwelling, multiplied by $4,201. For all final site plans submitted on or after September 1, 2013, the amount shall be increased to 90 percent of the single family dwelling amount.

(3) For each hotel room, an amount equal to the product of the number of dwelling units in the hotel multiplied by $4,201. For all final site plans submitted on or after September 1, 2013, the amount shall be increased to 70 percent of the single family dwelling amount, and for all final site plans submitted on or after July 1, 2014, the amount shall be increased to 90 percent of the single family dwelling amount.

(4) For each nonresidential property, an amount determined in accordance with the following fee schedule based on the size of each water meter which serves such nonresidential property:

Meter Size (inches)	*Max. Capacity (GPM)*	*3/4" Meter Equiv.*	*Fee*
¾ or smaller	30	1.00	$8,404
1	50	1.67	$14,034
1½	100	3.33	$27,985
2	160	5.33	$44,793
3	320	10.76	$90,425
4	500	16.67	$140,092
6	1000	33.33	$280,101
8	1600	53.33	$448,178
10	2300	76.67	$644,323

(5) For each mixed use property, where such property includes both residential and nonresidential uses, an amount equal to the sum of the fee determined for the residential portion of such property, in accordance with this section, plus the fee determined for the nonresidential portion of such property, in accordance with this section; provided, however, if the residential portion and nonresidential portion of such property are served by a single water meter, the fee shall be an amount determined by the director in his reasonable discretion.

(6) For connections that involve the removal of an existing structure with an existing tap, a credit for the existing tap shall be applied towards the total connection fee otherwise due in accordance with this section for final site plans submitted on or after September 1, 2013. The amount of the credit shall be estimated by the director and shall be based on the previous use. The credit shall only apply to properties removed or demolished not longer than three years prior to the submission of the final site plan for the new structure. The credit shall be equal to 50 percent of the current fee that would be applied to the structure or structures being removed. For mixed use properties, the credit will be based on the sum of the residential credit and nonresidential credit, in accordance with this section. If the previous use was served by a single water meter, the credit shall be an amount determined by the director in his reasonable discretion.

(7) For an existing property that changes its use, such as from non-residential to residential (or vice versa), increases the number of residential units or hotel rooms, or adds or increases the water meter size to account for the change in use, the amount shall be calculated as follows:

(i) If the same sewer connection (tap) is utilized, then the fee shall be based on the net increase in units (or usage) between the existing and proposed uses.

(ii) If a new sewer tap is required, then the fee shall be set in accordance with the fees for new construction set forth in this section, net of any credits due pursuant to section (6) above.

(8) In cases where a DSP/DSUP extension is filed after the connection fees have been established for a development project (following final plan submission), the connection fee rate shall be revised to reflect the current fee structure in effect at the time the extension is approved. For all final site plans submitted prior to April 1, 2013, one DSP/DSUP extension may be granted without revising the connection fee rate previously established at the time of the final site plan submission.

(9) Sections (1) through (4) reflect the fees for final site plans submitted before July 1, 2013. Beginning in fiscal year 2014 and going forward, the foregoing fees shall increase each year at the rate of inflation as determined by the annual CPI-U for the Washington-Baltimore-Northern Virginia, DC-MD-VA-WVA Combined Statistical Area and shall apply to all final plans filed submitted between July 1 of that year and June 30 of the subsequent year.

(b) Extension of service; credits for such extension.

(1) A person required or desiring to provide extension of sewer service to his property shall construct or have constructed such extension at his own expense. The person shall execute a satisfactory agreement with the city, as prescribed by the city manager, agreeing to construct such sewer or sewers in accordance with plans and specifications approved by the director and the person shall in addition furnish such guarantee of performance and maintenance to the city as the city manager may require. Such sewers shall become the property of the city upon completion and acceptance of the work.

(2) If, pursuant to a written requirement of the director, the person constructs such extension in a manner that exceeds the requirements to provide service to the property of such person, a credit shall be available to be applied to the fees otherwise due under this section, in an amount equal to the difference between the cost of such extension, constructed in accordance with the written requirement of the director, and the cost of such extension, constructed as originally proposed by the person, such amount to be determined by the director. The amount of the credit shall be estimated by the director prior to commencement of construction, and an interim fee shall be paid by the person in an amount equal to the fees otherwise due under this section minus the estimated credit; provided, the minimum interim fee shall be for each single family dwelling, townhouse dwelling or dwelling unit in a two-family dwelling residential unit, $100, for each dwelling unit in a multifamily dwelling, $100, and for each floor of a nonresidential property, $100 or $0.08 per square foot of floor space, whichever is greater.

(3) Upon satisfactory completion of the work, the actual amount of the credit shall be determined by the director based on certified bills submitted to and approved by him. The final fee

to the person shall be an amount equal to the fees otherwise due under this section minus the amount of the actual credit; provided, the minimum final fee shall be for each single family dwelling, townhouse dwelling or dwelling unit in a two-family dwelling residential unit, $100, for each dwelling unit in a multifamily dwelling, $100, and for each floor of a nonresidential property, $100 or $0.08 per square foot of floor space, whichever is greater. Any difference between the interim fee and the final fee shall immediately be paid to or refunded by the department of finance.

(4) If the amount of the credit estimated under subsection (b)(2) above exceeds the amount of the fees otherwise due under this section without regard to the minimum fee calculated under subsection (b)(2) of this section, prior to the commencement of construction, the city shall agree to pay the person an amount equal to such excess or shall withdraw the written requirement of the director for construction of such extension in a manner that exceeds the requirements to provide service to the property of such person.

(c) Exclusions and exemptions.

(1) Notwithstanding anything to the contrary contained in this section, no fee shall be charged to connect a sewer system or sewage disposal system which serves exclusively a fire sprinkler system, installed pursuant to section 906.0 of the Virginia Uniform Statewide Building Code, as amended, a fire standpipe system, installed pursuant to section 915.0 of the Virginia Uniform Statewide Building Code, as amended, or a yard hydrant, installed pursuant to section 917.0 of the Virginia Uniform Statewide Building Code, as amended.

(2) Notwithstanding anything to the contrary contained in this section, no fee shall be charged to connect a sewer system or sewage disposal system which serves property owned by the Alexandria City Public Schools, the Alexandria Redevelopment and Housing Authority, or an entity in which the Alexandria Redevelopment and Housing Authority holds an ownership interest and the purpose of such entity is to develop property using federal low income tax housing credits.

(3) The fees established and imposed by this section shall not apply to a connection where (i) such connection is within the limits of a coordinated development district approved by city council, (ii) the main or trunk line to which such connection will be made extends from such coordinated development district directly to the publicly owned treatment works of the Alexandria Sanitation Authority, without connection at the time of its construction to any city sewer, unless such a connection is made pursuant to a written requirement of the director and exceeds the requirements to provide service to the coordinated development district, (iii) such main or trunk line was constructed totally at private expense, and (iv) the application for such connection is submitted within 22 years of the date of issuance of the first building permit subsequent to April 1, 2002, within such coordinated development district. Upon satisfaction of the foregoing criteria, a permit for the sewer connection shall be issued upon payment of a fee for each single family dwelling, townhouse dwelling or dwelling unit in a two-family dwelling residential unit, of $100, for each dwelling unit in a multifamily dwelling, of $100, and for each floor of a nonresidential property, of $100 or $0.08 per square foot of floor space, whichever is greater; provided, however, in the event construction of the improvements to be served by such permitted connection has not substantially commenced within 23 years of the date of issuance of the first building permit subsequent to April 1, 2002, within such coordinated development district, the permit for the sewer connection issued shall expire and thereafter the fees established and imposed generally by this section shall apply.

(d) If the city manager finds that construction of an extension by a person would constitute a hardship on such person, by reason of his inability to secure a satisfactory contract, or otherwise, the city manager may direct that the construction be done by or for the city; provided, however, that the cost to the city shall not exceed the fees paid by such person less for each single family dwelling, townhouse dwelling or dwelling unit in a two-family dwelling residential unit, $100, for each dwelling unit in a multifamily dwelling, $100, and for each floor of a nonresidential property, $100 or $0.08 per square foot of floor space, whichever is greater. Costs in excess of such fees shall be paid by the person prior to making any connection to such sewer.

(e) The total sum to be paid to the department of finance for sewer service at the city sewer main, trunk or lateral for any property in the city, the sewage of which will be transported from such property through sewers constructed previously by private parties into sewers constructed or belonging to the city, except for such sewers as may have been constructed by

private parties under the control or supervision of the city or other public authority, shall be as provided generally in this section for each such property so connected.

(f) Any person desiring additional sewer service connection to any property shall make application to the director for permission to construct such connection and shall pay to the department of finance the sum as provided generally in this section for each additional connection prior to the issuance of the permit for the sewer connection.

(g) Nothing in this chapter shall be construed to prevent the city sanitation authority from making a service charge for collecting and treating sewage. (Ord. No. 4257, 6/15/02, Sec. 1; Ord. No. 4394, 5/2/05, Sec. 1; Ord. No. 4536, 5/5/08, Sec. 1; Ord. No. 4682, 10/16/10, Sec. 1; Ord. No. 4730, 6/25/11, Sec. 1; Ord. No. 4808, 5/18/13, Sec. 1)

Editor's note—It should be noted that § 2 of Ord. No. 4257 provides, "That the provisions of section 5-6-25.1 shall become effective on July 1, 2002, and shall apply to all applications for permits for sewer connections which may be filed after such date; provided, however, that: (a) With respect to any property for which a preliminary site plan was filed with the city and determined by the Director of Planning and Zoning to be complete prior to April 1, 2002, the applicable fee shall be determined in accordance with section 5-6-25, with the exception of any credit, which shall be determined not in accordance with subsection (e) of section 5-6-25, but in accordance with subsection (b) of section 5-6-25.1; provided, however, in the event construction of the improvements to be served by such permitted connection has not substantially commenced prior to April 1, 2004, the permit for the sewer connection issued shall expire and thereafter the fees established and imposed by section 5-6-25.1 shall apply, without any adjustment.

(b) With respect to any property for which a preliminary site plan is filed and determined by the Director of Planning and Zoning to be complete from April 1, 2002, until September 30, 2002, the fee shall be the product of the fee determined in accordance with section 5-6-25.1, multiplied by fifty percent (50%); provided, however, in the event construction of the improvements to be served by such permitted connection has not substantially commenced prior to April 1, 2004, the permit for the sewer connection issued shall expire and thereafter the fees established and imposed by section 5-6-25.1 shall apply, without any adjustment.

(c) With respect to any property for which a preliminary site plan is filed or determined by the Director of Planning and Zoning to be complete from and after October 1, 2002, the fee shall be as provided in section 5-6-25.1, without any adjustment." See the Code Comparative Table.

It should be noted that § 2 of Ord. No. 4536 provides that "this ordinance shall become effective on the date and at the time of final passage, and shall apply to all applications for permits for sewer connections which may be filed after such effective date; provided, however, that with respect to any property for which the first final site plan was filed with the city on or before April 1, 2008, the applicable fee shall be determined in accordance with Section 5-6-25.1 prior to amendment."

Sec. 5-6-26 Sewer line maintenance charge imposed; provisions for collection; liens and cessation of water service for delinquent charges.

(a) There is hereby imposed, upon all parcels of real estate from which sewerage is discharged into lines maintained by the city, a sewer line maintenance charge of $1.40 per quarter or $1.25 for every 1,000 gallons of water supplied per quarter to such parcel by the Virginia-American Water Company, whichever is the greater sum; provided, that if the charge for water supplied to any parcel is billed on a monthly basis, the sewer line maintenance charge imposed on the parcel shall be $0.40 per month or $1.40 for every 1,000 gallons of water supplied per month to such parcel, whichever is greater; and provided, further, that for any parcel of real estate having more than one meter for the measurement of water consumption attributable to that parcel, one or more of which meters measures only water which will not be discharged into the sanitary sewer lines of the city, that parcel shall be charged as provided herein on the total water consumption attributable to that parcel after subtracting the amount of water not discharged into the sanitary sewer lines of the city.

(b) For the purpose of this article, bills shall be considered monthly bills if submitted 12 times per year for periods of approximately one month each and quarterly bills if submitted four times per year for periods of approximately three months each.

(c) The sewer line maintenance charge shall in every case be collected by the Alexandria sanitation authority or its designee from the owner, lessee or tenant of each parcel, or some or all of them, and remitted by the Alexandria sanitation authority or its designee to the city in such manner and on such terms as shall be agreed upon by the water company and the city council, consistent with the provisions of this section. In the event any such charges are unpaid 30 days after the date they are billed by the Alexandria sanitation authority or its designee as hereinabove provided, interest shall at that time begin to accrue thereon at the rate of one percent per month, and the owner, lessee or tenant, as the case may be, of the parcel of real estate on which the charge was imposed shall,

until such charges shall be paid with interest to the date of payment, cease to dispose of sewage or industrial waste originating from or on such real estate by discharge thereof directly or indirectly into the sewer line maintained by the city, and is such owner, lessee or tenant shall not cease disposal within two months thereafter, the water company shall cease supplying water thereto unless the Director of the Alexandria Health Department shall certify that the shutting off of the water will endanger the health of the occupants of the premises or the health of others. Such charges and interest thereon shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. (Code 1963, Sec. 28-5.1; Ord. No. 3793, 5/3/95, Sec. 1; Ord. No. 4301, 5/17/03, Sec. 1; Ord. No. 4348, 5/3/04, Sec. 1; Ord. No. 4393, 5/2/05, Sec. 1; Ord. No. 4778, 11/17/12, Sec. 1; Ord. No. 5005, 5/14/16, Sec. 1)

Sec. 5-6-27 Duty of director of transportation and environmental services to compute amounts due city.

In the event that any persons affected by any of the provisions of this article should fail, after 10 days' notice in writing from the city manager, to do that which may be required under the provisions of this article, it shall be the duty of the director of transportation and environmental services to compute the sewer service fee due to the council that may be applicable in each instance under the provisions of this article and certify same to the director of finance and the amount so certified shall be a lien against the real estate as a part of, and the same as, taxes duly assessed against the real estate by the city.

Sec. 5-6-28 Unlawful to connect without permit and payment.

It shall be unlawful for any person to make any sewer service connection from any property, which abuts a public sewer to the public sewer system, either directly or indirectly, through any other sewer, without first having obtained a permit from the director of transportation and environmental services and paid into the city treasury the amount required by section 5-6-25 of this code for public sewer service. (Code 1963, Sec. 28-7)

Sec. 5-6-29 Connection lines running from city sewer main, trunk or lateral to the premises.

(a) The owner of any property desiring sewer service shall be responsible for the construction and maintenance of connection lines running from the city sewer main, trunk or lateral to the premises. The connections shall be installed by a duly authorized and licensed master plumber and all work shall be in accordance with the provisions of the Uniform Statewide Building Code and the building code of the city.

(b) Connection lines shall be connected to the sewer main, trunk or lateral by means of cast-iron saddle approved by the director of the department of transportation and environmental services. No connection shall be less than four (4) inches inside diameter. Bedding for connections within a street, alley or other right of way shall conform to standards of the department of transportation and environmental services. It shall be unlawful for any person to make any connection with any public or city sewer main trunk or lateral without first notifying the city plumbing inspector.

(c) The owner of any property furnished sewer services shall be responsible for keeping the sewer lines between the premises and the city sewer main, trunk or lateral free and clean and in good repair, but it shall be unlawful for any person to break, dig up, or disturb any portion of any sidewalk, street, alley or right-of-way for sewer maintenance or repair without first notifying the city plumbing inspector.

(d) It shall also be the duty of any person disturbing, breaking or digging up any portion of any sidewalk, street, alley or right of way for sewer maintenance to furnish and maintain proper warnings and barricades.

(e) Notwithstanding the above provisions of this section, the city will continue to service and maintain those connection lines, running between the city sewer mains, trunks and laterals and the curb lines that were installed prior to July 1, 1955. (Code 1963, Sec. 28-8)

Sec. 5-6-30 Property binding on certain old sewers.

Property binding on certain old public sewers constructed by the city on private property, and property binding on certain old sewers built on private property and used by the city with the consent of the property owners as public sewers, shall have the right to public sewer service

without paying the amount into the city treasury required by section 5-6-25 or section 5-6-27 of this code, by the requirements of section 5-6-28 of this code relative to permit from and construction under the supervision of the director of transportation and environmental services of any property sewer service connections shall be compiled with by any person desiring to make any sewer service connection with the public sewers built on their property. (Code 1963, Sec. 28-9)

Sec. 5-6-31 Obstructing, breaking or injuring sewers, catch basins or manholes; garbage, earth or trash.

It shall be unlawful for any person to obstruct, break or injure in any manner any public sewer, or to obstruct, break or injure in any manner any catch basin or manhole, or to place any garbage, earth, trash or any other material of any kind in any catch basin or manhole. (Code 1963, Sec. 28-10)

Sec. 5-6-32 Draining rain water into public sanitary sewers—nuisance declared.

The connection of any roof, down spout, yard or walkway drain or any other drain, except for existing driveway or existing footer drains, carrying rain water into any house service sewer connected with any public sanitary sewer or any other sewer leading into a public sanitary sewer in the city is detrimental to the public health, safety and welfare and is hereby declared a public nuisance. (Code 1963, Sec. 28-10.1)

Sec. 5-6-33 Same—prohibited; compliance with notice to disconnect.

(a) It shall be unlawful for any property owner to connect or cause to be connected any roof, down spout, yard or walkway drain or any other drain carrying rain water into any house service sewer connected with any public sanitary sewer, or any sewer leading into any public sanitary sewer in the city.

(b) Except when section 5-6-36 applies, it shall be unlawful for any property owner to fail, within 14 days from the receipt of the written notice prescribed for in section 5-6-35, to disconnect or cause to be disconnected any roof, down spout, yard or walkway drain or any other drain, except for an existing driveway drain or existing footer drain, carrying rain water into any house service

sewer connected with any public sanitary sewer or any sewer leading into any public sanitary sewer in the city. (Code 1963, Sec. 28-11)

Sec. 5-6-34 Same—penalty for violation of section 5-6-33.

Any person violating section 5-6-33 shall, upon conviction thereof, be punished by a fine not to exceed $25. (Code 1963, Sec. 28-11.1)

Sec. 5-6-35 Same—disconnection by city; costs to constitute lien.

Whenever the property owner fails to disconnect or cause to be disconnected any rain water drainage connection, except for any existing driveway drain, or existing footer drain, with any public sanitary sewer or any other sewer leading into a public sanitary sewer in the city within 14 days from the receipt of written notice from the city manager to disconnect such rain water drainage connection, the city manager is hereby authorized to cause the connection to be disconnected. The cost for the disconnection by the city shall be computed thereafter, charged to the property owner, and a bill for the costs shall be prepared by the department of finance and mailed to the owner at his last known post office address within a reasonable time after the disconnection. In the event the city does not receive payment of the bill within 30 days after mailing, a duplicate statement of the bill shall be forwarded to the director of finance, who shall see that the costs are charged to the owner and collected in the same manner as city taxes. Every such cost shall constitute a lien against the real estate from which such rain water connection was disconnected, the lien to continue until actual payment of the cost shall have been made to the city. (Code 1963, Sec. 28-12)

Sec. 5-6-36 Same—same; exceptions for connections existing on November 28, 1972, upon finding of hardship.

Whenever the city manager finds that a disconnection would constitute a financial hardship to an owner, the city manager shall direct that the disconnection be done by or for the city at the expense of the city. This exception shall apply only to connections in existence in the city on November 28, 1972. (Code 1963, Sec. 28-12.1)

Sec. 5-6-37 Air conditioning and refrigeration equipment discharging water—definition of "air conditioning" and "refrigeration."

For the purpose and within the meaning of sections 5-6-38 and 5-6-39 of this code, the following definitions shall apply:

(1) *Air conditioning.* The cooling or dehumidification, or both, of space used for human occupancy.

(2) *Refrigeration.* The artificial production of cold for the purpose of preservation of food products, process work and maintenance of storage temperature. (Code 1963, Sec. 28-13)

Sec. 5-6-38 Same—rate of water discharge.

It shall be unlawful for any person to discharge or allow to be discharged into the sanitary sewers of the city or connections thereto, either directly or indirectly, water from any air-conditioning or refrigeration equipment at a rate in excess of 10 gallons per hour per rated ton of air conditioning or refrigeration in the aggregate. (Code 1963, Sec. 28-14)

Sec. 5-6-39 Same—permit required for installation.

It shall be unlawful for any person to install or cause to be installed any air-conditioning or refrigeration equipment which discharges, or is capable of discharging, water without first complying with the appropriate provisions of title 8, chapter 1 of this code, relating to plumbing and gas fitting, and obtaining the permit therein required. (Code 1963, Sec. 28-15)

Sec. 5-6-40 Same—VPDES permit requirements.

(a) Notwithstanding any contrary provision of this code, it shall be unlawful for any person, after May 16, 1998 to:

(1) construct any new combined sewer, or any extension of a combined sewer, inside or outside of the combined sewer service area of the city, provided that this subsubsection (1) shall not prohibit the connection of new sanitary sewers constructed after May 16, 1998 to combined sewers within the combined sewer service area, so long as the owner of the property to be served by the new sanitary sewer demonstrates to the satisfaction of the director that the connection will not cause any combined sewer overflows during dry weather flow conditions; or

(2) connect any new inflow source other than sewage disposal permitted under subsubsection (1), including without limitation rain water drainage, sump pump discharge, or air conditioning or refrigeration condensate discharge, into a sanitary sewer which is tributary to the combined sewer system.

(b) A violation of this section shall constitute a class one civil violation. (Ord. No. 3998, 5/16/98, Sec. 1)

Secs. 5-6-41 through 5-6-50 reserved.

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DIVISION 2

Sewage Disposal Systems

SUBDIVISION A

General

Cross References: Power of city with reference to sewage disposal system, see City Charter, Sec. 2.03, subsec. (u): toilets and basins in nursery schools, Title 12, Ch. 3; of this Code; toilet and lavatory facilities in foodhandling establishments, Title 11. Ch. 2.

Sec. 5-6-51 Construction of terms.

The terms "install," "repair," "approved," and "standard," as used in this article shall be construed to mean in accordance with the specifications and standards established within this article. (Code 1963, Sec. 28-16)

Sec. 5-6-52 Approved method of disposal of human excrement required.

It shall be unlawful for the owner of any house used as a human habitation or other place where human beings congregate or are employed in the city to use or occupy, or to rent or lease the same for the use of occupancy by any person, unless and until the house or building shall have been supplied or equipped with an approved method of disposal of human excrement of such construction as will comply with the requirements hereinafter designated. "An approved method of disposal of human excrement" shall be deemed to be either:

(1) a properly installed flush toilet connected to a public or approved private sewer;

(2) a flush toilet connected to an approved properly installed septic tank system; or

(3) a flush toilet connected to an approved sewage disposal plant, publicly or privately owned. (Code 1963, Sec. 28-17)

Sec. 5-6-53 Approval of plans for sewer system, sewage disposal system and water system in new subdivision or housing developments.

It shall be unlawful for any person to start any new subdivision or housing development before furnishing, in triplicate, plans and specifications of the sewer system or sewage disposal system to be used, together with plans for the anticipated water system to be used in the structures. These plans and specifications must be approved by the director of public health or his agent before construction is started. (Code 1963, Sec. 28-18)

Sec. 5-6-54 Compliance with article; injunction.

It shall be unlawful for any person to fail, neglect or refuse to comply with any provisions of this article. Any person violating any provision of this article may be enjoined from proceeding with the installation of or operation of any disposal system until the person shall comply with the provisions of this article. (Code 1963, Sec. 28-19)

Secs. 5-6-55 through 5-6-60 reserved.

SUBDIVISION B

Septic Tank Systems

Cross Reference: Power of city as to septic tanks and dry closets, City Charter, Sec. 2.04, subsec. (h).

Sec. 5-6-61 Permit for installation or repair.

(a) It shall be unlawful for any person to install or repair any septic tank system in the city except upon a permit as provided in this section.

(b) It shall be unlawful for any person to install or repair, have installed or repaired, allow to be installed or repaired or contract to install or repair a septic tank system for another person without first making application to the director of public health for a septic tank permit on application forms furnished by the director of public health. The application form shall contain clearly a description, location and dimensions of the land or lot on which the septic tank, distribution box and sewer piping are to be installed, the dimensions of the subsurface disposal field, the type of land, such as loam, sandy loam, clay, gravel, etc., the direction in which the land drains in relation to reservoirs, springs and wells, and be accompanied by a plat of the land when required, showing the location of dwelling house and all other buildings, and the plans and specifications of the whole septic tank system intended to be installed or repaired. Upon approval of such application, the director of public health shall issue a permit to the applicant for the installation of a septic tank system in accordance with the plans and specifications furnished. If the plans are not approved, but the size and location of the lot and type of soil are suitable for a septic tank system, properly planned, the director of public health shall clearly outline proper plans for the same and grant the permit only according to the plans so outlined by him. (Code 1963, Sec. 28-20)

Sec. 5-6-62 Specifications.

(a) *Generally.* All septic tank systems installed or repaired in the city shall consist of sewer line from building to tank, septic tank, distribution box and drain tile disposal field. The sewer line shall be of cast-iron soil pipe, unless otherwise specified by the plumbing inspector. The entire system shall be built in accordance with the plans and specifications shown on the permit required.

(b) *Excavations.* All excavations and trenches shall be of sufficient dimensions to permit sewers, tanks and other structures of the size shown, specified to be properly placed therein, according to the plans and specifications as required by this regulation, and to permit the removal of any obstructing material within the disposal field.

(c) *Re-excavations and the filling and refilling of trenches.*

(1) Where unsuitable foundation is encountered at the depth of any excavation shown on the drawing or specified by the director of public health, further excavation and refilling the excavated spots with such foundation material as may be directed by him, is hereby required.

(2) A representative of the health department shall inspect septic tank construction after completion and before any part of the system shall be covered. Septic tank systems shall be back-filled immediately after inspection and approval by the director of public health and care shall be taken not to disturb the pipe, grades, joints or alignment by the backfilling, or otherwise.

(d) *Pipes and jointing materials; size and types of house sewer.*

(1) The house sewer for individual homes shall be constructed of four (4) inch or larger cast-iron pipe or equivalent.

(2) All house sewer pipes shall be laid complete with all jointing materials. All house sewer cast-iron pipe shall be jointed with lead and oakum or similar jointing material, and shall be approved by the plumbing inspector.

(3) All house sewer pipe shall be laid accurately and shall have a grade of not less than one-fourth (¼) of an inch to the foot, or as otherwise specified by the director of public health, and approximately 30 inches from the outside of the house there shall be a standard cast-iron cleanout tie with screw cover, and all right angle bends in the house sewer shall be made with long sweep soil pipe ells. Where septic tanks are located more than 35 feet from the above cleanout, then additional cleanouts are to be provided.

(e) *Location, design, liquid capacity and material required in septic tank disposal systems.*

(1) Location and installation of the sewage disposal system and each part thereof shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance nor endanger the safety of any domestic water supply. In determining a suitable location for the system consideration shall be given to the size and shape of the lot, slope of natural and finished grade, depth of ground water table, proximity to existing or future water supplies, and possible expansion of the system.

a. No part of the system shall be located so that it is nearer to any water supply than 50 feet, or so that surface drainage from its location may reach any domestic water supply.

b. The lot size shall be sufficient to permit proper location, installation and operation. The disposal field shall be located at least 10 feet from property line.

c. Installations in low swampy area or areas with a high water table or which may be subject to flooding are prohibited.

(2) Type of system shall be determined on a basis of location permeability and ground water level.

a. The system shall be designed to receive all sanitary sewage from the dwelling.

b. Basement floors, footings or roof drainage shall not enter any part of the septic tank system.

(3) Design of the septic tank shall be rectangular in shape and the length shall not be less than twice nor more than three (3) times the width. The liquid depth shall be not less than four (4) feet and the freeboard or airspace shall not be less than one (1) foot.

(4) Liquid capacity of all septic tanks shall be based upon the number of bedrooms contemplated in the building served and shall conform to Table I, herein shown.

TABLE I. CAPACITY OF SEPTIC TANK

Potential Capacity of Home No. of Bedrooms	Minimum Capacity of Septic Tanks Gallons	Minimum Dimensions of Septic A Length	B Width	C Air Space	D Liquid Depth
3 or less	720	7'0"	3'6"	1'0"	4'0"
4	1000	8'0"	4'0"	1'0"	4'0"
5	1250	9'0"	4'6"	1'0"	4'3"
6	1480	9'6"	4'8"	1'3"	4'6"
7	1720	10'0"	5'0"	1'3"	4'8"

(5) Construction of the septic tank shall be such as to assure its being watertight and prevent the entrance of rain water or surface drainage.

a. The tank shall be constructed of sound and durable material not subject to excessive corrosion or decay.

b. Adequate access to each compartment of the tank for inspection and sludge removal, shall be provided by a manhole or removable cover.

1. Where the top of the tank is located more than 18 inches below the surface of the ground, manholes shall be built up to within 12 to 18 inches of the surface.

c. Inlet and outlet connections shall be submerged or baffled to assure the least possible disturbances in the tank.

1. The inlet pipe or baffle shall extend approximately six (6) inches above the water surface and the outlet shall extend approximately two (2) feet below and six (6) inches above the water surface.

2. Venting of the tank shall be provided through the inlet and main building stack and shall be approved by the plumbing inspector. The outlet shall be similarly vented to provide proper ventilation of the disposal field or seepage pits back into the septic tank and thence through the main building stack.

d. Septic tanks shall be poured-in-place concrete, or precast concrete, or brick wall, or cinder block wall, or properly coated metal.

1. Concrete septic tanks, poured in place, shall be poured with a standard concrete mixture of 1-2-3 or 1-2-4 mix. Where the excavation is subject to caving, or where the water table is objectionably high, outside forms and pumping will be required in order to assure a water-tight tank. The walls, top and bottom of the tank are to be not less than four (4) feet thick, as shown on plans; top and manhole cover to be reinforced with reinforcing steel, as shown on plans.

2.i. Precast concrete tanks shall be of a design and size as stated in specifications submitted in accordance with section 5-6-61 of this code, and made with a standard 1-2-3 mixture. The walls shall not be less than two and one-fourth (2¼) inches in thickness, reinforced with No. 9 steel placed as shown in specifications submitted in accordance with section 5-6-61 of this code.

ii. The precast tank may be made in two (2) sections or more with a horizontal half lap joint, cement grounded. The bottom or top and a portion of the side walls shall be poured monolithically.

3. Where metal septic tanks are used, they are to be of the same design and with the same fittings as required for concrete tanks, provided they are constructed of a material of sufficient thickness and properly coated to prevent rusting.

(f) *Subsurface disposal field.*

(1) Location of the disposal field should be in an unobstructed and unshaded area, and the distances given shall be the minimum which the disposal field can be located from the following:

a. Any water supply (except as noted below) ..... 50 feet
b. Streams ..... 25 feet
c. Dwellings ..... 10 feet
d. Large trees ..... 10 feet
e. Property lines ..... 10 feet

f. When existing wells are involved or exceptionally coarse soil formations are encountered, the 50 foot distance from any water supply shall

be increased in accordance with the recommendations of the health department.

(2) Distribution box of sufficient size to accommodate the necessary field lateral lines shall be constructed at the head of each disposal field.

a. Each field lateral line shall be connected separately to the distribution box and shall not be subdivided.

b. The invert of all outlets shall be level and the inlet invert shall be at least one (1) inch above the outlets.

(3) Minimum seepage area (total flat bottom of trenches) of the disposal field shall be determined by one of the following methods:

a. Recommendation of the health department, based upon experience data, in which case requirements should be stated on a basis of square feet of absorptive area per bedroom rather than lineal feet of tile.

b. Results of actual percolation tests conducted on the site of proposed disposal field. The tests shall be made by the owner and under the direct supervision of the health department and in the following manner:

1. Number of test holes. When a septic tank disposal field is to be constructed for a single dwelling unit with two (2) bedrooms or less, a minimum of two (2) test holes shall be used. One (1) additional hole shall be provided for each additional bedroom to be served. When installations are planned for multiple units or buildings not used as dwellings at least one (1) test hole shall be provided for each 400 square feet of area of the proposed disposal field site.

2. Location of test holes. The test holes shall be located on the site selected for the disposal field in a manner to be representative of the area under consideration. Tests shall not be made in filled ground unless it has been compacted for several years. All necessary surface drainage shall be completed before any percolation tests are made.

3. Preparation of test holes. The holes shall be six (6) inches to 12 inches in size and may be either circular or square and shall be dug to the depth of the proposed disposal field trench. A fixed reference point shall be provided in each test hole to permit accurate measurements of water levels. A layer of sand or fine gravel one (1) to two (2) inches thick shall be placed in the bottom of each **test hole before any water is placed in the hole.** Earth shall be mounded around tops of holes to prevent entrance of surface water and suitable covers shall be placed over them when holes are left unattended.

4. Conducting tests. First place water in hole to depth of at least 12 inches and allow to seep away. Proceed with test by filling hole to a depth of six (6) inches and record time required for the water to seep away. Then compute the average time required for the water level to lower one (1) inch. If water does not disappear from hole within six (6) hours, no further observations are necessary.

5. Determinatin of absorptive area from results of percolation tests.

Average Time in Minutes for Water Level to Lower One Inch	Effective Absorption Area (Area in bottom of disposal trench) In Square Feet Per Bedroom or Per 100 Gal. Per Day of Estimated Water Use.
10 minutes or less	130
11-20 minutes	170
21-30 minutes	210
31-40 minutes	250
41-50 minutes	290
51-60 minutes	330
Over 60 minutes	Unsuitable for subsurface drainage

Minimum installation shall be for a two (2) bedroom house.

(4) Construction shall be in accordance with recommendations of the health department.

a. All trenches in a disposal field shall be the same width and length, and the following standards shall be required.

1. Minimum number of lines per field, two (2).

2. Maximum length of individual lines, 100 feet.

3. Minimum bottom width of trench, 18 inches.

4. Maximum depth of cover of tile lines, 24 inches.

5. Preferred depth of cover of tile lines, 16 inches.

6. Grade of tile lines, 2" to 4" per 100 ft.

7. Spacing of trenches, at least six (6) feet apart.

8. Minimum filter material under tile, six (6) inches.

9. Minimum filter material over tile, two (2) inches.

b. Pipe used for the lines between the septic tank and distribution box, on all lines within 10 feet of dwelling, under paved areas and on all main laterals from distribution box in fields constructed on sloping ground, shall be bell and spigot type of vitrified clay or concrete with watertight joints. Pipe used under driveways or other areas subject to heavy loads shall be bell and spigot cast iron with leaded joints. The sections

laid in the disposal field shall not be considered in determining the effective absorption area.

c. Field tile used in the disposal field shall be not less than four (4) inches in diameter and shall be laid with one-fourth (¼) of an inch open joints.

1. All open joints shall be protected, on top, by strips of asphalt-treated building paper at least ten (10) inches long and three (3) to six (6) inches wide.

2. All bends used in the disposal field shall have one (1) tight joint at each end of the bend.

d. Filter material shall be hard and durable, of crushed stone, gravel, slag, screened cinder or similar material having sufficient voids and shall be acceptable to the health department of the city. Such material may vary from one-fourth (¼) of an inch to three (3) inches in size.

e. Grade boards, securely staked in the bottom of the trench, shall be provided for all lines except where bell and spigot pipe is used. The grade boards shall be one (1) inch by four (4) inches and nailed to stakes in center of the trench as shown on the plans, or grade stakes at intervals of not more than five (5) feet. The grade boards shall be given a grade of from two (2) inches to four (4) inches per 100 feet. (Code 1963, Sec. 28-21)

Sec. 5-6-63 Inspection.

If, upon any inspection the director of public health or his authorized agent shall find any violation of this division or the provisions of the permit issued under it, he shall direct the person to whom the permit was issued by written notice to make the necessary corrections within such reasonable time as shall be specified therein. (Code 1963, Sec. 28-22)

Sec. 5-6-64 Cleaning septic tanks; disposition of sludge.

(a) No person shall engage in the business of cleaning septic tanks unless and until the equipment to be used by such person in connection with the operation of such business complies with this section and has been inspected and approved in writing by the health department.

(b) The tank into which the septic tank sludge is pumped or delivered and carried shall be fully enclosed and watertight. All inlets and outlets to the tank shall be fully enclosed and provided with watertight valves. Suction and discharge hose shall be watertight and provision shall be made for carrying such hose in a manner that will prevent any leakage therefrom. All exposed surfaces shall be painted and maintained in a sanitary condition by frequent washings. The name and address of the person owning or operating the equipment shall be painted thereon in letters at least four (4) inches high.

(c) It shall be unlawful to dispose of the sludge and other material removed from septic tanks except by depositing it under the surface of the ground in such manner that it will not be exposed to the atmosphere or endanger the source of domestic water supplies, or by depositing it into a public sewerage system or sewage treatment plant, at such designated locations and under such conditions as may be promulgated by the owners or operators thereof. In any event the sludge or other material shall be carefully deposited and the surface of the ground, manholes, tanks, etc., into which the deposit is made, shall be maintained in a sanitary condition. Any covering of such surfaces with sludge or other material shall be promptly and completely removed. (Code 1963, Sec. 28-23)

Secs. 5-6-65 through 5-6-70 reserved.

DIVISION 3

Discharges into Sewer Collection System and POTW

Editorial Note: Ord. No. 3504, § 1, adopted March 16, 1991, repealed Tit. 5, Ch. 6, Art. B, Div. 3, §§ 5-6-71—5-6-77, 5-6-80—5-6-83, 5-6-90—5-6-99, which pertained to discharges into the sewage disposal system and POTW and derived from Ord. No. 3334, § 2, adopted Oct. 15, 1988. Section 2 of said Ord. No. 3504 added new provisions designated as Tit. 5, Ch. 6, Art. B, Div. 3, §§ 5-6-71—5-6-78, 5-6-80—5-6-82, 5-6-90—5-6-104 to read as herein set out. See the Ordinance Comparative Table for a detailed analysis of inclusion of Ord. No. 3504. Subsequently, Ord. No. 3661, § 1, adopted Sept. 18, 1993, amended Div. 3, in its entirety, to read as herein set out. Subsequently, Ord. No. 4-35, § 1, adopted March 23, 1999, repealed Div. 3, in its entirety. See the Ordinance Comparative Table.

Secs. 5-6-71—5-6-100 reserved.

DIVISION 3.1

Discharges into POTW

Editorial Note: Ord. No. 4035, § 2, adopted March 23, 1999, added Div. 3.1, §§ 5-6-101—5-6-223, to read as herein set out. Subsequently, Ord. No. 4501, § 1, adopted October 13, 2007, amended Div. 3.1, in its entirety, to read as herein set out. See also the Ordinance Comparative Table.

SUBDIVISION A

General Provisions

Sec. 5-6-101 Purpose and policy.

This division sets forth uniform requirements for users of the Alexandria Sanitation Authority's publicly owned treatment works ("POTW") and the sewer system which carries wastewater to the POTW, and enables the Sanitation Authority to comply with all applicable federal and state laws, including but not limited to the Clean Water Act (33 U.S.C. § 1251 et seq.) and the general pretreatment regulations promulgated by the United States Environmental Protection Agency (40 C.F.R. Part 403). The objectives of this division are:

(1) To prevent the introduction of pollutants into the POTW that will interfere with its operation;

(2) To prevent the introduction of pollutants into the POTW that will pass through the POTW inadequately treated into receiving waters or will otherwise be incompatible with the POTW;

(3) To protect the general public and POTW personnel who may be affected by wastewater and sludge;

(4) To provide for the imposition of fees for the equitable distribution of the costs of operation, maintenance and improvement of the POTW and of other activities of the Alexandria Sanitation Authority under this division; and

(5) To enable the Alexandria Sanitation Authority to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and all other federal and state laws which apply to the operation of the POTW.

This division shall apply to all users of the POTW. This division authorizes the authority to issue wastewater discharge permits, to engage in monitoring, compliance and enforcement activities, to establish administrative review procedures, to require user reporting, and to set fees

which equitably distribute the costs of its activities under this division. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-102 Definitions.

For the purposes of this division, the following words and phrases shall have the meanings given below, except in those instances when the context clearly indicates a different meaning.

(a) *Act* or "*the Act*". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

(b) *Administrator.* The Administrator of the United States Environmental Protection Agency or those acting on his behalf.

(c) *Approval authority.* The Director of the Virginia Department of Environmental Quality.

(d) *Authority.* The City of Alexandria, Virginia, Sanitation Authority.

(e) *Authorized representative of the user.* A duly authorized representative of the individual or entity identified in paragraphs (1), (2), (3) or (4) below, if such representative is responsible for the overall operation of the facility from which the discharge originates. The authorization must be submitted to the authority in writing and must name the representative and the position he occupies. Whenever such authorization is no longer accurate, a new authorization must be submitted to the authority at least two weeks prior to submission of any reports signed by the authorized representative. An authorized representative shall be:

(1) if the user is a corporation:

(a) the president, secretary, treasurer or a vice-president of the corporation who is in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) the manager of one or more manufacturing, production or operation facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty or making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) if the user is a partnership, a general partner of the partnership;

(3) if the user is a sole proprietorship, the proprietor; or

(4) if the user is a federal, state or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or such person's designee.

The individuals described in subsubsections (1) through (4) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the user, and the written authorization is submitted to the authority at least two weeks prior to any reports being signed by the new designee.

(f) *Best management practices* or *BMP* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices or procedures of users to prevent or reduce the discharge of pollutants, listed in section 5-6-11, into the POTW. Such practices may include, but are not restricted to, notification plans of any accidental discharge, solvent and toxic organic management plans, operating procedures, practices to control batch discharges, sludge and waste disposals, spillage or leaks, or drainage from raw material storage, and practices for pollution prevention control.

(g) *City.* The City of Alexandria.

(h) *Control authority.* The City of Alexandria, Virginia, Sanitation Authority.

(i) *Conventional pollutants.* BOD, TSS, fecal coliform, oil and grease, and pH.

(j) *Daily maximum limit* or *daily maximum.* The maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(k) *Director.* The director of the department of transportation and environmental services of the city.

(l) *Discharge* or *indirect discharge.* The introduction of pollutants or wastewater containing pollutants into the POTW.

(m) *Engineer.* The engineer-director of the authority or another employee of the authority who has been duly authorized to act on the engineer-director's behalf or duly delegated the engineer director's authority.

(n) *Improperly shredded garbage.* The wastes from the preparation, cooking, eating, handling, dispensing, sale or storage of food that have not been shredded to such a degree that all particles are less than a half an inch (1.27 centimeters) in any dimension and will be carried freely under the flow conditions normally prevailing in public sewers.

(o) *Instantaneous limit.* The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(p) *Interference.* A discharge which, alone or in conjunction with a discharge or discharges from other sources:

(1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, or the use or disposal of its sludge;

(2) is a cause of a violation of any requirement of the authority's NPDES permit, including an increase in the magnitude or duration of a violation; or

(3) prevents the use or disposal of sludge at the POTW from complying with any provisions of federal, state or local law, including but not limited to section 405 of the Clean Water Act, the Solid Waste Disposal Act ("SWDA") (42 U.S.C.3251 et seq.), including title II which is more commonly referred to as the Resource Conservation and Recovery Act ("RCRA")(42 U.S.C.6901 et seq.), state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA, the Clean Air Act and the Marine Protection, Research and Sanctuaries Act (33 U.S.C.1420 et seq.).

(q) *Medical waste.* Isolation waste, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical waste, potentially contaminated laboratory waste or dialysis waste which have been generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, and any other medical wastes as specified in the Virginia Medical Waste Management Regulations, 9 VAC20-120. The term does not include any household waste identified in 40 C.F.R.261.4(b)(l).

(r) *National categorical pretreatment standards* or *categorical standards.* Any regulation containing pollutant discharge limits, promulgated by the United States Environmental Protection Agency pursuant to sections 307(b) and (c) of the Clean Water Act (33 U.S.C Section 1317), which apply to a specific category of users which appear in 40 C.F.R., Chapter I, Subchapter N, Parts 405 through 471. All such standards are included in this division as if fully set forth herein.

(s) *National Pollutant Discharge Elimination System permit* or *NPDES permit.* A permit issued pursuant to Section 402 of the Clean Water Act.

(t) *New source.*

(1) Any building, structure, facility or installation from which there is or may be a discharge, the construction of which commences after the publication in the Federal Register of proposed pretreatment standards under the Clean Water Act that would be applicable to the source if such standards were thereafter promulgated, provided that:

(i) the building, structure, facility or installation is constructed at a site where no other source of pollutant discharges is located; or

(ii) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge from an existing source; or

(iii) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

In determining whether this "substantially independent" criterion is met, factors such as the extent to which the new facility is integrated with the existing plant and is engaged in the same general type of activity as the existing source shall be considered.

(2) Construction at a site at which an existing source of pollutant discharges is located results in a modification of the existing source, rather than a new source, if the construction does not create a new building, structure, facility or installation meeting the criteria of subsubsection (1) above, but otherwise alters, replaces or adds to existing process or production equipment.

(3) Construction of a new source has commenced if the owner or operator has:

(i) begun, or caused to begin, as part of a continuous on-site construction program, any replacement, assembly or installation of facilities or equipment, or any significant site preparation work, including excavation work or clearing or removal of existing buildings or structures;

(ii) entered into binding contractual obligations for the purchase of facilities or equipment which are intended to be used in the operation of the new source within a reasonable time; provided, that options to purchase, contracts which may be terminated or modified without substantial loss, and contracts for feasibility, engineering or design studies shall not constitute a contractual obligation under this subsubsection.

(u) *Noncontact cooling water.* Water used solely for cooling purposes which does not come in contact with any other discharge until it is discharged into the collection system or the POTW, and which does not exceed the pretreatment standards.

(v) *Pass through.* Any discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

(w) *Permittee.* A holder of a wastewater discharge permit issued by the authority.

(x) *pH.* The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(y) *Photographic processing facility.* A facility which processes images from silver sensitized films and papers, including, but not limited to commercial photographic and film processing facilities, in-house photographic processing facilities, mini-labs, printers, and x-ray and other medical, dental, industrial, institutional or diagnostic facilities which produce a silver rich solution.

(z) *Pollutant.* Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, rock, sand, municipal wastes, and agricultural wastes.

(aa) *POTW* or *publicly owned treatment works.* The wastewater treatment plant operated by the authority, along with the pump stations and sewers which deliver wastewater to the plant.

(bb) *Pretreatment.* The reduction of the amount of pollutants to a less harmful state, or the elimination of pollutant properties in wastewater, prior to or in lieu of the discharge of the pollutants into the POTW. This reduction or elimination may be obtained by physical, chemical or biological processes or other means; it may not be obtained by dilution of the concentration of the pollutants, unless allowed by an applicable pretreatment standard, or by other means which are prohibited by 40 C.F.R.403.6(d).

(cc) *Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(dd) *Pretreatment standards* or *standards.* Federal, state or local standards which prohibit certain pollutants from appearing in discharges or which limit the quantity or concentration of certain pollutants which may appear in discharges, including national categorical pretreatment standards promulgated by the United States Environmental Protection Agency.

(ee) *Prohibited discharge.* Any discharge containing a pollutant which is prohibited from entering the POTW.

(ff) *Sewer connection permit.* A permit issued pursuant to section 5-6-25 of this article.

(gg) *Silver CMP.* The Code of Management Practice for Silver Dischargers, issued by the Silver Council and the Association of Metropolitan Sewage Agencies, dated September 1995, as amended from time to time, which provides recommendations on technology, equipment and management practices for controlling silver discharges from facilities that process photographic materials. (A copy of the Silver CMP shall be obtainable from the authority.)

(hh) *Silver recovery.* The process of removing silver from silver rich solutions.

(ii) *Silver rich solution.* A solution containing sufficient silver such that cost-effective silver recovery can be done either on-site or off-site. In photographic processing facilities, such solutions include, but are not limited to, fix and bleach-fix solutions, stabilizers, low replenished (low-flow) washes, and all functionally similar solutions, but do not include low silver solutions such as used developers, bleaches, stop baths, pre-bleaches, stabilizers following washes and wash waters.

(jj) *Slug discharge.* Any discharge which, because of the concentration of pollutants or the quantity of flow, could cause a violation of a standard for prohibited discharges.

(kk) *User.* Any person or entity which is the source of a discharge.

(ll) *User, industrial.* Any person or entity which is a non-residential source of a discharge.

(mm) *User, significant industrial:*

(1) *Categorical.* Any industrial user subject to the national categorical pretreatment standards in 40 C.F.R.403.6 and 40 C.F.R. Parts 405 through 471; and

(2) *Noncategorical.* Any other industrial user that discharges an average of 25,000 or more gallons per day of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater), contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW's treatment capacity, or is designated a significant industrial user in accordance with 40 C.F.R. section 403.8(f)(g), on the basis that the industrial user has a reasonable potential to adversely affect the POTW's operation or to violate any national categorical pretreatment standard or requirement.

(3) The authority may determine that the industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharged more than 100 gallons per day (gpd) of total categorical wastewater) excluding sanitary, non-contact cooling and boiler blow-down wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(a) The industrial user, prior to engineer's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(b) The industrial user annually submits the certification statement required by 40 CFR 403.12(q), together with any additional information necessary to support the certification statement; and

(c) The industrial user never discharges any untreated concentrated wastewater.

(4) Upon a finding that a user meeting the criteria in (mm)(2) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the engineer may determine that the user should not be considered a significant user in accordance with procedures in 40 CFR 403.8(f)(6).

(nn) *Wastewater.* Liquid and water-carried wastes containing any pollutants whether treated or untreated, which are discharged from any source into a POTW. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-103 Administration.

Except as otherwise expressly provided in this division, the director is authorized to administer and enforce the provisions of this division, and is further authorized to delegate all or part of his authority to the engineer, who is authorized to redelegate his authority to another employee of the authority who has been authorized to act on the engineer's behalf. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-104 Promulgation of procedures.

The authority is hereby authorized to establish rules and promulgate procedures that it deems necessary to implement the provisions of this division, including but not limited to the development of a compliance schedule for industrial users, the installation of pretreatment technology required to meet applicable pretreatment standards and requirements and to meet the requirements imposed by accidental spill and slug control plans or best management practices. (Ord. No. 4501, 10/13/07, Sec. 1)

Secs. 5-6-105 through 5-6-110. reserved.

SUBDIVISION B

General User Requirements

Sec. 5-6-111 Prohibited discharges.

(a) No user shall discharge or cause to be discharged into or the POTW any of the following substances, materials, waters or wastes:

(1) any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas, which creates a fire or explosion hazard in the collection system or POTW, including but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using methods specified in 40 C.F.R. 261.21;

(2) any petroleum oil, non biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

(3) any water or waste containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance or to create any hazard in the receiving waters of the collection system or the POTW, including but not limited to cyanides, chromium, copper, zinc, silver, lead, nickel, arsenic, mercury, cadmium and phenols;

(4) any water or waste having a pH of less than 6.0 or more than 11.0 standard units or having any corrosive property capable of causing damage or hazard to structures, equipment or personnel of the city, the collection system or the POTW;

(5) any solid or viscous substance capable of causing obstruction to the flow in the collection system or the POTW or interference with the proper operation of the collection system or the POTW, including but not limited to improperly shredded garbage, ashes, cinders, sand, mud, straw, wood or paunch manure;

(6) any liquid or vapor having a temperature higher than 140 degrees Fahrenheit (60 degrees Celsius) or, at the point of intake to the POTW, having a temperature higher than 104 degrees Fahrenheit (40 degrees Celsius);

(7) any waters or wastes containing fats, wax, grease or oils of animal or vegetable origin in concentrations greater than 100 mg/l as an instantaneous maximum or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 140 degrees Fahrenheit;

(8) any radioactive substance of such half-life or concentration as may exceed safe limits as established by federal or state regulations;

(9) any odor- or color-producing substance exceeding concentrations which may be established by the authority for the purpose of meeting NPDES permit conditions;

(10) any quantity of flow or concentration, or both, which constitutes a slug discharge, and any pollutant, including any conventional pollutant, released in a discharge at a flow rate or pollutant concentration, or both, which will cause interference with the POTW;

(11) any substance from a septic tank, a truck or a portable vessel or device without prior written permission from the authority;

(12) used motor oil in any amount;

(13) any product containing used or otherwise contaminated antifreeze (ethylene glycol);

(14) any medical waste, except as specifically authorized by the engineer in a wastewater discharge permit;

(15) any hazardous waste, as defined in the Resource Conservation and Recovery Act, which is not covered by the domestic sewage exemption contained in 40 C.F.R. 261.4(a)(1)(ii);

(16) any substance, material, water or waste which the engineer determines to be or to contain a pollutant which will pass through or cause interference with the operation or performance of the POTW or will contaminate the resulting sludge; and

(17) any silver rich solutions from a photographic processing facility, unless such silver rich solution is managed by the photographic processing facility in accordance with the Silver CMP, prior to its introduction into the POTW.

(b) No user shall make or cause to be made any of the following discharges:

(1) any discharge which causes interference;

(2) any discharge which constitutes a pass through;

(3) any discharge without a permit required by this division;

(4) any discharge which violates national categorical pretreatment standards;

(5) any discharge which constitutes or results in a violation of any permit term or condition;

(6) any discharge which violates local limit pretreatment standards established by the authority under section 5-6-113 and in accordance with 40 C.F.R. 403.5(c)(1); and

(7) any discharge of groundwater, stormwater, surface water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater into the collection system or the POTW without written approval of the authority, except for those circumstances covered by sections 5-6-32 through 5-6-39.

(c) Dilution of waste streams to meet the requirements of this section is prohibited.

(d) Substances, materials, waters or wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged into the collection system or the POTW. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-112 National categorical pretreatment standards.

(a) Where a categorical pretreatment standard is expressed only in terms of the mass or the concentration of a pollutant in wastewater, the engineer may impose equivalent concentration or mass limits in accordance with 40 C.F.R. 403.6(c).

(b) Where wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the engineer shall impose an alternate limit using the combined waste stream formula in 40 C.F.R. 403.6(e).

(c) A user may obtain from the engineer a variance from a categorical pretreatment standard if the user can prove, pursuant to the provisions in 40 C.F.R. 403.13, that the factors relating to its discharge are fundamentally different from the factors considered by the United States Environmental Protection Agency when developing the categorical standard.

(d) A user may obtain from the engineer a net gross adjustment to a categorical pretreatment standard in accordance with 40 C.F.R. 403.15. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-113 Local limits.

(a) The authority may establish, by regulation, maximum mass or concentration discharge limits for any pollutant that threatens the public health, presents an endangerment to the environment, interferes with the operation of the POTW or causes the authority to be in violation of its NPDES permit or any state permit issued to regulate the treatment of wastewater or the treatment or application of sludge. Such limits shall be determined at the point where the user's wastewater is discharged to the collection system, except where the engineer determines that a limit may be applied at the end of process. All concentrations for metallic substances are for total metals unless otherwise indicated. Compliance with all parameters may be determined from a single grab sample. In addition, the authority shall impose the validly adopted local discharge limits of any political subdivision for those users whose discharges are tributary to a publicly owned treatment works of the subdivision, where the limits are applicable in the city pursuant to an agreement between the authority and the political subdivision.

(b) The authority may establish, by regulation or in discharge permits, standards or requirements for discharges which are necessary to ensure user compliance with section 5-6-111; provided, that no such standard or requirement may be less stringent than applicable federal standards and requirements. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-114 Dilution.

No user shall increase the use of process water, or in any way dilute a discharge, in order to achieve compliance with a discharge limit, unless expressly authorized by an applicable pretreatment standard or requirement. The engineer may impose discharge limits that are based on the mass of pollutants upon users which are using dilution to meet applicable pretreatment standards or requirements, or when the imposition of such limits is otherwise appropriate. (Ord. No. 4501, 10/13/07, Sec. 1)

Secs. 5-6-115 through 5-6-120. reserved.

SUBDIVISION C

Pretreatment of Wastewater

Sec. 5-6-121 Pretreatment facilities.

Users shall provide wastewater treatment as is necessary to comply with this division, and shall comply with all categorical pretreatment standards and local limits and with the prohibitions set out in section 5-6-111, within the time limitations specified by federal, state or local regulation or by the authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the authority for review, and must be approved by the authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying any such facility to produce a discharge acceptable to the authority under the provisions of this division. The engineer may require a user to have a certified operator on staff to ensure proper operation and maintenance of the pretreatment facility. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-122 Additional pretreatment measures.

(a) Whenever deemed necessary, the engineer may require users to restrict their discharge during peak flow periods, to discharge certain wastewater only into specific sewers, to relocate and/or consolidate points of discharge, to separate sewage waste streams from industrial waste streams, and to comply with such other conditions as are necessary to protect the POTW. In addition, the engineer shall determine the user's compliance with requirements of this division.

(b) The engineer may require any person discharging into the POTW to install and maintain on its property and at its expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-123 Grease, fat and oils removal systems.

(a) Grease, fat and oils removal systems shall be installed where the discharge of grease laden waste from food preparation or food processing, or from any other commercial establishment, into the POTW will cause an impediment or obstruction. A grease, fats and oils removal system, to be approved by the authority, shall consist of one or a combination of the following:

(1) passive technology which includes an approved in-ground grease trap and an approved grease interceptor; or

(2) active technology which includes a grease recovery device that has been approved by the authority and a solids transfer/grease recovery device that has been approved by the authority.

(b) Waste that does not contain fat, grease or oils and that otherwise does not require treatment shall not be discharged into a grease, fats and oils removal system. Wastewater from dishwasher machines and wastewater that exceeds 130 degrees Fahrenheit shall not be introduced into a grease removal system. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-124 Passive system requirements.

(a) *Grease traps.* The size, type and location of each grease trap shall be approved by an official designated by the authority. Grease traps of precast or poured in-place concrete shall be constructed of sound durable material, not be subjected to excessive corrosion or decay, and shall be water and gas tight.

(b) *Grease interceptor.* A grease interceptor shall be sized and engineered based upon the anticipated load and/or conditions of actual use. A grease interceptor shall receive grease laden waste discharge from major point sources. A floor drain shall not be considered a major point source.

(c) *Grease interceptor capacity.* A grease interceptor shall have the grease retention capacity for the flow rates indicated in Table 1 set forth below in subsection (d).

(d) *Rate of flow controls.* A grease interceptor shall be equipped to control the rate of flow as set forth in Table 1.

TABLE 1
Grease Interceptor Capacity, Sizing and Rating

Sizing Symbol	4	7	10	15	20	25	30	35	50	75
Flow Rate										

Sizing Symbol	4	7	10	15	20	25	30	35	50	75
GPM	4	7	10	15	20	25	30	35	50	75
L/S	0.25	0.44	0.63	0.95	1.26	1.58	1.89	2.20	3.16	4.73
Retention Capacity										
Pound	8	14	20	30	40	50	60	70	100	150
Kilograms	3.6	6.4	9.1	13.6	18.2	22.7	27.3	31.8	45.4	68.2

(Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-125 Active system requirements.

(a) *Grease recovery devices.* Grease recovery devices shall be permitted in lieu of grease interceptors or grease traps in accordance with the following requirements:

(1) *Location.* Grease recovery devices shall receive all grease laden waste discharge from the major point sources. A floor drain shall not be considered a major point source.

(2) *Sizing.* Grease recovery devices shall be sized based upon the anticipated load and/or conditions of actual use.

(3) *Capacity.* Grease recovery devices shall have a minimum retention capacity as indicated in Table 1 set forth in 5-6-124(d) for the flow-rates indicated. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-126 High risk facilities.

Any high risk facility that has had violations of a wastewater discharge permit, of federal, state or local laws, or of requirements of the authority shall incorporate a grease recovery device in combination with and preceding the grease trap. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-127 Alternative methods.

(a) *Technology and methods,* other than those set forth in sections 5-6-123 through 5-6-125, may be permitted by the authority; provided, that the technology or method meets the minimum performance standards established by the authority.

(b) *Biological or chemical treatment agents.* Biological or chemical treatment agents for the separation, emulsification and/or removal of grease, fats and oils are prohibited, unless a written authorization has been obtained from the authority. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-128 Discharges from photographic processing facilities

(a) It shall be unlawful to discharge or otherwise induce silver rich solutions from a photographic processing facility into the POTW, unless such silver rich solution is managed by the photographic processing facility in accordance with the silver CMP, prior to its introduction into the collection system or the POTW.

(b) The silver CMP is a fully enforceable element of the authority's industrial pretreatment program and constitutes a local limitation for silver that is discharged from photographic processing facilities.

(c) Within 90 days after the enactment of this division for existing photographic processing facilities, or within 90 days before the date upon which a new photographic processing facility commences the discharge of silver rich solution into the POTW, the photographic processing facility shall notify the authority that it discharges or intends to discharge silver rich solutions and shall confirm that these discharges shall thereafter be managed in accordance with the silver CMP. No photographic processing facility shall thereafter discharge waste, solutions or other substances that are not in accordance with the silver CMP.

(d) A photographic processing facility which has implemented the silver CMP for the control of silver discharges to the POTW shall submit an annual compliance certification to the authority by November 30 of each year. This compliance certification shall be completed by an authorized representative of the photographic processing facility and shall contain the following statement:

On behalf of [name and address of photographic processing facility], I certify that, except as specifically noted below, this facility, since the date of its last certification, has implemented and maintained the silver CMP for the control of silver discharges to the POTW, and that, as of the date of this certification, this facility is in compliance with the requirements of the silver CMP. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-129 Best management practices.

Where reasonably appropriate and required by the engineer, an industrial user shall provide and implement best management practices. The authority, acting through the engineer, shall have the authority and responsibility to enter upon the

property of any industrial user, at any reasonable time, for the purpose of investigating whether the user is following the required best management practices. Best management practices may be part of the industrial user permit issued to industrial users. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-130 Accidental discharge and slug control plan.

(a) The Engineer shall evaluate whether each industrial user needs an accidental discharge and slug control plan. Where reasonably appropriate and required by the engineer, an industrial user shall provide protection from spills, leaks and/or slug discharges of prohibited materials and other wastes regulated under this division. For the purpose of this section, a slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge. If the authority determines that an industrial use shall implement an accidental discharge and slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(1) a description of the user's discharge practices, including nonroutine batch discharges;

(2) a description of stored chemicals;

(3) procedures for immediately notifying the authority of a slug discharge, including any discharge that would be a violation of section 5-6-111, with procedures for follow-up written notification within five days of the discharge;

(4) if necessary, procedures to prevent adverse impacts from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.

(b) Facilities to prevent such spills, leaks or slug discharges shall be provided and maintained at the industrial user's expense. Detailed plans showing such facilities and the operating procedures to provide this protection shall be submitted to the engineer for review, and shall be approved by the engineer prior to facility construction. The authority, acting through the engineer, shall have the authority and responsibility to enter upon the property of an industrial user, at any reasonable time, for the purpose of investigating or testing any facility to assure that an accidental spill and slug control plan is at all times fully effective. Accidental spill and slug control plan requirements may be part of the industrial user permit issued to industrial users.

(c) Immediately following a leak or spill, the industrial user shall notify the engineer or other authority personnel by telephone of the fact of the leak or spill, the extent of the leak or spill, and the known causes. Within five days following the leak or spill, the user shall submit to the engineer a detailed written report describing the cause of the leak or spill and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW or any other property or of injury to persons caused by the leak or spill. Any such notification shall not relieve the user of any liabilities, fines or other applicable penalties which may be imposed under this code or other applicable laws. (Ord. No. 4501, 10/13/07, Sec. 1)

Secs. 5-6-131 through 5-6-140 reserved.

SUBDIVISION D

Wastewater Discharge Permits

Sec. 5-6-141 Wastewater discharge permits required.

(a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the authority, except that a significant industrial user that has filed a timely application pursuant to section 5-6-142 may continue to discharge for the time period specified therein.

(b) The engineer may require other users to obtain wastewater discharge permits as may be necessary to carry out the purposes of this division.

(c) Any violation of the terms or conditions of a wastewater discharge permit shall be deemed a violation of this division.

(d) Receipt of a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards and requirements and with all other requirements of federal, state and local law. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-142 Wastewater discharge permit required for new connections.

Any user required to obtain a wastewater discharge permit which proposes to begin or recommence discharging into the POTW shall obtain such permit prior to beginning or recommencing such discharge. An application for a wastewater discharge permit shall be filed at least 90 days prior to the date upon which any discharge will begin or recommence. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-143 Wastewater discharge permits application content.

(a) All users required to obtain a wastewater discharge permit shall submit a permit application. The engineer may require all users to submit, as part of an application, the following information:

(1) all information required by section 5-6-161 of this division;

(2) a description of the activities, facilities and plant processes on the premises of the user, including a list of all raw materials and chemicals stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(3) the number and type of employees, hours of operation, and proposed or actual hours of operation;

(4) each product produced by type, amount, process or processes, and rate of production;

(5) the type and amount of raw materials processed (average and maximum per day);

(6) site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge;

(7) time and duration of discharge; and

(8) any other information as may be deemed necessary by the engineer to evaluate the application.

(b) Incomplete or inaccurate applications will not be processed and will be returned to the user. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-144 Issuance of wastewater discharge permit.

The engineer will evaluate the application and any data and other information furnished by the user, and may require additional information. Within 60 days after receipt of a complete wastewater discharge permit application, the engineer will determine whether to issue a wastewater discharge permit. The engineer may deny any application for a wastewater discharge permit if he determines that the discharge will not comply with the requirements set forth in this division or in federal, state and local law. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-145 Wastewater discharge permit content.

A wastewater discharge permit shall contain a provision that expressly subjects the permit to all provisions of this division and all other applicable federal, state and local laws, regulations and conditions, and any user charges and fees established by the authority and/or the city. A permit shall also contain, at a minimum, the following:

(1) the name and address of the owner or operator of the user (the permittee), and the issuance, effective and expiration dates of the permit;

(2) the most stringent applicable discharge limits, including those limits established by this division, limits contained in applicable national categorical pretreatment standards, and limits

established by another political subdivision pursuant to agreements between the authority and the subdivision;

(3) the local pretreatment limits as set forth in section 5-6-113;

(4) the monitoring requirements imposed on all permittees, including but not limited to the pollutants to be monitored, the locations for taking samples, the methods of taking and analyzing samples, and the frequency of taking samples;

(5) the reporting requirements imposed on the permittee, including but not limited to the type and contents of each report and the date of submission for each report;

(6) a requirement that, in the event sampling indicates a violation of any permit condition, the permittee shall notify the authority of the violation within 24 hours of first becoming aware of it, and shall repeat the sampling and analysis and submit the results of the repeat analysis to the authority within 30 days of first becoming aware of the violation; provided, that the permittee shall not be required to resample if the authority or the permittee performs sampling at the facility covered by the permit at a frequency of at least once per month, or the authority or the permittee performs sampling at the facility between the time when the permittee performs its initial sampling and the time when the permittee receives the results of this sampling;

(7) standard conditions that are contained in all wastewater discharge permits;

(8) specific conditions that apply to the particular permittee, including but not limited to requirements to construct, maintain and operate certain pretreatment facilities, requirements to develop and implement compliance schedules, requirements to develop and implement best management practices, and requirements to develop and implement accidental spill and slug control plans;

(9) other conditions as may be reasonably necessary to regulate the permittee; and

(10) the circumstances in which the permit may be examined and modified by the authority. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-146 Wastewater discharge permit duration.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years at the discretion of the engineer. Each wastewater discharge permit shall indicate the specific date upon which it will expire. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-147 Wastewater discharge permit modifications.

(a) Upon the promulgation of a national categorical pretreatment standard, the authority shall notify all users holding a wastewater discharge permit which may be subject to the new standard. If the new standard is more stringent than corresponding requirements in the permits of such users, the authority shall modify the permits to require compliance with the new standard within the time frame prescribed by the standard. Where a user which becomes subject to a new pretreatment standard does not hold a wastewater discharge permit, the user shall file a completed permit application form with the authority within 90 days after the promulgation of the new standard, unless a federal or state statute or regulation requires that the application be filed within a shorter period of time.

(b) A wastewater discharge permit is subject to modification by the engineer as limitations or requirements identified in this division are revised or upon just cause. An industrial user shall be informed of any permit modification at least 30 days prior to the effective date of the modification, unless federal or state law or regulation requires an earlier effective date. Any modification in a permit shall include a reasonable time schedule for compliance. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-148 Wastewater discharge permit transfer.

A wastewater discharge permit shall be issued to a specific user, as the permittee, for a specific facility and a specific operation. A permit shall not be assigned, transferred or sold by a permittee to a new owner or operator of the permittee's facility or to another user, unless the assignment, transfer or sale has been approved by the engineer. A permit shall, in the case of a new or changed user operation, automatically expire unless the new or changed operation has been approved by the engineer. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-149 Wastewater discharge permit revocation.

If the director or the engineer determines that a user's violation of any discharge limitations or standards or other requirements imposed on it by

this division, including a permit issued pursuant to this division, threatens the public health, presents an endangerment to the environment, interferes with the operation of the POTW or causes the authority to be in violation of its NPDES permit or any state permit issued to regulate the treatment of wastewater or the treatment or application of sludge, the authority may suspend wastewater treatment service, including collection and treatment services, to the user. In addition, the city and the authority may revoke any permit issued under this article when the city or the authority determines that the user's continued discharge into the POTW will be in violation of any federal, state or local law or regulation, or any requirement or procedure issued pursuant to any such law. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-150 Permit reissuance.

A wastewater discharge permittee may apply for the reissuance of a wastewater discharge permit at least 90 days prior to the expiration of the existing permit. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-151 Regulation of waste received from other political subdivisions.

No user shall discharge into the POTW any wastewater containing pollutant levels above the local limit pretreatment standards set by the authority in accordance with 40 C.F.R. 403.5(c)(1). The authority shall require compliance with validly adopted local limits of other political subdivisions for users whose discharges are tributary to the POTW of such political subdivisions and applicable pursuant to agreements between the authority and the political subdivision. The authority may impose maximum mass or concentration discharge limits in accordance with section 5-6-113. (Ord. No. 4501, 10/13/07, Sec. 1)

Secs. 5-6-152 through 5-6-160 reserved.

SUBDIVISION E

Reporting Requirements

Sec. 5-6-161 Baseline monitoring reports.

Within 180 days after the effective date of a new or revised categorical pretreatment standard, or 180 days after a final administrative decision regarding a category determination submission under 40 C.F.R. 403.6(a)(4), whichever is later, any existing industrial user subject to the standard or determination which is currently discharging to or scheduled to discharge to or the POTW shall submit to the authority a report which contains the information set forth in subsections (1) through (7) below. At least 90 days prior to discharging into the POTW, any new industrial user, and any user that becomes a categorical industrial user by virtue of the promulgation of the new or revised categorical pretreatment standard, shall submit to the authority a report which contains the information described in subsections (1) through (7) below; provided, that new users shall give estimates of the information requested in subsections (4) and (5). New users shall also be required to include in this report information on the method of pretreatment that the user intends to use to meet the new or revised pretreatment standard.

(1) *Identifying information.* The industrial user shall submit the name and address of the facility, including the name of the operator and owners.

(2) *Permits.* The industrial user shall submit a list of any environmental control permits held by or for the facility.

(3) *Description of operations.* The industrial user shall submit a brief description of the nature, average rate of production, and the standard industrial classification of each operation carried out by the user. This description should include a schematic process diagram which indicates points of discharge from the regulated processes to the POTW.

(4) *Flow measurement.* The industrial user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of its regulated process streams and from all other streams as necessary to allow use of the combined waste stream formula of 40 C.F.R. 403.6(e). The authority may allow for verifiable estimates of these flows where considerations justified by cost or feasibility.

(5) *Measurement of pollutants.*

(i) The industrial user shall identify the pretreatment standards applicable to each of its regulated processes.

(ii) The industrial user shall conduct, and submit the results of, sampling and analyses that identify the nature and concentration, or mass where required by an applicable pretreatment standard or by the authority, of the regulated pollutants that are in the discharge from each of its regulated processes. Both daily maximum concentrations and applicable average concentrations, or mass where required, shall be reported for each regulated pollutant. All samples shall be representative of daily operations. All sampling and analyses shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136 and any amendments thereto; provided, that, if 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutants in question, or where the administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutants in question, sampling and analytical procedures suggested by the authority or other parties and approved by the administrator may be used.

(iii) In conducting the sampling required by this subsection the industrial user shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this subsection.

(iv) In conducting the sampling required by this subsection, samples shall be taken immediately downstream from pretreatment facilities associated with the industrial user, if any, or immediately downstream from the user's regulated processes if no pretreatment facility exists. If non-regulated wastewater is mixed with the user's regulated wastewater prior to treatment, the user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 C.F.R. 403.6(e) in order to evaluate compliance with each applicable pretreatment standard. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. 403.6(e), this alternate limit, along with supporting data, shall be submitted to the authority.

(v) In its baseline report, the industrial user shall state the time, date and exact place of the sampling it has conducted pursuant to this subsection and the methods it used to analyze the samples, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the collection system and the POTW.

(vi) The authority may allow the submission of a baseline report which provides a measurement of pollutants by utilizing only historical data, as long as the authority concludes that the data provide sufficient information for it to determine the need for industrial pretreatment measures.

(6) *Certification.* The industrial user shall submit a statement, executed by an authorized representative of the user, as defined in section 5-6-172 and certified by a qualified professional as required by 40 C.F.R. 403.12(b)(6), that it is meeting all applicable pretreatment standards and requirements on a consistent basis or, if not, that identifies the additional operation and maintenance measures and/or the additional pretreatment measures that are required in order for it to meet the standards and requirements.

(7) *Compliance schedule.* If additional operation and maintenance measures and/or additional pretreatment measures are required in order for an industrial user to meet any pretreatment standard, the user shall describe the shortest schedule by which it will provide and implement such additional measures. The completion date shown on such schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(8) *Modifications of pretreatment standards.*

(i) If, at the time an industrial user's baseline report is submitted, the user's categorical pretreatment standard has been modified by a removal allowance pursuant to 40 C.F.R. 403.7, by the combined waste stream formula pursuant to 40 C.F.R. 403.6(e), or by a fundamental different factors variance pursuant to 40 C.F.R. 403.13, the information required by subsections (6) and (7) shall pertain to the modified limits.

(ii) If, subsequent to the submission of an industrial user's baseline report, the user's categorical pretreatment standard is modified by a removal allowance pursuant to 40 C.F.R. 403.7, by the combined waste stream formula pursuant to 40 C.F.R. 403.6(e), or by a fundamentally different factors variance pursuant to 40 C.F.R. 403.13, the user shall submit to the authority all amendments to the information required by subsections (6) and (7) within 60 days after the modified limit is approved.

(9) *Compliance schedule for meeting categorical pretreatment standards.* The following conditions shall apply to the schedule required by this section.

(i) The schedule shall contain increments of progress in the form reported by the dates for the commencement and completion of major events leading to the construction and operation of additional operation and maintenance measures and/or additional pretreatment measures required for the industrial user to meet applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction); provided, that in no event, shall an increment referred to in this subsection exceed nine months

(ii) The industrial user shall commit that not later than 14 days following each date set forth in the schedule and the final date for compliance, it will submit a progress report to the authority which, at a minimum, states whether it has complied with the increment of progress to be met on such date and, if not, states the date on which it expects to comply with the increment of progress, the reasons for delay, and the steps being taken to adhere in the future to the compliance schedule; provided, that in no event shall more than nine months elapse between the submission of those reports to the authority. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-162 Report on compliance with categorical pretreatment standard deadline.

Within 90 days following the date for final compliance with an applicable categorical pretreatment standard or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to the pretreatment standard and its requirements shall submit to the authority a report containing the information described in section 5-6-161(4) through (6) of this section. For industrial users subject to equivalent mass or concentration limits established by the authority in accordance with the procedures in 40 C.F.R. 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-163 Periodic compliance reports.

(a) All industrial users subject to pretreatment standard, after the compliance date of the standard or, in the case of a new source, after commencement of its discharge into the POTW, submit not less than two times per year, unless required more frequently in the pretreatment standard or by the authority or the approval authority, a report stating the nature and concentration in the user's effluent of the pollutants which are limited by each pretreatment standard applicable to the user. This report shall also include a record of measured or estimated average and maximum daily flows during the reporting period for the discharge reported in section 5-6-161(4), except that the authority may require a more detailed report of the flows. At the authority's discretion and in consideration of such factors as local high or low flow rates, holidays, budget cycles and similar factors, the authority may agree to alter the months during which the reports required by this subsection shall be submitted. In cases where the Pretreatment Standard required compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the engineer or the pretreatment standard necessary to determine the compliance status of the user.

(b) Where the authority has imposed mass limitations on industrial users, as provided for by 40 C.F.R. 403.6(d), the report required by subsection (a) shall indicate the mass of pollutants regulated by the applicable pretreatment standards in the discharge from the industrial user.

(c) For industrial users subject to equivalent mass or concentration limits established by the authority in accordance with the procedures in 40 C.F.R. 403.6(c), the report required by subsection (a) shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production, or other measure of operation, the report required by subsection (a) shall include the user's actual average production rate for the reporting period.

(d) The user shall report all monitoring results collected at the prescribed monitoring point as specified in the wastewater permit. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-164 Monitoring and analysis to demonstrate continued compliance.

(a) The reports required by sections 5-6-161 through 5-6-163 shall contain the results of the sampling and analysis of the discharge of the industrial user, including the flow and the nature and concentration, or production and mass where requested by the authority, of the pollutants contained in the discharge which are limited by an applicable pretreatment standard. This sampling and analysis may be performed by the authority in lieu of the user. Where the authority performs the required sampling and analysis, the user will not be required to submit the compliance certification required under 40 C.F.R. 403.12(b)(6) and 40 C.F.R. 403.12(d). In addition, where the authority itself collects the information required for a report, including flow data, the user shall not be required to submit the report.

(b) If sampling performed by an industrial user indicates a violation of any permit condition, the user shall notify the authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis, and shall submit the results of the repeat analysis to the authority within 30 days after becoming aware of the violation.

(c) The reports required by section 5-6-163 shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, and the data shall be representative of conditions occurring during the reporting period. The authority shall require monitoring as frequently as necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(d) All analyses conducted under this section shall be performed in accordance with the applicable procedures set forth in section 5-6-161. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-165 Notice of potential problems, including slug loading.

(a) In the case of any discharge, including but not limited to accidental discharges, discharges of a nonroutine, episodic nature, noncustomary batch discharges or slug loads, that may cause potential problems for the POTW, the user shall immediately telephone and notify the authority of the discharge. This notification shall include the location of the discharge, the type of waste, the concentration and volume, if known, of the waste, and the corrective actions taken by the user.

(b) Within five days following such discharge, the user shall submit a detailed written report describing the causes of the discharge and the measures to be taken by the user to prevent similar future occurrences. The authority may waive this requirement. Such notification shall not relieve the user of any expense, loss or damage (including damage to property and injury to persons); nor shall such notification relieve the user of any fines, penalties or other liabilities which may be imposed pursuant to this code.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (a). Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the authority immediately of any changes at its facility affecting potential for a slug discharge. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-166 Reports of changed discharge.

(a) Each user must notify the authority, in writing, of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater, at least 30 days prior to the change.

(b) The engineer may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 5-6-141.

(c) The engineer may issue a wastewater discharge permit under section 5-6-141 et seq. or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

(d) For purposes of this section, significant changes include, but are not limited to, flow increases of 20 percent or greater, and the discharge of any previously unreported pollutants. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-167 Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide reports to the engineer as required by the engineer. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-168 Notice of violation; repeat sampling and reporting.

In the event sampling indicates a violation of any permit condition, the permittee shall notify the authority of the violation within 24 hours of first becoming aware of it, and shall repeat the sampling and analysis and submit the results of the repeat analysis to the authority within 30 days of first becoming aware of the violation; provided, that the permittee shall not be required to resample if the authority or the permittee performs sampling at the facility covered by the permit at a frequency of at least once per month, or the authority or the permittee performs sampling at the facility between the time when the permittee performs its initial sampling and the time when the permittee receives the results of this sampling. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-169 Notification of the discharge of hazardous waste.

(a) Any user who discharges hazardous waste shall notify the authority, the Environmental Protection Agency Regional Waste Management Division Director, and all Virginia Hazardous Waste Authorities, in writing, of any discharge into the collection system or the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. Part 261, the Environmental Protection Agency hazardous waste number, and the type of discharge (continuous, batch or other).

(b) If the user discharges more than 100 kilograms of such waste per calendar month to the collection system or the POTW, the notification shall contain, to the extent such information is known and readily available to the user, an identification of hazardous constituents in the waste stream discharged during that calendar month, and an estimate of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notification must take place no later than 180 days after the discharge commences. Any notification under this subsection must be submitted once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under section 5-6-166. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 5-6-161 through 5-6-163.

(c) Dischargers are exempt from the requirements of subsection (a) during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. 261.3(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute wastes, as specified in 40 C.F.R. 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than 15 kilograms of the same non-acute wastes do not require additional notification.

(d) In the event that new regulations are promulgated under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user shall notify the engineer, the EPA Regional Waste Management Waste Division Director and the Virginia Hazardous Waste Authorities of the discharge of such substance within 90 days of the effective date of the regulations.

(e) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(f) This section does not create a right to discharge any substance not otherwise permitted to be discharged under a permit issued under this division or pursuant to applicable federal, state or local law. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-170 Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the director or other parties approved by EPA. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-171 Sample collection.

Samples collected to satisfy reporting requirements must be based on data obtained through

appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in section (b) and (c) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by engineer. Where time-proportional composite sampling or grab sampling is authorized by the authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by engineer, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in section 5-6-161 and 5-6-162 [40 CFR 403.12(b) and (d)], a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the director may authorize a lower minimum. For the reports required by paragraphs section 5-6-164 (40 CFR 403.12(e) and 403.12(h)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-172 Report submission.

All written reports which are required to be submitted to the authority or engineer will be deemed to have been submitted on the date postmarked by the United States Postal Service. For any report which is not deposited, postage prepaid, into a mail facility serviced by the United State Postal Service, the date of the authority's or engineer's receipt of the report shall govern. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-173 Recordkeeping requirements.

All records which the engineer requires to be maintained by an industrial user shall be made available for copying by the administrator, the city, the approval authority and the control authority upon request, including documents associated with required Best Management Practices. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation involving the user or the authority, or where the user has been specifically notified of a longer retention period by the authority or the engineer. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-174 Application signatories and certification.

All reports, data, product and materials information, and other information required by the authority or engineer to be maintained by users shall be submitted to the authority or engineer upon request. All reports submitted to the authority or engineer shall be signed by a representative of the user, who is authorized to make a certification on behalf of the user, and shall include the following certification:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for a knowing violation. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-175 Fraudulent and false statements.

All reports and certifications required by this division are subject to the provisions of 18 U.S.C. 1001, relating to fraudulent and false statements and the provision of the Clean Air Act, 330 S.C.

1311 and 1314, relating to false statements, representation or certifications in reports required by the Act. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-176 Information requests to users; generally.

The engineer may request that a user submit information on the nature and characteristics of its wastewater. The user shall provide this information within 60 days of the request. The engineer is authorized to prepare a form for this purpose and may periodically require users to update all information which has been provided in accordance with this section. (Ord. No. 4501, 10/13/07, Sec. 1)

Secs. 5-6-177 through 5-6-180 reserved.

SUBDIVISION F

Compliance Monitoring

Sec. 5-6-181 Right of entry for inspection and sampling; compliance schedules.

(a) The approval authority, the director, the engineer and other authorized personnel of the city and the authority may inspect any user to ascertain whether the requirements of this division are being complied with. Occupants of premises where wastewater is created for discharging into, or is discharged into, the collection system or the POTW shall allow the approval authority, the director, the engineer and authorized personnel of the city and the authority access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records, or the performance of any duties imposed by this division. The approval authority, the authority and the city shall have the right to set up on the property of a user all equipment and devices necessary to conduct sampling inspections, compliance monitoring and/or metering operations. Where a user has security measures in force which require proper identification and clearance before entry onto its property, the user shall make necessary arrangements so that, upon presentation of suitable identification, the director, the engineer and other personnel from the city and authority, or the approval authority, shall be permitted to enter, without delay, for the purpose of performing an inspection or monitoring.

(b) The approval authority, the authority and the city may require that each industrial user develop a compliance schedule for the installation of technology required to meet applicable pretreatment standards and requirements.

(c) The engineer may require a user to install monitoring equipment. The user at its own expense shall maintain at all times the facility's sampling and monitoring equipment in a safe and proper operating condition. All equipment and devices used to measure wastewater flow and quality shall be calibrated at least every six months by a qualified technician to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected or where sampling is to be conducted shall be promptly removed by the user at the

request of the engineer and shall not be replaced. The cost of clearing such access shall be borne by the user.

(e) Unreasonable delays in allowing the engineer access to the user's premises shall be a violation of this division. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-182 Search warrants.

If the engineer has been refused access to a building, structure or any other part of a user's property or premises, and is able to demonstrate probable cause to believe that there may be a violation of this division, or that there is a need to inspect and/or sample as part of a routine division inspection and sampling program of the authority designed to verify compliance with this division or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the engineer may seek the issuance of a search warrant from an appropriate court. (Ord. No. 4501, 10/13/07, Sec. 1)

Secs. 5-6-183 through 5-6-190 reserved.

SUBDIVISION G

Administrative Enforcement Remedies

Sec. 5-6-191 Notice of violation.

A notice of violation is a written notice to a user by the engineer that the engineer has determined that the user has violated a pretreatment standard or another requirement of this division. Upon receipt of a notice of violation, the user shall inform the engineer of the reasons for the violation and the actions it intends to take to correct the violation, and shall proceed to undertake those actions and correct the violation. A notice of violation shall be sent by the engineer by certified mail, return receipt requested. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-192 Compliance meeting; compliance schedule.

(a) If, following the issuance of a notice under section 5-6-191, the user continues to violate provisions of this division, the engineer may issue a "Notice of Compliance Meeting" to the user which requires the user to attend a compliance meeting. Similarly, the engineer may require a user to attend a compliance meeting, without having first issued a notice under section 5-6-191, where the user's violations of this division are of significant magnitude or duration.

(b) Attendance at the compliance meeting is mandatory for the user, and failure to attend may result in an order for a show cause hearing or the filing of an action by the authority seeking remedies that are provided by this division and applicable federal, state and local laws.

(c) At the compliance meeting, the engineer may establish such procedures, investigations and studies as are deemed necessary to determine the cause of such violations and the actions that are required to correct them.

(d) At the compliance meeting, the engineer also may establish a compliance schedule that defines the actions to be taken by the user to determine the cause of the violations, or the actions that are to be taken to correct the violations, and the dates by which the actions are to be taken. A compliance schedule may be issued alone or may be incorporated into the user's wastewater discharge permit, an administrative order or another document. Failure to comply with the terms of the compliance schedule shall constitute a

separate violation of this division, and may result in an order for a show cause hearing or the institution of a judicial action under subdivision H. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-193 Appearance before the authority.

(a) If a user fails to comply with the terms of a compliance schedule, or otherwise violates the provisions of this division, the engineer may issue a written "Appearance Before the Authority" notice that requires the user to attend a regular or special meeting of the authority to enable the authority to review and investigate the failure, as well as the user's noncompliance which gave rise to the compliance schedule.

(b) A notice issued by the engineer under subsection (a) is separate from, and may be issued independently of an administrative order issued under section 5-6-194 or an order to show cause issued under section 5-6-195. An appearance before the authority under this section is not a condition precedent for other enforcement action by the engineer or authority

(c) Failure of a user to appear before the authority as required by a notice issued under subsection (a) shall constitute a separate violation of this division, and may result in the institution of other administrative remedies under this subdivision or the institution of judicial actions under subdivision H. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-194 Administrative order.

(a) The authority may issue an administrative order to a user which has failed to comply with one or more of the terms of a compliance schedule issued under section 5-6-192. The order shall require that the user come into compliance with the compliance schedule within a specified period of time.

(b) In conjunction with the issuance of any administrative order, the authority may assess a charge against the user equal to the actual costs incurred by the authority in the course of investigating the user, determining its violations, and issuing the order.

(c) Failure of a user to comply with an administrative order issued under subsection (a) shall constitute a separate violation of this division, and may result in the institution of other administrative remedies under this subdivision or the institution of judicial actions under subdivision H. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-195 Order to show cause; show cause hearing.

(a) Notwithstanding any other provision in this subdivision, the authority may issue an order to any user which causes or allows an unauthorized discharge or otherwise violates this division that requires the user to show cause at a hearing before the authority why the authority should not revoke the user's permit or take other enforcement action against it. The order shall specify the date, time and place of the hearing.

(b) The order shall describe the user's noncompliance with its permit or with this division, shall state the action that the authority proposes the user to undertake to remedy its noncompliance, and shall direct the user to show cause before the authority why such action should not be taken.

(c) The authority shall cause the order to show cause to be mailed to the user by certified mail, return receipt requested.

(d) Following the show cause hearing, the authority may take such action as it deems appropriate, including but not limited to revocation of the user's permit, issuance of a written order that discharges be ceased immediately or after a specified period of time, and the initiation of one or more judicial actions under subdivision H. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-196 Termination of service; revocation of permits.

(a) Notwithstanding any other provision in this subdivision, if the engineer determines that a user's violation of any discharge limitations or standards or other requirements imposed on it by this division, or by a permit issued pursuant to this division, endangers the public health, presents an endangerment to the environment, interferes with the operation of the POTW or causes the authority to be in violation of its NPDES permit or any state permit issued to regulate the treatment of wastewater or the treatment or application of sludge, then the authority may, after providing notice to the user and an opportunity to rebut the engineer's determination, suspend wastewater treatment service, including collection and treatment services, to the user.

(b) Notwithstanding any other provision in this subdivision, if the authority determines that a user's continued discharge into the collection system and the POTW will violate this division, federal, state or local law, or regulations and requirements issue pursuant to such law, then the authority, after providing notice to the user

and an opportunity to rebut its determination, may revoke any permits issued to the user under the provisions of this article. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-197 Emergency suspensions.

(a) The engineer may immediately suspend a user's authorization to discharge into the POTW, after notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of any person.

(b) The engineer may immediately suspend a user's authorization to discharge into the POTW, after notice to the user and an opportunity to respond, if the user's discharge threatens to interfere with the operation of the POTW, or presents, or may present a non-imminent substantial endangerment to the environment.

(c) Any user notified of a suspension of its authorization to discharge shall immediately stop or eliminate its discharging. In the event of a user's failure to immediately comply with a suspension order, the engineer may take such steps and measures as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or its receiving stream, or endangerment to any individuals. Except where a notice of termination under section 5-6-196 has been instituted against the user, the engineer may allow the user to recommence its discharge when the user has demonstrated, to the satisfaction of the engineer, that the grounds for the suspension order have been eliminated.

(d) A user that is responsible, in whole or in part, for a discharge that presents imminent danger shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the engineer, prior to the date of any show cause or other hearing under this subdivision. (Ord. No. 4501, 10/13/07, Sec. 1)

Secs. 5-6-198 through 5-6-200 reserved.

SUBDIVISION H

Judicial Enforcement Remedies

Sec. 5-6-201 Criminal penalties.

(a) The owner and the operator of any user which has violated any provision of this division, of a wastewater discharge permit, or of an order issued under this division, or any other pretreatment standard or requirement shall, upon conviction thereof, be punished by a fine of not more than $1,000 per day for each violation or be imprisoned for up to 60 days for each violation, or both. Where a monthly or other long-term average discharge limit has been violated, each day during the applicable monthly or other long-term period shall constitute a separate violation. Also, violations of different provisions of this division, of a discharge permit, or of an order, and violations of different requirements of a pretreatment standard, shall constitute separate violations.

(b) In addition to the criminal penalty provided in subsection (a), the city and the authority may commence an action against the owner and the operator in the Circuit Court of City of Alexandria for appropriate legal or equitable relief, including but not limited to injunctive under section 5-6-203 and monetary damages. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-202 Civil penalties.

(a) The owner and the operator of any user which has violated any provision of this division, of a wastewater discharge permit, or of an order issued hereunder, or any other pretreatment standard or requirement shall, in lieu of any criminal penalty, be liable for a civil penalty of up to $1,000 for each violation. An action seeking civil penalties may be filed by the city or the authority in the Circuit Court for the City of Alexandria. Where a monthly or other long-term average discharge limit has been violated, each day during the applicable monthly or other long-term period shall constitute a separate violation. Also, violations of different provisions of this division, of a discharge permit, or of an order, and violations of different requirements of a pretreatment standard, shall constitute separate violations.

(b) In determining the amount of the civil penalty to be assessed, the court shall take into account all relevant circumstances, including but not limited to the extent of harm caused by the

violation, the magnitude and duration of the violation, the economic benefit gained by the user through its violation, the corrective actions taken by the user, the compliance history of the user, and any other factor as justice may require.

(c) In addition to the civil penalty provided in subsection (a), the city and the authority may commence an action against the owner and the operator in the Circuit Court of City of Alexandria for appropriate legal or equitable relief, including but not limited to injunctive under section 5-6-203 and monetary damages.

(d) The filing of a suit for civil penalties shall not be a prerequisite for taking or initiating any other enforcement action against a user; nor shall it be a bar against an action for injunctive relief under section 5-6-203. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-203 Injunctive relief.

When the director or the engineer determines that a user has violated, or continues to violate, any provision of this division, of a wastewater discharge permit, or of an order issued pursuant to this division, or any pretreatment standard or requirement, the city or the authority may petition the Circuit Court for the City of Alexandria for issuance of a temporary or permanent injunction, as appropriate, which restrains the owner and operator of the user, or compels the owner and operator to come into compliance with the provisions of this division, the user's wastewater discharge permit, the order issued to the user, or the other pretreatment standards or requirements, as the case may be, which the user has violated. The city and the authority may also seek appropriate legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A request for injunctive relief shall not be a bar against, or a prerequisite for, the taking of any other enforcement action against a user. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-204 Remedies not exclusive.

The remedies provided for in this division are not exclusive. The city and the authority, and their authorized personnel, may take any other available enforcement actions against a noncompliant user. (Ord. No. 4501, 10/13/07, Sec. 1)

Secs. 5-6-205—5-6-210 reserved.

SUBDIVISION I

Fees and Charges

Sec. 5-6-211 Fees and charges; meters.

(a) An industrial user seeking a wastewater discharge permit shall pay an application fee of $100 before its application will be processed.

(b) The holder of a wastewater discharge permit shall pay a fee to the authority to offset the authority's costs in administering the wastewater discharge permit system. The fee shall be $500 for each year of the term of the permit. The fee shall be paid in full prior to the issuance of the permit. A fee of $100 shall be assessed for any revisions to a discharge permit.

(c) Each industrial user shall pay the chemical and biological monitoring costs actually incurred by the authority as required by the user's permit. Payment of these costs shall be made within 30 days of written notice by the authority.

(d) Sewer use charges may be established by city council by resolution. Such charges shall be assessed against users and shall be based on wastewater volume and strength, as determined by metering, sampling and laboratory analysis of user discharges into the POTW. For purposes of this subsection:

(i) The volume of wastewater discharged by a user into the POTW shall be based on the metered water consumption of the user, as shown in records maintained by Virginia American Water Company ("VAWC"). However, if a user which purchases water from VAWC considers that significant quantities of that water are not being discharged into the POTW, the user may request that the billings be based upon metered wastewater quantities. If the user's request is approved by the authority, the user may then provide and maintain, at its own expense, a meter acceptable to the authority for measurement of the quantities of wastewater discharged. The meter shall be accessible for inspection by the authority at all times and shall be maintained to produce an accurate record of the true quantities of wastewater discharged.

(ii) Whenever a user obtains any part of its water supply from sources other than VAWC, the user shall provide and maintain wastewater meters which will produce an accurate record of the true quantities of wastewater discharged into the POTW. However, in lieu of a wastewater meter, a user may utilize a water meter on its input water line

if approved by the authority, in which case the readings from that meter shall be used to calculate the volume of wastewater flow that is to be used in computing charges.

(iii) No user may utilize an internal water meter to meter a portion of its total water use that either is or is not ultimately tributary to the sewer system as an alternative to a wastewater meter.

(e) All costs of meter installation, calibration and maintenance shall be borne by the user. The type of meter used by a user shall be acceptable to the authority. Meters shall be accessible at all times for inspection by the authority.

(f) In addition to the fees and charges established by or pursuant to this section, city council may, by resolution, establish and adjust other fees and charges to recover the costs that are incurred in the administration of this division.

(g) Fees and charges established pursuant to this section shall not preclude any other fees or charges established pursuant to or under other sections of this code. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-212 Attorneys' fees and costs; referrals.

(a) The city and the authority may recover reasonable attorneys' fees, court costs and other expenses associated with an enforcement activity that is taken under this division, including sampling and monitoring expenses.

(b) The engineer will refer any suspicious circumstances which may require an investigation to the city attorney. All criminal investigations will be referred to the commonwealth's attorney. (Ord. No. 4501, 10/13/07, Sec. 1)

Secs. 5-6-213 through 5-6-220 reserved.

SUBDIVISION J

Miscellaneous Provisions

Sec. 5-6-221 Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the authority's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable law. Any such request for confidentiality must be asserted at the time the user submits the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately, upon the request of governmental agencies for uses related to the NPDES program or pretreatment program, and enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 C.F.R. 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-222 Annual notice of significant noncompliance.

The engineer shall publish at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the authority, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements imposed by this division. A user shall, for purposes of this section, be in significant noncompliance for any of the following reasons:

(1) chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all the measurements taken during a six-month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits, as defined by section 5-6-102;

(2) technical review criteria ("TRC") violations, defined here as those in which 33 percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined in section 5-6-102; multiplied by the applicable TRC (1.4 for conventional pollutants and 1.2 for all other pollutants, except pH);

(3) any other violation of a pretreatment standard or requirement as term average, that the authority determines has caused, alone or in

combination with other discharges, interference or pass through, including endangering the health of the general public or authority personnel;

(4) any discharge of one or more pollutants that has caused imminent danger to human health, welfare or the environment or has resulted in the authority's exercise of its emergency authority under 40 C.F.R. 403.8(f)(1)(vi)(B) to halt or prevent such discharge;

(5) failure to meet, within 90 days after the scheduled date, a compliance milestone, contained in a wastewater discharge permit or an enforcement order, for starting construction or attaining final compliance;

(6) failure to provide, within 45 days after its due date, any report required by this ordinance, such as a baseline monitoring report, a 90-day compliance report, a periodic self-monitoring report, or a report on compliance with a compliance schedule;

(7) failure to report noncompliance in a timely and accurate manner; and

(8) any violation or group of violations, which may include a violation of Best Management Practices, of this division that the authority determines has or will adversely affect the operation or implementation of the local pretreatment program. (Ord. No. 4501, 10/13/07, Sec. 1)

Sec. 5-6-223 Severability.

In the case of an inconsistency or conflict between a provision in this division and a provision set out elsewhere in this code, the provision of this division shall control. (Ord. No. 4501, 10/13/07, Sec. 1)

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. The director of transportation and environmental services may permit alternative means of disposal if the director deems the proposed alternative method to provide an environmental benefit to the city and the director determines that no nuisance will be created on any adjacent property or within the public right-of-way. Alternative methods of disposal may include, but are not limited to, onsite surface discharge, onsite infiltration and onsite detention in the form of a rain barrel or cistern. The director may require additional supporting information such as geotechnical or other engineering analyses. Direct discharge of roof drains within the public right-of-way may be permitted at the director's discretion. Direct discharge of ground water to gutters in the public right-of-way may be permitted at the director's discretion when a public storm sewer is not available.

(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 percent or more; or (B) the construction of the addition results in less than 50 percent of the existing first floor exterior walls, in their entirety, remaining; (3) changes to the existing grade elevation of one 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 committee to the discretion of the director or deputy director/city engineer, and shall not be subject to judicial review.

(e) Grading plans will be considered valid for a term of 36 months from the date of approval. A request to extend the validity of a grading plan must be submitted in writing to the director of transportation and environmental services a minimum of 60 days prior to expiration with a $100 fee. The director will determine if additional modifications or a new grading plan submission is required.

(f) Any change to an approved grading plan requires that an amended grading plan be filed and that the amended grading plan be reviewed and approved, pursuant to the provisions of this section 5-6-224(d). The director of transportation and environmental services may allow minor modifications without an amended grading plan. (Ord. No. 4659, 5/15/10, Sec. 8; Ord. No. 4800, 4/13/13, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 8)

CHAPTER 7

Animals and Fowl

Charter Reference: Power of council with reference to animals and fowl, Sec. 2.04(p).

State Law Reference: Powers of municipalities to regulate, Code of Va., Sec. 15.1-870.

ARTICLE A

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ARTICLE A

General Provisions

Cross References: Animals and fowl in foodhandling establishments, Title 11, Ch. 2; rat control, Title 11, Ch. 6.

Sec. 5-7-1 Swine prohibited.

(a) It shall be unlawful for any person to keep or allow to be kept any swine within the city.

(b) Violations of this section shall be punished by a fine of not less than $5 and not more than $10. Each day a violation exists or continues shall constitute a separate and distinct offense. (Code 1963, Sec. 4-1)

Sec. 5-7-2 Keeping fowl.

It shall be unlawful for any person to keep or allow to be kept within the city, within 200 feet of any residence or dwelling not occupied by such person, any fowl. The word "fowl," as used in this section, shall include, but is not limited to, chickens, hens, roosters, ducks, geese, pigeons or any domesticated barnyard bird. (Code 1963, Sec. 4-2)

Sec. 5-7-3 Keeping livestock.

(a) It shall be unlawful for any person to keep or allow livestock to be kept within the city on any area less than one and one-half acres in size or within 200 feet of any residence or dwelling not occupied by such person or within 25 feet of any property line. Not more than two head of adult livestock and their immature offspring may be kept on an area of one and one-half acres and not more than one head of livestock and its immature offspring on each additional one-half acre of land.

(b) The word "livestock," as used in this section, shall mean horses, ponies, mules, burros, cows, bulls, steers, calves, heifers, sheep and goats.

(c) This section shall not apply to livestock which are brought into and taken from the city within a 24-hour period and used for business purposes of livestock housed in the city for the purpose of historical carriage tours; provided, however, that all livestock used for carriage tours shall be subject to regulations established by the city manager which regulate the housing, maintenance and general working conditions of such animals.

(d) Violation of this section shall be punished, upon conviction, by a fine of not less than $5 and not more than $10. Each day a violation exists or continues shall constitute a separate offense. (Code 1963, Sec. 4-2.1; Ord. No. 2789, 4/12/83, Sec. 1)

Secs. 5-7-4 through 5-7-10 reserved.

ARTICLE B

Stables, Barns and Manure

Sec. 5-7-11 Receptacles for holding manure—to be kept near stables and barns.

Every person, whether as owner, lessee, employee or agent operating or being in charge of any stable, barn or other place where horses, cows or other livestock are kept within the city, shall at all times keep and maintain, in or adjacent to the stable, barn or place, a flytight receptacle or box or bin of such size and construction and located and ventilated as may be approved by the director of public health, for receiving and holding manure and litter accumulating between the times of removal from the premises. (Code 1963, Sec. 4-3)

Sec. 5-7-12 Same—top or lid of receptacle.

The receptacle or box or bin referred to in the preceding section shall have a top or lid which shall be watertight and when closed shall exclude therefrom all flies. It shall be kept tightly closed at all times, except when it is necessary to open same to deposit or remove the manure from the receptacle, box or bin. (Code 1963, Sec. 4-4)

Sec. 5-7-13 Same—emptying receptacle.

The receptacle, box or bin referred to in section 5-7-11 of this code shall not be overfilled, and shall be completely emptied whenever filled and at least once each week from April 1 to November 1. (Code 1963, Sec. 4-5)

Sec. 5-7-14 Cleaning floors.

The floors of all stables or buildings named in section 5-7-11 of this code shall be cleaned daily and all manure and litter shall be removed to and deposited in the receptacle or box or bin, from April 1 to November 1. (Code 1963, Sec. 4-6)

Sec. 5-7-15 Flies as evidence of violation of article.

The presence of flies breeding in manure found on floors of stables, buildings or receptacles for manure shall constitute evidence that the provisions of this article are not being complied with. (Code 1963, Sec. 4-7)

Sec. 5-7-16 Manure not to be deposited in public places.

No manure shall be thrown or deposited in any alley, street or public place, or on any vacant lot within the city, but the scattering of manure on the lawn or garden for fertilizing purposes shall be permitted. (Code 1963, Sec. 4-8)

Sec. 5-7-17 Permits for storing manure.

No person shall store manure within the city without first receiving a written permit from the director of public health. (Coder 1963, Sec. 4-9)

Secs. 5-7-18 through 5-7-30 reserved.

ARTICLE C

Dogs and Other Animals

Sec. 5-7-31 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purposes of this article, have the following meanings:

(a) *Animal control officer.* Any person appointed as the chief animal control officer or a deputy animal control officer under section 5-7-44 of this code.

(b) *Animal shelter.* The facility designated by the city manager for the detention of animals.

(c) *Dangerous dog.* Any canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous:

(1) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite,

(2) if both animals are owned by the same person,

(3) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or

(4) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

(d) *Dog.* The word "dog" shall include both the male and female sex of the species.

(e) *Commercial dog handler.* Any person who boards, keeps, handles or walks dogs owned by another person for compensation.

(f) *Dwelling unit.* A group of one or more rooms designed or intended for use as a residence, including a single-family home, a townhouse, a duplex, a condominium and an apartment.

(g) *Hearing dog.* Any dog specially trained to alert its owner by touch to sounds of danger or other sounds to which the owner should respond.

(h) *Law enforcement officer.* Any employee of the Alexandria Police Department who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the commonwealth.

(i) *Owner.* A person having a right of property in a dog or cat, and any person who keeps or harbors a dog or cat or has it in his care or control, or who acts as its custodian, including, but not limited to, a commercial dog handler and any person who permits a dog or cat to remain on or about any premises occupied by him.

(j) *Run or running at large.* Roaming or running off the premises of its owner not under the control of its owner or a responsible person capable of physically restraining the dog and not secured by a leash, lead or other means of physical restraint, which leash, lead or other means of physical restraint is not harmful or injurious to the dog. An electronic collar or other similar electronic device does not qualify as a leash, lead or other means of physical restraint.

(k) *Seeing-eye dog.* Any dog that is specially trained to serve as a guide for a blind person.

(l) *Service dog.* Any dog that is specially trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or performing other activities of service or support.

(m) *Vicious dog.* Any canine or canine crossbreed that has:

(1) killed a person;

(2) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or

(3) continued to exhibit the behavior that resulted in a previous finding by July 1, 2006, by the chief animal control officer or city manager as authorized by prior law, that it is a dangerous dog, provided that its owner has been given notice of that finding.

(n) *Adequate space.* Sufficient space to allow each animal to:

(1) easily stand, sit, lie, turnabout, and make all other normal body movements in a comfortable, normal position for the animal; and

(2) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter or harness, configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

(o) *Adequate shelter.* Provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface (resting platform, pad, floor mat, or similar device) that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this section, shelters whose wire, grid, or slat floors:

(1) permit the animals' feet to pass through the openings;

(2) sag under the animals' weight; or

(3) otherwise do not protect the animals' feet or toes from injury, are not adequate shelter. (Ord. No. 4520, 2/23/08, Sec. 1; Ord. No. 4662, 6/12/10, Sec. 1; Ord. No. 4742, 11/12/11, Sec. 1; Ord. No. 4764, 6/16/12, Sec. 1)

Sec. 5-7-32 Running at large prohibited.

No dog or exotic or poisonous animal shall run at large within the city at any time. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-33 Owners and custodians not to let dogs or exotic or poisonous animals run at large.

It shall be unlawful for the owner or custodian of any dog or exotic or poisonous animal to permit his dog or exotic or poisonous animal to run at large in the city at any time. Any owner or custodian who permits his exotic or poisonous animal to run at large shall, in addition to any penalty provided under this article, be liable for a fee determined by the city manager to cover the costs incurred by the city in locating and capturing, or otherwise disposing of, the animal. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-33.1 Running at large prohibited in public parks or playgrounds; owners not to let dogs run at large in public parks or playgrounds; keeping dogs under physical restraint in public parks or playgrounds.

(a) No dog shall run at large within any public park or playground at any time.

(b) It shall be unlawful for the owner of any dog to permit his dog to run at large in any public park or playground at any time.

(c) It shall be unlawful for the owner of any dog to permit the dog to be in a public park or playground unless it is under the control of its owner or a responsible person capable of physically restraining the dog and kept secured by a leash, lead or other means of physical restraint, which leash, lead or other means of physical restraint is not harmful or injurious to the dog, or it is in a designated and posted dog exercise area, as provided in section 6-1-2.2 of this code. An electronic collar or other similar electronic device does not qualify as a leash, lead or other means of physical restraint.

(d) This section shall not apply to any person while engaged in a supervised, formal obedience training class or show, or during formally sanctioned field trials or field trial dog training, or while accompanying a dog within the confines of a dog park designated by the City of Alexandria Department of Recreation, Parks, and Cultural Activities and complying with all regulations governing the use of such dog park. It shall be unlawful for the owner of a dog to place such dog or allow it to be placed in the custody of any other person not physically capable of maintaining effective control of such dog.

(e) In addition to the officers identified in section 5-7-46, any city employee who is (1) specifically designated by the city manager, (2) wearing a uniform and (3) carrying identification may enforce the provisions of this section in accordance with the procedures set forth in section 5-7-46. As used in the subsection "uniform" shall mean a shirt, jacket or coat on which is permanently displayed and visible the seal of the city together with the name of the employee's department, office or agency, and "identification" shall mean a card or badge issued by the city to identify the employee by name and photograph, or badge number, and indicate that the employee is an authorized enforcement officer. (Ord. No. 4520, 2/23/08, Sec. 1; Ord. No. 4742, 11/12/11, Sec. 1; Ord. No. 4764, 6/16/12, Sec. 1)

Sec. 5-7-34 Impounding of dogs running at large; redemption of impounded dogs; disposition of unredeemed dogs.

(a) Any dog observed by an animal control officer or a law enforcement officer to be running at large shall be impounded and kept at the animal shelter. If the dog has upon it the name or address of the owner, or such name or address is otherwise known to the operators of the animal shelter, then the operators of the animal shelter shall notify the owner within 24 hours after seizure of the dog. If the dog has upon it a license tag, then the operators of the animal shelter shall notify the person in whose name the license stands within 24 hours after obtaining the name. Notice of the impounding shall be in writing by mail, postage prepaid, and shall be construed as having been given at the time of posting thereof. If the dog impounded has no name, address or license tag upon it and the owner is not otherwise known to the operators of the animal shelter, then no notice shall be necessary. Notwithstanding the above, whenever written notice is required the operators of the animal shelter shall, prior to mailing, make one reasonable attempt to give notice by telephone.

(b) The owner of any dog so impounded shall be entitled to possession of the dog upon proof of ownership satisfactory to the operators of the animal shelter and the payment of reasonable charges designated by the city manager for the impoundment of a dog and the keep of a dog; provided, however, that before release to any person:

(1) If the dog has not been inoculated against rabies, the provisions of section 5-7-38 of this code relative to inoculation shall be complied with at the owner's expense.

(2) If the dog is not licensed, a license as required by this article shall be secured.

(3) All the other applicable sections of this article shall be complied with.

(c) Any dog which has been impounded and has not been redeemed by the owner may be destroyed, or redeemed by and released to any person desiring to give the dog a home upon the payment of a reasonable charge designated by the city manager and upon compliance with the applicable provisions of this article; provided, that

any dog shall be held for at least five days after impounding, and in those cases where it is required that notice be given the owner, held for at least five days after the required notice has been given.

(d) The sums collected pursuant to the provisions of this section shall be accounted for and promptly paid over to the director of finance for deposit in the general fund of the city. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-35 Keeping dogs under physical restraint.

(a) Except as provided below, it shall be unlawful for the owner of any dog to permit the dog to be off the premises of its owner unless it is under the control of its owner or a responsible person capable of physically restraining the dog and kept secured by a leash, lead or other means of physical restraint, which leash, lead or other means of physical restraint is not harmful or injurious to the dog. An electronic collar or other similar electronic device does not qualify as a leash, lead or other means of physical restraint.

(b) The leash, lead or other means of physical restraint may be removed from a dog in a designated and posted dog exercise area, as provided in section 6-1-2.2 of this code.

(c) The leash, lead or other means of physical restraint may be removed from a dog on private property, other than the property of the owner; provided that the owner or person in control of such private property has permitted such dog to be present without a leash, lead or other means of physical restraint.

(d) This section shall not apply to any person while engaged in a supervised, formal obedience training class or show, or during formally sanctioned field trials or field trial dog training, or while accompanying a dog within the confines of a dog park designated by the City of Alexandria Department of Recreation, Parks, and Cultural Activities and complying with all regulations governing the use of such dog park. It shall be unlawful for the owner of a dog to place such dog or allow it to be placed in the custody of any other person not physically capable of maintaining effective control of such dog. (Ord. No. 4520, 2/23/08, Sec. 1; Ord. No. 4742, 11/12/11, Sec. 1; Ord. No. 4764, 6/16/12, Sec. 1)

Sec. 5-7-36 Vicious and dangerous dogs generally.

(a) Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed kept or found at any time within the city is a dangerous dog or vicious dog shall apply to a magistrate having jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court having jurisdiction at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If the owner or custodian cannot be located or identified, the animal shall be subject to impound and disposition pursuant to sections 5-7-34 or 5-7-45 of this code.

(b) Upon the successful application for the issuance of a summons, the officer shall contact the chief animal control officer of the City or of the jurisdiction where the dog is or may be found and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The chief animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harborer of the animal to produce the animal.

(c) If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Virginia Code § 3.1-769.119. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The city shall be required to prove its case beyond a reasonable doubt.

(d) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited.

(e) No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.

(f) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(g) The owner of any animal found to be a dangerous dog shall, within 10 days of such finding, obtain a dangerous dog registration certificate from the chief animal control officer for a fee of $50, in addition to other fees that may be authorized by law. The chief animal control officer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The chief animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the state veterinarian.

(h) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) that the animal has been neutered or spayed, and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least $100,000, that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least $100,000.

(i) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(j) The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under § 3.1-796.93:3 of the Virginia Code, within 45 days of such a finding by the court.

(k) The owner shall also cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

(l) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the chief animal control officer to be notified if the animal (i) is loose or unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous

dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

(m) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:

(1) Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;

(2) Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or

(3) May be charged and found guilty under Va. Code § 3.1-796.93:1 of a Class 6 felony if any owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.

(4) The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

(n) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-36.1 Provision of adequate shelter and space, tethering of dogs.

(a) It shall be unlawful for any person to fail to provide any dog with adequate space or adequate shelter. As used in this section, the terms "adequate space" and "adequate shelter" have the meanings ascribed to them by city code section 5-7-31 (definitions), subsections (n) and (o), respectively.

(b) Except when a dog's owner, guardian or custodian is physically within reach of the dog, it shall be unlawful for any person to tether a dog to a chain, rope or line of any kind that is too short to enable the dog easily to stand, sit, lie down, turn about, and make all other normal body movements in a comfortable, normal position for the animal, and reach shade as necessary, for more than three hours cumulatively within any 24-hour period, whether or not the tethered dog has been provided adequate space.

(c) Notwithstanding any other part of this section, a dog may be attached to a running cable line or trolley system that allows it to reach shelter and water as necessary, except that no dog may be confined to such a running cable line or trolley system for more than 12 hours cumulatively, within any 24-hour period. A running cable line or trolley system is defined as one that is at least 20 feet in length and is mounted at least four feet, but no more than seven feet, above the ground. Under no circumstances shall a dog be attached to a running cable line or trolley system unless the tether attaching it to the running cable line or trolley system is at least 10 feet in length or three times the length of the animal, as measured from the tip of its nose to the base of its tail, whichever is longer.

(d) Penalties.

(1) A person shall be assessed a civil penalty of $50 for violating any provision of subsections (a), (b) or (c) of this section.

(2) A person shall be assessed a civil penalty of $100 for each subsequent violation of any provision of subsections (a), (b) or (c) of this section.

(3) If an animal control officer or law enforcement officer determines that a civil penalty violation of this article has occurred, he shall issue and serve, or cause to be served, a notice of violation on any and all persons committing the violation. The notice shall provide that the person served may elect to make an appearance, either in person or in writing by mail, before the treasurer of the city, and admit liability for, or plead no contest to, the violation and pay the civil penalty established for the violation, all within the time period set forth in the notice. If a person so notified does not elect to admit liability or to plead no contest, the violation shall be tried in the Alexandria General District Court upon a warrant in debt or motion for judgment, with the same right of appeal as provided in civil actions at law. A finding or admission of liability

or a plea of no contest shall not be deemed a criminal conviction for any purpose. (Ord. No. 4662, 6/12/10, Sec. 1)

Sec. 5-7-36.2 Reserved.

Sec. 5-7-37 Confinement of animal which has committed an attack.

(a) When there is sufficient evidence to believe that an animal has exposed a person or other animal to rabies, at the discretion of the health director or the health director's designee, the exposing animal may be euthanized and tested or be confined under quarantine and kept under observation on the premises of the owner, or of a private kennel for a period of 10 days following the issuance of the order at the expense of the owner, during which time the animal shall never leave the premises, and the order shall be served upon the owner by an animal control officer in the manner provided by Section 8.01-296, Code of Virginia. If, within the 10-day period, an authorized representative of the health director reports that the animal shows no symptoms of rabies the animal shall be released from quarantine. If during the observation period that animal develops signs of active rabies or dies, the animal shall be immediately removed by an animal control officer to the animal shelter pending a final disposition of the case; and costs to keep the animal at the animal shelter shall be charged to its owner. The animal may be euthanized and/or tested for rabies at the discretion of the health director or the health director's designee.

(b) If an owner does not comply with the provisions of an order issued pursuant to this section within 24 hours from the time he is served, the animal in question shall be impounded by an animal control officer, at the animal shelter, and kept under observation at the owner's expense for a period of 10 days, and the owner shall be charged with a violation of this section. (Ord. No. 4520, 2/23/08, Sec. 1; Ord. No. 4994, 4/16/16, Sec. 1)

Sec. 5-7-38 Inoculation of dogs against rabies.

It shall be the duty of every resident of the city owning or in possession of a dog four months old or older within the city to have such dog inocu-

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lated with an anti-rabic vaccine approved by the director of public health, which inoculation shall be repeated as often as the director of public health may from time to time specify. The expense of inoculation of dogs against rabies shall be borne by the owners of such dogs. The inoculation shall be made by any licensed veterinarian. A certificate of vaccination shall be presented by the veterinarian within 10 days after inoculation. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-38.1 Inoculation of cats against rabies.

(a) It shall be the duty of every resident of the city owning or in possession of a cat four months old or older within the city to have such cat inoculated with an anti-rabic vaccine approved by the director of public health, which inoculation shall be repeated as often as the director of public health may from time to time specify. The expense of inoculation of cats against rabies shall be borne by the owners of such cats. The inoculation shall be made by any licensed veterinarian.

(b) At the time of vaccination, a suitable and distinctive rabies tag and a certificate of vaccination shall be issued by the veterinarian to the cat's owner. The certificate shall certify that the cat in question has been vaccinated in accordance with this section. Such certificate shall show the date of vaccination, the rabies collar tag number, the date of required immunization, a brief description of the cat and its sex and breed, and the name of the owner. The certificate issued under this section shall be carefully preserved by the owner of the cat and exhibited promptly upon request for inspection by an animal control officer, a public health officer or any other law enforcement officer. One copy of the certificate required under this section shall be retained by the veterinarian and one copy shall be presented by the veterinarian to the health department for registration within 10 days after inoculation. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-39 Procedure as to dogs and cats suspected of having rabies.

Dogs and cats suspected of having rabies and exhibiting the common symptoms of this disease shall be impounded either at the animal shelter or at a private veterinarian's establishment in solitary confinement and kept under observation for a period of 10 days. At the time any dog or cat is impounded, an attempt shall be made by an animal control officer to determine whether the dog or cat has been previously inoculated against rabies. If it is found that the dog or cat has not been effectively inoculated or there is any doubt as to whether or not the dog or cat has in fact been inoculated, then the dog or cat shall be inoculated on the last day of the above-mentioned observation period. The director of public health is hereby given authority to cause to be destroyed any dog or cat which in his opinion has rabies, and to have the head of the dog or cat examined. All expenses in connection with the provisions of this section shall be borne by the owner of the dog or cat in question. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-40 Reports of animal bites.

(a) The owner of any animal which bites a person shall immediately notify an animal control officer, the health department or the police department of the biting.

(b) It shall be the duty of every physician and medical practitioner in the city and of every hospital in the city to report to an animal control officer or the health department the name and address of any person treated for bites or wounds inflicted by animals, together with all available information necessary for rabies control.

(c) It shall be the duty of every veterinarian practicing in the city to report to an animal control officer or the health department the name and address of the owner of any animal treated for bites or wounds inflicted by any other animal, together with all available information necessary for rabies control. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-41 When muzzles required, exception.

Whenever it becomes necessary to safeguard the public from the danger of hydrophobia, the city manager, with the written approval of the director of public health, may issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises, unless the dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time covered by the proclamation shall be seized and impounded. This section shall not be construed to prevent the owner of a dog or the agent of the owner from taking the dog unmuzzled from the premises of the owner, if the dog is upon a leash. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-42 Female dogs in season; allowing dog to urinate, etc.; noisy dogs; offensive odors from dogs; dogs prohibited on posted playground areas and on school grounds.

The following conduct is declared a nuisance and is prohibited. It shall be unlawful for the owner of a dog to:

(1) Fail to keep his female dog confined during the entire time the dog is in season in a building or secure enclosure in such a manner that the female dog cannot come into contact with a male dog except for planned breeding.

(2) Knowingly or willfully allow his dog to urinate or defecate on the private property of other persons without their consent or that of the authorized agent of the one having control of the premises.

(3) Knowingly or willfully allow his dog to urinate or defecate on public property; provided, that urination by a dog on curbs of streets and in alleys, streets or areas designated and posted as dog exercise areas in accordance with section 6-1-2.2 shall not constitute a violation of this section; and provided further, that defecation by a dog on public property out of doors shall not constitute a violation of this section if the owner of the dog immediately removes the material defecated and disposes of it in a manner not inconsistent with the provisions of this section.

(4) Keep dogs which bark or howl to such extent as to annoy any resident or keep dogs in such a manner as to cause offensive odors.

(5) Permit his dog, except a seeing-eye, service or hearing dog, to go upon any public property posted by the city manager as a playground area, or upon the grounds of any public school. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-42.1 Dog defecation in public parks or playgrounds.

It shall be unlawful for the owner of a dog to knowingly or willfully allow his dog to defecate in any public park or playground; provided, that defecation by a dog in any public park or playground shall not constitute a violation of this section if the owner of the dog immediately removes the material defecated and disposes of it in an appropriate trash receptacle. In addition to the officers identified in section 5-7-46, any city employee who is (1) specifically designated by the city manager, (2) wearing a uniform and (3) carrying identification may enforce the provisions of this section in accordance with the procedures set forth in section 5-7-46. As used in the subsection "uniform" shall mean a shirt, jacket or coat on which is permanently displayed and visible the seal of the city together with the name of the employee's department, office or agency, and "identification" shall mean a card or badge issued by the city to identify the employee by name and photograph, or badge number, and indicate that the employee is an authorized enforcement officer. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-43 Powers of operators of animal shelter generally.

The operators of the animal shelter shall have the following powers:

(a) to destroy unredeemed dogs, as provided in section 5-7-34;

(b) to destroy vicious dogs upon an order from the court, as provided in section 5-7-36;

(c) to receive and investigate complaints of and to enforce and make determinations regarding vicious and dangerous dogs, as provided in section 5-7-36;

(d) reserved;

(e) to impound and release dogs and to issue orders, as provided in section 5-7-37; and

(f) to destroy dogs as provided in section 5-7-39. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-44 Appointment and powers of chief animal control officer and deputy animal control officers.

A chief animal control officer shall be appointed by city council and may be removed by council or the city manager. The city manager may appoint one or more deputy animal control officers, who may be removed by the manager, to assist the chief animal control officer in the performance of her duties. The chief animal control officer and deputy animal control officers shall, within the city and subject to any limitations imposed as a condition of their appointment, have the powers of an animal control officer as conferred by the Code of Virginia (1950), as amended, the powers of a state game warden as conferred by the city charter in the enforcement of the dog laws of the city, and the power to enforce the provisions of this article and section 6-1-2.2 of this code. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-45 Killing certain animals that cannot be safely taken up and impounded.

If any vicious or dangerous dog or any dog, cat or other animal suspected of, or having rabies, found at large, cannot be safely taken up and impounded, the dog or other animal may be slain by any law enforcement officer. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-46 Penalties.

(a) Except as otherwise provided in section 5-7-36 of this code or in subsection (b) below, a person shall be assessed a civil penalty of $50 for violating any provision of this article.

(b) A person shall be assessed a civil penalty of $100 for violating the provisions of sections 5-7-33.1 or 5-7-42.1 of this article.

(c) If an animal control officer or law enforcement officer determines that a civil penalty violation of this article has occurred, he shall issue and serve, or cause to be served, a notice of violation on any and all persons committing the violation. The notice shall provide that the person served may elect to make an appearance, either in person or in writing by mail, before the treasurer of the city, and admit liability for or plead no contest to the violation and pay the civil penalty established for the violation, all within the time period set forth in the notice. If a person so notified does not elect to admit liability or to plead no contest, the violation shall be tried in the Alexandria General District Court upon a warrant in debt or motion for judgment, with the same right of appeal as provided in civil actions at law. A finding or admission of liability or a plea of no contest shall not be deemed a criminal conviction for any purpose.

(d) A violation of the provisions of this article shall be an offense separate from a violation of the provisions of chapter 1 of title 6 of this code. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-47 License—required; disposition of revenue.

(a) It shall be unlawful for any person to own a dog or cat four months old or older within the city unless such dog or cat is licensed, as required by the provisions of this article.

(b) All dog and cat license taxes collected pursuant to this article shall be paid into the general fund from which sufficient funds for the operation and maintenance of the animal shelter may be provided, as authorized by council.

The owner of a dog or cat required to be licensed by this article shall obtain the license and pay the license tax within 30 days of moving into the city, acquiring the animal, or attainment of the required age by the animal, which ever is later.

The owner of a dog or cat with an existing license required by this article shall renew the animal's license and pay the license tax within 10 days after expiration of such animal's license. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-48 Same—tax imposed; tax rates; expiration.

(a) There is hereby imposed a license tax on dogs and cats required to be licensed by this article, as follows:

(1) For any male or female dog or cat the license tax for a one year license shall be $30 for a dog, and $10 for a cat, and the license tax for a three year license shall be $75 for a dog and $25 for a cat, except as provided in paragraphs (2), (3) or (4) below.

(2) For any spayed or neutered dog or cat, the license tax for a one year license shall be $10 for a dog, and $2 for a cat, and the license tax for a three-year license shall be $25 for a dog and $5 for a cat.

(3) For any hearing dog, seeing eye dog or service dog, a license shall be required but no license tax shall be charged.

(4) For any dog owned by a person 65 years of age or older, there shall be a $5 discount in the applicable license tax for a one-year license, and a $15 discount in the license tax for a three-year license.

(5) The owner of an animal required to be licensed by this article may elect to obtain a one-year license or a three-year license, and shall pay the corresponding license tax at the time the license is obtained.

(b) A one-year license shall be valid for a maximum period of 12 months from the date of issuance; provided, however, that the license shall expire on the last day of the month in which the rabies vaccination of the licensed animal expires.

(c) A three-year license shall be valid for a maximum period of 36 months from the date of issuance; provided, however, that the license shall

expire on the last day of the month in which the rabies vaccination of the licensed animal expires. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-49 Same—application; issuance; records to be kept.

Any owner may obtain a dog or cat license by making a signed written application to the city manager or the manager's designee. The application shall contain the name, sex, age, breed and description of the dog or cat and the name and address of the owner, and shall be accompanied by the amount of the license tax and a certificate of vaccination or other evidence from a licensed veterinarian showing that the dog or cat is inoculated against rabies and the expiration date of the vaccination. Upon receipt of a proper application, accompanied by the amount of the license tax and a proper certificate of vaccination or other evidence, the city manager or the manager's designee shall issue a license receipt and an appropriate tag to the owner, and shall record upon the receipt and upon records maintained by the city the name and address of the owner, the date of issuance, the period of time for which issued and date of expiration of the rabies vaccination, the serial number of the license and the sex, age, breed and description of the dog or cat. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-50 Same—components; information to be on tags.

A dog or cat license shall consist of the receipt referenced in section 5-7-49 and a tag of a style adopted by the city. A tag shall be stamped or otherwise permanently marked to show the serial number, the calendar year for which issued and the name of the city. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-51 Same—preserving and displaying receipts; dogs to wear tags.

Dog and cat licenses shall be carefully preserved and exhibited promptly upon request of any law enforcement officer, authorized agent of the director of public health, or animal control officer. Dog license tags shall be securely fastened by the owner to a substantial collar which shall be borne by the dog. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-52 Same—duplicate tags.

If a dog or cat license tag is lost, destroyed or stolen, the owner shall at once apply to the city manager or her designee for a duplicate license tag, presenting the original license receipt, if available. Upon affidavit of the owner that the original license tag has been lost, destroyed or stolen, the city manager or her designee shall issue a duplicate license tag which the owner shall immediately affix to the collar of the dog. The city manager or her designee shall endorse the number of the duplicate and the date issued on records of her office and on the face of the original license receipt, if available. The fee for a duplicate tag shall be $1. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-53 Same—effect of a dog or cat not wearing collar bearing a tag.

Any dog or cat not wearing a collar bearing a license tag of the proper calendar year shall be presumed to be unlicensed, and in any proceedings under this article the owner of such dog or cat shall have the burden of proving that the dog or cat is in fact licensed. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-54 Same—maintenance of records.

The city manager or her designee shall keep orderly lists and accounts with respect to receipts, disbursements, licenses issued, and how unsold tags are disposed of, and annually shall provide an accounting of her activities with respect to dogs and cats and dog and cat licenses for use by the director of finance. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-55 Same—transmittal of funds to director of finance.

All persons responsible for the issuance of dog and cat licenses and the collection of license taxes shall keep accurate records and shall transmit all funds collected to the director of finance at least every 30 days. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-56 Making false statement to secure license.

It shall be unlawful for any person to make a false statement in order to secure a dog or cat license. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-57 Limitation on number of dogs and cats kept per dwelling unit.

(a) It shall be unlawful for any person to keep more than three dogs over four months of age or four cats over four months of age in any dwelling unit in the city.

(b) Any person who, on October 1, 1995, is lawfully keeping more than the number of dogs and cats permitted by this section shall be entitled to continue to keep all such dogs and cats, so long as they are duly licensed and inoculated in accordance with this article. However, it shall be unlawful for any such person to keep any dog or cat acquired after October 1, 1995, unless the total number of dogs and cats kept by the person does not exceed the number of dogs and cats permitted by subsection (a) of this section.

(c) This section shall not apply to any person authorized to operate a "kennel," as that term is defined in the City of Alexandria Zoning Ordinance. (Ord. No. 4520, 2/23/08, Sec. 1)

Sec. 5-7-58 Confinement of animals in vehicles prohibited.

(a) Any person who confines an animal in an unattended, enclosed vehicle where the outside temperature is 70 degrees Fahrenheit or greater, and the interior of the vehicle is not provided with conditioned air to maintain an internal temperature of 80 degrees Fahrenheit or less, shall be guilty of a Class 3 misdemeanor.

(b) Any person who confines an animal in an unattended, enclosed vehicle so as to cause the animal to suffer from heat stress as diagnosed by a license veterinarian, shall be guilty of a Class 1 misdemeanor. The animal control officer or other officer shall have the authority to remove any animal found in an enclosed vehicle that appears to be suffering from heat stress. The animal shall be provided immediate veterinary care. The animal owner or custodian shall be responsible for all expenses incurred during the removal of the animal or its subsequent treatment and impoundment.

(c) In the event that the person responsible for the violation cannot be ascertained, the registered owner of the vehicle, as required by Chapter 6 of Title 46.2 of the Code of Virginia (1950), as amended, shall constitute in evidence a prima facie presumption that such registered owner was the person who committed the violation. (Ord. No. 4741, 11/12/11, Sec. 1)

Secs. 5-7-59 through 5-7-70 reserved.

ARTICLE D

Pet Shops

Sec. 5-7-71 Definitions.

For the purpose of this article, the following phrases and words shall have the meaning assigned below, except in those instances when the context clearly indicates a different meaning:

(1) *Animals.* Every species of animals, including but not limited to fish, fowl and primates.

(2) *Pet shop.* Any commercial establishment, maintained separately or in connection with another business enterprise, except for a licensed kennel, that sells or displays animals.

(3) *Executive director.* The animal shelter executive director or his duly authorized representative.

(4) *Director.* The director of public health of the city or his duly authorized representative.

(5) *Cage.* Any enclosure of limited space, except a fish tank, enclosed on the bottom and on all four sides by either solid walls or otherwise in which animals are placed for purposes of confinement.

(6) *Rodent-proof.* A state or condition not conducive to entry, feeding or harboring of rodents.

(7) *Sanitary.* A condition of good order and cleanliness and proper air circulation. (Code 1963, Sec. 4-23)

Sec. 5-7-72 Animal shelter executive director to administer article.

The executive director is hereby authorized and directed to administer and enforce this article, except for quarantines. (Code 1963, Sec. 4-24)

Sec. 5-7-73 Annual permit—required; nontransferable; term.

It shall be unlawful for any person to operate, establish or maintain within the city a pet shop without a valid non-suspended, non-revoked annual pet shop permit. No permit shall be transferable and every permit shall expire at the end of the calendar year for which it was issued unless sooner suspended or revoked as hereinafter provided. The permit required by this section shall be in addition to other permits and licenses required by local and state laws. (Code 1963, Sec. 4-25)

Sec. 5-7-74 Same—application; fees.

Before an annual pet shop permit shall be issued, an application therefor shall be made to the executive director on such form as may be prescribed by the executive director and an investigation shall be conducted by the executive director, which shall include an inspection of the premises whereon the pet shop is to be operated, established or maintained. A fee of $10 shall be deposited with the director of finance to defray the costs of investigation and matters incident to the permit. (Code 1963, Sec. 4-26)

Sec. 5-7-75 Same—compliance with zoning regulations prerequisite to issuance.

No permit for a pet shop shall be issued under this article unless the land upon which the pet shop is proposed to be operated, established or maintained or is operated, established or maintained is so zoned as to admit to the use intended. (Code 1963, Sec. 4-27)

Sec. 5-7-76 Same—issuance generally.

If the executive director shall be satisfied that the premises upon which the pet shop is to be operated, established or maintained complies with the standards of this article and all other pertinent local and state laws and that the application is otherwise in order, he shall issue or cause to be issued a permit authorizing the establishment, maintenance and operation of a pet shop. (Code 1963, Sec. 4-28)

Sec. 5-7-77 Same—denial.

The executive director shall refuse to issue a permit if he finds the applicant has willfully withheld or falsified any information on the application or if he finds that the premises (including equipment) whereon the pet shop is intended to be operated, established or maintained does not comply with the standards contained in this article and pertinent state laws. (Code 1963, Sec. 4-29)

Sec. 5-7-78 Same—revocation and suspension; reinstatement.

(a) The executive director may suspend a permit upon his finding that:

(1) the pet shop for which the permit has been issued is in violation of the standards contained in this article, or

(2) That the permittee has refused the executive director or director the right to inspect the premises or to examine the records required by this article.

(b) The executive director may revoke a permit for a period of at least one year upon a finding that:

(1) the permittee has been convicted of a violation of any state or local law dealing with pedigree, pet shops, or the humane treatment of animals, or

(2) that the permittee has been convicted of fraud or willful misrepresentation in connection with the sale of animals.

(c) Before any permit may be revoked or suspended, the executive director shall afford the permittee an opportunity to appear at a hearing before the executive director and show cause why such permit should not be revoked or suspended. Any revocation or suspension shall be in writing and served on the permittee either personally or by certified mail. The executive director may reinstate a suspended permit if no fact or condition any longer exists which would warrant the executive director to refuse to grant a permit under the provisions of this article and other applicable local laws. (Code 1963, Sec. 4-30)

Sec. 5-7-79 reserved.

Editorial Note: Ord. No. 3696, Sec. 1, adopted Jan. 22, 1994, repealed §§ 5-7-79 and 5-7-80, which pertained to the pet shop appeal board and appeal from permit denial, revocation, etc. of permit. Sec. 2 of said ordinance added new provisions designated as § 5-7-80 to read as herein set out. See the Ordinance Comparative Table.

Sec. 5-7-80 Appeal.

(a) In the event that any person is aggrieved by a denial, revocation of, suspension of or a refusal to reinstate, a permit under this article, such person may appeal the action of the executive director by filing a written notice of appeal with the consumer affairs commission ("commission"). The notice shall include the following information:

(1) the name and address of the appealing party;

(2) whether the appeal involves the denial, revocation or suspension of, or the refusal to reinstate, a permit under this article; and

(3) a brief statement summarizing the legal and factual basis for challenging the action of the executive director.

(b) The appealing party shall file the notice of appeal within 15 days from the date of the notice of the executive director's action. For the purposes of this section, the notice of appeal shall be deemed filed as of the date that it is received in the Office of Citizen Assistance.

(c) Upon the filing of a notice of appeal, the commission shall hold a hearing within 30 days after the filing of the notice of appeal unless otherwise agreed to by the party requesting the hearing. Notice of the date, time and place of the hearing and of the procedures to be followed shall be given to the appealing party at least 15 days in advance of the hearing. Failure on the part of the appealing party to appear at the hearing, except for good cause, shall be deemed a waiver of the right to a hearing.

(d) The hearing shall be informal. The appealing party shall have the opportunity to question any person giving information and to present relevant information or testimony. It is permissible, but not required, for the appealing party to have an attorney present at the hearing. The commission shall keep a written or taped record of the hearing for a period of three years.

(e) At the conclusion of the hearing, or within seven days thereafter, the commission shall either affirm, rescind or modify the executive director's action.

(f) Filing of a notice of appeal shall stay suspension of a license, but shall not stay denial or revocation unless, upon application, the commission shall grant such a stay. (Code 1963, Sec. 4-32; Ord. No. 3696, 1/22/94, Secs. 1, 2)

Note: See the editorial note at § 5-7-79.

Sec. 5-7-81 Minimum standards for pet shop premises.

No pet shop shall be operated, established or maintained that does not comply with the following requirements:

(1) the premises shall be kept in a rodent-proof and sanitary condition, free of vermin and objectionable odors.

(2) all cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. All cages or enclosures shall at all times be equipped with food and water receptacles mounted or structured so that the animal cannot overturn, defecate or urinate therein, but must be removable for cleaning. Each cage must be of sufficient size so as to allow each animal to make normal postural adjustment with adequate freedom of movement. Proper screening shall be provided for cages to avoid contact with animals not kept therein. Cages shall have floors of solid construction.

(3) there shall be sufficient clean, dry bedding to meet the needs of each individual animal.

(4) the room temperature shall be maintained at a level which is appropriate and healthful for each particular species of animal kept therein. Adequate ventilation shall be maintained.

(5) there shall be available hot water at a minimum temperature of 160 degrees Fahrenheit for washing cages and disinfecting, and cold water easily accessible to all animals at all times.

(6) each bird cage shall contain at least two horizontal perches and provide sufficient perch space for every bird confined therein. Perches shall be placed horizontal to each other in the same cage, and shall not be aligned vertically. Bird cages shall be cleaned daily and disinfected each time a bird is sold.

(7) for purposes of health and sanitation, fish tanks shall be equipped with an efficient circulating pump and filter. The water temperature in a fish tank shall be maintained at a constant level appropriate for the fish confined therein.

(8) cages or tanks in which turtles of the amphibious type are confined must contain an amount of water sufficient for each turtle to drink and moisten itself. The floor area of tanks in which turtles are confined must contain a dry area sufficient for each turtle confined therein. (Code 1963, Sec. 4-33)

Sec. 5-7-82 Minimum standards for treatment of animals.

All pet shops shall comply with the following standards concerning treatment of animals:

(1) every reasonable precaution shall be taken to insure that no animal be teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or by any means.

(2) no condition shall be maintained that is injurious to the animals kept on the premises.

(3) no animal shall be given any alcoholic beverage, unless administered or prescribed by a licensed veterinarian for medical purposes.

(4) all animals must be fed every day, including Sundays and holidays, and have water available at all times, except as dictated by hibernation, veterinary treatment, normal fasts or other professionally accepted practices. The diet shall be prepared with consideration for the age, species, condition and size of the animal. Cages and fish tanks must be kept cleaned.

(5) adult male and female animals, other than fish and birds, should not be confined or displayed in the same cage.

(6) infant animals may not be confined or displayed in the same cage with adult animals, except while nursing.

(7) pugnacious or vicious animals shall be isolated from other animals.

(8) confined animals shall be afforded exercise proper for the individual animal.

(9) all sick, diseased or maimed animals shall be reported by the permittee immediately to the executive director and shall thereafter, at the expense of the permittee, be under the control of an accredited veterinary until permanently cured or destroyed. No sick, diseased or maimed animals shall be sold or kept on the premises.

(10) animals shall not be without attention over 18 consecutive hours, and no animal, other than fish, shall be exposed to public view for more than 12 hours out of 24.

(11) large pet birds shall have separate cages from smaller birds.

(12) animals shall not be overcrowded.

(13) the shells of turtles shall not be painted, carved, or altered in any way, nor shall decals be affixed thereto. (Code 1963, Sec. 4-34)

Sec. 5-7-83 Quarantine by director.

The director may quarantine any animal or species of animal that is suspected of being infected with a disease which is a potential source of human disease. The quarantine shall remain in effect until the director is satisfied that the quarantined animal or animals are not a hazard to the public health and safety. (Code 1963, Sec. 4-35)

Sec. 5-7-84 Records to be kept.

Every pet shop permittee shall keep and maintain complete and accurate records for a period of one year relative to the disposition of all animals kept or displayed. The records shall show the date of sale, name and address of purchaser and other pertinent information the executive director may require. The records shall be available for inspection by the executive director and director. (Code 1963, Sec. 4-36)

Sec. 5-7-85 Penalty for violation of article.

It shall be unlawful for any person to violate any of the provisions of this article. In addition to the penalties set forth in section 5-7-78, any person violating any of the provisions of this article shall, upon conviction, be punished in accordance with section 1-1-7. (Code 1963, Sec. 4-37)

Secs. 5-7-86 through 5-7-90 reserved.

ARTICLE E

Security Dogs

Historical Note: The provisions of this article are derived from Ord. No. 2516, 9/23/80 which amended the 1963 Code by adding a new Article III-A to Ch. 4.

Sec. 5-7-91 Permit required.

It shall be unlawful to keep, maintain or use any dog in the city for the purpose of protecting any commercially or industrially used property or person on such property unless a permit for the same shall have been obtained from the director in accordance with the provisions of this article and unless such permit shall remain unsuspended and unrevoked.

Sec. 5-7-92 Definitions.

Unless expressly stated otherwise, or the context clearly indicates a different intention, the following terms shall have the meanings indicated for the purposes of this article:

(1) *Director.* The director of the department of transportation and environmental services or his or her duly authorized representative. Such representative shall include the chief of the animal control division of the department of transportation and environmental services.

(2) *Patrol dog.* A dog that is trained or conditioned to attack or otherwise respond aggressively, but only upon command from a handler either off or on lead.

(3) *Security dog.* Any dog used, kept or maintained in the city for the purpose of protecting any person or property on property used commercially or industrially. Any such dog shall be further classified as a patrol dog, sentry dog or watch dog.

(4) *Sentry Dog.* A dog that is trained or conditioned to attack or otherwise respond aggressively without command.

(5) *Valid permit.* A permit that has been properly issued or renewed pursuant to this article and is currently not suspended, revoked, expired or otherwise terminated.

(6) *Watch dog.* A dog that barks and threatens to bite any intruder and that has not been specially trained or conditioned for that purpose.

Sec. 5-7-93 Permit application.

(a) An application for a security dog permit for a particular location at which a security dog will be used, kept or maintained shall be made by the dog's owner or agent to the director on a form prescribed by the director. An investigation shall then be conducted by the director which may include inspection of the premises where the animal is to work and a physical inspection of the dog. A fee of $10 shall be charged to cover the cost of investigation of matters relevant to the permit. Upon the determination of the director that the requirements of this article have been met and are capable of continuing to be met during the term of the permit, a permit for no more than one (1) year shall be issued to the applicant only for a particular dog or dogs and only for the particular property. An additional dog or dogs may be added to the permit, but only upon the approval of the director.

(b) The following information and/or documents must be provided for each dog on or with the application for a permit:

(1) the property, premises and location where the dog will be used, maintained and/or kept;

(2) name, address and telephone number of a veterinarian engaged, responsible, available for or familiar with the veterinary care and treatment of the dog;

(3) name, address and telephone number of the owner or custodian;

(4) a copy of the record of rabies inoculation by a licensed veterinarian that includes the date given and when it expires;

(5) description of the dog (breed, sex, color), identification marks, dog's name and tattoo number or symbol, if any;

(6) what type of training the dog has undergone;

(7) purpose for having the dog on the property;

(8) a copy of distemper shot receipts showing the dates given; and

(9) proof that the dog is properly licensed as required by state law.

Sec. 5-7-94 Premises requirements.

No permit shall be issued until nor remain valid unless the director is satisfied that the premises and location where the dog will be used, maintained or kept meet the following minimum requirements:

(1) Any area where the dog may run free on the premises shall be completely surrounded by a

fence at least six (6) feet in height with attached anti-climbers or other suitable escape barrier or shall be completely covered.

(2) All gate entrances accessible to the dog shall be locked when the dog is on the premises and shall be checked regularly to ensure there is no breakage or opening that could permit escape.

(3) There shall be a building, structure or enclosure that is accessible to and that provides adequate protection against extreme weather conditions for each dog. Each such building, structure or enclosure shall be kept clean, dry and in a sanitary condition, shall have adequate ventilation, a burlap front flap or suitable substitute, a slanted roof, space large enough for normal postural adjustments by each dog for which it is intended and a floor that is at least six (6) inches off the ground.

(4) Fresh water shall be available at all times to each dog.

(5) The premises shall be posted with readable signs which give notice of the presence of such dog or dogs and include an emergency telephone number. The sign must be of weatherproof material with red letters at least two (2) inches high on a white background. Language such as the following shall be deemed satisfactory: "Danger Warning: Security Dog Loose on Premises; In Case of Emergency Call: (Telephone Number)."

Sec. 5-7-95 Patrol dog requirements.

No permit for a patrol dog shall be issued until nor remain valid unless the director is satisfied that the following requirements have been and are being met:

(1) Each dog shall be tattooed with an individual identification number on the inside of the hind leg. The director is hereby authorized to establish an appropriate numbering system for this purpose; provided, however, that no dog shall be required to be tattooed a second time in order to comply with this article and any clear symbol or symbols previously tattooed on a dog shall be deemed satisfactory for the purpose of this article.

(2) The dog shall have and wear at all times a collar to which is attached a metal tag with the name, address and telephone number of its owner and/or custodian imprinted on it. Either the collar must be a substantial one and of bright orange color or the metal tag must be at least one and one-half (1½) inches in diameter and of bright orange color.

(3) The dog is able to respond to the following commands by its handler, each of which shall be given the weight indicated in parentheses:

a. At the handler's side and on lead:

1. "sit" (semi-critical);
2. "down" (semi-critical);
3. "heel" (semi-critical);
4. "stay" (critical).

b. At a distance of 10 feet from the handler and off lead or a combination of on and off lead;

1. Same as above.
2. On a command of "stay," the dog must remain in a heel or sit position off leash and not attack when approached within four (4) feet by a person (critical).
3. The dog must cease pursuit of an agitator upon command, e.g., "stop," "halt" or "out," etc. (critical) and then return to the handler on the command of "heel" (semi-critical).

c. One (1) physical correction per four (4) commands is allowed. Dogs failing to respond to commands deemed critical shall not be evaluated as satisfactory for the purpose of this section. The director may require evaluation of any patrol dog at least annually and as often as he or she deems necessary to ensure the public health, safety and welfare.

(4) The handler or handlers of the patrol dog shall be registered as a guard dog handler with the Virginia Department of Commerce pursuant to the provisions of the Code of Virginia (1950), as amended, and shall also be registered with the director. The permit for the patrol dog shall be restricted to use in the city only by and with such a registered handler.

Sec. 5-7-96 Permit conditions.

Every permit shall be issued upon the condition that the applicable requirements and provisions of this article shall at all times be complied with and that the permit holder shall comply with and not violate any of the provisions of the Code of Virginia that relate to dogs or cruelty to animals.

Sec. 5-7-97 Suspension and revocation of permit.

(a) The director may suspend a permit upon the following grounds:

(1) false information provided in any application for a permit; or

(2) violation or failure to maintain or comply

with the applicable requirements and provisions of this article.

(b) Such suspension of a permit shall continue until the grounds therefor have been corrected to the satisfaction of the director.

(c) The director may revoke a holder's permit or permits upon the following grounds:

(1) three or more suspensions of a holder's permit, whether they be for the same dog or not, within one year; or

(2) conviction of a permit holder of violation of any provision of article 7, chapter 8, title 18.2 of the Code of Virginia (1950), as amended, (section 18.2-392, et seq.; cruelty to animals).

(d) No such suspension or revocation shall be effective until the director shall have provided notice of the reasons therefor to the permit holder and afforded the holder an opportunity for a hearing on same.

Sec. 5-7-98 Appeal.

(a) In the event that any person is aggrieved by a denial, revocation or suspension of, or a refusal to reinstate, a permit under this article, such person may appeal the action of the director to the consumer affairs commission ("commission") by filing a written notice of appeal with the commission. The notice shall include the following information:

(1) the name and address of the appealing party;

(2) whether the appeal involves the denial, revocation or suspension of, or the refusal to reinstate, a permit under this article; and

(3) a brief statement summarizing the legal and factual basis for challenging the action of the director.

(b) The appealing party shall file the notice of appeal within 15 days from the date of the notice of the director's action. For the purposes of this section, the notice of appeal shall be deemed filed as of the date that it is received in the Office of Citizen Assistance.

(c) Upon the filing of a notice of appeal, the commission shall hold a hearing within 30 days after the filing of the notice of appeal unless otherwise agreed to by the party requesting the hearing. Notice of the date, time and place of the hearing and of the procedures to be followed at the hearing shall be given to the appealing party at least 15 days in advance of the hearing. Failure on the part of the appealing party to appear at the hearing, except for good cause, shall be deemed a waiver of the right to a hearing.

(d) The hearing shall be informal. The appealing party shall have the opportunity to question any person giving information and to present relevant information or testimony. It is permissible, but not required, for the appealing party to have an attorney present at the hearing. The commission shall keep a written or taped record of the hearing for a period of three years.

(e) At the conclusion of the hearing, or within seven days thereafter, the commission shall either affirm, rescind or modify the director's action.

(f) Filing of an appeal shall stay suspension of a license, but shall not stay denial or revocation unless, upon application, the commission shall grant such a stay. (Ord. No. 3696, 1/22/94, Sec. 1, 3)

Sec. 5-7-99 Penalty.

Any person violating any provision of this article shall, upon conviction, be punished by a fine of not more than $300.

CHAPTER 8

Parking and Traffic Regulations

State Law Reference: Motor vehicle and traffic regulations generally. Code of Va., Sec. 46.1-1 et seq.

Cross Reference: Motor vehicles and traffic, Title 10, Ch. 1; police, Title 4, Ch. 1.

ARTICLE A

Traffic and Parking Board

§ 5-8-1 Established; composition; term; compensation; vacancies; chairman.
§ 5-8-2 Meeting; consideration of matters concerning traffic, parking and taxicabs.
§ 5-8-3 Duty and authority generally.
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ARTICLE A

Traffic and Parking Board

Cross Reference: General provisions governing citizen boards and commissions, Title 2, Ch. 4.

Sec. 5-8-1 Established; composition; term; compensation; vacancies; chairman.

There is hereby established a traffic and parking board, which shall be composed of seven residents of the city who are not serving on any other official city body except the Alexandria Transportation Safety Commission. The members shall be appointed by the city council for terms of two years; provided, that the initial appointments made under the authority of this section shall be one-year terms for four of the members and two-year terms for the other three members. Members of the board shall serve without compensation and may be removed by the city council for neglect of duty or malfeasance in office, after written notice and after public hearing. Vacancies on the board shall be filled by council-appointment for the balance of the unexpired term. The chairman of the board shall be selected by the members of the board. (Code 1963, Sec. 22-20)

Cross Reference: Alexandria Transportation Safety Commission, Art. B of this chapter.

Sec. 5-8-2 Meeting; consideration of matters concerning traffic, parking and taxicabs.

The traffic and parking board shall meet at least once each month and all matters concerning traffic, parking and taxicabs, shall be presented to the board for its consideration prior to action by the director of transportation and environmental services or presentation to the city council. (Code 1963, Sec. 22-21)

Sec. 5-8-3 Duty and authority generally.

It shall be the duty of the traffic and parking board to, within the limits of the funds at its disposal, investigate, study and analyze traffic and parking problems within the city, receive complaints having to do with traffic and parking matters, devise plans, methods and means to control and relieve parking and traffic congestion, have jurisdiction over taxicabs and buses and their owners and operators as specified in title 9, chapter 12 of this code, control parades within the city, prepare reports on traffic, parking and taxi-

cabs, and render advice and make recommendation to the city manager, the city planning commission and, through the city manager, to the city council and other officers and agencies of the city government. (Code 1963, Sec. 22-22; Ord. No. 3345, 11/22/88, Sec. 1)

Cross Reference: Taxicabs, Title 9, Ch. 12.

Editorial Note: Ord. No. 2719, adopted Oct. 16, 1982, divests the traffic and parking board of all duties, responsibilities and powers relating to certificates of public convenience and necessity as set forth in Division 2, Article A, Chapter 12, Title 9, for taxicabs.

Sec. 5-8-4 Certain city officials to act in advisory capacity.

The city manager and any member of his staff whom he designates may sit with the traffic and parking board in an advisory and consulting capacity, but with no right to vote. (Code 1963, Sec. 22-23)

Secs. 5-8-5 through 5-8-10 reserved.

ARTICLE B

Reserved

Editor's Note: Ord. No. 4856, § 4, adopted Jan. 25, 2014, repealed Art. B, §§ 5-8-11—5-8-13, which pertained to the Alexandria Transportation Safety Commission and derived from §§ 22-23.2 and 22-23.3 of the 1963 Code.

Secs. 5-8-11 through 5-8-20 reserved.

ARTICLE C

Disposition of Abandoned, Unattended and Immobile Motor Vehicles

Editorial Note: Ord. No. 3656, § 1, adopted Sept. 18, 1993, repealed Arts. C, D, E, §§ 5-8-21—5-8-26, 5-8-41—5-8-47, 5-8-61—5-8-64. Section 2 of said Ord. No. 3656 enacted new provisions designated as Arts. C and D to read as herein set out. See the Code Comparative Table.

Sec. 5-8-21 Definitions.

The following terms shall, for purposes of this article, have the meanings set forth below:

(1) *Motor vehicle* or *vehicle* means any motor vehicle, trailer or semitrailer, or any part thereof, as defined in section 46.2-100, Code of Virginia (1950), as amended.

(2) *Abandoned motor vehicle* means a motor vehicle that:

(a) is left unattended on public property for a period of more than 48 hours in violation of the Code of Virginia (1950), as amended, or this code; or

(b) is left unattended on the shoulder of a primary highway.

(3) *Demolisher* means any person or entity whose business is to convert motor vehicles into processed scrap or scrap metal or otherwise to wreck or dismantle such vehicles.

(4) *Authorized city official* means any of the following persons: the chief of police; any sworn member of the police department; the fire marshal; and any deputy fire marshal.

(5) *Parking violation notice* means a citation issued for the violation of a law relating to the parking of motor vehicles or of any other law relating to motor vehicles for which a parking citation may be issued.

(6) *Scrap metal processor* means any person who is engaged in the business of processing motor vehicles into scrap for remelting purposes who, from a fixed location, utilizes machinery and equipment for processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap.

(7) *Vehicle removal certificate* means a transferable document issued by the Virginia Department of Motor Vehicles for any abandoned motor vehicle that authorizes the removal and destruction of the vehicle.

(8) *Department* means the Virginia Department of Motor Vehicles.

(9) *Commissioner* means the Commissioner of the Virginia Department of Motor Vehicles. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4637, 12/12/09, Sec. 1)

Sec. 5-8-22 Abandoned, unattended and immobile vehicles to be removed.

Whenever a motor vehicle:

(a) becomes an abandoned motor vehicle;

(b) is left unattended on a public street or public property and constitutes a hazard to traffic;

(c) is left unattended for more than 10 days upon public property without the permission of the city;

(d) is left unattended for more than 72 consecutive hours on private property without the permission of the property owner (provided, that in the case of private property normally open to the public for parking, signs are posted on the property which provide reasonable notice that vehicles left on the property for more than 72 consecutive hours without permission will be removed at the vehicle owner's expense);

(e) is left unattended on a public street or public property, or on private property, including a private street and road, but not including property which is owned or occupied as a single family residence, and there are three or more unpaid or otherwise unsettled parking violation notices pending against the vehicle;

(f) is left unattended in a fire lane or within 15 feet of a fire hydrant or an entrance to a fire station; or

(g) is immobilized while in a travel lane of a public street by weather conditions or other emergency situation; the vehicle may, at the direction of an authorized city official, be removed for safekeeping by city personnel, vehicles and equipment, or by a towing service under contract to the city, to the city impoundment yard or another impoundment facility; provided, that a vehicle may be removed from privately-owned property only pursuant to the written authorization of the property owner or, where applicable, an association of owners formed pursuant to chapter 4.1 of title 55 of the Code of Virginia (1950), as amended. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4637, 12/12/09, Sec. 2)

Sec. 5-8-23 Report of removal to police chief.

It shall be the duty of the authorized city official directing the removal of any vehicle under this article to cause a report of the removal to be

made and forwarded to the police chief or the chief's designee, stating, to the degree such information is available, the year, make and model of the vehicle removed, its registration number and license plate number, the location from which it was removed, and the reasons for the removal. (Ord. No. 3656, 9/18/93, Sec. 2)

Sec. 5-8-24 Notice that vehicle has been impounded.

(a) The following notice must be provided for impounded abandoned motor vehicles:

(1) The authorized city official, a designee of the official or another city employee designated by the city manager, directing the removal of any vehicle under this article shall initiate with the department, in a manner prescribed by the commissioner, a search for the owner and/or lienholder of record of the motor vehicle, requesting the name and address of the owner of record of the motor vehicle and all persons having security interests in the motor vehicle on record with the department. The department shall check: (i) its own records, (ii) the records of a nationally recognized crime database, and (iii) records of a nationally recognized motor vehicle title database for owner and lienholder information.

a. If a vehicle has been reported as stolen, the department shall notify the appropriate law-enforcement agency of that fact.

b. If a vehicle has been found to have been titled in another jurisdiction, the department shall notify the city of that jurisdiction. In cases of motor vehicles titled in other jurisdictions, the commissioner shall issue certificates of title on proof satisfactory to the commissioner that the persons required to be notified by registered or certified mail have received actual notice fully containing the information required by this section.

c. If the Department confirms owner or lienholder information, the department shall notify the owner, at the last known address of record, and lienholder, at the last known address of record, of the notice of interest in their vehicle, by certified mail, return receipt requested, and advise them to reclaim and remove the vehicle within 15 days, or, if the vehicle is a manufactured home or a mobile home, 120 days, from the date of notice. Such notice, when sent in accordance with these requirements, shall be sufficient regardless of whether or not it was ever received. Following the notice required in this subsection, if the motor vehicle remains unclaimed, the owner and all persons having security interests in the motor vehicle shall have waived all right, title, and interest in the motor vehicle.

d. Whenever a vehicle is shown by the department's records to be owned by a person who has indicated that he is on active military duty or service, the department shall notify the city of such information. Any person having an interest in such vehicle under the provisions of this article shall comply with the provisions of the federal Service Members Civil Relief Act (50 U.S.C. app. 501 et seq.).

e. If records of the department contain no address for the owner or no address of any person shown by the department's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, the city shall obtain from the department, in a manner prescribed by the commissioner, a vehicle removal certificate. The vehicle may then be sold to a licensee or scrap metal processor as defined in Virginia Code § 46.2-1600 (1950), as amended.

(b) The following notice must be provided for all other impounded motor vehicles:

(1) The authorized city official, a designee of the official or another city employee designated by the city manager, directing the removal of any vehicle under this article, shall, within 15 days of the impoundment of the motor vehicle, by registered or certified mail, return receipt requested, provide notice to the owner of record of the impounded vehicle, as shown in records maintained by the department; provided, that the vehicle has not already been released from the impoundment facility. The notice shall state the following: (i) the year, make, model and registration number of the motor vehicle; (ii) the address where the vehicle is being held; and (iii) that the owner and any person having a security interest in the vehicle may reclaim the vehicle within 15 days from the date of the notice, after payment of all towing and storage charges resulting from the removal and storage of the vehicle.

(2) If the owner fails or refuses to pay the cost or if his identity or whereabouts is unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record with the department against the motor vehicle, the vehicle shall be considered an abandoned motor vehicle and the provisions of subsection (a)

apply. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4570, 12/13/08, Sec. 1; Ord. No. 4637, 12/12/09, Sec. 3)

Sec. 5-8-25 Repossession of impounded vehicles; towing and storage charges.

(a) The owner of any vehicle impounded under this article, a person duly authorized by the owner and any person possessing a security interest in the vehicle shall be permitted to repossess the vehicle up to the time of its sale by:

(1) payment of a towing charge of $125;

(2) payment of a storage charge of $50 per day;

(3) payment of a charge of $90 to cover the administrative costs incurred by the city in impounding the vehicle, in learning the identity of the vehicle owner and the holders of a security interest in the vehicle and in conducting the sale; and

(4) in the case of vehicles identified in section 5-8-22(e), payment of the outstanding parking violation notices for which the vehicle was removed.

(b) Payment of the charges and costs identified in subsection (a) shall not operate to relieve the owner of the impounded vehicle or the owner's agent from liability for any fine or penalty. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4250, 5/18/02, Sec. 1; Ord. No. 4546, 6/14/08, Sec. 1; Ord. No. 4637, 12/12/09, Sec. 4; Ord. No. 4672, 6/12/10, Sec. 1; Ord. No. 4802, 5/6/13, Sec. 1)

Sec. 5-8-26 Record of impounded vehicles.

The police chief or his designee shall keep a record of all vehicles impounded pursuant to this article. (Ord. No. 3656, 9/18/93, Sec. 2)

Sec. 5-8-27 Disposition of unrepossessed vehicles; proceeds of sale.

(a) If a motor vehicle impounded under this article is not repossessed:

(1) the city shall obtain from the department a vehicle removal certificate in a manner prescribed by the commissioner;

(2) the vehicle may then be sold or transferred to a licensee or a scrap metal processor, as defined in Virginia Code § 46.2-1600 (1950) as amended; or

(3) if the city desires to sell the vehicle at public auction, the city shall post notice for at least 21 days of its intent to auction the motor vehicle with the department.

a. Postings of intent shall be in an electronic manner prescribed by the commissioner who shall also ensure that written notice of intent is provided in public locations throughout the Commonwealth of Virginia.

b. If the department confirms a lien, the city shall notify the lienholder of record, by certified mail, at the address on the certificate of title of the time and place of the proposed sale 10 days prior thereto.

(b) The purchaser of an impounded vehicle at public auction shall take title to the vehicle free of all liens and claims of ownership of others, shall receive a sales receipt, an abandoned vehicle receipt and a completed vehicle removal certificate, and shall be entitled to apply to and receive from the department a certificate of title and a registration card for the vehicle.

(c) The proceeds from the sale of an impounded motor vehicle shall be forwarded to the director of finance who shall pay from the proceeds the towing charge, storage charge and any costs incurred by the city in learning the identity of the vehicle owner and the holders of a security interest in the vehicle and in conducting the sale. The balance of the proceeds shall be held by the director of finance for the owner and paid to the owner upon satisfactory proof of ownership; provided, that the owner makes application for such proceeds within 90 days from the date of sale. If the owner fails to make timely application, the balance of the proceeds shall become the property of the city, and shall be deposited in the city general fund. Any personal property found in an impounded motor vehicle may be sold along with the sale of the vehicle. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4637, 12/12/09, Sec. 5)

Sec. 5-8-28 Disposition of inoperable vehicles.

Notwithstanding any other provisions of this article to the contrary, any inoperable motor vehicle which has been impounded pursuant to this article may be disposed of to a demolisher, for the sole purpose of having the vehicle wrecked, dismantled or demolished, without the title and the notification procedures otherwise required by this article. The demolisher, upon taking

custody of such motor vehicle, shall notify the department of this fact on forms provided by the department. (Ord. No. 4637, 12/12/09, Sec. 6)

Sec. 5-8-29 Surrender of certificate of title, etc., where motor vehicle acquired for demolition or scrap metal processing; records to be kept by demolisher or scrap metal processor.

(a) No demolisher or scrap metal processor who purchases or otherwise acquires a motor vehicle pursuant to section 5-8-28 for wrecking, dismantling or demolition shall be required to obtain a certificate of title for the motor vehicle in the demolisher's own name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher or scrap metal processor shall surrender to the department of motor vehicles, for cancellation, the certificate of title, vehicle removal certificate, properly executed vehicle disposition history, or the sales receipt from a foreign jurisdiction for the vehicle.

(b) A demolisher or scrap metal processor shall keep an accurate and complete record, in accordance with section 46.2-1608, Code of Virginia (1950), as amended, of all motor vehicles purchased or received in the course of business. Demolishers and scrap metal processors shall also collect and verify: (i) the towing company's name and, if applicable, the license number issued to the towing company by the Virginia Board for Towing and Recovery Operators, (ii) one of the ownership or possession documents set out in this section following verification of its accuracy, and (iii) the driver's license of the person delivering the motor vehicle. If the delivering vehicle does not possess a license number issued by the Virginia Board for Towing and Recovery Operators, the license plate number of the vehicle that delivered the motor vehicle or scrap shall also be collected and maintained.

(1) In addition, a photocopy or electronic copy of the appropriate ownership document or a vehicle removal certificate presented by the customer shall be maintained. Ownership documents shall consist of either a motor vehicle title or a sales receipt from a foreign jurisdiction or a vehicle disposition history. These records shall be maintained in a permanent ledger in a manner acceptable to the department at the place of business or at another readily accessible and secure location within the commonwealth for at least five years.

(2) If requested by a law enforcement officer, a licensee shall make available, during regular business hours, a report of all the purchases of motor vehicles. Each report shall include the information set out in this article and be available electronically or in an agreed-upon format. Any person who violates any provision of this chapter or who falsifies any of the information required to be maintained by this article shall be guilty of a Class 3 misdemeanor for the first offense. Any licensee or scrap metal processor who is found guilty of second or subsequent violations shall be guilty of a Class 1 misdemeanor.

(3) If the vehicle identification number has been altered, is missing, or appears to have been otherwise tampered with, the demolisher or scrap metal processor shall take no further action with regard to the vehicle except to safeguard it in its then-existing condition and shall promptly notify the department. If the vehicle is a motorcycle, the demolisher or scrap metal processor shall cause to be noted on the title or salvage certificate, certifying on the face of the document, in addition to the above requirements, the frame number of the motorcycle and motor number, if available. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4637, 12/12/09, Sec. 7)

Sec. 5-8-30 Delegation of law enforcement authority.

Pursuant to section 27-34.2:1 of the Code of Virginia, 1950, as amended, the fire marshal and the deputy fire marshals are delegated, and shall possess, the law enforcement powers that are necessary to enforce this article and article D of this chapter. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4637, 12/12/09, Sec. 8)

Secs. 5-8-31 through 5-8-60 reserved.

ARTICLE D

Inoperable Motor Vehicles

Editorial Note: See the editorial note at Art. C.

Sec. 5-8-61 Definitions.

The following terms shall, for purposes of this article, have the meanings set forth below.

(1) *Motor vehicle* or *vehicle* means any motor vehicle, trailer or semitrailer, or any part thereof, as defined in section 46.2-100, Code of Virginia (1950), as amended.

(2) *Inoperable motor vehicle* means any motor vehicle which:

(i) is not in operating condition;

(ii) for 60 or more days has been partially or totally disassembled, as evidenced by the removal of its wheels and tires, its engine, or one or more other components required for the operation of the vehicle;

(iii) does not display valid state license plates; or

(iv) does not display a state inspection decal which is valid or which was valid within the preceding 60 days.

(3) *Shielded* or *screened* from view means that the vehicle, whether covered or uncovered, is not visible by someone standing at ground level from outside of the property on which the subject vehicle is located. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4059, 6/12/99, Sec. 1; Ord. No. 4404, 6/21/05, Sec. 1)

Sec. 5-8-62 Declared nuisance.

The keeping by any person, firm or corporation, except within a fully enclosed building or structure or otherwise shielded or screened from view, of any inoperable motor vehicle on any private property in the city, except property zoned for industrial purposes, is detrimental to the public health, safety and welfare, and is hereby declared to constitute a public nuisance. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4059, 6/12/99, Sec. 2)

Sec. 5-8-63 Unlawful to keep; exceptions.

It shall be unlawful for any person, firm or corporation to keep on any private property in the city, except property zoned for industrial purposes, an inoperable motor vehicle, unless it is located within a fully enclosed building or structure or is otherwise shielded or screened from view. It shall also be unlawful for any person, firm or corporation to keep on any private property in the city, except property zoned for industrial purposes, more than one inoperable motor vehicle, located outside of a fully enclosed building or structure, which is shielded or screened from view. Notwithstanding the other provisions of this section, if the owner of such vehicle can demonstrate that he is actively restoring or repairing such vehicle and if it is shielded or screened from view, such vehicle and one additional inoperative motor vehicle that is shielded or screened from view being used for the restoration or repair may remain on the property. However, the provisions of this article shall not apply to a licensed business which is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor. Nor shall the provisions of this article apply to any antique motor vehicle, as defined in section 46.2-100, Code of Virginia (1950), as amended, so long as a bona fide effort is being made to repair or restore the vehicle and it is shielded in a manner to protect it from the weather and to make it unsuitable for rodent harborage. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4059, 6/12/99, Sec. 3; Ord. No. 4404, 6/21/05, Sec. 2)

Sec. 5-8-64 Removal of inoperable vehicle; remedies for failure to remove; costs.

(a) The occupant, and if different the owner, of the private property on which an inoperable motor vehicle is being kept in violation of this article shall be provided a written notice of said violation. The notice shall be provided by the fire marshal or the fire marshal's designee, or another city employee designated by the city manager, shall be posted both on the inoperable vehicle and in a conspicuous place on the property and, where the owner of the property is not its occupant, shall be mailed, by first class mail, to the owner at the address maintained by the city's office of real estate assessments. The notice shall identify the inoperable vehicle, describe the conditions of the vehicle which render it inoperable and in violation of this article, and shall state that, unless the conditions are remedied by a specified date, which date shall be at least 10 days following the date on which the notice is posted or, if applicable and later, the date on which the notice was mailed, the vehicle will be removed by the city to an impoundment facility. In the event that the inoperable vehicle remains on the property after the date specified in the notice, the fire marshal or the fire marshal's designee, or another city employee des-

apply. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4570, 12/13/08, Sec. 1; Ord. No. 4637, 12/12/09, Sec. 3)

Sec. 5-8-25 Repossession of impounded vehicles; towing and storage charges.

(a) The owner of any vehicle impounded under this article, a person duly authorized by the owner and any person possessing a security interest in the vehicle shall be permitted to repossess the vehicle up to the time of its sale by:

(1) payment of a towing charge of $100;

(2) payment of a storage charge of $50 per day;

(3) payment of a charge of $90 to cover the administrative costs incurred by the city in impounding the vehicle, in learning the identity of the vehicle owner and the holders of a security interest in the vehicle and in conducting the sale; and

(4) in the case of vehicles identified in section 5-8-22(e), payment of the outstanding parking violation notices for which the vehicle was removed.

(b) Payment of the charges and costs identified in subsection (a) shall not operate to relieve the owner of the impounded vehicle or the owner's agent from liability for any fine or penalty. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4250, 5/18/02, Sec. 1; Ord. No. 4546, 6/14/08, Sec. 1; Ord. No. 4637, 12/12/09, Sec. 4; Ord. No. 4672, 6/12/10, Sec. 1; Ord. No. 4802, 5/6/13, Sec. 1)

Sec. 5-8-26 Record of impounded vehicles.

The police chief or his designee shall keep a record of all vehicles impounded pursuant to this article. (Ord. No. 3656, 9/18/93, Sec. 2)

Sec. 5-8-27 Disposition of unrepossessed vehicles; proceeds of sale.

(a) If a motor vehicle impounded under this article is not repossessed:

(1) the city shall obtain from the department a vehicle removal certificate in a manner prescribed by the commissioner;

(2) the vehicle may then be sold or transferred to a licensee or a scrap metal processor, as defined in Virginia Code § 46.2-1600 (1950) as amended; or

(3) if the city desires to sell the vehicle at public auction, the city shall post notice for at least 21 days of its intent to auction the motor vehicle with the department.

a. Postings of intent shall be in an electronic manner prescribed by the commissioner who shall also ensure that written notice of intent is provided in public locations throughout the Commonwealth of Virginia.

b. If the department confirms a lien, the city shall notify the lienholder of record, by certified mail, at the address on the certificate of title of the time and place of the proposed sale 10 days prior thereto.

(b) The purchaser of an impounded vehicle at public auction shall take title to the vehicle free of all liens and claims of ownership of others, shall receive a sales receipt, an abandoned vehicle receipt and a completed vehicle removal certificate, and shall be entitled to apply to and receive from the department a certificate of title and a registration card for the vehicle.

(c) The proceeds from the sale of an impounded motor vehicle shall be forwarded to the director of finance who shall pay from the proceeds the towing charge, storage charge and any costs incurred by the city in learning the identity of the vehicle owner and the holders of a security interest in the vehicle and in conducting the sale. The balance of the proceeds shall be held by the director of finance for the owner and paid to the owner upon satisfactory proof of ownership; provided, that the owner makes application for such proceeds within 90 days from the date of sale. If the owner fails to make timely application, the balance of the proceeds shall become the property of the city, and shall be deposited in the city general fund. Any personal property found in an impounded motor vehicle may be sold along with the sale of the vehicle. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4637, 12/12/09, Sec. 5)

Sec. 5-8-28 Disposition of inoperable vehicles.

Notwithstanding any other provisions of this article to the contrary, any inoperable motor vehicle which has been impounded pursuant to this article may be disposed of to a demolisher, for the sole purpose of having the vehicle wrecked, dismantled or demolished, without the title and the notification procedures otherwise required by this article. The demolisher, upon taking custody of

such motor vehicle, shall notify the department of this fact on forms provided by the department. (Ord. No. 4637, 12/12/09, Sec. 6)

Sec. 5-8-29 Surrender of certificate of title, etc., where motor vehicle acquired for demolition or scrap metal processing; records to be kept by demolisher or scrap metal processor.

(a) No demolisher or scrap metal processor who purchases or otherwise acquires a motor vehicle pursuant to section 5-8-28 for wrecking, dismantling or demolition shall be required to obtain a certificate of title for the motor vehicle in the demolisher's own name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher or scrap metal processor shall surrender to the department of motor vehicles, for cancellation, the certificate of title, vehicle removal certificate, properly executed vehicle disposition history, or the sales receipt from a foreign jurisdiction for the vehicle.

(b) A demolisher or scrap metal processor shall keep an accurate and complete record, in accordance with section 46.2-1608, Code of Virginia (1950), as amended, of all motor vehicles purchased or received in the course of business. Demolishers and scrap metal processors shall also collect and verify: (i) the towing company's name and, if applicable, the license number issued to the towing company by the Virginia Board for Towing and Recovery Operators, (ii) one of the ownership or possession documents set out in this section following verification of its accuracy, and (iii) the driver's license of the person delivering the motor vehicle. If the delivering vehicle does not possess a license number issued by the Virginia Board for Towing and Recovery Operators, the license plate number of the vehicle that delivered the motor vehicle or scrap shall also be collected and maintained.

(1) In addition, a photocopy or electronic copy of the appropriate ownership document or a vehicle removal certificate presented by the customer shall be maintained. Ownership documents shall consist of either a motor vehicle title or a sales receipt from a foreign jurisdiction or a vehicle disposition history. These records shall be maintained in a permanent ledger in a manner acceptable to the department at the place of business or at another readily accessible and secure location within the commonwealth for at least five years.

(2) If requested by a law enforcement officer, a licensee shall make available, during regular business hours, a report of all the purchases of motor vehicles. Each report shall include the information set out in this article and be available electronically or in an agreed-upon format. Any person who violates any provision of this chapter or who falsifies any of the information required to be maintained by this article shall be guilty of a Class 3 misdemeanor for the first offense. Any licensee or scrap metal processor who is found guilty of second or subsequent violations shall be guilty of a Class 1 misdemeanor.

(3) If the vehicle identification number has been altered, is missing, or appears to have been otherwise tampered with, the demolisher or scrap metal processor shall take no further action with regard to the vehicle except to safeguard it in its then-existing condition and shall promptly notify the department. If the vehicle is a motorcycle, the demolisher or scrap metal processor shall cause to be noted on the title or salvage certificate, certifying on the face of the document, in addition to the above requirements, the frame number of the motorcycle and motor number, if available. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4637, 12/12/09, Sec. 7)

Sec. 5-8-30 Delegation of law enforcement authority.

Pursuant to section 27-34.2:1 of the Code of Virginia, 1950, as amended, the fire marshal and the deputy fire marshals are delegated, and shall possess, the law enforcement powers that are necessary to enforce this article and article D of this chapter. (Ord. No. 3656, 9/18/93, Sec. 2; Ord. No. 4637, 12/12/09, Sec. 8)

Secs. 5-8-31 through 5-8-60 reserved.

ignated by the city manager, may remove the vehicle and place it in the city's impoundment yard or another impoundment facility.

(b) Within five days of any removal under subsection (a), the fire marshal or the fire marshal's designee shall provide a written notice to the owner, and if different the occupant, of the property from which the inoperable motor vehicle was removed and, if different, to the owner of record of the impounded vehicle. The notice shall be sent by registered or certified mail, return receipt requested, and shall state the following: (i) the year, make, model and serial number of the impounded vehicle; (ii) the location of the impoundment yard where it is being held; (iii) that the owner of the vehicle and any person having a security interest in the vehicle may reclaim the vehicle within 15 days from the date of the notice, after the payment of all removal and storage costs resulting from the removal and storage of the vehicle, and after providing an assurance that the vehicle will be brought into compliance with this article; and (iv) that the failure of the vehicle owner to reclaim the vehicle within the time provided shall constitute both a waiver by the owner of all right, title and interest in the vehicle, and the owner's consent to the disposition of the vehicle by the city. If the inoperable vehicle is not reclaimed within the time specified in the notice, the city may dispose of the vehicle.

(c) The costs incurred by the city in removing, storing and disposing of an inoperable motor vehicle in excess of any proceeds derived from the sale of the vehicle shall be assessable against the owner of the property from which the vehicle was removed, the occupant of the property on the date the vehicle was removed, and the owner of the vehicle, and may be collected as taxes and levies are collected. The costs assessed against the owner of the property from which the vehicle was removed shall constitute a lien against such property, and the lien shall continue until actual payment of the costs have been made. (Ord. No. 3656. 9/18/93, Sec. 2; Ord. No. 4059, 6/12/99, Sec. 4; Ord. No. 4404, 6/21/05, Sec. 3)

Sec. 5-8-65 Civil violation, penalty and reconsideration.

(a) A person receiving a notice under section 5-8-64(a) which describes the conditions of a motor vehicle that render the vehicle inoperable shall remove or otherwise remedy the conditions within the time period set out in the notice, and failure to do so shall constitute a violation of this section. Said violation shall be a class four civil violation which shall be enforced through the levying of a civil penalty pursuant to section 1-1-11 of this code; provided, that the penalty shall be $100 for a person's first violation of this section occurring in any six-month period, shall be $250 for a person's second violation occurring within the six-month period, and shall be $500 for each additional violation by a person occurring the six-month period.

(b) Within five days of receipt of a notice issued under section 5-8-64, the recipient may request in writing that the director of code enforcement reconsider the determination that the vehicle is inoperable, and may include with such request any supporting documentation or other evidence. The vehicle shall not be removed for impoundment while such request is pending. The director of code enforcement shall review the request, and notify the requestor in writing of the director's decision. If the director confirms the determination, such written notification shall serve as new notice provided pursuant to section 5-8-64(a). (Ord. No. 3849, 3/23/96, Sec. 1; Ord. No. 4059, 6/12/99, Sec. 5; Ord. No. 4404, 6/21/05, Sec. 4)

ARTICLE E

Reserved

Editorial Note: See the editorial note at Art. C.

Secs. 5-8-66 through 5-8-70 reserved.

ARTICLE F

Permit Parking Districts

Sec. 5-8-71 Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) *Block.* That portion of a city street between two intersecting streets or, in the case of a deadend street, between the street's end and an intersecting street.

(2) *Block face.* The portion of a block running from its centerline to its curb line.

(3) *City manager.* The city manager of Alexandria or her designee.

(4) *Guest.* A person who is entertained at a residence for a period of less than 24 hours.

(5) *Permit.* A permit issued under this article and a license plate, decal or permit described in section 10-4-19 of this code.

(6) *Permit holder.* An individual who displays a permit on his motor vehicle.

(7) *Permit parking district.* Any area so designated pursuant to section 5-8-73 or section 5-8-76 of this article.

(8) *Permit parking district map.* A map, prepared and maintained by the department of transportation and environmental services, showing the city's permit parking districts and the block faces within such districts along which permit parking district signs have been placed.

(9) *Permit parking district sign.* A sign, posted along a block face in a permit parking district, which imposes parking restrictions on individuals who lack a permit.

(10) *Residential district.* An area in which 75 percent of the buildings contained therein are used for residential purposes and containing no fewer than 400 on-street parking spaces, designating 20 linear feet per parking space; provided, however, that an area containing fewer than 400 on-street parking spaces may be deemed to be a residential district if the city council finds that to require the area to contain 400 on-street parking spaces would be impractical or impose an undue hardship.

(11) *Visitor.* A person who is entertained at a residence for a period of more than 24 hours.

(12) *Special parking district area.* The area bounded on the north by the north side of Princess Street, on the west by the east side of Washington Street, on the south by the south side of Wolfe Street and on the east by the Potomac

River. (Code 1963, Sec. 22-121.13; Ord. No. 2962, 6/27/84, Sec. 1; Ord. No. 3215, 5/26/87, Sec. 1; Ord. No. 3372, 4/25/89, Sec. 1; Ord. No. 3658, 9/18/93, Sec. 1)

Sec. 5-8-71A Permit parking district map; establishment and modification of districts; permit parking district signs.

(a) *Permit parking district map.* The boundaries of the city's permit parking districts and the block faces within each such district which are posted with permit parking district signs are and shall continue to be shown on a map, designated "Residential Permit Parking District Map," which is maintained by and kept on file in the department of transportation and environmental services. The map dated April 18, 1989, including as it may be amended over time pursuant to actions authorized by this article, is hereby incorporated into and made a part of this article as if the information contained therein were fully set forth herein.

(b) *Establishment of new, and expansion of existing, permit parking districts.* After April 25, 1989, new residential permit parking districts shall be established pursuant to section 5-8-73 or section 5-8-76, and existing districts shall be expanded pursuant to section 5-8-75.

(c) *Posting of new, and modification of existing, permit parking district signs.* Blocks faces in a permit parking district which lack any permit parking district signs may be posted and signs pursuant to section 5-8-77(b). Signs posted on block faces in a permit parking district may be modified pursuant to section 5-8-72(b) and may be removed pursuant to section 5-8-77(a). (Ord. No. 3372, 4/25/89, Sec. 2)

Sec. 5-8-72 Parking in permit parking districts.

(a) *Prohibited parking.* It shall be unlawful for any person to park a motor vehicle within any block which is posted with one or more residential permit parking district signs contrary to any of the conditions set forth on the sign, unless the vehicle displays a permit.

(b) *Parking restrictions in districts; modifications of restrictions.*

(1) Permit parking district signs shall restrict parking by motor vehicles lacking a permit to no more than two or three consecutive hours during specific periods, 8:00 a.m. to 5:00 p.m., 8:00 a.m. to 9:00 p.m., 8:00 a.m. to 11:00 p.m. or 8:00 a.m. to 2:00 a.m. of the following day, on either Monday through Friday or Monday through Saturday, excluding legal holidays, and/or 11:00 a.m. to 11:00 p.m., or 11:00 a.m. to 2:00 a.m. of the following day, on Sunday. Signs in all permit parking districts shall prohibit the parking of vehicles which lack a permit for more than three consecutive hours between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding legal holidays, unless city council, or the city manager pursuant to subsection (b)(2), determines that the signs to be posted in a district or portion thereof shall contain another combination of the restrictions set out in the previous sentence.

(2) (i) Following receipt of a petition signed by more than 50 percent of the residents abutting a block face in any permit parking district, except the special parking district area, which requests that the hours and days of restricted parking on their block face be changed and which specifies the combination of hours and days, described in subsubsection (1), that the residents are seeking, the traffic and parking board of the city shall, after a public hearing, make a recommendation on the petition to the city manager. Following receipt of the board's recommendation, the manager shall decide the petition and thereafter cause her decision to be implemented; provided, that, in the event the manager decides not to adopt the recommendation of the board or, whether or not in accord with the recommendation of the board, decides to deny the petition, in whole or in part, she shall forward the petition, along with the board's recommendation and the reasons for her decision, to city council which shall make the final decision on the petition.

(ii) Following receipt of a petition signed by the owner or non-owner occupants of more than 50 percent of the properties abutting a block in the special parking district area which requests that the hours and days of restricted parking on the block be changed and which specifies the combination of hours and days that are requested, the traffic and parking board of the city shall, after a public hearing, make a recommendation on the petition to the city manager; provided, however, that any petition filed under this subsubsubsection may only seek a change to one of the following combinations of hours and days: 8:00 a.m. to 5:00 p.m. Monday through Friday, two-hour limit; or 8:00 a.m. to 5:00 p.m. Monday through Friday, three-hour limit. Following receipt of the board's recommendation, the manager shall decide the petition and thereafter cause her

decision to be implemented; provided, that, in the event the manager decides not to adopt the recommendation of the board or, whether or not in accord with the recommendation of the board, decides to deny the petition, in whole or in part, she shall forward the petition, along with the board's recommendation and the reasons for her decision, to city council which shall make the final decision on the petition. In the event a petition filed under this subsubsubsection is filed, no further petition relating to the same block may be filed for a period of 24 months after the filing of the first petition.

(c) *Chalk marks.* It shall be unlawful to erase, remove or cover up any chalk mark placed for identification purposes upon any vehicle by any parking enforcement officer enforcing the provisions of this article unless the vehicle is removed from the block in which it was parked at the time the chalk mark was placed. (Code 1963, Sec. 22-121.14; Ord. No. 2753, 12/14/82, Sec. 1; Ord. No. 2787, 3/22/83, Sec. 1; Ord. No. 3129, 5/27/86, Sec. 1; Ord. No. 3148, 6/25/86, Sec. 1; Ord. No. 3215, 5/26/87, Sec. 2; Ord. No. 3296, 6/18/88, Sec. 1; Ord. No. 3325, 9/24/88, Sec. 1; Ord. No. 3372, 4/25/89, Sec. 3; Ord. No. 3574, 5/16/92, Sec. 2; Ord. No. 3658, 9/18/93, Sec. 2)

Sec. 5-8-73 Designation of permit parking districts; notice of designation.

(a) Upon submission of a petition for the designation of a residential district as a permit parking district, if the petition has been signed by more than 50 percent of the residents abutting each block face in the residential district designated in the petition, which, for purposes of calculating the 50-percent requirement, shall include the residents abutting each block face directly adjacent to the proposed permit parking district, the city manager shall cause to be conducted an engineering survey to determine whether the residential district is qualified as hereinafter described to be designated a permit parking district. The survey of the district shall be taken on a day other than Saturday or Sunday. If, at the time of the survey, more than 75 percent of the on-street parking spaces in the district are occupied by vehicles, no further survey shall be made. If less than 75 percent of the on-street parking spaces in the district are occupied by vehicles, additional surveys may be made at other times during that day. If 75 percent or more of the on-street parking spaces in the district are found to be occupied by vehicles by any survey, a study shall be made to determine if the number of vehicles parked in the district at the time of the survey and owned by nonresidents of the district exceeds 25 percent of the total number of vehicles parked in the district at that time, in which case the district shall be deemed to qualify as a permit parking district and the city manager shall certify this fact to the traffic and parking board of the city.

(b) Following receipt of a certification by the city manager that a residential district is deemed to qualify as a permit parking district, the traffic and parking board shall, after a public hearing. make recommendations to the city council concerning the designation of the qualifying residential district as a permit parking district. In making its recommendations to the city council the traffic and parking board shall consider the availability of an alternate means of transportation to and from the residential district, air pollution caused by automobile traffic within the district and the environmental impact of automobile use in the district.

(c) Following receipt of the recommendations of the traffic and parking board concerning the designation of a qualifying residential district as a permit parking district, the city council may designate the district as a permit parking district. If such a designation is made, council shall determine whether permit parking district signs are immediately to be posted throughout or in a portion of the district, or whether signs are only to be posted following action on petitions filed by residents of block faces within the district in accordance with section 5-8-77(a). If council determines that signs should immediately be posted, it shall identify the block faces within the district along which signs are to be posted, and shall specify which of the parking restrictions described in section 5-8-72(b) are to be imposed by such signs. Following the designation by council of a permit parking district, the director of transportation and environmental services shall assign a number to the newly designated district, and cause the permit parking district map to be modified to include the new district.

(d) Upon the designation of the permit parking district by the city council, the city manager shall cause permit parking district signs to be posted on each block face, or portion thereof, which council specifies for immediate posting. Such signs shall provide the following information in a format chosen by the director of transportation and environmental services:

Three (or Two) Hour Parking

8 a.m. to 5 p.m. (or to 9 p.m., 11 p.m. or 2:00 a.m. of the following day) Monday through Friday (or through Saturday)

11 a.m. to 11 p.m. (or to 2:00 a.m. of the following day) Sunday (if applicable)

Except Holders of District _____ Permits
(or comparable language)

In addition to this language, there shall be affixed to each sign following the word "District" the number assigned to the permit parking district in which the sign is located.

(e) No citation for a violation of section 5-8-72 of this article shall be issued in any permit parking district until the signs required by subsection (d) of this section shall have been posted in the district. No citation for a violation of section 5-8-72 shall be valid if the owner of the vehicle receiving the citation within 15 days of the date of adoption of the resolution designating the permit parking district in which the motor vehicle was parked when cited, obtains a permit authorizing the parking of the vehicle in the district. No citation for a violation of section 5-8-72 shall be valid if, less than 31 days before the date of the citation, the owner of the cited vehicle first become a resident of the permit parking district in which the vehicle was parked when cited and, within 30 days of becoming a resident of the district, the owner obtained a permit authorizing the parking of the cited vehicle within the district. (Code 1963, Sec. 22-121.15; Ord. No. 2753, 12/14/82, Sec. 2; Ord. No. 3129, 5/27/86, Sec. 2; Ord. No. 3215, 5/27/87, Secs. 3, 4; Ord. No. 3372, 4/25/89, Sec. 4; Ord. No. 3502, 3/16/91, Sec. 1; Ord. No. 3574, 5/16/92, Sec. 3)

Sec. 5-8-74 Parking permits; issuance.

Except as provided in subsection (6), the city manager shall, upon payment of the fee provided for by this article, issue permits to natural, but not corporate, persons who reside in a dwelling located within the boundaries of a permit parking district authorizing the parking of motor vehicles in such district for more than the consecutive hour limitation in effect in the district, as follows:

(1) to persons who reside in a permit parking district or to persons who both reside in a dwelling located on a block adjacent to an existing permit parking district where parking on said block is controlled by time limits set by official signs or metered parking and lack adequate alternative nearby parking facilities available to them, as determined by the city manager or the manager's designee:

(a) one permit for each vehicle belonging to such persons for which the persons have paid all personal property taxes imposed thereon by the city and which displays a valid license windshield tag issued pursuant to the provisions of section 3-2-321 et seq. of this code. Such permits shall be valid from July 1 or, if later, the date of issuance through November 15 of the following year. Applicants for permits issued pursuant to this subsection shall provide proof of residence and, for each vehicle for which a permit is sought, a motor vehicle registration card issued by the division of motor vehicles and proof of payment of all personal property taxes and license taxes imposed thereon by the city; and

(b) one permit per residence for a health care provider providing health care services at the residence. Permits issued under this paragraph (b) are not vehicle specific and may be transferred to different vehicles, but the use of such permits other than by persons providing health care services at the residence or other than during such times as they are providing health care services at the residence (or are in the immediate process of coming or going from the residence in connection with providing health care services at the residence) is prohibited. Such permits shall be valid for up to one year and will expire on October 5, annually. Applicants for permits issued pursuant to this paragraph (b) shall provide proof of residence, a notarized certification that a permanent resident is receiving health care services at the residence, and a written statement from a licensed medical professional that a permanent resident is receiving health care services at the residence.

For permits issued to a person or renewed pursuant to paragraph (a) of this subsection, there shall be imposed a fee of $30 for the first vehicle, $40 for the second vehicle, and $100 for each additional vehicle. Any person who has been issued a permit for a vehicle pursuant to paragraph (a) of this subsection may obtain a replacement permit for use on another vehicle registered in such person's name, upon application on forms furnished by the city manager and presentation of the registration card for the vehicle for which the replacement permit is sought and pieces of the previously issued permit as proof that it was removed from the vehicle for which the fee was previously paid, accompanied by a fee of $1. For permits issued to a person or

renewed pursuant to paragraph (b) of this subsection, there shall be imposed a fee of $50 per permit.

(2) to persons who are visitors at a residence within a permit parking district on the application of the resident, one permit for any vehicle used by such person during the visit, which permit shall be valid for a maximum of 30 days but shall not be renewed; provided, that permits may be issued to no more than two visitors to the same residence at the same time. A $5 fee shall be charged for any permit issued pursuant to this subsection for a period of more than seven days.

(3) to persons who are guests at a residence in a permit parking district on the application of the resident, one permit for any vehicle used by such person while a guest at the residence, which permit shall be valid for a date certain or portion thereof; provided that the number of permits issued under this subsection shall not at any time exceed 50 percent of the number of parking spaces in which they are valid; provided further, that no permit shall be issued under this subsection except upon a showing by the resident making application therefor that during the hours for which the permit is to be issued this residence will be used and occupied in a manner which is both lawful and not inconsistent with the residential character of the permit parking district in which it is located, and unless it shall be found that the issuance of the permit or permits will not unduly impair traffic safety during the time of their validity; provided further, that, notwithstanding any provision of this subsection to the contrary, up to 10 self-validating guest permits shall be issued in any calendar month for the guests of any residence located in a permit parking district upon the application of a person residing in the residence. Any permit issued pursuant to this subsection may be limited to certain streets or portions thereof in the permit parking district for which the permit is issued.

(4) to persons doing business with a resident or a nonresident property owner of a property located within a permit parking district on the application of the resident or nonresident property owner, one permit for the vehicle used while doing business in the permit parking district; provided, that such permits may be issued to no more than three persons doing business at the same residence at the same time. No permit shall be issued pursuant to this subsection for a period longer than the time estimated by the resident or nonresident property owner to be required for completing the business transaction for which the permit is sought, and in no event shall any permit be valid for more than 30 days.

(5) whenever a holder of a permit issued under this section is no longer qualified to possess the permit, the permit shall be invalid and shall be returned to the director of finance.

(6) permits shall not be issued to persons who reside in a residential development which is subject to a special use permit, to the extent the residents, visitors, guests or business-invitees within such development are excluded by the special use permit from eligibility for one or more of the permits described above in subsections (1), (2), (3) or (4). (Code 1963, Sec. 22-121.16, as amended by Ord. No. 2414, 11/27/79, Sec. 1; Ord. No. 2532, 12/13/80, Sec. 1; Ord. No. 2540, 1/27/81, Sec. 1; Ord. No. 2962, 6/27/84, Sec. 2; Ord. No. 3129, 5/27/86, Sec. 3; Ord. No. 3215, 5/26/76, Sec. 5; Ord. No. 3296, 6/18/88, Sec. 2; Ord. No. 3325, 9/24/88, Sec. 2; Ord. No. 3602, 11/14/92, Sec. 1; Ord. No. 3658, 9/18/93, Sec. 3; Ord. No. 3871, 6/15/96, Sec. 6; Ord. No. 4096, 12/18/99, Sec. 1; Ord. No. 4407, 6/21/05, Sec. 1; Ord. No. 4676, 6/22/10, Sec. 1; Ord. No. 4859, 2/22/14, Sec. 1)

Sec. 5-8-75 Changes in permit parking district boundaries.

Residents abutting a block face within a city block which is adjacent to a permit parking district, who wish to have their block face included in the district, shall submit to the city manager a petition signed by at least 50 percent of the block face residents. The manager shall submit the petition to the traffic and parking board for its review and recommendation. Following review by the board, city council may grant the petition and expand the boundaries of the district to include the block face identified in the petition, or a designated portion thereof, so long as at least 75 percent of the parcels of real estate abutting the block face, or the designated portion, are used or residential purposes and the block face meets the requirements for a permit parking district in section 5-8-73. (Code 1963, Sec. 22-121.17; Ord. No. 3215, 5/26/87, Sec. 6; Ord. No. 3372, 4/25/89, Sec. 5)

Sec. 5-8-76 Establishment of trial permit parking district.

Notwithstanding any other provision of this article, the city council may establish a permit

parking district or districts on a trial basis, for a period not to exceed 90 days, during which period no other petitions for establishment of such dis-

trict shall be acted on by the city council. Any permit parking district established on a trial basis pursuant to this section shall, at the expiration of the trial period established by the city council for that district, continue to be a permit parking district as established by this article unless and until it shall be otherwise declared by the city council. The provisions of subsections (c) and (d) of section 5-8-73 shall apply to the establishment of a permit parking district under this section. (Ord. No. 3372, 4/25/89, Sec. 6)

Sec. 5-8-77 Removal of existing, the posting of new, permit parking district signs.

(a) Residents abutting a block face within a permit parking district who wish to have permit parking district signs removed from their block face, or a portion thereof, shall submit to the city manager a petition signed by at least 50 percent of the residents of the block face or the portion thereof identified in the petition. The manager shall forward the petition to the traffic and parking board for its review and recommendation. Following receipt of the board's recommendation, the manager shall grant the petition unless she finds that removal of the signs would have a significant adverse effect upon residents abutting nearby block faces within the district; provided, that, in the event the manager decides not to adopt the recommendation of the board or she decides to deny the petition, she shall forward the petition, along with the board's recommendation and the reasons for her decision, to council which shall make the final decision on the petition.

(b) Residents abutting a block face within a permit parking district who wish to have permit parking district signs posted on their block face, or a portion thereof, shall submit to the city manager a petition signed by at least 50 percent of the residents of the block face, or the portion thereof identified in the petition. The petition shall specify the combination of hours and days, described in section 5-8-72(b)(1), during which the residents seek to have permit parking restrictions in effect on their block face. The manager shall forward the petition to the traffic and parking board for its review and recommendation. Following receipt of the board's recommendation, the manager shall grant the petition if she finds that at least 75 percent of the parcels of real estate on the block face, or the portion thereof identified in the petition, are used for residential purposes and that the block face, or the identified portion thereof, meets the requirements for a permit parking district in section 5-8-73; provided, that, in the event the manager decides not to adopt the recommendation of the board or she decides to deny the petition, in whole or in part, she shall forward the petition, along with the board's recommendation and the reasons for her decision, to city council which shall make the final decision on the petition. (Code 1963, Ch. 22; Ord. No. 2414, 11/27/79, Sec. 2; Ord. No. 3215, 5/26/87, Sec. 7; Ord. No. 3372, 4/25/89, Sec. 7)

Sec. 5-8-79 Enforcement and administration of article.

(a) The police department of the city shall be responsible for the enforcement of this article.

(b) The director of finance shall be responsible for the administration of this article. This responsibility shall include the following duties:

(1) Upon determining that a permit issued pursuant to section 5-8-74 has been obtained through a misrepresentation made in violation of section 5-8-80(a), the director shall notify the permit holder that the permit is invalid and must be returned to the director.

(2) Upon determining that a permit issued pursuant to section 5-8-74 is being misused (for example, by being displayed on a vehicle other than the vehicle for which the permit was issued) or that the person holding the permit no longer meets the requirements for obtaining the permit, the director shall notify the permit holder that the permit is invalid and must be returned to the director. (Ord. No. 3602, 11/14/92, Sec. 2)

Sec. 5-8-80 Permit violations and penalty.

(a) In addition to any other prohibition or restriction imposed by this article, the following acts are prohibited:

(1) It shall be unlawful for any person to make a false representation of any material fact when applying for or seeking to renew a permit under this article.

(2) It shall be unlawful for any person to display on a motor vehicle a permit issued pursuant to this article when the requirements for obtaining the permit are no longer satisfied or when the vehicle is not the vehicle for which the permit was issued.

(b) The penalty for a violation of subsection (a)(1) or (a)(2) shall be a fine of $250.

(c) Any permit held by a person who has violated subsection (a)(1) or (A)(2) shall, at the time of the violation, become and thereafter remain invalid. (Ord. No. 3602, 11/14/92, Sec. 3)

Sec. 5-8-81 Federal courthouse parking zone.

(a) The director of transportation and environmental services is authorized to establish a permit parking zone for jurors and witnesses attending the United States Courthouse located in the city.

(b) Such zone shall consist of not more than 50 parking spaces on Elizabeth Lane and Mill Road, the location of which shall be determined by the director.

(c) Parking permits for witnesses and jurors attending the United States Courthouse shall be issued by the Clerk of the United States District Court for the Eastern District of Virginia, and the Office of the United States Attorney, and the form thereof shall be approved by the director.

(d) Any limitations on the hours during which vehicles may park on streets within the parking zone established pursuant to subsection (a) shall not apply to vehicles parked in the zone and displaying in their windshield a permit issued under subsection (c). The director shall post signs regulating parking in such spaces, which provide that the limitations as to hours of parking shall not apply to vehicles displaying a permit.

(e) This section shall expire on January 22, 2003. (Ord. No. 4102, 1/22/00, Sec. 1; Ord. No. 4233, 1/26/02, Sec. 1)

Sec. 5-8-82 Restricted overnight parking districts.

(a) *Prohibited parking.* It shall be unlawful for any person to park a motor vehicle within any block face which is posted with one or more restricted overnight parking district signs contrary to any of the conditions set forth on the sign, unless the vehicle displays a valid City of Alexandria license plate, windshield tag or decal issued pursuant to section 3-2-321, et seq., of this code, or a guest or visitor permit issued pursuant to this section.

(b) *Parking restrictions.* Restricted overnight parking district signs shall prohibit parking by motor vehicles which do not display a valid City of Alexandria license plate, windshield tag or decal issued pursuant to section 3-2-321, et seq., of this code, or a guest or visitor permit issued pursuant to this section, during the posted overnight hours between 12 midnight and 6:00 a.m. the following morning. As used in this section, parking means the stopping or standing of a motor vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of the vehicle.

(c) *Establishment of district.* A restricted overnight parking district may be established in accordance with the following criteria and procedures:

(1) All property within the district must be zoned for residential use.

(2) No district shall include property which is included within a residential permit parking district established pursuant to this article F.

(3) The district must include a minimum of 200 on street parking spaces.

(4) A petition requesting the establishment of a restricted overnight parking district, describing the area proposed to be designated, and signed by not less than 66 and 2/3 percent of the residents abutting each block face in the proposed district, shall be filed with the city manager.

(5) Upon receipt of a petition which meets the minimum criteria, the city manager shall conduct one or more surveys of the on street parking spaces within the proposed district during the restricted parking hours, on an evening other than a Friday, Saturday or Sunday evening. If the surveys reasonably demonstrate to the satisfaction of the city manager that at least 25 percent of the vehicles parked within the proposed district did not display a valid City of Alexandria license plate, windshield tag or decal issued pursuant to section 3-2-321, et seq., of this code, the manager shall refer the petition to the traffic and parking board. If the surveys do not so demonstrate, the petition shall be deemed denied.

(6) The traffic and parking board shall conduct a public hearing, and make a recommendation to the city council concerning the establishment of the district.

(7) Upon receipt of the recommendation of the traffic and parking board, the city council shall determine whether or not to establish the restricted overnight parking district. Prior to making its decision, the city council may elect to hold a public hearing on the proposed designation.

(8) The board and council shall consider the following factors: the availability of off street parking in the district, the degree of congestion or utilization of on street parking typical in the district during the restricted hours, such geographic features of the area as may impact access to, or availability of, parking during the restricted hours, the likely effect of establishment of the

district on surrounding areas within the city, and such additional factors as the board or council reasonably determine are relevant to its consideration of the matter.

(9) If the city council approves the establishment of the district, the director of transportation and environmental services shall forthwith post the signs described in subsection (b) within the district, and record the district on the permit parking district map.

(d) The city manager shall provide for the convenient issuance of guest and visitor permits, as provided in section 5-8-74, for use within a restricted overnight parking district.

(e) All relevant provisions of this code, including without limitation the provisions of this article F, which are not in conflict with the provisions of this section, shall apply to the establishment, procedures, penalties and enforcement of a restricted overnight parking district established pursuant to this section. (Ord. No. 4389, 4/16/05, Sec. 1)

Sec. 5-8-83 Restricted daytime parking district.

(a) Prohibited parking. It shall be unlawful for any person to park a motor vehicle within any block face which is posted with one or more restricted daytime parking district signs contrary to any of the conditions set forth on the sign, unless the vehicle displays a valid City of Alexandria license plate, windshield tag or decal issued pursuant to section 3-2-321, et seq., of this code, or a guest or visitor permit issued pursuant to this section.

(b) Parking restrictions. Restricted daytime parking district signs shall prohibit parking by motor vehicles which do not display a valid City of Alexandria license plate, windshield tag or decal issued pursuant to section 3-2-321 et seq. of this code, or a guest or visitor pass issued pursuant to this section, during the posted daytime hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. As used in this section, parking means the stopping or standing of a motor vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of the vehicle.

(c) Establishment of district. The restricted daytime parking district may be established for any block face or adjoining group of block faces within the boundaries set forth in the Daytime Parking District Map approved by the city council upon passage of the ordinance creating and authorizing this code section. City council may amend the Daytime Parking District Map by resolution. Residents within the district may request that restricted daytime parking district signs be posted on block faces within the district pursuant to the following criteria and procedures:

(1) A petition requesting the establishment of a placement of restricted daytime parking district signs, describing the area proposed to be designated, and signed by not less than 50 percent of the residents abutting each block face in the proposed area, shall be filed with the city manager.

(2) Upon receipt of a petition which meets the minimum criteria, the director of transportation and environmental services shall forthwith post the signs described in subsection (b) within the proposed area, and record the area on the Daytime Permit Parking District Map.

(d) Guest/visitor passes. The city manager shall provide for the issuance of one guest/visitor pass for each residence with any approved area within the restricted daytime parking district at no cost. Such passes shall be transferable to subsequent occupants of the residence without action by the city. If any issued guest/visitor pass is lost or stolen, the requesting resident may obtain a replacement from the city at a cost of $100.

(e) All relevant provisions of this code, including without limitation the provisions of this article F, which are not in conflict with the provisions of this section, shall apply to the establishment, procedures, penalties and enforcement of a restricted daytime parking district established pursuant to this section. (Ord. No. 4718, 5/14/11, Sec. 1)

Secs. 5-8-84 through 5-8-90 reserved.

ARTICLE G

Parking Meters

State Law Reference: Cities authorized to install parking meters, Code of Va., Sec. 46.2-1220.

DIVISION 1

Parking Meter Zones

Sec. 5-8-91 Definitions.

(a) The word "vehicle," as used in this division shall mean any device in, upon or by which any person or property is or may be transported upon a street, except those operated upon rails or tracks.

(b) The word "operator" shall mean and include every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner. (Code 1963, Sec. 22-122)

Sec. 5-8-92 Parking meter zones established.

(a) The following described parts of the streets of the city are hereby established as parking meter zone 1:

(1) both sides of the 100, 200, 300, 400, 500, 600 and 800 blocks of King Street.

(2) both sides of the 100 block north and the 100 block south of Pitt Street, and Columbus Street.

(3) both sides of the 100, 200 and 300 blocks of North Washington Street and the 100, 200 and 300 blocks of South Washington Street.

(4) both sides of the 300, 400 and 600 blocks of Cameron Street, both sides of Cameron Street between Columbus and Alfred Streets, the south side of the 100 and 200 blocks and the north side of the 100 block of Cameron Street.

(5) both sides of the 600 and 700 blocks of Prince Street, as well as both sides of Prince Street east of Union Street.

(6) east side of the 200 block of South Columbus Street.

(7) both sides of the 700 block of Duke Street.

(8) both sides of the 100 block of South Saint Asaph Street and both sides of the 100 block of North Saint Asaph Street.

(9) both sides of the 100 block of South Royal Street and both sides of the 100 block of North Royal Street.

(10) both sides of the 100 block of South Fairfax Street and both sides of the 100 and 900 blocks of North Fairfax Street.

(11) both sides of the 100 block of North Union Street, the east side of the 100 block of South Union Street, both sides of the 200 block of South Union Street, the east side of the 200 block of North Union Street and the east side of the 500 block of North Union Street.

(12) west side of the 100 block of North Lee Street and the west side of the 100 block of South Lee Street.

(13) both sides of the 700 block of Queen Street.

(14) Reserved.

(15) Reserved.

(16) east side of the 100 block of The Strand for a distance of 275 feet north of the north curb line of Prince Street.

(17) both sides of the 700 and 800 blocks of Princess Street.

(18) both sides of Duke Street east of Union Street.

(b) The following described parts of the streets of the city are hereby established as parking meter zone 2:

(1) both sides of the 900, 1100, 1200, 1300, 1400, 1500, 1600, 1700, and 1800 blocks of King Street.

(2) both sides of the 100, 800 and 900 blocks of North Fayette Street. The east side of the 600 and 700 blocks of North Fayette Street. The east side of South Fayette Street for a distance of 120 feet south of the south curb line of King Street and the west side of the 100 block of South Fayette Street for a distance of 215 feet south of the south curb line of King Street. Both sides of the 100 block of North Payne Street, except the portion between Cameron Street and the alley which is 100 feet north of King Street.

(3) both sides of the 1400, 1500 and 1600 blocks of Prince Street.

(4) both sides of the 1100 block of Madison Street.

(5) the east side of the 100 block of South Payne Street for a distance of 135 feet south of the south curb line of King Street and the west side of the 100 block of South Payne Street for a distance of 75 feet south of the south curb line of King Street.

(6) west side of the 100 block of North Henry Street and the 100 block of South Henry Street.

(7) east side of the 100 block of North Patrick Street and the 100 block of South Patrick Street.

(8) both sides of the 100 block of North Alfred Street and the 100 block of South Alfred Street.

(9) the east side of the 100 block of North West Street and both sides of the 100 block of South West Street.

(10) both sides of the 100 and 200 blocks of Reinekers Lane.

(11) both sides of the 100 and 200 blocks of Daingerfield Road.

(12) both sides of the 1800 block of Diagonal Road.

(c) The following described parts of the streets of the city are hereby established as parking meter zone 3:

(1) both sides of the 300, 400, 500 600, 700 and 800 blocks of John Carlyle Drive.

(2) both sides of the 300, 400 and 500 blocks of Dulany Street.

(3) both sides of the 500 and 600 blocks of Elizabeth Lane.

(4) both sides of the 300 block of Englehardt Lane.

(5) both sides of the 2100, 2200 and 2300 blocks of Mill Road.

(6) both sides of the 1400, 1500, 1600, 1700, 1800, 1900, 2000 and 2100 blocks of Jamieson Avenue.

(7) both sides of the 1800, 1900 and 2000 blocks of Ballenger Avenue.

(8) both sides of the 1800 block of Emerson Avenue.

(9) both sides of the 300 block of West Street.

(10) both sides of the 800 block of Bartholomew Street.

(11) both sides of the 800 block of Eisenhower Park Drive.

(12) both sides of the 1800 block of Savoy Street.

(13) both sides of the 1800 block of Limerick Street.

(14) the north side of the 2200 and 2300 blocks of Eisenhower Avenue.

(15) both sides of the 2200 and 2300 block of Dock Lane.

(16) both sides of the 700 and 800 blocks of Port Street.

(d) The following described parts of the streets of the city are hereby established as parking meter zone 4:

(1) both sides of the 2900 and 3000 blocks of Dogue Street.

(2) both sides of the 2800, 2900, and 3000 blocks of Main Line Boulevard.

(3) both sides of the 700 and 800 blocks of Seaton Avenue.

(4) west side of the 2800, 2900, and 3000 blocks of Potomac Avenue.

(5) both sides of the 600 and 700 blocks of Maskell Street.

(6) both sides of the 600, 700, and 800 blocks of East Glebe Road.

(e) The number and locations of parking meters in the zones established above shall be determined by the city manager or the manager's designee; provided, that any proposal to locate new or remove existing meters shall be submitted by the manager or designee to the traffic and parking board for its review and recommendation; and provided further, that, in the event the manager or designee disagrees with the recommendation of the board, the proposal shall be submitted to city council which shall make the final decision on the proposal. (Code 1963, Sec. 22-123, as amended by Ord. No. 2529, 11/25/80, Sec. 1; Ord. No. 2693, 6/12/82, Sec. 1; Ord. No. 2706, 6/22/82, Sec. 1; Ord. No. 2731, 11/13/82, Sec. 1; Ord. No. 2783, 3/19/83, Sec. 1; Ord. No. 2796, 5/14/83, Sec. 1; Ord. No. 2803, 5/14/83, Sec. 1; Ord. No. 2844, 9/17/83, Secs. 1, 2; Ord. No. 2879, 11/12/83, Sec. 1; Ord. No. 3105, 1/18/86, Secs. 1, 2; Ord. No. 3129, 5/27/86, Sec. 4; Ord. No. 3152, 9/13/86, Sec. 1; Ord. No. 3233, 9/22/87, Sec. 1; Ord. No. 3377, 5/13/89, Sec. 1; Ord. No. 4415, 6/21/05, Sec. 1; Ord. No. 4681, 9/25/10, Sec. 1; Ord. No. 4829, 9/21/13, Sec. 1; Ord. No. 4958, 6/13/15, Sec. 1; Ord. No. 4970, 10/17/15, Sec. 1; Ord. No. 4859, 2/22/14, Sec. 2; Ord. No. 5020, 6/18/16, Sec. 1)

Sec. 5-8-93 Parking meters; hours and days of operation; maximum time limits; rates.

(a) (1) The parking meters in zones 1 and 2, established by section 5-8-92 of this code, shall be operated every day of the week except Sundays and legal state holidays, and the daily hours of operation and maximum time limit of the meters shall be determined by resolution of the city council; provided, that, within the area bounded on the north by the north side of Princess Street, on the west by a line 10 feet to the east of and running parallel to the east side of Washington Street, on the south by the south side of Wolfe Street and on the east by the Potomac River, meters which permit a maximum of two hours of parking shall be in operation from 8:00 a.m. until 9:00 p.m.

(2) The parking meters in zones 3 and 4, established by section 5-8-92 of this code shall be operated every day of the week except Sundays

and state legal holidays, and the daily hours of operation of the meters shall be determined by resolution of the city council.

(b) The maximum time limit for parking in any space shall be set forth on the meter for that space, and shall not exceed four hours, subject to the provisions of subsection (a) above.

(c) In all parking meter zones, the rate shall be $1.25 per hour at those meters that are coin only operated until such time as multi-space meters or single space meters that accept credit or debit cards are installed. In all parking meter zones, the rate shall be $1.75 per hour at those spaces served by multi-space meters or single space meters that accept credit or debit cards installed before November 13, 2010. Thereafter, when multi-space meters or single space meters that accept credit or debit cards are installed elsewhere in all parking meter zones, the rate will increase to $1.75 per hour at those spaces. In all parking meter zones, the applicable rate shall be payable in such increments as provided at the applicable meter or pay station. The rates set forth above do not include any convenience fee that may be charged by the service provider in the event the city implements a "pay by phone" or other technology-based parking payment option.

(d) As used in this article, the phrase parking meter shall be deemed to include a parking pay station for multiple parking spaces, and all provisions applicable to parking meters shall apply to parking pay stations, *mutatis mutandis.* (Code 1963, Sec. 22-124, as amended by Ord. No. 2529, 11/25/80, Sec. 2; Ord. No. 2761, 1/26/83, Sec. 1; Ord. No. 2804, 5/14/83, Sec. 1; Ord. No. 3129, 5/27/86, Sec. 5; Ord. No. 3233, 9/22/87, Sec. 2; Ord. No. 3574, 5/16/92, Sec. 4; Ord. No. 3600, 11/14/92, Sec. 2; Ord. No. 4415, 6/21/05, Sec. 2; Ord. No. 4535, 5/5/08, Sec. 1; Ord. No. 4593, 5/16/09, Sec. 1; Ord. No. 4675, 6/12/10, Sec. 1; Ord. No. 4684, 11/13/10, Sec. 1; Ord. No. 4872, 5/1/14, Sec. 1; Ord. No. 4958, 6/13/15, Sec. 1; Ord. No. 4970, 10/17/15, Sec. 1; Ord. No. 4859, 2/22/14, Sec. 3; Ord. No. 5020, 6/18/16, Sec. 1)

Sec. 5-8-94 City manager to provide for installation and maintenance.

The city manager, or any officers and employees of the city as he may select, shall provide for the installation, regulation, control, operation and use of parking meters in the parking meter zones hereby created, and shall maintain the meters in good workable condition. (Code 1963, Sec. 22-125)

Sec. 5-8-95 Contracts for purchase and repair of meters.

The city manager is hereby vested with power and authority to enter into a contract in the manner as prescribed by law for the purchase and installation of parking meters, and to provide payment for the meters and installation exclusively from the receipts, funds and revenues obtained by the city from the operation of the parking meters without in anywise personally obligating the city to pay for them from any other source. The city manager is further authorized and empowered to enter into a contract for repairs and any parts of the parking meters as may be necessary to maintain them in good operating condition and to pay for the repairs and parts exclusively from the receipts, funds and revenues received from the operating of the parking meters. (Code 1963, Sec. 22-126)

Sec. 5-8-96 How single space meters to be installed; operation generally.

(a) The parking meters shall be place upon the curb alongside of or next to individual parking places, which parking places shall be either parallel to or diagonal with the curb and shall be marked with proper lines.

(b) Each parking meter shall be so set as to display a signal that the parking space alongside thereof is or is not in use.

(c) Each parking meter shall be so set as to display a signal showing legal parking in the adjoining space, upon the deposit of a coin or coins of the United States or other authorized payment, for a period of time conforming to the parking limits specified in this article.

(d) Each parking meter shall also be so arranged that upon the expiration of the parking limit it will indicate by appropriate signal that the parking period has expired.

(e) In the event the city implements a "pay by phone" or other technology-based parking payment option, each parking meter shall also display instructions setting forth the means through which a customer may pay the meter charge through such system. (Code 1963, Sec. 22-127; Ord. No. 4859, 2/22/14, Sec. 3; Ord. No. 5020, 6/18/16, Sec. 1)

Sec. 5-8-97 How parking pay stations (multi-space meters) to be installed; operation generally.

(a) The parking pay stations shall be placed upon the curb alongside of or next to individual parking places within a block, which parking places shall be either parallel to or diagonal with the curb.

(b) Each parking pay station shall print a receipt that indicates legal parking in a parking space within the block, upon the deposit of a coin or coins of the United States or other authorized payment, for a period of time conforming to the parking limits specified in this article.

(c) The printed parking pay station receipt will indicate when the parking period expires.

(d) In the event the city implements a "pay by phone" or other technology-based parking payment option, each parking station shall also display instructions setting forth the means through which a customer may pay the meter charge through such system. (Ord. No. 4772, 6/26/12, Sec. 2; Ord. No. 4859, 2/22/14, Sec. 3; Ord. No. 5020, 6/18/16, Sec. 1)

Secs. 5-8-98 through 5-8-110 reserved.

DIVISION 2

Metered Parking Lots

Sec. 5-8-111 Definition of "vehicle".

The word "vehicle," as used in this division, shall mean passenger automobiles only. (Code 1963, Sec. 22-138)

Sec. 5-8-112 Establishment of metered parking lots.

The city council may establish certain city owned parcels used for providing open air off street parking for vehicles as metered parking lots by adopting a resolution designating the location of the lot, the hours and rates to be used for the meters in the lot and any other necessary regulations for such meters. The traffic and parking board shall review the proposed metered parking lot and provide a recommendation, including hours and rates, to the city council prior to the adoption of such resolution. (Code 1963, Sec. 22-139; Ord. No. 2666, 3/13/82, Sec. 1; Ord. No. 2940, 6/18/84, Sec. 1; Ord. No. 3105, 1/18/86, Sec. 3; Ord. No. 5021, 6/18/16, Sec. 1)

Secs. 5-8-113 through 5-8-116 reserved.

Editor's note—Ord. No. 5021, § 1, adopted June 18, 2016, repealed §§ 5-8-113—5-8-116, which pertained to installation and operation of parking meters, time limits and rates for use, designation of parking spaces, and parking across lines, and derived from §§ 22-141, 22-142, and 22-148 of the 1963 Code; Ord. No. 2805, § 1, adopted May 14, 1983; and Ord. No. 3129, § 6, adopted May 27, 1986.

Sec. 5-8-117 Establishment of parking spaces for persons with a disability.

(a) *Preemption of other law.* Notwithstanding any contrary provision in this code, reserved parking spaces in the public right-of-way in single-family, two-family and townhouse residential areas for use by persons with a disability shall be established and removed as provided in this section.

(b) *Application requirements.* An application for a reserved parking space for persons with disabilities in the public right-of-way in residential areas must comply with the following criteria in order to be considered:

(1) There must be no off-street parking at the applicant's residence, or the applicant must demonstrate, as provided in paragraph (6), that existing off-street parking is not feasible for use by the applicant.

(2) The applicant must have a valid Virginia DMV disabled parking license plate or placard.

(3) The applicant must reside at the address in front of which the space is requested.

(4) The applicant must demonstrate that a vehicle is registered in Alexandria to a person who resides at the address requested.

(5) Legal parking must be available in front of the applicant's address.

(6) Each applicant must supply a copy of the medical certification submitted to the department of motor vehicles, or a new such certification, which demonstrates eligibility for a DMV disabled parking license plate or placard, and, where existing off-street parking exists, must supply additional medical evidence to demonstrate that such parking is not feasible for use by the applicant.

(c) *Approval requirements.* If an application fails to meet any of the criteria listed in subsection (b), it will not be approved, unless a waiver is sought and approved under subsection (e). If the application is denied, the applicant shall be notified in writing as to the specific reasons for the denial, and shall also be notified of any right to appeal provided under this section.

(d) *Block limits.* No more than one reserved parking space for persons with disabilities will be authorized for one side of any street, between intersecting streets (block face).

(e) *Waivers.* The city manager is authorized to waive:

(1) The block limits standard under the following conditions:

(a) (i) The applicant demonstrates to the satisfaction of the city manager that the applicant has a severe mobility impairment, and that (1) the applicant or a resident of the applicant's household owns a motor vehicle especially equipped to permit operation by, or transport of, the applicant, or (2) the applicant has a life threatening condition, or

(ii) The applicant demonstrates to the satisfaction of the city manager that the block on which the applicant resides is of unusual or exceptional length, and that permitting an additional space would be the functional equivalent of the application of the usual block limit standard; and

(b) The applicant demonstrates to the satisfaction of the city manager that the applicant otherwise meets the criteria in subsection (b) of this section; and

(c) If granted, a waiver shall be valid for a period of one year only, but the applicant may re-apply for additional one year periods.

(2) The requirement that legal parking must be available in front of the applicant's address, under the following conditions:

(a) (i) There is a fire hydrant, city no-parking regulation, or other similar impediment to parking in front of the applicant's address, or the applicant's property is of insufficient width to accommodate the reserved space, and the applicant demonstrates to the satisfaction of the city manager that installation of the reserved space at another location will not unduly burden any other person; or (ii) the owner of the property in front of which the reserved space is proposed to be located has consented, in writing, to such location, in which case the waiver shall be granted as a matter of course, and

(b) The applicant demonstrates to the satisfaction of the city manager that the applicant otherwise meets the criteria in subsection (b) of this section; and

(3) The city manager may impose such conditions on any waiver as the manager deems reasonable.

(f) *Use of reserved spaces.* A parking space for persons with disabilities will be available for use by any eligible person with a DMV disabled license plate or placard on a first come, first served basis, and is not reserved for the exclusive use of the applicant. Only those vehicles used by, or to transport, a person with a disability may park in the reserved space, and the applicant's vehicle is expected to use the reserved space when parked in the neighborhood. Reserved spaces are not intended for use by companions except when transporting persons with disabilities, and displaying a DMV plate or placard. Use of the parking space by other persons when not transporting the person with a disability is a parking violation that carries a $100 to $500 fine, as provided in section 10-4-19 of this code and section 46.2-1249 of the Virginia Code.

(g) *Administrative procedures.* The director of transportation and environmental services shall be responsible for administering this section.

(1) All applications must be submitted to the director for consideration and review. The director will (a) evaluate satisfaction of eligibility criteria; (b) verify the validity of the disabled parking license plate or placard; (c) verify vehicle registration; (d) confirm residency; (e) determine availability of off-street and on-street parking; and (f) ensure conformance to the terms of this section in making a decision.

(2) Applications for a determination that an existing off-street parking space is not feasible for use by the applicant, and for a block limit or availability of parking waiver shall be submitted to the director, for review and recommendation, and shall be decided by the city manager.

(3) Any person aggrieved may appeal the director's decision to the city manager, by filing an appeal, in writing, with the director, within 15 days of the director's decision. The appeal shall be limited to the record upon which the director based his decision, and such additional written submissions as the parties may provide. The manager's decision on appeal, or on an application for a waiver, shall state the findings of fact and reasons for the decision, and shall be final and not appealable to city council.

(4) The director shall implement procedures to ensure the confidentiality of any medical information submitted by an applicant, including DMV medical certifications, which shall at minimum provide for the maintenance of such information in a sealed file, with access permitted only to department employees or the city manager on a need-to-know basis, during the pendency of an application. Once a decision has been made on an application, access shall be permitted only on the written authorization of the director or acting director. This information shall be held strictly confidential, and shall not be released to any individual or entity, other than the applicant, outside of the department of T&ES, the city manager or the manager's designee appointed hereunder. All employees who have potential access to said information shall be trained on this policy and the strict confidentiality requirements adhered to. Medical information submitted by an applicant is exempt from mandatory disclosure under FOIA, and shall not be subject to discretionary release.

(h) *Annual recertification.* Each year the director will mail a recertification form to each resident who received approval for the installation of a reserved parking space, including those parking spaces that were approved prior to [effective date of this ordinance]. In order to retain the reserved space, the resident must complete and execute the form affirming continued satisfaction of all of the eligibility criteria in subsection (b) of this section, except such criteria as may have been waived by the city manager pursuant to subsection (e) of this section. The requirement of paragraph (b)(5) that the space be located in front of the applicant's residence, and the block limit requirement of subsection (d) shall not apply to the recertification of spaces approved prior to May 12, 2001. If the director determines that the eligibility criteria are no longer satisfied, the resident will be notified in writing and must provide a response to the director with proper evidence of compliance within 45 days of notification. Failure to provide the information in accordance with the requested deadline will result in a second letter and failure to respond to the second letter within 30 days shall result in the removal of the reserved space.

(i) *Revocation.* A reserved space is subject to revocation as follows:

(1) In the event that a complaint is made to the director that the applicant no longer satisfies the eligibility criteria of subsection (b) of this section, or that the space is being repeatedly used in a manner contrary to subsection (f), by persons residing in or visiting the applicant's household, the director will conduct a preliminary inquiry to determine if the complaint is supported by substantial and credible evidence. If the director determines that the complaint is so supported, the applicant will be notified in writing of the nature and specifics of the complaint, and must provide a response within 45 days to the director. The applicant and complainant(s) shall have the right to appear before the director, upon 15 days written notice of the time and place of the hearing, and be heard in person or by counsel, but such hearing shall be conducted in an informal manner. The director shall revoke a reserved parking space designation only if (i) the director finds by a preponderance of the evidence that the applicant did not, or does not continue to, meet the criteria in subsection (b), or if (ii) the director finds by clear and convincing evidence that the space is being repeatedly used in a manner contrary to subsection (f), by persons residing in or visiting the applicant's household. The director shall notify all parties of the decision in writing, within 15 days of the close of the hearing. The decision shall state the findings of fact and the reasons for the decision. The notice shall inform the parties of their right to appeal the decision to the city manager, and of the procedure for making such an appeal.

(2) Any person aggrieved may appeal the director's decision to the city manager, by filing an appeal, in writing, with the director, within 15 days of issuance of the decision. The city manager shall schedule a hearing on the matter within 30 days of the filing of the appeal, and shall give the parties 15 days notice of the time and place of the hearing. The manager shall

notify all parties of the manager's decision in writing, within 15 days of the close of the hearing. The manager's decision shall state the findings of fact and the reasons for the decision, and the decision shall be final and not appealable to city council. (Ord. No. 4199, 5/12/01, Sec. 1)

Secs. 5-8-118 through 5-8-130 reserved.

ARTICLE H

Snow and Bad Weather Regulations

Sec. 5-8-131 Emergency plans generally.

The city manager shall prepare snow and weather emergency plans for use within the city and inform the public of the details of the plans. The plans may include but shall not be limited to provisions for warning motorists and pedestrians, prohibiting parking on designated streets, requiring chains or snow tires on vehicles operating on designated streets, removing and storing vehicles that are stalled, stuck, parked or abandoned on designated streets, early dismissal of city employees or excusing city employees from reporting to duty, posting guidance and warning signs and markings on designated streets, sanding and chemical treatment of streets, and removal of snow, sleet, hail and ice. The plans, where practicable, shall be similar to and shall be invoked simultaneously with snow and weather emergency plans for the District of Columbia and neighboring jurisdictions. The plans shall include a classification system based on type and accumulation of precipitation to be determined by the city manager with a designation of snow emergency severity ranging from Level 1 (least severe) to Level 3 (most severe), such levels to relate to the various aspects and degrees of response set forth in the City manager's snow emergency plans. (Code 1963, Sec. 22-227; Ord. No. 4690, 11/13/10, Sec. 1)

Sec. 5-8-132 Snow emergency routes.

The following city streets or portions thereof are designated as snow emergency routes and shall be posted as such:

(1) King Street from Union Street to the western city limit.

(2) Washington Street from city limit to city limit.

(3) Duke Street from Washington Street to the western city limit.

(4) U.S. Route No. 1 from city limit to city limit.

(5) Braddock Road from North West Street to Beauregard Street.

(6) Howard Street from Braddock Road to Jordan Street.

(7) Jordan Street from Duke Street to Howard Street.

(8) Eisenhower Avenue from Holland Lane to Van Dorn Street. (Code 1963, Sec. 22-228, as amended by Ord. No. 2446, 3/15/80, Sec. 2; Ord. No. 4690, 11/13/10, Sec. 1)

Sec. 5-8-133 Parking during a snow emergency.

(a) Whenever the city manager or his duly authorized representative declares a snow emergency of any level, parking restrictions on any street or portion thereof designated a snow emergency route shall go into effect two hours after such announcement. Notwithstanding the foregoing, no vehicle parked in a designated snow emergency route shall be impounded earlier than 7:00 a.m. on any day when the snow emergency declaration was made later than midnight. However, such vehicles may be relocated to a nearby parking space not within a designated snow emergency route. All designated snow emergency routes shall be marked by special red and white signs not less than 18 inches wide reading "SNOW EMERGENCY ROUTE; TOWING ENFORCED." There shall be at least one sign posted in every other block in each direction. No person shall, while a snow emergency declaration, regardless of level is in effect, park or permit any vehicle to remain parked on any such street or portion thereof. The parking prohibition shall remain in effect until the snow emergency declaration has been terminated by the city manager or his authorized representative. (Code 1963, Sec. 22-229, as amended by Ord. No. 2446, 3/15/80, Sec. 2; Ord. No. 4690, 11/13/10, Sec. 1)

Sec. 5-8-134 Impeding traffic during snow emergency.

Whenever the city manager or his duly authorized representative has declared a snow emergency, regardless of level, it shall be unlawful for any person to obstruct or impede traffic on any street or to obstruct or interfere with city sponsored snow removal or treatment by reason of his failure to have the vehicle operated by him reasonably equipped to operate in the existing street and weather conditions. (Code 1963, Sec. 22-230; Ord. No. 4690, 11/13/10, Sec. 1)

Sec. 5-8-135 Removal and storage of stalled, stuck, parked or abandoned vehicles and charges for removal and storage.

(a) Whenever any vehicle shall be found stalled, stuck, parked or abandoned on any city street in such a manner as to obstruct or impede traffic or

hinder city sponsored snow removal or treatment operations when a snow emergency declaration, regardless of level, has been made by the city manager or his designee, the vehicle may be removed to a nearby place or removed to a yard designated by the city manager or his authorized representative and stored.

(b) These vehicles may be removed only by persons authorized by the city manager or his representative. It shall be the duty of the person removing or directing the removal of any vehicle to immediately make a report thereof to the director of transportation and environmental services and the chief of police, giving the type of vehicle, the license tag numbers on the vehicle, the place of removal, the time of removal, the cause of removal, the place to which the vehicle was moved and such other information as the person making the report may have concerning the vehicle or its owner.

(c) The owner of any vehicle removed and stored in a city yard pursuant to this section or other duly authorized person shall be permitted to obtain the vehicle by paying the removal cost plus a storage charge at the rate of $30 per day. The payment of removal and storage charges shall not operate to relieve any person from liability for a fine or penalty.

(d) It shall be the duty of the police chief to attempt to notify the owner of any such vehicle as soon as reasonably possible of the removal and the location of the vehicle. (Code 1963, Sec. 22-231, as amended by Ord. No. 2472, 5/21/180) Sec. 2; Ord. No. 4690, 11/13/10, Sec. 1)

Sec. 5-8-136 Exemptions.

The following vehicles shall be exempt from the provisions of this article:

(1) commercial vehicles making emergency deliveries of fuel and motor oils, coal, gasoline, goods, milks; and medicines;

(2) emergency vehicles of public service corporations;

(3) ambulances and vehicles carrying sick or injured persons;

(4) vehicles engaged in snow removal operations or sanding streets;

(5) tow trucks;

(6) physicians responding to sick calls;

(7) vehicles carrying United States mail;

(8) police vehicles;

(9) fire vehicles;

(10) government emergency vehicles;

(11) municipal vehicles declared essential by the city manager; and

(12) hearses and motor vehicles in funeral processions. (Code 1963, Sec. 22-232)

Sec. 5-8-137 Penalties for violation of article.

Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding $50. (Code 1963, Sec. 22-233; Ord. No. Ord. No. 3964, 11/15/97, Sec. 1)

Secs. 5-8-138 through 5-8-150 reserved.

ARTICLE I

Vehicles Weight Limits

State Law Reference: Code of Va. Sec. 46.1-327 to 46.1-347.

Sec. 5-8-151 Reduction of limits.

(a)(1) The director of transportation and environmental services may prescribe the weight of any vehicle or combination of vehicles passing over any street, highway, section of highway or bridge within the city, less than that prescribed in this article, whenever an engineering study discloses that operation over any streets, highways or bridges, by reason of deterioration, rain, snow or other climatic conditions will seriously damage the street, highway or bridge unless such weights are reduced; provided, that in no case may the period of reduction of limits exceed 90 days in any calendar year.

(2) In all instances where the limits for weight have been reduced by the director of transportation and environmental services pursuant to this section, signs stating the weight permitted on the highway or street shall be erected at each end of the section of highway or street affected, and no such reduced limits shall be effective until such signs have been posted.

(b) It shall be unlawful to operate a vehicle or combination of vehicles over any public highway, or a street or section thereof when the weight thereof exceeds the maximum posted by authority of the traffic director pursuant to this section.

(c) Any person convicted of a violation of any provision of this section shall be punished by a fine not less than $10 nor more than $500 or be confined in jail for not less than one day nor more than six months, or both, and the vehicle or combination of vehicles involved in such violation may be held upon an order of the court until all fines and costs have been satisfied.

(d) This section shall not be construed to apply when it is proven by the person accused of the violation thereof that the journey was the initial or sole journey upon the section of road posted for reduced weight limits, subsequent to the time the signs were posted thereon. (Code 1963, Sec. 22-223)

Sec. 5-8-152 Permits for excessive size and weight; concrete mixers; certain coal-hauling vehicles; certain refuse collection trucks and certain vehicles carrying containerized freight.

(a) The director of transportation and environmental services may, in his discretion, upon application in writing and good cause being shown therefore, issue a special permit in writing authorizing the applicant to operate or move a vehicle upon the street of a size and weight exceeding the maximum specified by law. Every permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary to him. Before a special permit is issued, the applicant shall pay to the city the fee established and published pursuant to section 3-1-8 of this code.

(b) The director of transportation and environmental services, upon application in writing made by the owner or operator of any of the vehicles of the types specified in section 46.2-1139 of the Code of Virginia (1950), as amended, shall issue the permits that are provided for in that section, and the applicant shall pay to the city the fee established and published pursuant to section 3-1-8 of this code.

(c) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any officer. Any person who violates any of the terms or conditions of the special permit shall be punished in accordance with section 10-1-19 of this code. (Code 1963, Sec. 22-224; Ord. No. 2714, 9/18/82, Sec. 1; Ord. No. 4539, 5/20/08, Sec. 1)

State Law Reference: Authority of city to issue permit for excessive weight, concrete mixers and certain coal-hauling vehicles, Code of Va., Sec. 46.1-343.

Secs. 5-8-153 through 5-8-159 reserved.

ARTICLE J

On-Street Parking Standards

Sec. 5-8-160 Purpose and scope of article.

(a) The purpose of this article is to lessen congestion on, to facilitate the safe and expeditious movement of vehicular traffic along, and to ensure the ability of emergency services vehicle to move without delay on the public streets of the city. To achieve this purpose, the article sets forth standards for the size of parking spaces located on the public streets of the city and for the amount of travel way available to vehicular traffic on such streets. The article also sets forth a procedure for the application of these standards which is designed to ensure that the standards are applied to streets or portions of streets where existing conditions pose a threat to public safety and the general welfare.

(b) This article shall apply to all public streets in the city, except such streets or portions thereof located within the R-20, R-12, R-8, R-5 and R-2-5 residence zones. (Ord. No. 3201, 4/11/87, Sec. 1)

Sec. 5-8-161 Standards; enforcement.

(a) The following standards apply to parking spaces located on public streets, to the travel way available to vehicular traffic on public streets and to sidewalks adjacent to public streets:

(1) Travel way on one-way streets, with parallel parking only, shall be a minimum width of 16 feet.

(2) Travel way on one-way streets, with perpendicular parking on either side, shall be a minimum width of 20 feet.

(3) Travel way on two-way streets, with parallel or perpendicular parking, shall be a minimum width of 24 feet.

(4) Travel way on four-lane arterial and/or four-lane collector streets, exclusive of parking, shall be a minimum width of 44 feet, except in the Old and Historic District where the travel way shall be a minimum width of 40 feet.

(5) Perpendicular parking spaces for full-size cars shall be a minimum of nine feet wide by 18 feet long.

(6) Perpendicular parking spaces for compact cars shall be a minimum of eight and one-half feet wide by 16 feet long.

(7) Parallel parking spaces for full-size cars shall be a minimum of eight feet wide by 22 feet long.

(8) Parallel parking spaces for compact cars shall be a minimum of seven (7) feet wide by 20 feet long.

(9) Sidewalks adjacent to a public street containing perpendicular parking shall be a minimum width of five (5) feet and shall be located in a public easement and/or public right-of-way.

(10) Sidewalks adjacent to a public street containing parallel parking shall be a minimum width of five (5) feet and in a public easement and/or right-of-way.

(b) The director of transportation and environmental services shall be responsible for enforcing the standards set out in subsection (a). (Ord. No. 3201, 4/11/87, Sec. 1)

Sec. 5-8-162 Review of director's enforcement actions by traffic and parking board and city council.

(a) Before taking any action to enforce the standards in section 5-8-161, the director of transportation and environmental services shall propose the action to the traffic and parking board. Upon receipt of a proposed enforcement action, the board shall schedule a public hearing on the proposed action and shall provide notice of the hearing by posting written notice or notices immediately adjacent to the public street or portion thereof affected by the proposed action. After conducting the public hearing, the board shall make a recommendation to the director on the proposed action. Except as provided in subsection (b), the director may then proceed with the proposed action only in accordance with the board's recommendation.

(b) In the event the board's recommendation does not fully support the director's proposed action, the director may appeal the matter to city council. In the event the board's recommendation supports, in whole or in part, the proposed action, any person who owns or leases property immediately adjacent to the public street or portion thereof affected by the proposed action and who would be aggrieved by the proposed action if it were implemented by the director in accordance with the board's recommendation may appeal the matter to city council. An appeal under this subsection shall be filed with the clerk of city council within 15 days of the board's recommendation. Within 10 days of the filing of an appeal, the board shall forward in writing its recommendation, along with its reasons in support thereof, to the clerk who shall then docket the appeal for the next regularly scheduled public hearing before council. The clerk shall also provide notice of such hearing by causing an advertisement stating the time, date and place of the hearing before council, the name and location of the public street involved and the nature of the hearing to be prepared and published at least seven (7) working days before the hearing in a newspaper of general circulation published in the city. Following the public hearing, council shall approve, reject to modify, in whole or in part, the director's proposed action.

(c) In reviewing enforcement actions proposed by the director, the traffic and parking board and the city council shall apply the standards in section 5-8-161, unless they determine that a strict application of the standards is not required to protect the public health and safety. In deciding whether a strict application of the standards is required, the board and council shall consider the following factors:

(1) the willingness and ability of the city or a private party to widen, at its or his/her own expense, the affected street or portion thereof so to achieve compliance with the standards in section 5-8-161;

(2) the number and seriousness of traffic accidents on the affected street or portion thereof in the prior five (5) years;

(3) the volume and speed of traffic on the affected street or portion thereof;

(4) the extent to which the parking spaces on the affected street or portion thereof are utilized;

(5) the relationship between the hours of the day the affected street or portion thereof experiences its maximum volume of traffic and the hours of the day the maximum utilization of its parking spaces occurs;

(6) the extent to which the sides of the affected street or portion thereof, although designated for parking, are not actually utilized for parking due, for example, to the presence of driveways and other curb cuts;

(7) the ability of emergency service vehicles to travel on the affected street or portion thereof and the availability of alternative routes for such vehicles;

(8) the need for turning lanes on the affected street or portion thereof; and

(9) the need for on-street parking in the area adjacent to and nearby the affected street or portion thereof. (Ord. No. 3201, 4/11/87, Sec. 1)

Sec. 5-8-163 Additional perpendicular parking.

(a) No perpendicular parking may be established on a public street after April 11, 1987, unless approved by the traffic and parking board or city council, as provided in subsections (b) and (c).

(b) Any person owning or leasing property adjacent to a public street may apply to the director of transportation and environmental services for the establishment of perpendicular parking on the portion of the street to which his/her property is adjacent. The director shall review the application for perpendicular parking and thereafter make and forward a recommendation to the traffic and parking board. Upon receipt of the application and the director's recommendation, the board shall provide notice of and conduct a public hearing on the application, as provided in section 5-7-162(a), and shall thereafter issue its own recommendation on the application. The director shall then implement the board's recommendation, unless he/she or the applicant appeals the matter to city council within 15 days of the recommendation. The appeal before council shall be conducted in accordance with the procedure in section 5-8-162(b). Following the public hearing on the appeal, council shall approve, reject or modify, in whole or in part, the application for perpendicular parking.

(c) If the director wishes to establish perpendicular parking on a public street, he/she must submit a proposal for the parking to the traffic and parking board. Upon receipt of the proposal, the board shall provide notice of and conduct a public hearing on the proposal, as provided in section 5-8-162(a), and shall thereafter issue a recommendation on the proposal. The director may then implement the board's recommendation, unless he/she appeals the matter to city council within 15 days of the board's recommendation. The appeal before council shall be conducted in accordance with the procedure in section 5-8-162(b). Following the public hearing on the appeal, council shall approve, reject or modify, in whole or in part, the director's proposal for perpendicular parking.

(d) In reviewing applications or proposals for perpendicular parking, the traffic and parking board and the city council shall consider the standards in section 5-8-161 and the factors in section 5-8-162(c). (Ord. No. 3201, 4/11/87, Sec. 1)

CHAPTER 9

Weed Control

§ 5-9-1 Definitions.
§ 5-9-2 Weeds on any property—public nuisance.
§ 5-9-3 Same—duty of owner to cut.
§ 5-9-4 Same—notice to owner to cut.
§ 5-9-5 Same—cutting by city; billing and collection of charges; unpaid bill a lien.
§ 5-9-6 Same—failure to cut weeds after receipt of notice.

Sec. 5-9-1 Definition.

The word "weeds" as used in this chapter shall be held to include grass, weeds, bushes and any other vegetation other than trees, ornamental shrubbery, flowers and garden vegetables properly tended. (Ord. No. 2698, 6/12/82, Sec. 2)

Sec. 5-9-2 Weeds on any property—public nuisance.

Weeds on any property located within the city that are in excess of 12 inches in height are found to be a danger to the public health and are hereby declared to constitute a public nuisance. (Ord. No. 2698, 6/12/82, Sec. 2)

Sec. 5-9-3 Same—duty of owner to cut.

The owners of property located within the city shall cut the weeds that are in excess of 12 inches in height on such property. The owners of property shall also cut weeds in excess of 12 inches along public sidewalks, curb lines and within tree wells which are within 12 feet of the owner's front property line. (Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)

Sec. 5-9-4 Same—notice to owner to cut.

The director of the bureau of code enforcement or his duly authorized agent may give notice in writing to the owner of land in the city upon which there are weeds in excess of 12 inches in height that such weeds must be cut within 10 days from the receipt of the notice or the city will cut the weeds, bill the owner for the costs and collect the costs like taxes in the event of nonpayment by the owner. Mailing to the last known post office address shall constitute sufficient service upon owners who cannot be found after a reasonably diligent search or who are nonresidents. (Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 3849, 3/23/96, Sec. 2)

Sec. 5-9-5 Same—cutting by city; billing and collection of charges; unpaid bill a lien.

Whenever the owner of real property refuses, neglects or fails to cut weeds after being notified in the manner prescribed by section 5-9-4 above, the weeds may be cut by the city. The expense thereof shall be forthwith computed, and a bill for such expense shall be prepared by the department of finance and mailed to the owner at his last known post office address within a reasonable time after the cutting. In the event the city does not receive payment of the bill within 30 days after mailing, the director of finance shall proceed to collect the expense and may do so in the same manner as city taxes are collected. Every expense with which the owner of any real property shall have been assessed and which remains unpaid shall constitute a lien against the owner's property. (Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 3849, 3/23/96, Sec. 2)

Sec. 5-9-6 Same—failure to cut weeds after receipt of notice.

An owner of real property who has received written notice in the manner prescribed by section 5-9-4 that weeds on the owner's property, or along public sidewalks or curblines and within 12 feet of the owner's front property line, are in excess of 12 inches shall cut all such weeds within the time period set out in the notice, and the failure to do so shall constitute a violation of this section. Said violation shall be a class four civil violation which shall be enforced through the levying of a civil penalty pursuant to section 1-1-11 of this code; provided, that the penalty for the first violation occurring in any six-month period shall be $100, for a second violation occurring in any six-month period the penalty shall be $250, and for each additional violation occurring in any six-month period the penalty shall be $500. (Ord. No. 2878, 11/12/83, Sec. 2; Ord. No. 3849, 3/23/96, Sec. 2)

CHAPTER 10

Cemeteries

Editorial Note: Ord. No. 2630, § 1, adopted Nov. 14, 1981, added Ch. 7C to the 1963 Code; §§ 7C-1–7C-4 have been codified as tit. 5, ch. 10, §§ 5-10-1–5-10-4, at the editor's discretion.

§ 5-10-1 Trespass at night upon any cemetery.
§ 5-10-2 Injuries to cemeteries, burial grounds, etc.
§ 5-10-3 Burials within Hamilton Avenue prohibited.
§ 5-10-4 Burials within Gibbon Lane prohibited.

Sec. 5-10-1 Trespass at night upon any cemetery.

If any person, without the consent of the owner, proprietor or custodian, goes or enters in the nighttime, upon the premises, property, driveways or walks of any cemetery, either public or private, for any purpose other than to visit the burial lot or grave of some member of his or her family, such person shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $100. (Ord. No. 2630, 11/4/81, Sec. 1)

Sec. 5-10-2 Injuries to cemeteries, burial grounds, etc.

(a) If any person shall:

(1) Willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure placed within any cemetery, graveyard or place of burial, or within any lot belonging to any memorial or monumental association, or any fence, railing or other work for the protection or ornament of any tomb, monument, gravestone or other structure aforesaid, or of any cemetery lot within any cemetery;

(2) Willfully or maliciously destroy, remove, cut, break or injure any tree, shrub or plant within any cemetery or lot of any memorial or monumental association;

(3) Willfully or maliciously destroy, mutilate, injure or remove and carry away any flowers, wreaths, vases or other ornaments placed upon or around any grave, tomb, monument or lot in any cemetery, graveyard or other place of burial; or

(4) Willfully obstruct proper ingress and egress to and from any cemetery or lot belonging to any memorial or monumental association,

such person shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500.

(b) This section shall not apply to any work which is done by the authorities of a church or congregation in the maintenance or improvement of any burial ground or cemetery belonging to it and under its management or control and which does not injure or result in the removal of a tomb, monument, gravestone, grave marker or vault. (Ord. No. 2630, 11/14/81, Sec. 1)

Sec. 5-10-3 Burials within Hamilton Avenue prohibited.

No person shall bury or cause to be buried the remains of any person within 16½ feet of either side of the centerline of Hamilton Avenue between Wilkes Street and Franklin Street. (Ord. No. 2630, 1/14/81, Sec. 1)

Sec. 5-10-4 Burials within Gibbon Lane prohibited.

No person shall bury or cause to be buried the remains of any person within seven feet of either side of the centerline of Gibbon Lane from West Street to a point 171 feet west of the monument line of West Street. (Ord. No. 2630, 11/14/81, Sec. 1; Ord. No. 3735, 6/18/94, Sec. 1)

CHAPTER 11

Gypsy Moth Control

§ 5-11-1 Definitions.
§ 5-11-2 Gypsy moths on private property; public nuisance; entry on private property.
§ 5-11-3 Duty of owner to suppress or control.
§ 5-11-4 Notice to owner.
§ 5-11-5 Action by city; billing and collection of charges; unpaid bill a lien.
§ 5-11-6 City action to control gypsy moths on private property; notice of action.

Sec. 5-11-1 Definitions.

(a) The word "gypsy moth" as used in this chapter shall mean the moth known as *Lymantria dispar.*

(b) For the purposes of this chapter the methods or means employed in an attempt to suppress or control gypsy moths shall include mechanical, biological and chemical suppression methods including but not be limited to chemical spraying, use of biological insecticides, use of systemic insecticide implants, burlap banding and aerial spraying. (Ord. No. 2800, 5/14/83, Sec. 1)

Sec. 5-11-2 Gypsy moths on private property; public nuisance; entry on private property.

Gypsy moths present on any private property which have reached a level which has been determined by the city manager or the designee of the manager to pose a danger to trees on public or other private property are hereby declared to constitute a public nuisance. To determine whether the level of gypsy moth infestation on any private property has become a danger to trees on public or other private property so as to constitute a public nuisance, the manager or the designee of the manager may enter upon the property to measure the infestation level. (Ord. No. 2800, 5/14/83, Sec. 1; Ord. No. 3239, 10/19/87, Sec. 1)

Sec. 5-11-3 Duty of owner to suppress or control.

It shall be the duty of the owner of real property located within the city to suppress or control gypsy moths which have been determined by the city manager or the designee of the manager to pose a danger to trees on public or other private property. (Ord. No. 2800, 5/14/83, Sec. 1; Ord. No. 3239, 10/19/87, Sec. 2)

Sec. 5-11-4 Notice to owner.

The city manager or the designee of the manager shall give notice in writing to the owner of any real property which has been determined to contain a level of gypsy moth infestation which poses a danger to trees on public or other private property that, within seven (7) days from receipt of the notice, the owner must act to suppress or control the gypsy moths by a method approved by the city and that, if the owner fails to so act, the city will undertake the appropriate suppression or control activities, will bill the owner for the costs of such activities and will, in the event of nonpayment, collect the costs in the same manner as unpaid city taxes. The methods employed by a property owner to suppress or control gypsy moths shall be subject to inspection and approval by the city after implementation by the property owner. Mailing to the last known post office address shall constitute sufficient service upon owners who cannot be found after a reasonably diligent search or who are nonresidents. (Ord. No. 2800, 5/14/83, Sec. 1; Ord. No. 3239, 10/19/87, Sec. 3)

Sec. 5-11-5 Action by city; billing and collection of charges; unpaid bill a lien.

Whenever an owner of real property who has received a notice under section 5-11-4 refuses, neglects or fails to act to suppress or control the gypsy moths on his/her property, the city may act to suppress or control the gypsy moths. The costs of such city action shall be forthwith computed, and a bill for such costs shall be prepared by the department of finance and mailed to the owner at his/her last known address within a reasonable time after the city has acted. In the event the city does not receive payment of the billed costs within 30 days after mailing the bill, the director of finance shall see that the costs are charged to the owner and collected in the same manner as unpaid city taxes. In addition, all such costs which remain unpaid shall constitute a lien against the owner's property. (Ord. No. 2800, 5/14/83, Sec. 1; Ord. No. 3239, 10/19/87, Sec. 4)

Sec. 5-11-6 City action to control gypsy moths on private property; notice of action.

Notwithstanding any other provision of this chapter, if the city manager or the designee of the

manager determines that the level of gypsy moth infestation in an area of the city equals or exceeds the infestation level established by the Virginia Department of Agriculture and Consumer Services for the sharing of costs in gypsy moth suppression programs, the city manager or the designee of the manager may undertake on public and private property within and adjacent to the infested area any of the suppression or control methods in section 5-11-1. At least 10 days prior to undertaking any such methods, the city shall send notice of the city's intended action to all owners and occupants of real property within the area to be treated. Such notice shall specify the suppression or control method to be used, shall state the date or dates on which the method is expected to be applied, and shall be mailed or hand-delivered to the last known post office address of the owners and occupants of such real property. (Ord. No. 3239, 10/19/87, Sec. 5)

TITLE 6

Parks, Recreation and Cultural Activities

Chapter 1	**General Provisions**
Chapter 2	**Trees, Shrubs, Plants and Vegetation**
Chapter 3	**Marinas, Docks and Related Waterfront Recreational Activities**

CHAPTER 1

General Provisions

§ 6-1-1	Public parks and playgrounds—closing hours.
§ 6-1-1.1	Same—hunting prohibited in adjacent area.
§ 6-1-2	Same—swimming, wading or bathing in streams, brooks, etc., prohibited.
§ 6-1-2.1	Same—permits required for designated parks, playgrounds, etc., for use by leagues, teams, etc.
§ 6-1-2.2	Same—dog exercise areas; designation by city manager; prohibited conduct.
§ 6-1-3	Entering, swimming, wading or bathing in Market Square pool and fountain prohibited.
§ 6-1-4	Market Square—prohibited conduct: riding mopeds, skateboards, or bicycles; using or operating motor vehicles; playing of electronic sound-producing devices without individual headsets or earphones; and willful and malicious damage or defacement of public facilities.
§ 6-1-5	Same—rules and regulations governing use.
§ 6-1-6	The publicly owned open space east of the eastern right-of-way line of North Union Street, south of the southern right-of-way line of Thompson's Alley, north of the northern right-of-way line of King Street and west of the pierhead line in the Potomac River prohibited conduct; riding mopeds, skateboards, on bicycles; using or operating motor vehicles; playing of electronic sound-producing devices without individual headsets or earphones; entering the potomac river from any dock, wharf, pier, bulkhead, piling, or quay adjacent to said open space for purposes of swimming; and willful and malicious damage or defacement of public facilities.
§ 6-1-7	Use of radios, tape players or other electronic sound-producing devices without individual headsets or earphones in Beverly Park prohibited.
§ 6-1-8	Conduct prohibited by official sign.

Sec. 6-1-1 Public parks and playgrounds—closing hours.

(a) It shall be unlawful for any person to go upon or remain upon the lands or premises of any public park or public playground within the city between the hours of 10:00 p.m. and 5:00 a.m., eastern standard time or daylight saving time, whichever time is in effect; except as follows:

(1) public officials or employees in the performance of their duties.

(2) persons participating in or witnessing events where specific permission has been given by public authorities to exceed the above-stated time limits.

(3) persons authorized to use the City of Alexandria marina facilities while en route to boarding or disembarking from their vessels.

(b) Notwithstanding the contrary provisions in subsection (a), the city manager may, by regulation, amend the hours of operation of any public park or public playground upon a finding that such amendment is necessary (1) to protect or promote the health, safety or welfare of the users of or neighbors to the park or playground, or (2) to promote the efficient operation of the park or playground. If any such regulation is adopted, signs indicating the hours of operation shall be posted upon the lands or premises of the public park or playground whose hours have been amended by the manager.

(c) Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor. (Code 1963, Sec. 23-35; Ord. No. 3016, 2/23/85, Sec. 1; Ord. No. 3056, 6/15/85, Sec. 1; Ord. No. 3121, 4/12/86, Sec. 1; Ord. No. 3468, 6/16/90, Sec. 1; Ord. No. 3480, 10/13/90, Sec. 1)

Sec. 6-1-1.1 Same—hunting prohibited in adjacent area.

It shall be unlawful for any person, within 100 yards of any property line of any public park or playground in the city, to discharge or to hunt with any firearm. Any person violating this section shall be guilty of a class 4 misdemeanor. (Ord. No. 3323, 9/24/88, Sec. 1; Ord. No. 4615, 9/12/09, Sec. 1)

Sec. 6-1-2 Same—swimming, wading or bathing in streams, brooks, etc., prohibited.

It shall be unlawful for any person to in any manner swim, wade or bathe in any stream, brook, run or any other type of watercourse located in or running through any public park or playground in the city; provided any such watercourse in any public park or playground has been posted with signs indicating that swimming, wading or bathing is prohibited. (Code 1963, Sec. 23-36)

Sec. 6-1-2.1 Same—permits required for designated parks, playgrounds, etc., for use by leagues, teams, etc.

(a) The director of recreation, parks and cultural activities may designate parks, playgrounds and athletic fields, or any portions thereof, which may not be used by any league or other type of association of teams or clubs, or by any team, club or other group of individuals affiliated with any such league or association, without a permit issued by the department.

(b) The director shall cause one or more signs to be posted in a visible location in any park, and at any playground or athletic field, or portion thereof, that has been designated pursuant to subsection (a). Each such sign shall inform the public of the limitations imposed by subsection (a).

(c) No league or other type of association of teams or clubs shall cause or allow any of its teams, clubs or other affiliated groups to engage in any sport or athletic activity in or on, or to otherwise use, any park, playground or athletic field, or any portion thereof, that has been designated pursuant to subsection (a), without a valid permit issued by the department. Any officer or director of, or other person with administrative responsibilities for, a league or other type of association of teams or clubs, who knowingly violates this subsection or knowingly causes or allows a violation to occur, shall be liable for a class four civil penalty which shall be enforced pursuant to section 1-1-11 of this code.

(d) No member of a team, club or other group of individuals affiliated with any league or other type of association of teams or clubs shall engage in any sport or athletic activity in or on, or otherwise use, any park, playground or athletic field, or any portion thereof, that has been designated pursuant to subsection (a), without a valid permit issued by the department. Any such member who violates this subsection shall be liable for a class four penalty which shall be enforced pursuant to section 1-1-11 of this code. (Ord. No. 4026, 11/14/98, Sec. 1)

Sec. 6-1-2.2 Same—dog exercise areas; designation by city manager; prohibited conduct.

(a) As used in this section:

(1) *Commercial dog handler* shall mean any person who boards, keeps, handles or walks dogs owned by another person for compensation.

(2) *Dog exercise area* shall mean an area of open space, owned or controlled by the city and fenced or unfenced, which has been designated and posted as a dog exercise area by the city manager, pursuant to this section.

(3) *Owner* shall mean any person having a right of property in a dog, and any person who keeps or harbors a dog or has it in his care or control, or who acts as its custodian, including, but not limited to, a commercial dog handler, and any person who permits a dog to remain on or about any premises occupied by him.

(4) *Aggressive dog* shall mean a dog which is capable of inflicting death or serious injury on a person or another animal and which:

(i) has, without provocation, attacked or bitten a person engaged in a lawful activity;

(ii) has, while off the property of its owner and without provocation, killed or seriously injured another animal;

(iii) has, without provocation, chased, confronted or approached a person on a street, side walk or other public property in a menacing fashion such as would put an average person in fear of attack;

(iv) has exhibited a propensity, tendency or disposition to attack, cause injury or threaten the safety of persons or other animals without provocation; or

(v) has acted in a manner that causes or should cause its owner to know that it is potentially vicious.

(b) The city manager may designate and post dog exercise areas in the city, in accordance with the provisions of this section and of the "Dog Exercise Areas and Fenced Dog Parks Master Plan," adopted by city council on September 27, 2000, as such provisions may be amended by the council from time to time.

(c) Within a dog exercise area, dogs under the care, custody and control of an owner are permitted to run free, without a leash, lead or other restraint, but subject to the provisions of this section, and to any rules or regulations promulgated by the city manager pursuant to this section, and applicable within such dog exercise area.

(d) No such owner shall have in a dog exercise area:

(1) more than three dogs;

(2) a dog that is not in such owner's view and under his or her voice control;

(3) a dangerous dog as defined in section 5-7-31(c);

(4) a vicious dog as defined in section 5-7-31(m);

(4.1) an aggressive dog as defined in subsection (a) of this section;

(5) a female dog in season;

(6) a dog that is less than four months old;

(7) if such owner is a resident of the city, a dog that is not inoculated and licensed in accordance with sections 5-7-38 and 5-7-47 of this code;

(8) if such owner is not a resident of the city, a dog that has not been inoculated with an anti-rabic vaccine that is in accordance with the latest edition of the "Compendium of Animal Rabies Control" issued by the National Association of State Public Health Veterinarians, Inc., and evidence that such dog has been inoculated.

(9) The prohibitions established by paragraphs (3), (4) and (4.1) of this subsection shall apply to any dog which meets the respective definition, without regard to the jurisdictional residence of the dog's owner or of the dog, or to whether the dog has been declared to be a vicious, dangerous or aggressive dog under Virginia law, or the similar laws of any other jurisdiction. The director of recreation, parks and cultural activities, with the concurrence of the chief animal control officer, may notify, in writing, the owner or custodian of any such dog found in a dog exercise area that such dog is subject to the prohibitions of this subsection.

(e) No child less than 16 years of age shall be permitted in a dog exercise area which is fully enclosed by a fence unless accompanied by an adult.

(f) The city manager may promulgate such additional rules and regulations, not inconsistent with the provisions of this section and of the "Dog Exercise Areas and Fenced Dog Parks Master Plan," as he deems necessary and appropriate to implement or enforce the provisions of this section.

(g) The director of recreation, parks and cultural activities shall cause one or more signs to be posted in a visible location in any dog exercise area. Such signs shall inform the public of the existence of the dog exercise area, the geographic limits of the area, the limitations imposed by subsection (d), subsection (e) if applicable, and such other rules and regulations promulgated by the city manager as may be applicable.

(h) Any person who violates any provision of this section shall be liable for a class four civil penalty, as prescribed in section 1-1-11 of this code. (Ord. No. 4162, 9/27/00, Sec. 1; Ord. No. 4520, 2/23/08, Sec. 2)

Sec. 6-1-3 Entering, swimming, wading or bathing in Market Square pool and fountain prohibited.

Except for public officials or employees entering the pool in the performance of their duties, it

shall be unlawful for any person to in any manner enter, swim, wade or bathe in the pool and fountain in Market Square, which square lies between the one hundred blocks of North Royal and North Fairfax Streets, bounded on the south side by King Street and on the north by city hall; provided that such pool has been posted with signs that indicate entering, swimming, wading or bathing is prohibited. (Code 1963, Sec. 23-36.1)

Sec. 6-1-4 Market Square—prohibited conduct: riding mopeds, skateboards, or bicycles; using or operating motor vehicles; playing of electronic sound-producing devices without individual headsets or earphones; and willful and malicious damage or defacement of public facilities.

(a) It shall be unlawful for any person to ride any moped, skateboard, or bicycle, or to use or operate any motor vehicle, as defined in section 46.1-1, Code of Virginia (1950), as amended, or for any person to willfully or maliciously injure or deface any real or personal property of the city or property lawfully on display or loaned to the city; or to play any portable radio, tape player or other electronic sound-producing device without the use of individual headsets or earphones that limit the sound produced to the individual user at any place within the city's public area known as Market Square, which square lies between the 100 blocks of North Royal and North Fairfax Streets, bounded on the south side by King Street and on the north by city hall; provided further, that this section shall not be construed to prohibit public employees or their duly authorized agents from using or operating motor vehicles in Market Square in the performance of their duties.

(b) The city manager is hereby authorized to promulgate any rules and regulations required for the use, governance and protection of Market Square consistent with the intent of this section. (Ord. No. 3048, 6/15/85, Sec. 2; Ord. No. 3083, 10/19/85, Sec. 1)

Sec. 6-1-5 Same—rules and regulations governing use.

The rules and regulations governing the use of Market Square public facilities shall be as follows:

(1) The city manager shall promulgate rules and regulations to permit, the regular use of Market Square for public activities. The rules

shall designate the criteria under which Market Square use is permitted, including, but not limited to:

(a) a specification that permits shall be handled on a first-come, first-served basis, but applications will not be accepted more than three months in advance;

(b) a specification that requests shall be subject to availability as limited by regular maintenance schedules established by the city manager;

(c) a requirement that the scheduled use complies with all federal, state and local laws;

(d) a requirement that the activity be open to the general public without an admission charge;

(e) a preference for Alexandria residents among applicants;

(f) a requirement that if past use of Market Square by the applicant has resulted in any damage to Market Square, or resulted in the use of sound-amplifying equipment to project any obscene or indecent language, then that may be grounds for permit denial;

(g) a requirement that if the performance or activity is likely to result in a breach of the peace or the use of sound-amplifying equipment to project any obscene or indecent language, then that may be grounds for permit denial;

(h) a requirement that if administrative expenses associated with the performance or activity will exceed 50 percent of the ordinary expenses of the average Market Square activity or performance as determined by the department of general services' data, then that may be grounds for permit denial; and

(i) any other criteria consistent with the intent of this section,

(2) The city manager shall also establish:

(a) procedures for permit applications;

(b) procedures for appeals of permit denials;

(c) fee schedules when city services beyond established regular service levels are required for the activity or performance;

(d) permitted hours for schedule performances or activities; and

(e) any other criteria necessary to the safe, efficient and orderly use of Market Square for performances or activities.

(3) All use of Market Square shall comply with city code section 6-1-4 which prohibits certain specified activities in Market Square. (Ord. No. 3083, 10/19/85, Sec. 3)

Sec. 6-1-6 The publicly owned open space east of the eastern right-of-way line of North Union Street, south of the southern right-of-way line of Thompson's Alley, north of the northern right-of-way line of King Street and west of the pierhead line in the Potomac River Prohibited conduct; riding mopeds, skateboards, on bicycles; using or operating motor vehicles; playing of electronic sound-producing devices without individual headsets or earphones; entering the Potomac River from any dock, wharf, pier, bulkhead, piling, or quay adjacent to said open space for purposes of swimming; and willful and malicious damage or defacement of public facilities.

(a) It shall be unlawful for any person to ride any moped, skateboard, or bicycle, or to use or operate any motor vehicle, as defined in section 46.1-1, Code of Virginia (1950), as amended, or for any person to willfully or maliciously injure or deface any real or personal property of the city or property lawfully on display or loaned to the city; or to play any portable radio, tape player or any other sound-producing device without the use of individual headsets or earphones that limit the sound produced to the individual user, or to enter the Potomac River from any dock, pier, bulkhead piling, or quay adjacent to said open place, at any place within the city's public open space lying east of the eastern right-of-way line of North Union Street, south of the southern right-of-way line of Thompson's Alley, north of the northern right-of-way line of King Street and west of the pierhead line in the Potomac River; provided further, that this section shall not be construed to prohibit public employees or their duly authorized agents from using or operating motor vehicles in said public space in the performance of their duties.

(b) The city manager is hereby authorized to promulgate any rules and regulations required for the use, governance and protection of the publicly owned open space east of the eastern right-of-way line of North Union Street, south of the southern right of right-of-way line of Thompson's Alley, north of the northern right-of-way line of King Street and west of the pierhead line in the Potomac River, consistent with the intent of this section. (Ord. No. 3038, 10/19/85, Sec. 4)

Sec. 6-1-7 Use of radios, tape players or other electronic sound-producing devices without individual headsets or earphones in Beverly Park prohibited.

It shall be unlawful for any person to operate any radio, tape player or other electronic sound producing device without the use of individual headsets or earphones that limit the sound produced to the individual user at any place within the city's park known as Beverly Park located at North and South Overlook Drives in the city. (Ord. No. 2730, 11/13/82, Sec. 1; Ord. No. 3048, 6/15/85, Sec.1; Ord. No. 3083, 10/19/85, Sec. 2)

Sec. 6-1-8 Conduct prohibited by official sign.

(a) Within the boundary of any public park in the city, it shall be unlawful for any person, contrary to an official sign, to:

(1) remain on the premises after park closing;

(2) swim, wade or bathe, except for the purpose of saving a drowning person;

(3) hunt or fish;

(4) play baseball, football, volleyball, golf, tennis, or other organized games or sports, except in designated areas;

(5) fly any powered model airplane or rocket, or similar device;

(6) camp or use the park for living accommodations;

(7) make any fire, or barbecue, grill or otherwise cook any food;

(8) solicit or demand any gifts, money, goods or services;

(9) sell or offer for sale any goods or service;

(10) operate any radio, television, CD, DVD or tape player, or other sound producing device, without the use of headsets or earphones;

(11) ride or operate any bicycle, except on designated bike paths; provided, that this provision shall not apply to law enforcement personnel;

(12) ride or operate any roller skates, roller blades or skate boards;

(13) ride or operate any moped or motor vehicle, except in designated areas or on designated paths; provided, that this provision shall not apply to law enforcement personnel and other authorized city employees; and

(14) permit any animal to enter, to be on or to remain on park premises, other than cats, or dogs that are either on a leash or within a designated dog exercise area.

(b) It shall also be unlawful for any person, after having been specifically directed by a police officer, or by an employee of the department of recreation, parks, and cultural activities who is authorized to enforce this section, to cease engaging in conduct that is unlawful under subsection (a), to refuse or fail to cease engaging in the conduct.

(c) The city manager is authorized to post one or more official signs, prohibiting some or all of the conduct specified in subsection (a), in any public park in the city. In determining the conduct to prohibit in a park, the manager shall consider the type and nature of the park, its intended uses and existing facilities, its proximity to residential areas, and such other factors as may be relevant to secure public order and safety in, and the efficient and enjoyable use of, the park.

(d) Official signs posted in a park pursuant to this section shall be located at each principal entrance to the park and, in the case of a linear park, at intervals of not less that 1,000 feet. Additional signs, including signs establishing prohibitions not generally applicable within the park, may be posted so as to give reasonable notice of the prohibition.

(e) As used in this section:

(1) A public park in the city shall mean any park, plaza, square or other outdoor area open to the general public for active or passive recreational use (i) which is owned in fee by the city, (ii) which is operated by the city under license from the United States or the Commonwealth of Virginia, or an agency thereof, (iii) as to which the city or the United States, or both, hold an easement for public park or waterfront access purposes, or (iv) which is owned or operated by any other public or private entity, so long as the owner or operator thereof has consented, in writing, to the exercise by the city manager of the authority conferred by this section, and the city manager has consented, in writing, to exercise such authority over the area and facilities of such owner or operator.

(2) A camp or use the park for living accommodations shall mean sleeping, making preparations to sleep (including laying down bedding), storing personal belongings, making a fire, using a vehicle, tent, shelter or other structure for sleeping, digging or earth breaking, or undertaking cooking activities. Any of the listed activities constitute camping or the use of the park for living accommodations when it reasonably appears, in light of all the circumstances, that the person, in conducting the activities, is in fact

using the area as a living accommodation, regardless of the actual intent of the person, or the nature of any other activities in which the person may be engaging.

(f) Enforcement and penalties:

(1) This section shall be enforced by any police officer, and, in addition, by any employee of the department of recreation, parks, and cultural activities authorized in writing by the city manager to enforce this section.

(2) Any violation of the provisions of subsection (a) shall be punished as a class four misdemeanor.

(3) Any violation of the provisions of subsection (b) shall be punished as a class two misdemeanor.

(g) Miscellaneous provisions:

(1) The provisions and penalties of this section are cumulative and not exclusive, and shall not be construed as repealing any other provision of this code or any other remedy to prevent, correct, restrain or abate a violation of the code.

(2) Any person who posts a sign in any public park in the city which purports to regulate public conduct or behavior within the park, and who is not authorized to do so by this section or another provision of this code, shall be guilty of a class four civil violation. Any such sign shall be forthwith removed by the director of recreation, parks and cultural activities. Any person who defaces, damages or alters a sign that has been posted pursuant to this section shall be guilty of a class four civil violation.

(3) The director of recreation, parks and cultural activities is authorized to issue permits for the use of any public park in the city as the location for a gathering, game, event or similar occasion. Such permits shall be in writing, and shall set forth such terms and conditions as the director determines may be reasonable. In issuing these permits, the director may exempt the permitted gathering, game, event or similar occasion from some or all of the prohibitions of conduct established by signs posted pursuant to this section; provided, that any such exemption shall be expressly set out in the issued permit, and the permittee shall at all times keep a copy of the permit at the site of the gathering, game, event or other occasion, and shall make the copy available for inspection by any police officer or employee of the department of recreation, parks, and cultural activities who is authorized to enforce this section. (Ord. No. 4081, 11/13/99, Sec. 1)

CHAPTER 2

Trees, Shrubs, Plants and Vegetation

ARTICLE A

Regulation of Trees, Shrubs, Etc., on Public Property

§ 6-2-1 Management and supervision.
§ 6-2-2 Permit to plant, remove, etc., in public places—required.
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§ 6-2-5 Permitted trees, etc.
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ARTICLE B

Regulation of Trees, Shrubs, Etc., on Private Property Interfering with Or Endangering the Public or Public Property

§ 6-2-21 Trees, shrubs, etc., on private property interfering with public or public property—trimming required.
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ARTICLE C

Removal or Destruction of Trees on Private Property

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ARTICLE D

Appeals, Penalty for Violation of Chapter

§ 6-2-51 Appeals.
§ 6-2-52 Penalty.

ARTICLE A

Regulation of Trees, Shrubs, etc., on Public Property

Cross References: Streets and sidewalks, Sec. 5-2-1 et seq.; for duties with respect to landscaping plans for proposed development sites, see Sec. 5-5-9(g)(2).

Sec. 6-2-1 Management and supervision.

The director of recreation, parks and cultural activities (hereinafter "director") or his duly authorized representative, under the city manager, shall have general management and supervision of all trees, shrubs, plants and vegetation embraced by this article. (Code 1963, Sec. 39-1; Ord. No. 2699, 6/12/82, Sec. 1; Ord. No. 3283, 4/16/88, Sec. 1)

Sec. 6-2-2 Permit to plant, remove, etc., in public places—required.

It shall be unlawful for any person, except the director or his duly authorized representative, to plant, trim or prune any tree, shrub, plant or vegetation on or to remove any tree, shrub, plant or vegetation from any dedicated street, alley or highway, public right-of-way or easement, public land lying between property lines on either side of a public street, highway or alley, public parking strip, public street, sidewalk or divider, public median strip or planting strip or other land or public place owned by the city, except public school sites, without first applying for and obtaining a permit from the director; provided, however, that nothing contained in this section shall prohibit the trimming or cutting of grass in the public right-of-way. (Code 1963, Sec. 39-2; Ord. No. 2699, 6/12/82, Sec. 2)

Sec. 6-2-3 Same—issuance; information to be shown.

(a) The director shall issue a written permit, as required by the preceding section, to any applicant without charge, only when he finds that the action proposed is necessary or desirable, will not be contrary to any city master plan for trees, shrubs, plants or other vegetation, is not contrary to the provisions of this chapter and will be performed in a workmanlike manner.

(b) Any permit issued pursuant to the preceding section shall contain the location approved, the species of tree or shrub, the action allowed to be performed, the duration of the permit and any other requirements deemed necessary or desirable by the director to regulate the proper planting, trimming or cutting or removal of trees, shrubs, plants and vegetation within the city, and all work done under a permit issued by the director shall be performed in strict accordance with the terms thereof. (Code 1963, Sec. 39-3; Ord. No. 2699, 6/12/82, Sec. 3)

Sec. 6-2-4 Right reserved to city to trim, remove, etc., trees, shrubs, etc., planted under permit.

Whenever a permit is granted to plant a tree, shrub, plant or vegetation on any of the property enumerated in section 6-2-2 of this code, the right is reserved to the city at any time to trim, prune or remove such tree, shrub, plant or other vegetation without notice to any abutting property owner, but subject to the restrictions contained in this chapter. (Code 1963, Sec. 39-4)

Sec. 6-2-5 Permitted trees, etc.

(a) No permit shall be issued for and it shall be unlawful to plant, in any place designated in section 6-2-2, any tree, shrub, plant or vegetation except only the following:

(1) Major trees

Common Name	Botanical Name
Amur maple	*Acer ginnala*
Norway maple	*Acer platanoides*
Columnar Norway maple	*Acer platanoides "Columnare"*
Crimson king Norway maple	*Acer pseudoplatanus*
Red maple	*Acer rubrum*
Columnar red maple	*Acer rubrum "Columnare"*
Sugar maple	*Acer saccharum*
Columnar sugar maple	*Acer saccharum "Columare"*
Sentry sugar maple	*Acer saccharum "Monumentale"*
Hornbeams	*Carpinus species*
Deodar cedar	*Cedrus deodara*
Hackberries	*Celtis species*
Lobb cryptomeria	*Cryptomeria japonica lobbi*
Leyland cypress	*Cuppressocyparis leylandii*
Green ash	*Fraxinus pennsylvanica lanceolata*
Marshall's seedless ash	*Fraxinus pennsylvanica "Marshall's Seedless"*
Modesto ash	*Fraxinus veutina glabra*
Maidenhair tree	*Ginkgo biloba (male)*
Sentry ginkgo	*Ginkgo biloba "Fastigiata"*
Thornless honey locust	*Gleditsia triacanthos inermis*
Sweet gum	*Liquidambar styraciflua*
Dawn redwood	*Metasequoia glyptostroboides*
Sourgum	*Nyssa sylvatica*
American hop hornbeam	*Ostrya virginiana*
Sourwood	*Oxydendrun arboreum*
Amur cork tree	*Phellodendron amurense (seedless variety)*

Common Name	**Botanical Name**
White pine	*Pinus strobus*
London planetree	*Platanus acerifolia*
Bradford pear	*Pyrus calleryana "Bradford"*
Sawtooth oak	*Quercus acutissima*
Northern red oak	*Quercus borealis*
Scarlet oak	*Quercus coccinea*
Willow oak	*Quercus phellos*
Japanese pagodatree	*Sophora japonica*

Common Name	Botanical Name
Lindens	*Tilia* species
Chinese elm	*Ulmus parvifolia*
Japanese zelkova	*Zelkova serrata*

(2) Minor trees

Common Name	Botanical Name
Hedge maple	*Acer campestre*
Redbuds	*Cercis* species
American yellowwood	*Cladrastis lutea*
Flowering dogwood	*Cornus florida*
Red flowering dogwood	*Cornus florida rubru*
Japanese dogwood	*Cornus kousa*
Hawthorns	*Crataegus* species
Russian olive	*Eleagnus augustifolia*
Silverbells	*Halesia* species
American holly	*Illex opaca*
Golden raintree	*Koelreuteria paniculata*
Golden chaintree	*Laburnum wateri*
Kobus magnolia	*Magnolia kobus*
Star magnolia	*Magnolia stellata*
Sweet bay magnolia	*Magnolia virginiana*
Crabapples	*Malus* species
Flowering cherries	*Prunus* species
European mountain ash	*Sorbus aucuparia*
Japanese snowbell	*Styrax japonica*

(3) Shrubs, vegetation and exceptions:

a. Any shrub under 30 inches in height which does not and is not likely to obscure vision.

b. Standard lawn or park grass.

(b) No permit shall be issued for and it shall be unlawful to plant a tree in any place designated in section 6-2-2 unless there is at least one (1) foot of unobstructed earth extending from the tree trunk on all sides.

(c) The director or his duly authorized representative may plant trees and shrubs not permitted above in parks only. (Code 1963, Sec. 39-5; Ord. No. 2699, 6/12/82, Sec. 4)

Sec. 6-2-6 Master plan.

The director, in order to promote an orderly, attractive, economical and nuisance-free planting system for the city, may, within the funds at his disposal, devise, place in force and carry out a master tree, shrub, plant and vegetation plan for all or any portion of the public places within the city, except public school sites. (Code 1963, Sec. 39-6; Ord. No. 2699, 6/12/82, Sec. 5)

Sec. 6-2-7 Responsibility of director for planting, trimming, removal, etc.

The director, under the city manager, shall be responsible for the planting, trimming, removal and care of trees, shrubs, plants or other vegetation in all public places in the city, except public school sites. He or his duly authorized representative is hereby authorized to trim, prune, spray, water, cultivate, maintain, plant or remove trees, shrubs, plants or other vegetation in any places subject to the restrictions of this chapter. (Code 1963, Sec. 39-7; Ord. No. 2699, 6/12/82, Sec. 6)

Sec. 6-2-8 Restrictions on removal from public property by director.

The director shall not remove or permit removal of all or any part of any tree, shrub, plant or other vegetation from any public place unless he has determined that such tree, shrub, plant or vegetation:

(1) is infected with a disease;

(2) is infected with injurious insects or pests;

(3) should be removed to make room for public improvement;

(4) is endangering or is likely to endanger streets, highways, sidewalks, sewers, utility installations, property, vehicles or the traveling public; and/or

(5) is dead or unsightly. (Code 1963, Sec. 39-8; Ord. No. 2699, 6/12/82, Sec. 7)

Sec. 6-2-9 Abuse or mutilation of trees, etc.

It shall be unlawful for any person to abuse, destroy or mutilate any tree, shrub or plant in or on any public place, or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing to or on any tree growing in a public place, or to cause or permit any wire charged with electricity to come in contact with any tree, or to allow any gaseous, liquid or solid substance which is harmful to the trees to come in contact with their roots or leaves. (Code 1963, Sec. 39-8.1)

Secs. 6-2-10 through 6-2-20 reserved.

ARTICLE B

Regulation of Trees, Shrubs, etc., on Private Property Interfering With or Endangering the Public or Public Property

Sec. 6-2-21 Trees, shrubs, etc., on private property interfering with public or public property—trimming required.

It shall be the duty of any person growing or permitting to be grown any tree, shrub, plant or other vegetation on private property abutting on or near public property to trim or prune such tree, shrub, plant or other vegetation so it does not and is not likely to interfere with, endanger or cause a hazard to any public street or highway or vehicle or person thereon, any public sidewalk or person thereon or any public property or the public. (Code 1963, Sec. 39-9)

Sec. 6-2-22 Same—procedure to correct violations of preceding section.

When a violation of section 6-2-21 of this code is observed, the city manager shall have a written notice to correct the condition served upon the owner, operator, occupant or other person growing or permitting the growth of such tree, shrub, plant or other vegetation. Personal service of the notice or mailing the notice to the last known address of the owner of the premises, by registered mail, shall be deemed sufficient service. Any such notice shall describe the violation, describe the corrective measures necessary and set forth a time limit for compliance, dependent upon the hazard created, which time limit shall however not be less than seven (7) days nor more than 30 days from the service of the notice. (Code 1963, Sec. 39-10)

Sec. 6-2-23 Same—final action by city upon failure to comply with section 6-2-22.

The director of recreation, parks and cultural activities, or his duly authorized representative, may trim or prune the trees, shrubs, plants or other vegetation described in the notice in section 6-2-22 in the event there is no appeal and there is failure to comply with the notice when the time limit prescribed therein has expired. Such action by the director shall not preclude any criminal proceeding for the violation. (Code 1963, Sec. 39-11; Ord. No. 3283, 4/16/88, Sec. 2)

Sec. 6-2-24 Dangerous trees, shrubs, etc., declared nuisance; trimming or removal.

Notwithstanding any other provision of this chapter, any tree, shrub, plant or other vegetation or part thereof, located on private property which is an immediate and serious danger to any public street or highway or vehicle or person thereon, any public sidewalk or person thereon or any public property or the traveling public, is hereby declared a public nuisance and may be immediately trimmed or removed by the director when the person in control fails to do so; provided, that the director shall attempt to give the owner, operator, occupant or other person responsible or in control at least four (4) hours' notice. (Code 1963, Sec. 39-12; Ord. No. 2699, 6/12/82, Sec. 9)

Secs. 6-2-25 through 6-2-30 reserved.

ARTICLE C

Removal or Destruction of Trees on Private Property

Sec. 6-2-31 Definitions.

(a) *Arborist.* The person designated by the city manager to administer the provisions of this article.

(b) *Buildable area.* That portion of a parcel of land on which a structure or improvements are planned to be erected as shown on a site plan or a plat submitted (whether simultaneously or subsequently) in conjunction with an application for approval of the subdivision of land.

(c) *Covered area.* The area within the outermost portion of the canopy of a tree.

(d) *Parcel.* A piece of land, regardless of size, in one ownership.

(e) *Tree.* Any self-supporting woody perennial plant which has a trunk diameter of five inches or more when measured at a point six inches above ground level and which normally attains an overall height of at least 10 feet at maturity. (Code 1963, Sec. 39-12.1; Ord. No. 3298, 6/18/88, Sec. 1)

Sec. 6-2-32 Applicability of article provisions.

The provisions of this article shall apply to any property within the city which is subject to the requirement for approval of a site plan pursuant to chapter 5, title 5 of this code, and to any property within the city which is subject to the requirement for approval of a plat of subdivision, pursuant to chapter 5, title 7 of this code, in order to subdivide a parcel as defined in section 7-5-1(9) into two or more lots in conjunction with the construction of two or more single-family, two-family or row dwellings; provided, however, that the provisions of sections 6-2-37, 6-2-38 and 6-2-39 shall apply to any property within the city. (Code 1963, Sec. 39-12.2 as amended by Ord. No. 2382, 6/26/79, Sec. 1; Ord. No. 3289, 4/26/88, Sec. 1; Ord. No. 3298, 6/18/88, Sec. 2)

Sec. 6-2-33 Permission to remove or destroy trees on private property—required.

Except as may otherwise be provided by this chapter, it shall be unlawful for any person to destroy or remove trees on any property covered by this article without first applying for and either obtaining a permit from the arborist or, as a part of the securing of a site plan or subdivision approval, obtaining permission of the planning commission. (Code 1963, Sec. 39-12.3; Ord. No. 3298, 6/18/88, Sec. 3)

Sec. 6-2-34 Same—issuance; regulations and procedures.

(a) An application to the arborist under section 6-2-23 shall be made on such forms as the arborist shall prescribe and provide. No permit shall be issued to cover more than one parcel of land. A separate permit shall be obtained for each parcel of land on which trees are to be removed or destroyed. No application for a permit shall be considered until the applicant shall first have paid to the city a fee of $10 and this sum shall not be returned to the applicant in the event the arborist revokes or refuses to issue the permit.

(b) In the case of an application to the arborist, no permit shall be issued until the tree or trees sought to be removed have been inspected by the arborist or the authorized agent thereof. The arborist shall refuse to issue a permit if upon inspection it is found that the removal or destruction of the tree or trees for which the permit is sought would violate any provision of this article or would materially:

(1) cause or contribute to soil erosion or flooding;

(2) cause or contribute to a violation of any provision of chapter 5, title 11 of this code;

(3) cause or contribute to the violation of any emission standard promulgated pursuant to the provisions of chapter 1, title 11 of this code; or

(4) have a significant detrimental effect on the aesthetics of the surrounding area.

(c) In the case of an application for site plan approval pursuant to chapter 5, title 5 of this code, the planning commission shall grant permission to destroy or remove any tree which lies within the buildable area, and shall grant such permission as to any tree which lies outside the buildable area if the planning commission determines that the destruction or removal of the tree is reasonably required to develop the parcel in compliance with this code.

(d) In the case of an application for subdivision approval pursuant to chapter 5, title 7 of this code, the planning commission or its subdivision committee, as the case may be, shall grant permission to remove or destroy any tree which lies within such buildable area as may be shown on a preliminary plat filed under section 7-5-23 and shall grant such permission as to any trees which lie outside the buildable area if it is determined that the destruction or removal of the tree is rea-

sonably required to develop the parcel in compliance with this code. In the event no such buildable area is shown on such preliminary plat, permission to remove or destroy trees shall be obtained from the arborist, who may grant permission, pursuant to subsection (b) of this section, to remove or destroy any tree which lies within such buildable area as may be shown on the plat required by section 7-6-212 to be filed subsequent to the application for subdivision approval and who may grant such permission, pursuant to subsection (b) of this section, as to any tree which lies outside the buildable area.

(e) In considering and approving site plans and subdivisions subject to the provisions of this article, the planning commission or subdivision committee, as the case may be, or the city council on appeal, shall give due consideration to the preservation and replacement of trees. (Code 1963, Sec. 39-12.4; Ord. No. 3298, 6/18/88, Sec. 4)

Sec. 6-2-35 Same—replacement of trees as a condition.

The arborist, or the planning commission, may require an applicant, as a condition of the issuance of a permit as provided by section 6-2-34 of this code, to implement a suitable plan for the replacement of the trees to be removed pursuant to the permit, which plan shall be provided by the applicant and approved by the arborist, or the planning commission, indicating the location, size, quantity and species of replacement trees to be provided. Any plans shall be limited to the parcel to which the permit would pertain. In determining whether such a plan shall be required as a condition of the issuance of the permit, the arborist, or the planning commission shall consider the intended use of the property and evaluate the effect of the removal or destruction of the trees for which the permit is sought, giving consideration to the following factors:

(1) existing tree coverage, size and type;

(2) number of trees to be removed on the entire property;

(3) the area to be covered with structures, parking and driveways;

(4) the grading plan and drainage requirements; and

(5) the character of the site and its environs. (Code 1963, Sec. 39-12.5)

Sec. 6-2-36 Same—exemptions.

The city manager may authorize the removal of any tree for which a permit is required by this article without the issuance of a permit if he determines that the tree constitutes a hazard to the public health or safety and requires immediate removal, or in the event of a natural disaster, a man-made disaster or local emergency as defined in section 4-3-2 of this code. (Code 1963, Sec. 39-12.6)

Sec. 6-2-37 Designation of historic trees.

(a) The city manager may designate as an historic tree any tree which she deems to be of notable historic interest because of its age, size, species, condition or historic association. Except as provided by section 6-2-36 of this code, or as may be approved by the city council after a public hearing, no historic tree shall be removed or destroyed.

(b) No historic designation shall be made with respect to any tree or trees on property other than public property except following 21 days written notice by mail to all owners of record of the parcel on which the tree or trees to be designated are located and the owners have been given an opportunity to submit written comments to the city manager.

(c) The city manager shall establish, and thereafter may amend, regulations for the administration of this section. The manager shall transmit such regulations, and any amendments thereto, to city council for its review and approval; provided, that any regulations established by the manager and any amendments thereto shall be effective upon their issuance by the manager and shall remain in effect unless and until disapproved by city council. The regulations established under this section shall at minimum include:

(1) reasonable criteria for rating the factors of age, size, species, condition and historic association;

(2) reasonable procedures for identifying the injury to the public health, safety and general welfare which would result from removal or destruction of the tree or trees to be designated and for determining whether such designation would substantially advance the purpose of protecting against the injury identified;

(3) reasonable procedures for determining the diminution, if any, in the use or value of private property which would be caused by the designation and for determining whether any such dimunition would be disproportionate to the injury to the public health, safety and general welfare which would be caused by the removal or destruction of the tree and would result in an unconstitutional deprivation of all or substantial use or value of private property; and

(4) reasonable procedures for appealing to city council, in the manner provided in section 6-2-51, the manager's decision to designate or not to designate any tree or trees. (Code 1963, Sec. 39-12.7; Ord. No. 3298, 6/18/88 Sec. 5)

Sec. 6-2-38 Designation of specimen trees.

(a) The city manager may designate as a specimen tree any tree which she deems to be of extraordinary value because of its age, size, species, condition or quality of uniqueness. Except as may be provided by section 6-2-36 of this code, or as may be approved by the city council after a public hearing, no specimen tree shall be removed or destroyed.

(b) No specimen designation shall be made with respect to any tree or trees on property other than public property except following 21 days written notice by mail to all owners of record of the parcel on which the tree or trees to be designated are located and the owners have been given an opportunity to submit written comments to the city manager.

(c) The city manager shall establish, and thereafter may amend, regulations for the administration of this section. The manager shall transmit such regulations, and any amendments thereto, to city council for its review and approval; provided, that any regulations established by the manager and any amendments thereto shall be effective upon their issuance by the manager and shall remain in effect unless and until disapproved by city council. The regulations established under this section shall at minimum include:

(1) reasonable criteria for rating the factors of age, size, species, condition and quality of uniqueness;

(2) reasonable procedures for identifying the injury to the public health, safety and general welfare which would result from removal or destruction of the tree or trees to be designated and for determining whether such designation would substantially advance the purpose of protecting against the injury indentified;

(3) reasonable procedures for determining the diminution, if any, in the use or value of private property which would be caused by the designation and for determining whether any such dimunition would be disproportionable to the injury to the public health, safety and general welfare which would be caused by the removal or destruction of the tree and would result in an unconstitutional deprivation of all or substantial use or value of private property; and

(4) reasonable procedures for appealing to city council, in the manner provided in section 6-2-51, the manager's decision to designate or not to designate any tree or trees. (Code 1963, Sec. 39-12.8; Ord. No. 3298, 6/18/88, Sec. 6)

Sec. 6-2-39 *Interim designation of historic or specimen trees.*

Whenever the arborist has determined that any tree should be protected by designation as an historic or specimen tree under the provisions of section 6-2-37 or 6-2-38, and the city manager has determined to proceed with designation, the city manager shall forthwith issue an interim designation of such tree as an historic tree or a specimen tree, as the case may be. No tree so designated shall be removed or destroyed except as provided in section 6-2-36. Such interim designation shall remain in force and effect for 30 days; provided, however, that no such interim designation shall continue in force and effect beyond the time at which the manager determines to approve or disapprove the designation under the provisions of section 6-2-37 or 6-2-38. Notice of such interim designation shall be posted in a prominent and secure fashion on or about any tree or group of trees so designated. No such notice shall be removed or destroyed other than pursuant to the directive of the city manager, and the unauthorized removal of such notice shall constitute a separate offense under the provisions of this chapter. Such notice shall clearly state that removal or destruction of such tree or trees and/or removal or destruction of such notice, constitutes a violation of this chapter and shall set forth the penalty provided by law upon conviction of such offense. (Ord. No. 3289, 4/26/88, Sec. 2; Ord. No. 3298, 6/18/88, Sec. 7)

Secs. 6-2-40 through 6-2-50 reserved.

ARTICLE D

Appeals, Penalty for Violation of Chapter

Sec. 6-2-51 Appeals.

Any person concerned under this chapter shall have the right to appeal to the council of the city; provided, that a notice of appeal, in writing, shall be filed with the city clerk within 10 days from the receipt of the city manager's notice. The city clerk shall immediately notify the city manager of any appeal and the city manager shall docket the appeal for hearing at the next regular meeting of the city council and notify the appellant of the hearing date. After a hearing on the matter, the city council shall determine the action to be taken. The costs of any such action shall be chargeable to the property owner. (Code 1963, Sec. 39-13)

Sec. 6-2-52 Penalty.

Any person violating any of the provisions of this chapter or failing to comply with any duty herein or any action of the city council hereunder shall, upon conviction thereof, be punished by a fine not to exceed $500 or by imprisonment in the Alexandria correctional center not to exceed six (6) months, or by both. (Code 1963, Sec. 39-14)

CHAPTER 3

Marinas, Docks and Related Waterfront Recreational Activities

§ 6-3-1 Violations of chapter generally.
§ 6-3-2 City of Alexandria marina designated.
§ 6-3-3 Dockmaster generally.
§ 6-3-4 Rules and regulations of dockmaster relative to operation of the City of Alexandria marina.
§ 6-3-5 Authority of the dockmaster to provide for the orderly management of the City of Alexandria marina, to assign spaces and designate passenger pickup and discharge areas for commercial tour boats and to establish procedures for the privilege of docking commercial vessels at the Alexandria marina.
§ 6-3-6 Establishment of fees for the use of city-owned waterfront facilities.
§ 6-3-7 Removal or repair of hazardous or obstructing docks, wharves, piers, pilings, bulkheads or other structures or vessels.
§ 6-3-8 Sinking or abandoning vessels, barges, etc., and floating logs or other loose debris prohibited.
§ 6-3-9 Navigational safety.
§ 6-3-10 Docking or mooring of housebarges for more than 72 hours prohibited.

Sec. 6-3-1 Violations of chapter generally.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a class 4 misdemeanor. (Ord. No. 3121, 4/12/86, Sec. 2)

Sec. 6-3-2 City of Alexandria marina designated.

The City of Alexandria marina is hereby designated as the area from Prince Street on the south to Oronoco Street on the north, the pierhead line on the east and the shoreline on the west. However, this marina does not include the area from the northern boundary of North Waterfront Park to the southern boundary of the Torpedo Factory Building No. 10, currently known as the Old Dominion Boat Club. The public wharves, docks, landings and similar structures shall include but not be limited to:

(a) Founder's Park piers (north and south);
(b) Torpedo Factory piers (north and south);
(c) Torpedo Factory bulkhead and dock; and the
(d) Waterfront Park bulkhead. (Ord. No. 3121, 4/12/86, Sec. 2)

Sec. 6-3-3 Dockmaster generally.

In the department of recreation, parks and cultural activities, there shall be a dockmaster who

shall be appointed by the city manager and shall be under the direct supervision and control of the city manager or his designee. The duties of the dockmaster shall include the following:

(1) to act as custodian and superintendent of all waterfront property owned or controlled by the city and to inspect and report on the physical condition of all waterfront property, whether municipally owned or otherwise.

(2) to cooperate with the department of police in the enforcement of ordinances and rules applicable to all waterfront property and take lead responsibility for the enforcement of the rules and regulation of this chapter. (Ord. No. 3121, 4/12/86, Sec. 2)

Sec. 6-3-4 Rules and regulations of dockmaster relative to operation of the City of Alexandria marina.

The city manager is hereby authorized to establish such rules and regulations to control the operation of city-owned or city-operated piers, wharves and docks collectively designated as the City of Alexandria marina, as he may deem necessary therefor. Violation of any rules and regulations promulgated pursuant to this section shall be a class 4 misdemeanor unless otherwise specifically provided. Such regulations shall not be approved until adopted by resolution of the city council and printed and made available to the public. (Ord. No. 3121, 4/12/86, Sec. 2)

Sec. 6-3-5 Authority of the dockmaster to provide for the orderly management of the City of Alexandria marina, to assign spaces and designate passenger pickup and discharge areas for commercial tour boats and to establish procedures for the privilege of docking commercial vessels at the Alexandria marina.

In order to provide for the orderly management of the City of Alexandria marina, the dockmaster is hereby authorized to assign spaces therein for all classes of vessels. A commercial vessel is one which sells or trades a good or service related to the operation of the vessel and which is not operated solely for the personal pleasure of the owner. Such vessels shall include, but not be limited to, cruise, charter and tour boats. A pleasure vessel is one which is privately owned and operated and does not sell or trade a good or service which is related to the operation of the vessel. The dock-

master is specifically authorized to designate passenger pickup and discharge areas for commercial vessels. All commercial vessels docking more than four (4) times per month are subject to approval by city council pursuant to section 13-1-36 of the city code. The city manager or his designee is hereby authorized to establish procedures to seek bids for the privilege of docking commercial vessels at the Alexandria marina pursuant to the procedures established in title 3, chapter 3 of the city code. (Ord. No. 3121, 4/12/86, Sec. 2)

Sec. 6-3-6 Establishment of fees for the use of city-owned waterfront facilities.

Any person who moors or ties his vessel to any portion of the City of Alexandria marina, or any other property belonging to the city, or to another boat so moored or tied, shall first obtain the permission of the dockmaster for such docking privileges and shall pay fees established by the city manager or his designee for all vessels which use the Alexandria marina. (Ord. No. 3121, 4/12/86, Sec. 2)

Sec. 6-3-7 Removal or repair of hazardous or obstructing docks, wharves, piers, pilings, bulkheads or other structures or vessels.

(a) Whenever the city manager shall be of the opinion that any dock, wharf, pier, bulkhead, dolphin, buoy, piling, quay, landing or other structure or vessel might endanger the public health or safety of persons, or might constitute a hazard or obstruction to the lawful use of the waters within or adjoining the city, he shall cause a written notice to be served upon the owner of such dock, wharf, pier, bulkhead, dolphin, buoy, piling, quay, landing or other structure or vessel, directing the owner to remove, repair or secure such property within the time to be specified within such notice. Any such owner who shall fail to remove, repair or secure such property within the time specified in such notice shall be guilty of a class 2 misdemeanor.

(b) If the owner fails to remove, repair or secure such dock, wharf, pier, bulkhead, dolphin, buoy, piling, quay, landing or other structure or vessel within the time specified in the notice given pursuant to this section, the city manager or his designee may remove, repair or secure such property at the expense of the owner, and the expense shall be chargeable to and paid by the owner of such property. Such expense shall be a lien upon such property or upon any parcel of land of which it is a part or to which it is affixed or from which it was removed, until paid, and shall be reported by the city manager or his designee to the city treasurer, who shall collect the same in the manner in which city taxes levied upon real estate are authorized to be collected. Such lien shall be recorded in the judgment lien docket book in the circuit court of the city and may be reduced to a personal judgment against the owner.

(c) If the identity or whereabouts of the lawful owner of such dock, wharf, pier, dolphin, buoy, piling, quay, bulkhead, landing or other structure or vessel is unknown or cannot be ascertained, after a reasonable search and after lawful notice has been given to the last known address of any known owner, the city manager or his designee may remove, repair or secure such property after giving notice by publication once each week for two (2) weeks in a newspaper of general circulation in the area where such property is located. (Ord. No. 3121, 4/12/86, Sec. 2)

Sec. 6-3-8 Sinking or abandoning vessels, barges, etc., and floating logs or other loose debris prohibited.

(a) It shall be unlawful and a class 3 misdemeanor for any person to voluntarily sink or abandon, or permit or cause to be sunk or abandoned, any vessel, barge, scow or other craft in any waters in the city.

(b) It shall be unlawful and a class 4 misdemeanor for any person to float, permit to be floated or cause to be floated, loose timbers, logs or other debris in any waters in the city. (Ord. No. 3121, 4/12/86, Sec. 2)

Sec. 6-3-9 Navigational safety.

(a) *Hazardous obstructions.* An obstruction which presents a hazard to any watercraft or person may not remain in the waterways of the city.

(b) *Prohibitions, remedies, relative to watercraft generally:*

(1) A watercraft:

a. may not be anchored in the waterways of the city where prohibited or restricted by the dockmaster or the city manager or his designee, except in an emergency.

b. may not lie at anchor or be moored in the waterways of the city in a position to obstruct navigation.

c. which either is not in a condition to keep afloat, or is sunk, may not remain in the waterways of the city.

(2) It shall be a class 3 misdemeanor to conduct or permit to be conducted any activity prohibited by section 6-3-9(b)(1).

(3)(a) Upon discovering a watercraft in violation of section 6-3-9(b)(1), the dockmaster shall request the owner or master of the watercraft to remove the vessel, if the owner or master is aboard the vessel, or if the dockmaster finds the owner or master in the immediate vicinity of the vessel. If the request is refused or if the owner or master is not found in the immediate vicinity of the vessel, the dockmaster may have the watercraft removed to a boat storage facility and placed in storage, and the dockmaster shall then attempt to notify the owner of the boat as to the storage location. The watercraft may not be released without an order for its release signed by the city manager or his designee.

(b) The owner of the watercraft shall be responsible for all costs and expenses associated with the towing and storage of the vessel. All such costs and expenses shall constitute a lien upon the watercraft and shall be paid before an order for the release of the vessel may be issued.

(c) *Excessive wake and speed.* A person may not propel or navigate any motor-driven watercraft in any of the waters of the City of Alexandria at a speed greater than six (6) miles per hour, nor create a wash which endangers persons or property.

(d) *Condition and major repairs of watercraft docked in the city harbor.* A person may not dock a watercraft which is not in an operating condition in the city harbor, nor may major repairs be made to watercraft in the dock area.

(e) *Cooking equipment.* A person may not cook by means of charcoal burning on his watercraft in the city dock; nor may any person use or operate any type of outdoor cooking equipment on city dock property.

(f) *Swimming and water skiing prohibited.* A person may not swim or water ski in the city dock waters. (Ord. No. 3121, 4/12/86, Sec. 2)

Sec. 6-3-10 Docking or mooring of housebarges for more than 72 hours prohibited.

(a) As used in this section, "housebarge" means any vessel, boat, craft, or structure originally designed to float or supported by means of flotation which is used or designed to be used primarily for occupancy as a residential, business or social club structure and which is not primarily designed or intended for self-propelled navigation.

(b) No housebarge exceeding the dimensions of 20 feet in width, 46 feet in length or 14 feet in height as measured from the waterline (excluding railings, awnings, antennas or any similar appurtenances) shall be docked or moored within the waters of the city for a period in excess of 48 hours.

(c) A housebarge conforming to the dimensions set forth in subsection (b) of this section may be secured to waterfront facilities within the city only if such housebarge is docked within a commercial, community or public marina in which 20 or more slips exist for the dockage of vessels and the dockage of such housebarge would not result in more than five percent (5%) of such facility's slips being occupied by housebarges. (Ord. No. 3121, 4/12/86, Sec. 2)

TITLE 7

Planning and Development

Chapter 1 Planning Commissions
Chapter 2 Housing and Community Development
Chapter 3 Historic Preservation
Chapter 4 Condominiums and Cooperatives
Chapter 5 Subdivisions
Chapter 6 Reserved

CHAPTER 1

Planning Commission

State Law References: Local planning, Code of Va., Secs. 15.1-437 to 15.1-445; comprehensive plans, Secs. 15.1-446 to 15.1-447.

Cross References: Planning, zoning and subdivisions control, City Charter, Secs. 9.01 to 9.34; citizen boards and commissions, generally, Title 2, Ch. 1; building code regulations, Title 8, Ch. 1; duties of planning with respect to subdivisions, Sec. 7-5-4.

ARTICLE A

Reserved

§§ 7-1-1 through 7-1-10 reserved.

ARTICLE B

Northern Virginia Planning and Economic Development Commission

§ 7-1-11 Adoption of statutory plan of cooperation and "Memorandum of Agreement."
§ 7-1-12 Functions, powers and duties.
§ 7-1-13 Members representing the city.

ARTICLE A

Reserved

Editorial Note: Ord. No. 3609, § 2, adopted Dec. 12, 1992 repealed Art. A, §§ 7-1-1—7-1-4, which pertained to the City Planning Commission. See the Code Comparative Table.

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

ARTICLE B

Northern Virginia Regional Planning and Economic Development Commission

State Law References: Cities authorized to participate in a regional planning commission, Code of Va., Sec. 15.1-427; regional planning generally, Code of Va., Secs. 15.1-432 to 15.1-436.

Sec. 7-1-11 Adoption of statutory plan of cooperation and "Memorandum of Agreement."

The city council hereby adopts a plan of cooperation with other political subdivisions in the creation of the Northern Virginia Regional Planning and Economic Development Commission as provided for in sections 15-962 to 15-962.4, Code of Virginia (1950), as amended, and further adopts the recommended rules, regulations, plans of organization, appointment and terms of members and other recommended rules, regulations, plans of organization, appointment and terms of members and other recommended provisions for the organization and operation of the commission as set forth in the "Memorandum of Agreement" adopted by the official representatives of the several counties, cities and towns cooperating in the organization of the commission, dated December 10, 1947, which by reference thereto is hereby made a part of this article. (Code 1963, Sec. 24-4)

Sec. 7-1-12 Functions, powers and duties.

The Northern Virginia Regional Planning and Economic Development Commission shall have the function, powers and duties which are prescribed by law. (Code 1963, Sec. 24-5)

Sec. 7-1-13 Members representing the city.

There shall be three (3) members of the Northern Virginia Regional Planning and Economic Development Commission representing this city appointed by the mayor. One (1) shall be a member of the city council, one (1) shall be a member of the city planning commission and one (1) shall be a resident citizen who may be either a member of council, an administrative officer of the city or a citizen. (Code 1963, Sec. 24-6)

CHAPTER 2

Housing and Community Development

§ 7-2-1	Short title.
§ 7-2-2	Findings of fact and declaration of policy.
§ 7-2-3	Definitions.
§ 7-2-4	Powers relating to housing and community development.
§ 7-2-5	Declaration of public purpose and public use.

Sec. 7-2-1 Short title.

This chapter shall be known and may be cited as the Housing and Community Development Code of the City of Alexandria, Virginia. (Code 1963, Sec. 17A-1)

Sec. 7-2-2 Findings of fact and declaration of policy.

(a) *Findings.* The city council finds:

(1) That there exists within the city a serious shortage of adequate residential dwellings which low and moderate income persons and elderly and handicapped persons can afford.

(2) That there exists within the city real property which is blighted, deteriorated, deteriorating, a blighting influence on the neighborhood, or in nonconformance with the city's zoning code or master land use plan and that such property should be cleared, demolished or rehabilitated and leased or sold.

(3) That the housing shortage and blighted, deteriorated and nonconforming property contributes to the creation and persistence of substandard living conditions for many of Alexandria's citizens which is detrimental to the health, safety and welfare of such citizens.

(4) That it is imperative that the supply of safe and sanitary residential dwellings for such persons and families be increased.

(5) That private enterprise has been unable, without assistance, to produce the needed construction or rehabilitation of safe and sanitary housing at prices or rentals which low and moderate income persons and elderly or handicapped persons can afford.

(6) That it is in the public interest and in furtherance of the welfare and well-being of all citizens of Alexandria, Virginia, to assure that each citizen is provided with decent housing and a suitable living environment.

(7) That only through the concerted efforts of federal, state and local government can we eliminate blight, conserve and renew older urban

neighborhoods and improve the living environment, of low and moderate income, elderly and handicapped persons.

(8) That the exercise of powers in section 2.04:2 of the city charter is for a public purpose and public use.

(b) *Policy.* The city council hereby declares:

(1) That it is contrary to the policy of the city to permit the conditions mentioned in this section to exist.

(2) That it is the duty and policy of the city to exercise all available means and every power it possesses to protect the city and its citizens from such conditions and from the undesirable results that have been or may be caused or encouraged by the inadequacy of the current housing stock.

(3) That it is the duty and policy of the city to assist in the removal of blighted, deteriorated real property and real property in nonconformance with the city's zoning code or master land use plan.

(4) That it shall be the policy of the city, hereafter, to exercise its powers pursuant to section 2.04:2 of the Alexandria city charter to assist in providing low and moderate income, elderly and handicapped persons with decent housing and to assist in the removal of blighted, deteriorated and nonconforming real property.

(5) That the exercise of powers in section 2.04:2 of the city charter is for a public purpose and public use. (Code 1963, Sec. 17A-2)

Sec. 7-2-3 Definitions.

(a) *Blighted real property* means a building or buildings which, by reason of dilapidation, obsolescence, faulty arrangement of design, lack of ventilation, light or sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, is detrimental to the health, safety and welfare of the community.

(b) *Elderly person* means any person, married or single, who is 62 years of age or over.

(c) *Handicapped person* means any person who has been determined to have a physical or mental impairment which:

(1) is of long-term duration that renders the individual unable to engage in gainful activity; or

(2) is of long-continued and indefinite duration that substantially impedes the individual's ability to live independently and that could be improved by more suitable housing.

(d) *Low or moderate income persons* means persons and families of low and moderate income as defined in section 36-55.26 of the Code of Virginia, 1950, as amended, and shall be applied under this chapter using the income guidelines issued by the Virginia Housing Development Authority for use in its single-family mortgage loan program authorized by section 36-55.33:1 of the Code of Virginia; provided, that, unless otherwise expressly authorized by city council, low and moderate income persons on whose behalf rental housing subsidies may be made under this chapter shall be defined in accordance with the regulations governing the section 8 program administered by the United States department of housing and urban development or a similar successor program.

(e) *Nonprofit or limited profit organization* means an organization which has as a principal purpose the development of housing for low or moderate income persons or elderly or handicapped persons.

(f) *Real property* shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise, and the indebtedness secured by such liens. (Code 1963, Sec. 17A-3; Ord. No. 3876, 6/15/96, Sec. 1)

Sec. 7-2-4 Powers relating to housing and community development.

(a) *Powers relating to the acquisition and development of land and buildings in the city.* The city may upon authorization of council:

(1) acquire by purchase, exchange, gift, lease, condemnation or otherwise, land or buildings in the city for the purpose of providing housing for low or moderate income persons or for elderly or handicapped persons;

(2) rehabilitate and dispose of any such land and buildings by lease or sale to low or moderate income persons or elderly or handicapped persons;

(3) dispose of such land and buildings by lease or sale to a nonprofit or limited profit organization;

(4) construct residential buildings in the city for lease or sale to low or moderate income persons or elderly or handicapped persons or for lease or sale to a nonprofit or limited profit organization;

(5) make grants and loans of funds to low or moderate income persons to aid in the purchase of

any land or building in the city which has been rehabilitated by the city or by a nonprofit or limited profit organization.

(b) *Powers relating to the acquisition and disposition of blighted, deteriorated, nonconforming property.* The city may upon authorization of council:

(1) acquire by purchase, exchange, gift, lease, condemnation or otherwise, real property in the city which is blighted, deteriorated, deteriorating, a blighting influence on the neighborhood, or in nonconformance with the city's zoning code or master land use plan;

(2) clear, demolish or rehabilitate any such real property and dispose of any such real property by lease or sale to any person.

(c) *Powers relating to the granting of funds to owners of dwellings leased to low or moderate income persons.* The city may upon authorization of council:

(1) make grants of funds to owners of dwellings or dwelling units in the city leased to low or moderate income persons for the purpose of subsidizing, in part, the rental payments due and owing to any such owner by a low moderate income person;

(2) acquire any such dwellings or dwelling units from any such owners and dispose of such property by sale or lease to low or moderate income persons.

(d) *Powers relating to the granting and loaning of funds to low or moderate income persons for the purchase of dwellings.* The city may, upon authorization of city council, make grants and loans to low or moderate income persons to aid in the purchase of a single-family, townhouse, condominium or other dwelling, or shares in a housing cooperative.

(e) *Powers relating to federal and state housing programs.* The city may, upon authorization of city council, participate in any federal or state housing program or other federal or state program related to the powers granted in this section, and may use federal, state, city or private funds in doing so. When using federal, state, city or private funds in any such program, the city shall determine the persons eligible to participate in the program by using the eligibility definitions, criteria and requirements that have been established by the federal or state agency administering the program. (Code 1963, Sec. 17A-4; Ord. No. 2934, 6/18/84, Sec. 1; Ord. No. 3876, 6/15/96, Sec. 2)

Sec. 7-2-5 Declaration of public purpose and public use.

The exercise of any of the powers granted in this section is hereby declared to be a public purpose and public use. (Code 1963, Sec. 17A-5)

CHAPTER 3

Historic Preservation

§ 7-3-1 Restorable area established.

Sec. 7-3-1 Restorable area established.

(a) The below described area within the city is established and designated as the restorable area contemplated by section 1(d), chapter 481, 1962 Acts of Assembly of Virginia, within which area the Alexandria Historical Restoration and Preservation Commission is hereby given the right to exercise its powers.

(b) The restorable area shall be the corporate limits of the city, as established by the Charter of the City of Alexandria, Virginia. (Code 1963, Sec. 3A-1; Ord. No. 4166, 10/14/00, Sec. 1)

CHAPTER 4

Condominiums and Cooperatives

Editorial Note: Ord. No. 4385, § 1, adopted March 12, 2005, amended Ch. 4, in its entirety, to read as herein set out. See also the Code Comparative Table.

State Law References: Horizontal Property Act, Code of Va., Secs. 55-79.1 et seq.; Condominium Act, Secs. 55-79.39 et seq.

Editorial Note: As provided by Sec. 55-79.40, Code of Va., The Condominium Act supersedes the Horizontal Property Act; Secs. 55-79.1 to 55-79.38.

§ 7-4-1 Generally.
§ 7-4-2 Reserved.
§ 7-4-3 Filing of documents and information.
§ 7-4-4 Chapter supplemental and additional to other code provisions.
§ 7-4-5 Conversion condominiums and conversion cooperatives—definitions; extensions of leases and dislocation reimbursement required.
§ 7-4-6 Violations and penalties.

Sec. 7-4-1 Generally.

Any building or structure erected or proposed to be erected, or converted or proposed to be converted, within the city which is subject to the Condominium Act, Va. Code § 55-79.39, et seq., or Virginia Real Estate Cooperative Act, Va. Code § 55-424, et seq., or any amendments thereto, or the land on which they may be proposed or situated, shall be treated as though it be a building, structure or land without the feature of condominium ownership or cooperative ownership, except where such treatment would be inconsistent with the general law governing a condominium or cooperative regime established under the Condominium Act or Virginia Real Estate Cooperative Act. (Ord. No. 4385, 3/12/05, Sec. 1)

Sec. 7-4-2 Reserved.

Sec. 7-4-3 Filing of documents and information.

(a) (1) The developer of a conversion condominium as defined in the Condominium Act shall at the time the application for registration of the condominium is filed with the Virginia Real Estate Board, simultaneously file in the office of the clerk of the city council all the information which is required by the Board under section 55-79.89 of the Code of Virginia (1950), as amended.

(2) Such developer shall simultaneously file with the city clerk all supplemental information or additional documents which are filed with the Board, including a copy of the final registration.

(3) Such developer shall file with the city clerk, by hand delivery or certified mail, return receipt requested, a complete copy of the formal notice actually sent to each of the tenants of the building pursuant to the Condominium Act, including the name and address of each tenant to whom such notice was sent. Such copy shall be filed with the city clerk on or before the date such notice is given to the tenant named in the notice.

(4) There shall be no fee for such filings.

(b) (1) The developer of a conversion cooperative as defined in the Virginia Real Estate Cooperative Act shall at the time the application for registration of the cooperative is filed with the Virginia Real Estate Board, simultaneously file in the office of the clerk of the city council all the information which is required by the Board under section 55-498 of the Code of Virginia (1950), as amended.

(2) Such developer shall simultaneously file with the clerk all supplemental information or additional documents which are filed with the Board, including a copy of the final registration.

(3) Such developer shall file with the city clerk, by hand delivery or certified mail, return receipt requested, a complete copy of the formal notice actually sent to each of the tenants of the building pursuant to the Cooperative Act, including the name and address of each tenant to whom such notice was sent. Such copy shall be filed with the city clerk on or before the date such notice is given to the tenant named in the notice.

(4) There shall be no fee for such filings.

(c) No developer of a conversion condominium or a conversion cooperative may offer or dispose of any interest in a condominium or cooperative unit located in the city prior to the time the information regarding the condominium or cooperative which includes such unit is filed in accordance with this section and any contract for the purchase and sale of an interest in a unit in violation of this section shall be deemed an illegal contract. (Ord. No. 4385, 3/12/05, Sec. 1)

Sec. 7-4-4 Chapter supplemental and additional to other code provisions.

The provisions of this chapter shall be in addition and supplemental to all other provisions of this code. (Ord. No. 4385, 3/12/05, Sec. 1)

Sec. 7-4-5 Conversion condominiums and conversion cooperatives—definitions; extensions of leases and dislocation reimbursement required.

(a) For the purposes of this section:

(1) "Declarant" shall mean any person or group of persons acting in concert that:

a. Offers to dispose of his or its interest in a condominium unit not previously disposed of or, as part of a common promotional plan, offers to dispose of his or its cooperative interest not previously disposed of;

b. Reserves or succeeds to any special declarant right; or

c. Applies for registration of the condominium or the cooperative under title 55, Code of Virginia (1950), as amended.

(2) "Disabled" means a person suffering from a severe, chronic physical or mental impairment which results in substantial functional limitations.

(3) "Elderly" means a person not less than 62 years of age.

(b) The elderly or disabled tenants occupying as their residence, at the time of the issuance of a general notice of condominium conversion or cooperative conversion, shall be offered leases or extensions of leases on the apartments or units they then occupied or, on other apartments or units of at least equal size and overall quality. The terms and conditions thereof shall be as agreed upon by the lessor and the lessee, except that the lessor must offer the lessee the option of a term of up to and including three years, and provided that the rent for such apartment or unit shall not be in excess of reasonable rent for comparable apartments or units in the same market area as such converted condominium or cooperative. Nothing herein shall require that such leases or extensions be offered on more than 20 percent of the apartments or units in such converted condominium or cooperative, or that such leases or extensions extend beyond three years from the date of such notice. Such leases or extensions shall not be required, however, in the case of any apartments or units which will, in the course of the conversion, be substantially altered in the physical layout, restricted exclusively to nonresidential use or be converted in such a manner as to require relocation of the tenant in premises outside of the project being converted.

(c) Any declarant of any residential condominium or cooperative converted from multifamily rental use shall pay any tenant displaced by the

conversion for actual moving expenses, but not to exceed the amount calculated according to the Moving Expense Schedule promulgated pursuant to 24 VAC 30-41-220. In lieu of paying for actual expenses incurred, the declarant may elect to pay the full amount calculated according to such schedule. The foregoing provisions shall not apply if declarant has elected to follow Alexandria's housing relocation assistance policy. (Ord. No. 4385, 3/12/05, Sec. 1)

Sec. 7-4-6 Violations and penalties.

(a) Any violation of the provisions of this chapter shall be punishable as a class one civil violation.

(b) The following acts or omissions constitute a violation of this chapter:

(1) Failure to file any document required to be filed with the city clerk pursuant to this chapter within the time required, or filing with the city clerk any document, required or otherwise, in connection with the registration of a conversion condominium or conversion cooperative which is materially false, inaccurate, incomplete or contrary to law.

(2) Failure to send to a tenant within the time required any notice required to be filed with the city clerk pursuant to this chapter, or sending any notice, required or otherwise, to a tenant in connection with the registration of a conversion condominium or conversion cooperative which is materially false, inaccurate, incomplete or contrary to law.

(3) Failure to make any payment required by this chapter to a tenant displaced by a condominium conversion or cooperative conversion, or unreasonably delaying, conditioning or withholding any such payment.

(4) Failure to make or offer any lease required by this chapter to an elderly or disabled tenant, or unreasonably delaying, withholding or conditioning any such lease.

(c) Whenever the city attorney has reasonable cause to believe that any person has engaged in, or is engaging in, or is about to engage in, the use of any deception, fraud, false pretense, false promise or misrepresentation in connection with the registration, sale, offering for sale, lease or offering for lease of a unit in a conversion condominium or conversion cooperative to a tenant, the city attorney may obtain a civil investigative order, or bring an action to enjoin such acts or omissions, pursuant to the Virginia Consumer Protection Act, Va. Code § 59.1-196, et seq.

(d) Prior to the issuance of a notice of civil violation pursuant to subsection (a), or to the commencement of an enforcement proceeding under subsection (c), the responsible party shall be afforded written notice and a 10-day opportunity to correct the violation; provided, however, that such notice and opportunity to correct shall not be required for any willful violation. (Ord. No. 4385, 3/12/05, Sec. 1)

CHAPTER 5

Reserved

Editorial Note: Ord. No. 3845, § 3, adopted Feb. 24, 1996, repealed Ch. 5, in its entirety, which pertained to subdivisions. See the Ordinance Comparative Table.

CHAPTER 6

Reserved

Editorial Note: Ord. No. 3591, adopted June 24, 1992, repealed Ch. 6, which pertained to zoning in its entirety. See the Ordinance Comparative Table. The user's attention is directed to the new zoning provisions adopted by Ord. No. 3591 which are contained in a separate volume, Titled City of Alexandria Zoning Ordinance.

[The next page is 779]

TITLE 8

Building Code Regulations

Chapter 1 **Building Code**
Chapter 2 **Reserved**
Chapter 3 **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).

Historical Note: Ord. No. 4659, § 1, adopted May 15, 2010, repealed title 8 and enacted a new title as set out herein. The former title 8, sections 8-1-1—8-1-6, 8-1-11—8-1-30, 8-1-41—8-1-56, 8-1-71—8-1-75, 8-1-81—8-1-86, 8-1-9—8-1-100, 8-1-110—8-1-121, 8-1-130, 8-1-131, 8-1-141—8-1-149, 8-2-1—8-2-8, and 8-4-1—8-4-15, pertained to similar subject matter and derived from §§ 7A-1—7A-8 of the 1963 Code; Ord. No. 2482, adopted June 14, 1980; Ord. No. 2489, adopted June 14, 1980; Ord. No. 2582, adopted June 13, 1981; Ord. No. 2769, § 1, adopted Jan. 26, 1983; Ord. No. 2935, §§ 1, 2, adopted June 18, 1984; Ord. No. 2947, §§ 1—3, adopted June 27, 1984; Ord. No. 3153, §§ 1—3, adopted Sept. 13, 1986; Ord. No. 3208, § 1, adopted May 18, 1987; Ord. No. 3280, §§ 1, 2, adopted March 12, 1988; Ord. No. 3443, § 1, adopted March 24, 1990; Ord. No. 3696, §§ 4, 5, adopted Jan. 22, 1994; Ord. No. 3849, §§ 3—5, 7, 9, 10, adopted March 23, 1996; Ord. No. 3929, § 4, adopted June 14, 1997; Ord. No. 3346, § 1, adopted Dec. 17, 1998; Ord. No. 4068, § 1, adopted Sept. 18, 1999; Ord. No. 4074, § 1, adopted Oct. 16, 1999; Ord. No. 4140, § 1, adopted June 17, 2000; Ord. No. 4209, § 1, adopted June 16, 2001; Ord. No. 4406, § 1, adopted June 21, 2005; Ord. No. 4433, § 1, adopted Dec. 17, 2005; and Ord. No. 4517, §§ 1, 2, adopted Feb. 12, 2008. See the Code Comparative Table.

Article A

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§ 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.
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Miscellaneous Conditions of Permits

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§ 8-1-12 Foundation and wall survey plats.
§ 8-1-13 Plans and specifications—Provisions for control of contaminated land.
§ 8-1-14 reserved.
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§ 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, fire protection, elevator and plumbing permits, inspections and certificates.
§ 8-1-24 Violations and penalties.
§§ 8-1-25 through 8-1-35 reserved.

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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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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 recodification 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 10-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. (Ord. No. 4659, 5/15/10, Sec. 1; Ord. No. 4669, 6/12/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

Sec. 8-1-14 reserved.

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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 multifamily 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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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 subsections (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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

Secs. 8-1-56 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. (Ord. No. 4659, 5/15/10, Sec. 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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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." (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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 [subsection] (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. (Ord. No. 4659, 5/15/10, Sec. 1)

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 multifamily 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 multifamily 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. (Ord. No. 4659, 5/15/10, Sec. 1)

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 reinspections 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 nondisqualifying violations have not been corrected pursuant to sections 8-1-115 and 8-1-116. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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 and meets the definition of "derelict building" under Code of Virginia § 15.2-907.1 (1950 as amended) must register the building with the director of the department of code administration.

(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) the name, address and telephone number of a person(s) to contact in case of an emergency, if different from the owner or the owner's agent;

(4) a detailed statement which estimates how long the building is likely to remain vacant;

(5) 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;

(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 $100. 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 nonrefundable fee of $100 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. (Ord. No. 4659, 5/15/10, Sec. 1; Ord. No. 4926, 2/21/15, Sec. 1)

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 $200; 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 $400.

(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. (Ord. No. 4659, 5/15/10, Sec. 1; Ord. No. 4926, 2/21/15, Sec. 2)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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 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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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 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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

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 sections 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. (Ord. No. 4659, 5/15/10, Sec. 1)

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. (Ord. No. 4659, 5/15/10, Sec. 1)

CHAPTER 2

Reserved

CHAPTER 3

Reserved

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Licensing and Regulation

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Chapter 2	**Aircraft**
Chapter 3	**Alexandria Cable Communications Code**
Chapter 4	**Reserved**
Chapter 5	**Reserved**
Chapter 6	**Concerts**
Chapter 7	**Filling Stations**
Chapter 8	**Junk Dealers, Antique Dealers, Canvassers, Pawnbrokers and Dealers in Secondhand Articles, Precious Metals or Gems**
Chapter 9	**Reserved**
Chapter 10	**Solicitations**
Chapter 11	**Sunday Closing Law**
Chapter 12	**Taxicabs and Other Vehicles for Hire**
Chapter 13	**Towing and Storage of Motor Vehicles**
Chapter 14	**Delivery of Unsolicited Publications**
Chapter 15	**Food Truck Vendors**

CHAPTER 1

Business Licenses

Charter Reference: Power of city to require licenses for privilege of engaging in business, Sec. 2.02(a)(5).

State Law References: Taxation of businesses, employment and professions, Code of Va., Secs. 58.1-3700 to 58.1-3819.1; authority of city to impose privilege taxes, Code of Va., Secs. 58.1-3509, 58.1-3510, 58.1-3701 to 58.1-3704, 58.1-3706, 58.1-3711, 58.1-3720, 58.1-3732 to 58.1-3734.

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ARTICLE A

General Provisions

Sec. 9-1-1 Title.

This chapter may be known and cited as the "Business License Code" of the city.

Sec. 9-1-2 Definitions.

The following words and phrases, when used in this chapter, shall have the following assigned meanings:

(1) *Amusements.* Any entertainment or amusement or the operation or use of property for the provision of entertainment or amusement for compensation, including, but not limited to, arcades or buildings devoted to general amusement or entertaining, auditoriums, ball-throwing establishments, billiard parlors or poolrooms, bowling alleys, coliseums, dance bands, exhibition or performance, furnishing music for dancers, gardens, golf driving ranges, miniature golf establishments, miniature railroads, movie theaters, museums, parks or athletic fields, performers, renting or furnishing of horses or ponies, skating rinks, swimming pools or swimming clubs, tennis courts, theaters and "slot machines," as that term is defined in this chapter.

(2) *Base year.* The calendar year preceding the license year.

(3) *Builder* or *developer.* Any person engaged in the improvement or development, for sale or rent, of any real property owned by, leased by or otherwise controlled by the person. The term "builder or developer" includes persons performing the tasks of a contractor, as that term is defined in this chapter, but doing so on their own account.

(4) *Business.* A course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. The term "business" implies a continuous and regular course of dealing, rather than an irregular or isolated transaction. Whether a person is engaged in a business or simply is undertaking an irregular or isolated transaction is a factual determination to be made by the director. A person may be engaged in more than one business. The following acts shall create a rebuttable presumption that a person is engaged in a business: (i) advertising or otherwise holding oneself out to the public as being engaged in a particular business; or (ii) filing tax returns, schedules and documents that are required only of persons engaged in a business. The term "business" includes, but is not limited to, trades, professions, occupations, callings, vocations and similar activities and commerce.

(5) *Consultant.* Any person accepting or offering to accept orders or contracts to provide professional services, financial services or repair, personal or business services. A consultant shall be taxed under this chapter in accordance with the licensable privilege in which he is engaged.

(6) *Contractor.* Any person accepting or offering to accept orders or contracts for (i) doing any work on or in building or structure requiring the use of paint, stone, brick, mortar, cement, wood, wallpaper, structural iron or steel, sheet iron, galvanized iron, metallic piping, tin, lead or other metal or other building materials, (ii) doing electrical work on or in a building or structure, (iii) doing any paving or curbing on sidewalks or streets, public or private property, requiring the use of asphalt, brick, stone, cement, wood or any composition, (iv) excavating earth, rock or material for foundations or any other purpose, (v) cutting, trimming or maintaining rights of way, (vi) constructing any sewer of stone, brick, concrete, terra cotta or other material, (vii) caring for plots in cemeteries, (viii) rebuilding, remodeling, repairing, wrecking, razing or demolishing, or moving a building or structure, (ix) drilling, boring or digging a well, (x) installing, maintaining or repairing neon signs or heating or air conditioning equipment, or (xi) engaging in the business of plumbing and steam fitting. The term "contractor" shall also include any person doing any work on the subjects set forth in the preceding sentence under an employment agreement or arrangement, but the term shall not include persons who are employed directly by a contractor duly licensed as such. The term "contractor" shall not include any person deemed by the director to be a "consultant."

(7) *Definite place of business.* A location, including an office, at which occurs a regular and continuous course of dealing for 30 consecutive days or more. A definite place of business for a person engaged in the business of renting real property, for the purposes of section 9-1-88 of this code, shall include, but is not limited to, real property leased to another. A person's residence shall be deemed to be a definite place of business if there is no definite place of business maintained elsewhere, and the person is not licensable as a peddler or itinerant merchant.

(8) *Direct seller.* Any person who engages in the business of selling or soliciting the sale of consumer products primarily in private residences, who maintains no public location for the conduct of such business, who receives remuneration for such activities, with substantially all of such remuneration being directly related to sales or other sales-oriented services, rather than to the number of hours worked, and who performs such activities pursuant to a written contract between such person and the person for whom the activities are performed and such contract provides that such person will not be treated as an employee with respect to such activities for federal tax purposes.

(9) *Director.* The director of the department of finance of the city and any duly authorized representative.

(10) *Financial services.* Any services for compensation by a credit agency, by an investment company, by a broker or dealer in securities and commodities, or by a security or commodity exchange, as those terms are defined in the Code of Virginia (1950) and the securities and exchange laws of the United States, unless such services are otherwise provided for in this chapter. The term "financial services" includes, but is not limited to, the buying of installment receivables, chattel mortgage financing, consumer financing, credit card services, credit unions, factoring, financing of accounts receivable, installment financing, inventory financing and working capital financing. Those engaged in the rendering of financial services include, without limitation, industrial loan companies, loan or mortgage brokers, loan or mortgage companies, safety deposit box companies and securities and commodities brokers or dealers.

(11) *Gross receipts.* The whole, entire, total receipts attributable to the licensed privilege, without deduction, except as may be limited by other provisions of this chapter or by provisions of the Code of Virginia (1950).

(12) *License year.* The calendar year for which a license is issued for the privilege of engaging in a business.

(13) *Local resident.* Any person having a place of abode in the city, irrespective of the intention of any person to return to some other residence outside of the city at some future time.

(14) *Operator.* Any person selling, leasing, renting or otherwise furnishing or providing a coin-operated machine or device operated on the coin-in-the-slot principal; provided, that this term shall not include a person owning fewer than three coin-operated machines and operating such machines on property owned or leased by such person.

(15) *Person.* Any individual, firm, partnership, limited liability company, corporation, company, association or joint stock association. The term shall include any trustee, receiver, assignee or personal representative thereof carrying on or continuing a business, but shall not include a trustee, receiver or personal representative duly appointed by a court to liquidate assets for immediate distribution, or a sheriff or deputy sheriff, selling under authority of process or writ of a court or justice.

(16) *Professional services.* Any service rendered by a person professing knowledge of some area or department of science or learning, gained by a prolonged course of specialized instruction and study. The term implies attainments in professional knowledge, as distinguished from a skill or a trade. Professional services include, but are not limited to, those services rendered by accountants, architects, dentists, engineers, land surveyors, lawyers, practitioners of any healing arts, surgeons and veterinarians.

(17) *Purchases.* All goods, wares and merchandise received for sale at a definite place of business during the calendar year preceding the license year for which a license is applied, and all goods, wares and merchandise manufactured by a wholesale merchant and sold or offered for sale in this state as merchandise; provided, that this term shall not apply to manufacturers taxed on capital by the Commonwealth of Virginia, who offer for sale at wholesale, at the place of manufacture, goods, wares and merchandise manufactured by them.

(18) *Repair, personal and business services.* Any service rendered for compensation not specifically classified as a financial, professional or real estate service pursuant to this chapter and not rendered in connection with any other business specifically classified pursuant to this chapter.

(19) *Research and development.* A two-stage procedure focusing on new products or processes or improvements to existing products or processes, and entailing (i) a systematic study or search directed toward new scientific knowledge or new understanding of a particular subject and (ii) the gradual transformation of the new knowledge or new understanding garnered from the research stage into a tangible product or process.

(20) *Retail merchant.* A person who sells goods, wares or merchandise to others at retail only, i.e., not for resale and not at wholesale to institutional, commercial, or industrial users.

The term "retail merchant" shall include, but is not limited to, filling stations, restaurants, operators of vending machines and persons engaged in the short-term rental business, as defined in section 58.1-3510 of the Code of Virginia (1950). The term shall also include direct sellers who sell goods, wares and merchandise at retail only and not for resale, and manufacturers, mills and processors selling at retail the goods manufactured or produced.

(21) *Slot machine.* A coin-operated amusement-type machine or device operated on the coin-in-the-slot principle, including musical machines and musical devices operated by the insertion of coins or tokens.

(22) *Vending machine.* A machine or device that sells goods, wares or merchandise or provides services and that is operated by the insertion of coins or tokens or is operated on the coin-in-the-slot principle. The term "vending machine" shall not include machines used solely for the purpose of selling individual sanitary drinking cups or sanitary drinking cups and natural water, or machines vending sanitary napkins, which machines shall not be subject to tax pursuant to this chapter.

(23) *Wholesale merchant.* A person who sells goods, wares or merchandise to others for resale only and every person who sells to institutional, commercial or industrial users. The term "wholesale merchant" shall include, but not be limited to, direct sellers who sell to others for resale. (Ord. No. 3542, 11/16/91, Sec. 1; Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-3 Director to administer and enforce chapter.

Unless otherwise provided in this chapter, the director shall administer and enforce the provisions of this chapter. (Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-4 License year.

Except where otherwise herein specifically provided, the license year shall begin on January 1 in each year and shall end on December 31 of each year. The business license shall remain valid until February 28 of the following year. (Code 1963, Sec. 20-2; Ord. No. 3834, 11/18/95, Sec. 2; Ord. No. 4408, 6/21/05, Sec. 1)

Sec. 9-1-5 License and tax required to engage in a business in the city; unlawful to engage in business without license.

Any person who engages in a business identified in article B of this chapter in the city shall, except as otherwise provided in this chapter, obtain a business license for the business and pay an annual license tax for the privilege of conducting the business in the city. Any person who engages in a business identified in article C of this chapter in the city and who, in connection with that business, maintains a definite place of business in the city shall, except as otherwise provided in this chapter, obtain a business license for the business and pay an annual license tax, based upon the gross receipts of the business, for the privilege of conducting the business in the city. It shall be unlawful for any person to engage in any business identified in article B or article C of this chapter in the city without holding a valid license if and when such a license is required by this chapter. A valid license is one that has been lawfully issued and remains unsuspended, unrevoked and not otherwise terminated or expired. It shall be unlawful for any person to engage in any business identified in article B or article C of this chapter in the city without paying the business license tax that is levied by this chapter. (Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-6 Levy.

(a) For the privilege of engaging in a business in the city, there are hereby levied upon, and there shall be assessed against and collected from, the person engaging in the business an annual license tax as set forth in this chapter, which license tax shall be for the support of the city government, the payment of the city debts and interest thereon and for other municipal purposes.

(b) Except as provided in section 9-1-18 of this chapter, any license tax which is based in whole or in part on gross receipts shall be measured by the gross receipts from the base year as defined in section 9-1-2 of this chapter. (Ord. No. 3834, 11/18/95, Sec. 2; Ord. No. 4408, 6/21/05, Sec. 1)

Sec. 9-1-6.1 Levy in the case of builder or developer in business solely to improve, develop or redevelop a single project for sale.

Any builder or developer who undertakes a project in the city consisting of the improvement,

development or redevelopment of real property for sale, and who intends to undertake only that project during its lifetime, shall annually procure a license in the manner set forth in this chapter, but shall not be required to pay any license tax until the project is completed and gross receipts from the sale of the improved, developed or redeveloped property are received; provided, that the builder or developer (i) prior to commencing the project deposits with the director a bond in favor of the city as obligee which insures the proper filing of records and payment of taxes, in such form and amount and with such surety as shall be acceptable to the director, and (ii) at such times as directed by the director, provides the director with the necessary records to establish the gross receipts from the project. (Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-7 Situs of gross receipts.

(a) Whenever the license tax imposed by this chapter is based upon gross receipts, it shall be measured solely by those gross receipts with situs in the city.

(b) Gross receipts with situs in the city shall be gross receipts attributable to the exercise of a licensable privilege at or from a definite place of business within the city. In the case of activities conducted outside of a definite place of business that is located in the city, whether conducted within or beyond the city, such as during a visit to a customer location, the gross receipts arising from such activities shall be attributed to the definite place of business within the city if the activities are initiated, directed, controlled, supervised or otherwise managed from that place of business.

(c) If a licensable privilege is exercised at or from more than one definite place of business, at least one of which is located within the city and one or more of which are located beyond the city, and it is impractical or impossible to determine to which definite places of business the gross receipts arising from the exercise of the privilege should be attributed, such gross receipts shall be apportioned between or among the different places of business on the basis of the relative personnel payrolls of each definite place of business.

(d) Under no circumstances shall the gross receipts arising from the exercise of a licensable privilege be attributed or apportioned to a definite place of business within the city unless some activities associated with the exercise of the privilege occurred at, or were initiated, directed, controlled, supervised or otherwise managed from, such definite place of business. Gross receipts shall not be attributed or apportioned to a definite place of business within the city solely because a jurisdiction in which another definite place of business is located and to which the receipts are properly attributed or apportioned does not impose a tax on gross receipts. (Code 1963, Sec. 20-4; Ord. No. 3542, 11/16/91, Sec. 2; Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-8 Procedure for obtaining licenses.

All persons subject to this chapter shall make application for licenses to the director at his office in the city hall. Persons applying for a license shall furnish the director in writing their name, the trade name of their business, their correct residence, the nature of the business to be pursued, and the address of the location or the place in the city where the business is to be pursued. (Code 1963, Sec. 20-5; Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-9 Separate license for each definite place of business; exception.

No license shall be issued under the provisions of this chapter to cover more than one definite place of business. A separate license shall be obtained for each definite place of business of a business for which a license is required under the provisions of this chapter. Nothing in this chapter shall prevent two or more businesses from being conducted by the same or separate persons at the same location. (Code 1963, Sec. 20-6; Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-9.1 Stickers to evidence payment of tax by operators of slot machines and vending machines.

The director shall annually provide stickers of such colors and design as he may designate to operators of slot machines and vending machines upon payment by such operators of the required license tax. The director shall issue and deliver one sticker for each slot machine and vending machine for which the operator has paid the required license tax, which sticker shall be securely attached to each slot machine or vending machine on which the tax has been paid, so that the same may be easily seen throughout the license year. (Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-10 When payable generally.

(a) All license taxes levied by this chapter, except as otherwise provided in this chapter, shall become due and payable on or before March 1 of each license year.

(b) Whenever a person shall enter into a business, after February 28 of the license year, any license tax levied upon the business shall become due and payable at the time when such person shall commence business. (Code 1963, Sec. 20-7; Ord. No. 3834, 11/18/95, Sec. 2; Ord. No. 4167, 10-14-00, Sec. 1)

Sec. 9-1-10.1 Installment payments when tax is based on gross receipts.

(a) In all cases where a license tax is based in whole or in part upon gross receipts, and the tax on such gross receipts is equal to or exceeds the sum of $1,000, exclusive of any and all other types of tax, the tax may be paid in four equal installments during the license year, the first payment to be made on or before March 1, the second on or before May 1, the third on or before August 1 and the fourth on or before November 1, provided the taxpayer elects to do so by making his application for a license and paying the first installment and any tax unpaid and owing for any previous license year on or before March 1 of the license year for which the application is being made.

(b) Upon a default in the payment of any license tax installment when it becomes due, the amount of such installment and all remaining installments shall be delinquent and shall become due and payable immediately, in addition to the applicable late payment penalty and interest.

(c) There is hereby imposed on payments made on installment a charge which shall be calculated as follows:

(1) first installment: none;

(2) second installment: five percent of payment made;

(3) third installment: six percent of payment made;

(4) fourth and final installment: nine percent of payment made. (Ord. No. 3834, 11/18/95, Sec. 2; Ord. No. 4167, 10-14-00, Sec. 2)

Sec. 9-1-11 Exemptions.

(a) Notwithstanding any provision of this chapter to the contrary, the license tax levied in accordance with this chapter shall not be imposed upon the following businesses:

(1) those exempt from the license tax under section 58.1-3703(C) of the Code of Virginia (1950), as amended;

(2) except as otherwise provided in subsection (c) of this section, those owned by charitable nonprofit organizations which, for the purposes of this subsection are organizations qualified by the Internal Revenue Service under Internal Revenue Code § 501(c);

(3) those engaged in research and development; and

(4) those with gross receipts totalling less than $10,000 for the entire tax year.

(b) Any bona fide religious, charitable, benevolent or civic organization, or any group of responsible citizens of the city, desiring to hold a dance where an admission fee is required or where a charge is made for dancing, to hold a breakfast, lunch, dinner or supper for which a charge is made or to hold a rummage sale or bake sale, may through a member representative apply to the director for exemption from taxes under this chapter. After such proof as may be necessary, and upon being satisfied as to the character and nature of the applicant and the event, the director shall exempt the applicant from the license requirement and license tax otherwise imposed, so long as all of the fees or proceeds from the event are devoted to and used for bona fide religious, charitable or benevolent purposes, or, in the case of a dance, breakfast, lunch, dinner or supper, no profit is expected.

(c) The exemption granted by subsection (a)(2) shall not apply to any business owned or operated by a charitable nonprofit organization, the conduct of which is not substantially related to the exercise or performance of the organization's charitable, educational, or other purpose or function constituting the basis for its exemption. The determination of whether a business is substantially related to the exempt purpose or function of a charitable nonprofit organization shall be based solely on the relationship of the business activities to the exempt purpose or function, and the fact that revenue derived from the business may be used for an exempt purpose shall not be considered.

(d) The director shall determine whether a business is exempt under the provisions of this section and whether any portion of the gross receipts of an otherwise exempt entity is not exempt under subsection (c).

(e) The provisions of this section shall not relieve any person of the duty to comply with section 9-1-5. (Ord. No. 3542, 11/16/91, Sec. 3; Ord. No. 3834, 11/18/95, Sec. 2; Ord. No. 3870, 6/15/96, Sec. 1; Ord. No. 4005, 6/13/98, Sec. 4)

Sec. 9-1-12 Penalty for failure to pay when due.

(a) There shall be a penalty of 10 percent or $10, whichever is greater, added to all license taxes levied under the provisions of this chapter that are unpaid on the due dates thereof and are, therefore, delinquent.

(b) Penalty shall commence on the first day following the day such taxes are due.

(c) Penalty and interest shall not be imposed, or if imposed shall be abated, by the director if the failure to pay license taxes when due was not the fault of the licensee. In order to demonstrate lack of fault, the licensee must show that he acted responsibly and that his failure to pay was due to events beyond his control. The term "acted responsibly" means that (i) the licensee exercised the same care that a reasonable and prudent person engaged in business would have exercised in determining the filing obligations for the business, and (ii) the licensee undertook significant steps to avoid or to mitigate his failure, such as promptly rectifying the failure once discovered. (Code 1963, Sec. 20-9, as amended by Ord. No. 2510, 9/13/80, Sec. 1; Ord. No. 2663, 3/13/82, Sec. 1; Ord. No. 2860, 10/25/83, Sec. 1; Ord. No. 1964, 9/15/84, Sec. 1; Ord. No. 3834, 11/18/95, Sec. 2; Ord. No. 4408, 6/21/05, Sec. 1)

Sec. 9-1-13 Penalty for continuing business, etc., without new license.

(a) If any person shall continue the business after the expiration of a license previously issued, without obtaining a new license, such person shall, if the failure to obtain a new license is continued for one month, be subject to a penalty, in addition to that imposed by section 9-1-12, of 10 percent of the amount of the license tax which was due and payable at the beginning of the month, but such penalty shall in no case be less than $10. The penalty shall be assessed and paid along with the license tax and shall become a part of the license tax. However, a penalty under this section shall not be imposed or if imposed, shall be abated by, the director if the failure to obtain a new license was not the fault of the licensee. In order to demonstrate lack of fault, the licensee must show that he acted responsibly and that his failure to obtain a new license was due to events beyond his control. The term "acted responsibly" means that (i) the licensee exercised the same care that a reasonable and prudent person engaged in business would have exercised in determining the filing obligations for the business, and (ii) the licensee undertook significant steps to avoid or to mitigate his failure, such as promptly rectifying the failure once discovered.

(b) If the failure to obtain a new license is continued for a longer period than one month, the person shall be guilty of a misdemeanor and, unless otherwise specifically provided by law, shall on conviction thereof be fined not less than $5 nor more than $500 for each separate offense committed after the expiration of the month. The taxes and penalty provided for in this section shall also be assessed against such person and collection thereof enforced in the manner provided by law for the enforcement of the collection of other taxes.

(c) If the person who has failed to obtain a new business license shall, upon demand, fail or refuse to file with the director the information necessary to enable the director to assess a license tax according to the basis provided by law, the director shall assess such license tax upon the best information he or she can obtain, adding thereto the penalty prescribed by law. (Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-14 Penalty for beginning business, etc., without license.

(a) If any person shall commence a business without a license required by this chapter, the person shall be guilty of a misdemeanor and unless otherwise specifically provided by law, shall on conviction thereof be fined not less than $5 nor more than $500 for each separate offense. Such conviction shall not relieve any such person from the payment of the license tax prescribed by law. If such violation of law is continued for one month, the person shall moreover be subject to a penalty, in addition to that imposed by section 9-1-12, of 10 percent of the amount of the license tax which was due and payable at the time the business was commenced, but such penalty shall in no case be less than $10. The penalty shall be assessed and paid along with the license tax and shall become a part of the license tax. The collection of such taxes and penalty shall be enforced in the manner provided by law for the enforcement of the collection of other taxes. In such case if the person shall, on demand, fail or refuse to file with the director the information necessary to enable him to assess a license tax according to the basis provided by law, the director shall assess the license tax upon the best information he can obtain, adding thereto the penalty prescribed by law.

(b) A penalty shall not be imposed under this section, or if imposed, shall be abated by, the director if the failure to obtain a license was not the fault of the person commencing the business. In order to demonstrate lack of fault, such person must show that he acted responsibly and that his failure to obtain a license was due to events beyond his control. The term "acted responsibly" means that (i) the person exercised the same care that a reasonable and prudent person engaged in business would have exercised in determining the filing obligations for the business, and (ii) the person undertook significant steps to avoid or to mitigate his failure, such as promptly rectifying the failure once discovered. (Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-15 Each day's continuance in business without required license a separate offense.

Each day's continuance without a license in the exercise of any business for which a license is required shall constitute a separate violation of this chapter and a separate offense. (Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-16 reserved.

Editorial Note: Section 1 of Ord. No. 2862, adopted Oct. 25, 1983, repealed § 9-1-16, concerning liability for tax when a business closes. Said Code section derived from Code 1963, § 20-10.

Sec. 9-1-17 reserved.

Editorial Note: Ord. No. 3834, § 1, adopted Nov. 18, 1995, repealed § 9-1-17, which pertained to records and reports required when tax is based on gross receipts. See the Code Comparative Table.

Sec. 9-1-18 Beginner's license when tax is based on gross receipts.

(a) Every person beginning a business which is subject to a license tax under the provisions of this chapter based in whole or in part on gross receipts shall estimate the amount of the gross receipts that he will receive between the date of beginning business and the end of the then current license year, and the license tax for the current year shall be computed upon that estimate, according to the provisions of this section, except as provided in subsection (f).

(b) For the first calendar year of operation of the business (the then current license year), the license tax shall be at the applicable amount, based upon estimated gross receipts for that year, as follows:

(1) if the estimated gross receipts for the first year are less than $100,000, $0;

(2) if the estimated gross receipts for the first year are greater than or equal to $100,000, but less than $2,000,000, $50; or

(3) if the estimated gross receipts for the first year are greater than or equal to $2,000,000, an amount as determined at the applicable rate.

(c) For the second calendar year of the operation of the business:

(1) if the actual gross receipts for the previous year (the first calendar year of operation of the business) were less than $2,000,000, and the estimated gross receipts for that previous year were less than $2,000,000, the license tax shall be:

(A) if the actual gross receipts for the previous year were less than$10,000, $0;

(B) if the actual gross receipts for the previous year were at least $10,000, but less than $100,000, $50; or

(C) if the actual gross receipts for the previous year were $100,000 or greater, an amount as determined at the applicable rate; and

(2) if the actual gross receipts for the previous year (the first calendar year of operation of the business) were less than $2,000,000, but the estimated gross receipts for that previous year were greater than or equal to $2,000,000, the license tax shall be as follows, less the payment made on the prior year estimate excluding the $50 flat fee component of the tax on the prior year estimate:

(A) if the actual gross receipts for the previous year were less than$10,000, $0;

(B) if the actual gross receipts for the previous year were at least $10,000, but less than $100,000, $50; or

(C) if the actual gross receipts for the previous year were $100,000 or greater, an amount as determined at the applicable rate; and

(3) if the actual gross receipts for the previous year (the first calendar year of operation of the business) were greater than or equal to $2,000,000, the license tax shall be the total of:

(A) an amount determined at the applicable rate, based upon actual gross receipts for the previous year; and

(B) an amount determined, based upon estimated gross receipts for the second calendar year of operation of the business, as follows:

(i) if such gross receipts are estimated to be less than $10,000, $0;

(ii) if such gross receipts are estimated to be at least $10,000, but less than $100,000, $50; or

(iii) if such gross receipts are estimated to be $100,000 or greater, an amount as determined at the applicable rate; and

all businesses under this subsection (c)(3) shall be subject to an adjustment for the license tax assessed in subsection (b) of this section.

(d) For the third and subsequent calendar years of the operation of the business, the license tax shall be based upon actual gross receipts for the immediately previous year, as follows:

(1) if the actual gross receipts for the immediately previous year were less than $10,000, $0;

(2) if the actual gross receipts for the immediately previous year were at least $10,000, but less than $100,000, $50; or

(3) if the actual gross receipts for the immediately previous year were $100,000 or greater, an amount as determined at the applicable rate; and

for the third calendar year of the operation of the business only, all businesses that were assessed a license tax based upon estimated gross receipts under subsection (c)(3)(B) of this section shall be subject to an adjustment for that license tax assessed.

(e) Whenever a license tax is so computed upon estimated gross receipts of greater than $2,000,000, any erroneous estimate shall be subject to correction. In the case of an underestimate, the director shall assess the person with any additional license tax found to be due after the close of the current license year, and, in case of an overestimate, the licensee shall be entitled to a credit upon his license taxes payable the following year.

(f) The provisions of this section shall not apply to the following business tax categories: renting by owners of dwelling units or commercial establishments, contractors, wholesale merchants, amusements, public utilities, and regulatory activities. (Code 1963, Sec. 20-12; Ord. No. 3834, 11/18/95, Sec. 2; Ord. No. 4408, 6/21/05, Sec. 1)

Sec. 9-1-19 Partnerships when tax is based on gross receipts.

Whenever a business for which a license tax is required under the provisions of this chapter is conducted by a partnership, and the license tax is measured by the gross receipts, the license may be issued to the partnership and the tax may be paid by it and when so paid, it shall be deemed to discharge the license tax liability of the members of such partnership insofar as it relates to partnership business. (Code 1963, Sec. 20-13; Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-20 Proration.

(a) Except as otherwise specifically provided, all license taxes imposed under the provisions of this chapter which are not based on gross receipts shall be prorated as follows: on licenses issued between April 1 and June 30 of a year, the amount of tax shall be three-fourths of the annual tax on the licensee; on licenses issued between July 1 and September 30, the amount of tax shall be one-half of the annual tax on the licensee; and on licenses issued on and after October 1, the license tax shall be one-fourth of the annual tax.

(b) There shall be no prorating of any license tax of $50 or less. (Code 1963, Sec. 20-14; Ord. No. 3834, 11/18/95, Sec. 2; Ord. No. 3870, 6/15/96, Sec. 1)

Sec. 9-1-21 Proration of tax where there is a cessation of business.

(a) Any person who has paid a license tax to the city but has permanently ceased to conduct a business to which such tax relates may apply to the director for a proration of such tax. The director shall prorate, on a monthly basis, the license for those months during which the person conducted the business in question, and remit to the person the difference between the tax paid and the prorated amount, unless the tax paid was based on estimated gross receipts and the business' actual gross receipts prior to its cessation were in excess of the estimate, in which case the director shall assess the licensee in accordance with section 9-1-18. Such proration will be done only for taxes based on gross receipts.

(b) In no event shall the license tax levied on a person who has permanently ceased to conduct business in the city, for the year in which the person has ceased conducting the business, be less than the minimum tax of $50 prescribed by section 9-1-24.

(c) Application for a refund must be made within three years from the last day of the license year in which the licensee permanently ceased to conduct a business in the city.

(d) Following receipt of an application for a refund, the director shall remit to the licensee any refund which is due, less any other taxes then due and owing to the city by the licensee. (Code 1963, Sec. 20-15; Ord. No. 2862, 10/25/83, Sec. 2; Ord. No. 2988, 11/17/84, Sec. 1; Ord. No. 3542, 11/16/91, Sec. 5; Ord. No. 3834, 11/18/95, Sec. 2; Ord. No. 3870, 6/15/96, Sec. 1)

Sec. 9-1-22 Transfer.

(a) Licenses issued to business identified in article C of this chapter may be transferred, except as otherwise provided, from one person to another or from one location to another; provided, that no such transfer shall be valid unless and until notice in writing is given to the director of the proposed transfer, which notice shall contain the name and address of the proposed transferee, the trade name of the business, the proposed new location, if any, and the effective date of the proposed transfer. The director shall approve such transfer upon being satisfied of the good faith thereof.

(b) No license issued for a business that sells alcoholic beverages, regardless of amount of alcohol content, shall be transferable. (Code 1963, Sec. 20-16; Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-23 Regulatory compliance.

The director shall not issue an initial license for any business at a particular location until necessary certifications from relevant city regulatory authorities are received, including, but not limited to, a certification from the fire chief that the building in which the business is to locate is in compliance with all applicable building code regulations, a certification from the director of planning and zoning that the activity to be licensed is permitted by the City of Alexandria Zoning Ordinance to occur at the place where the business is to locate, and, in the case of persons intending to operate as pawnbrokers or antiques dealers, a certification from the chief of police that all licenses and permits required by this code have been obtained. (Code 1963, Sec. 20-17; Ord. No. 3542, 11/16/91, Sec. 6; Ord. No. 3834, 11/18/95, Sec. 2; Ord. No. 3870, 6/15/96, Sec. 1)

Sec. 9-1-24 Flat tax of $50 on businesses with gross receipts of less than $100,000.

A license tax of $50 shall be levied on any business identified in article C of this chapter whose annual gross receipts with situs in the city, under section 9-1-7, are less than $100,000, unless the business is exempt from any license tax pursuant to this chapter. The $50 tax shall be levied without regard to the license tax as measured by the licensee's gross receipts. (Code 1963, Sec. 20-18; Ord. No. 3834, 11/18/95, Sec. 2; Ord. No. 3870, 6/15/96, Sec. 1)

Sec. 9-1-25 Payment of delinquent taxes as prerequisite to issuance of license.

The director shall not grant a license under this chapter to any person until the person has paid and, when required by the director, produced satisfactory evidence of payment of all delinquent business license, business personal property, meals, transient occupancy and other taxes which the person owes the city. (Ord. No. 3523, 6/15/91, Sec. 1; Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-26 Display.

Every person required to pay a license tax under the provisions of this chapter shall keep the license, tag, button or sign issued in evidence thereof in a convenient and conspicuous place, and whenever required to do so shall exhibit the same to any authorized enforcement officer of the city. (Code 1963, Sec. 20-20)

Sec. 9-1-27 Additional taxes.

If the director ascertains that any person who has been assessed with a license tax under the provisions of this chapter for any license year of the three license years last past, or for the then current license year, but that upon a correct audit and computation of the license tax, the assessment thereof should be in an increased amount, and the assessment of the license tax in the lesser amount was not due to fraudulent intent or to evade taxes, then the director shall assess the licensee with the additional license tax found to be due, without penalty. If the assessment of the additional tax is not paid to the director within 15 days after written notice to the licensee, a penalty of 10 percent of the additional tax or $10, whichever is greater, plus interest at 10 percent per annum shall accrue from the date of the notice until payment, and the director shall collect the penalty and interest along with the tax and in the same manner as the tax may be collected. Any overpayment ascertained shall be credited to the amount due the following year or shall be re-

funded in case the license does not engage in business the year following. (Ord. No. 2860, 10/25/83, Sec. 2; Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-28 Omitted taxes.

(a) If the director ascertains that a person has not been assessed with a license tax levied under the provisions of this chapter for any license year of the three license years last past, or for the then current license year, and the absence of such assessment was not due to the fraudulent intent to evade taxes on the part of such person, it shall be the duty of the director to assess the person with the proper license tax for the year or years omitted, adding thereto the penalty and interest set out in section 9-1-12 of this code.

(b) The penalties and interest set forth in subsection (a) shall not be imposed, or if imposed, shall be abated by, the director if the failure to pay license taxes when due was not the fault of the licensee. In order to demonstrate lack of fault, the licensee must show that he acted responsibly and that his failure to pay was due to events beyond his control. The term "acted responsibly" means that (i) the licensee exercised the same care that a reasonable and prudent person engaged in business would have exercised in determining the filing obligations for the business, and (ii) the licensee undertook significant steps to avoid or to mitigate his failure, such as promptly rectifying the failure once discovered.

(c) If the assessment of the omitted tax is not paid to the director within 15 days after written notice to the licensee, a penalty of 10 percent of the additional tax or $10, whichever is greater, plus interest at 10 percent per annum, shall accrue from the date of the notice until payment, and the director shall collect the penalty and interest along with the tax and in the same manner as the tax may be collected. (Code 1963, Sec. 20-22; Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-29 Assessment in cases of fraudulent intent to evade license taxes.

If the director ascertains that any person has fraudulently, or with intent to evade the payment of proper license taxes, failed or refused to obtain a proper license as required by the provisions of this chapter, for any one or more of the three license years last past, or for the then current license year, and the liability therefor is ascertained, the omitted or additional license tax or taxes and the normal penalty prescribed shall be assessed for each and every year of the three license years last past and for the current license year, for which that person was assessable, together with an additional penalty thereon of 50 percent of the unpaid tax or taxes. Failure to obtain the license as is required by the provisions of this chapter shall be taken as prima facie evidence of an intent to so evade the taxes. (Code 1963, Sec. 20-23; Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-30 reserved.

Editorial Note: Ord. No. 3834, § 1, adopted Nov. 18, 1995, repealed § 9-1-30, which pertained to application of chapter to nonresidence of whom a nonregulatory license is required under this chapter.

Sec. 9-1-31 License as personal privilege.

Every license under the provisions of this chapter shall be held to confer a personal privilege to transact, carry on or conduct the business which is the subject of the license, and shall not be exercised except by the person licensed. (Code 1963, Sec. 20-25; Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-32 Suspension of licenses.

(a) The city manager is hereby authorized and empowered to suspend any license issued under the provisions of this chapter for cause. The suspension shall continue until the cause is removed or corrected. No suspension shall become effective until the manager has notified the licensee, or any person that is in charge of any definite place of business maintained by the licensee in the city, in writing of the grounds for the suspension of the license and has provided the licensee an opportunity to address those grounds.

(b) The suspension, once effective, shall place the licensee in such position as if he had never obtained a license. (Code 1963, Sec. 20-26; Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-33 False statement of gross receipts; false answers to interrogatories.

It shall be unlawful for any person to make a false statement of gross receipts or to answer falsely any interrogatory propounded under the provisions of this chapter. (Code 1963, Sec. 20-27)

Sec. 9-1-34 Powers and authority of director generally.

In the enforcement of this chapter the director, in addition to the powers herein specifically granted, shall have all and the same enforcement

authority with respect to city licenses that state law gives to commissioners of revenue or directors of finance generally with respect to state licenses. As one of the means of ascertaining the amount of any license tax under the provisions of this chapter or of ascertaining any other pertinent information to the license, the director may propound such interrogatories and requests for production of documents as may be relevant to that purpose to any applicant or licensee. Such interrogatories and requests for production of documents shall be answered under oath, and the failure or refusal of any applicant for a city license or any licensee to answer any interrogatories or respond to requests for production shall be grounds for denial or revocation of the license. (Code 1963, Sec. 20-28; Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-35 reserved.

Editorial Note: Ord. No. 3834, § 1, adopted Nov. 18, 1995, repealed § 9-1-35, which pertained to certain branch office operators. See the Code Comparative Table.

Secs. 9-1-36, 9-1-37 reserved.

Editorial Note: Ord. No. 3542, § 15, adopted Nov. 16, 1991, repealed §§ 9-1-36, 9-1-37 of this Code, which pertained to enforcement of this chapter by the tax inspector and the power of the tax inspector to make arrests, respectively, and derived from the 1963 Code, §§ 20-30, 20-31.

Sec. 9-1-38 Review of applications.

(a) The director shall review all applications for city licenses which have been granted, and if there is probable cause to suspect that any licensee has not reported correct information in the application, an investigation shall be made with the purpose of obtaining for the city a correct license tax and otherwise enforcing all laws relating to city licenses applicable in the city. Investigations under this section shall be thorough, and written memoranda shall be kept of all evidence available.

(b) A written report of each investigation made under this section shall be promptly submitted to the director. A copy of each such report shall be kept available for the city attorney in case of prosecution for violation of any city law.

Sec. 9-1-39 Procedure as to persons without license.

(a) The director shall, after reviewing the record of all persons licensed, ascertain the name of each person conducting without a license in the city any business for which a license is required, and the name of each person possessing or operating any coin-operated machine without a license in the city for which a license is required. Any such person in a proper case may be prosecuted before any court having jurisdiction of the offense.

(b) A written report on each person investigated and so ascertained to have no city license, which report shall give complete information, including action taken if any, shall be prepared and submitted to the director monthly. (Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-40 Same—prosecutions.

The director may initiate prosecutions for violations of any provision of this chapter. (Code 1963, Sec. 20-34; Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-41 reserved.

Editorial Note: Ord. No. 3834, § 1, adopted Nov. 18, 1995, repealed § 9-1-41, which pertained to additional information may be required, access to books. See the Code Comparative Table.

Sec. 9-1-42 Investigations generally; record-keeping; audit authority.

(a) The director may make investigations of the things and matters in this chapter laid to his charge, and shall have power to summon before him any person whom he believes may have knowledge or evidence touching upon the conduct of any business in the city or touching upon the possession or operation of any coin-operated machine in the city, and to require such person to answer under oath any question relating to the matters under investigation.

(b) Every person who is assessable with a license tax shall keep for the current and three prior years sufficient records to enable the director to verify the correctness of the tax paid for the license years assessable and to enable the director to ascertain what is the correct amount of tax that was assessable for each of those years. All such records, books of accounts and other information shall be open to inspection and examination by the director in order to allow the director to establish whether a particular receipt is directly attributable to the taxable privilege exercised within the city. The director shall provide the taxpayer with the option to conduct the audit in the taxpayer's local business office, if the records are maintained there. In the event the records are maintained outside this jurisdiction, copies of the

appropriate books and records shall be sent to the director's office upon demand. (Ord. No. 3834, 11/18/95, Sec. 2; Ord. No. 4408, 6/21/05, Sec. 1)

Sec. 9-1-43 Administrative appeals to the director of finance.

(a) *Definitions.* For purposes of this section:

Amount in dispute, when used with respect to taxes due or assessed, means the amount specifically identified in the administrative appeal or application for judicial review as disputed by the party filing such appeal or application.

Appealable event means an increase in the assessment of a local license tax payable by a taxpayer, the denial of a refund, or the assessment of a local license tax where none previously was assessed, arising out of the local assessing official's (i) examination of records, financial statements, books of account, or other information for the purpose of determining the correctness of an assessment; (ii) determination regarding the rate or classification applicable to the licensable business; (iii) assessment of a local license tax when no return has been filed by the taxpayer; or (iv) denial of an application for correction of erroneous assessment attendant to the filing of an amended application for license.

Frivolous means a finding, based on specific facts, that the party asserting the appeal is unlikely to prevail upon the merits because the appeal is (i) not well grounded in fact; (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; (iii) interposed for an improper purpose, such as to harass, to cause unnecessary delay in the payment of tax or a refund, or to create needless cost from the litigation; or (iv) otherwise frivolous.

Jeopardize by delay means a finding, based on specific facts, that a taxpayer desires to (i) depart quickly from the locality; (ii) remove his property therefrom; (iii) conceal himself or his property; or (iv) do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.

(b) *Filing and contents of administrative appeal.* Any person assessed with a license tax as a result of an appealable event as defined in this section may file an administrative appeal of the assessment within one year from the last day of the tax year for which such assessment is made, or within one year from the date of the appealable event, whichever is later, with the director. The appeal must be filed in good faith and sufficiently identify the taxpayer, the tax periods covered by the challenged assessments, the amount in dispute, the remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The director may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, an audit or further audit, or other evidence deemed necessary for a proper and equitable determination of the appeal. The assessment placed at issue in the appeal shall be deemed prima facie correct. The director shall undertake a full review of the taxpayer's claims and issue a written determination to the taxpayer setting forth the facts and arguments in support of his decision.

(c) *Notice of right of appeal and procedures.* Every assessment made by a director pursuant to an appealable event shall include or be accompanied by a written explanation of the taxpayer's right to file an administrative appeal and the specific procedures to be followed in the jurisdiction (the name and address to which the appeal should be directed), an explanation of the required content of the appeal, and the deadline for filing the appeal.

(d) *Suspension of collection activity during appeal.* Provided a timely and complete administrative appeal is filed, collection activity with respect to the amount in dispute shall be suspended until a final determination is issued by the director, unless (i) the director determines that collection would be jeopardized by delay as defined in this section; (ii) the taxpayer has not responded to a request for relevant information after a reasonable time; or (iii) the appeal is frivolous as defined in this section. Interest shall accrue in accordance with the provisions of section 9-1-46, but no further penalty shall be imposed while collection action is suspended.

(e) *Procedure in event of nondecision.* Any taxpayer whose administrative appeal to the director pursuant to the provisions of this section has been pending for more than one year without the issuance of a final determination may, upon not less than 30 days' written notice to the director, elect to treat the appeal as denied and appeal the assessment to the state tax commissioner in accordance with the provisions of subdivision 6 of this subsection. The state tax commissioner shall not consider an appeal filed pursuant to the provisions of this subsection if he finds that the absence of a final determination on the part of the director was caused by the willful failure or

refusal of the taxpayer to provide information requested and reasonably needed by the director to make his determination. (Ord. No. 3834, 11/18/95, Sec. 2; Ord. No. 4408, 6/21/05, Sec. 1)

Sec. 9-1-43.1 Administrative appeal to the state tax commissioner.

(a) Any person assessed with a local license tax as a result of a determination, upon an administrative appeal to the director pursuant to section 9-1-43, that is adverse to the position asserted by the taxpayer in such appeal may appeal such assessment to the state tax commissioner within 90 days of the date of the determination by the director. The appeal shall be in such form as the state tax commissioner may prescribe and the taxpayer shall serve a copy of the appeal upon the director. The state tax commissioner shall permit the director to participate in the proceedings, and shall issue a determination to the taxpayer within 90 days of receipt of the taxpayer's application, unless the taxpayer and the director are notified that a longer period will be required. The appeal shall proceed in the same manner as an application pursuant to Virginia Code § 58.1- 1821 and amendment(s) thereto, and the state tax commissioner may issue an order correcting such assessment pursuant to Virginia Code § 58.1-1822 and any amendment(s) thereto.

(b) *Suspension of collection activity during appeal.* On receipt of a notice of intent to file an appeal to the state tax commissioner under subsection (a) of this section, collection activity with respect to the amount in dispute shall be suspended until a final determination is issued by the state tax commissioner, unless (i) the director determines that collection would be jeopardized by delay as defined in section 9-1-43; (ii) the taxpayer has not responded to a request for relevant information after a reasonable time; or (iii) the appeal is frivolous as defined in section 9-1-43. Interest shall accrue in accordance with the provisions of section 9-1-46, but no further penalty shall be imposed while collection action is suspended. The requirement that collection activity be suspended shall cease unless an appeal pursuant to subsection (a) of this section is filed and served on the necessary parties within 30 days of the service of notice of intent to file such appeal.

(c) *Implementation of determination of state tax commissioner.* Promptly upon receipt of the final determination of the state tax commissioner with respect to an appeal pursuant to subsection (a) of this section, the director shall take those steps necessary to calculate the amount of tax owed by or refund due to the taxpayer consistent with the state tax commissioner's determination and shall provide that information to the taxpayer.

(1) If the determination of the state tax commissioner sets forth a specific amount of tax due, the director shall issue a bill to the taxpayer for such amount due, together with interest accrued, within 30 days of the date of the determination of the state tax commissioner.

(2) If the determination of the state tax commissioner sets forth a specific amount of refund due, the director shall issue a payment to the taxpayer for such amount due, together with interest accrued pursuant to this section, within 30 days of the date of the determination of the state tax commissioner.

(3) If the determination of the state tax commissioner does not set forth a specific amount of tax due, or otherwise requires the director to undertake a new or revised assessment that will result in an obligation to pay a tax that has not previously been paid in full, the director shall promptly commence the steps necessary to undertake such new or revised assessment, and provide the same to the taxpayer within 60 days of the date of the determination of the state tax commissioner, or within 60 days after receipt from the taxpayer of any additional information requested or reasonably required under the determination of the state tax commissioner, whichever is later. The director shall issue a bill to the taxpayer for the amount due, together with interest accrued, within 30 days of the date of the new assessment.

(4) If the determination of the state tax commissioner does not set forth a specific amount of refund due, or otherwise requires the director to undertake a new or revised assessment that will result in an obligation on the part of the locality to make a refund of taxes previously paid, the director shall promptly commence the steps necessary to undertake such new or revised assessment, and provide the same to the taxpayer within 60 days of the date of the determination of the state tax commissioner, or within 60 days after receipt from the taxpayer of any additional information requested or reasonably required under the determination of the state tax commissioner, whichever is later. The director shall issue a refund to the taxpayer for the amount of tax due, together with interest accrued, within 30 days of the date of the new assessment. (Ord. No. 4408, 6/21/05, Sec. 1)

Sec. 9-1-43.2 Judicial review of determination of state tax commissioner.

(a) *Judicial review.* Following the issuance of a final determination of the state tax commissioner pursuant to section 9-1-43.1, the director may apply to the circuit court for judicial review of the determination, or any part thereof, pursuant to Virginia Code § 58.1-3984 and any amendment(s) thereto. In any such proceeding for judicial review of a determination of the state tax commissioner, the burden shall be on the party challenging the determination of the state tax commissioner, or any part thereof, to show that the ruling of the state tax commissioner is erroneous with respect to the part challenged. Neither the state tax commissioner nor the Virginia Department of Taxation shall be made a party to an application to correct an assessment merely because the state tax commissioner has ruled on it.

(b) Suspension of payment of disputed amount of tax due upon taxpayer's notice of intent to initiate judicial review.

(1) On receipt of a notice of intent to file an application for judicial review, pursuant to Virginia Code § 58.1-3984 and any amendment(s) thereto, of a determination of the state tax commissioner pursuant to section 9-1-43.1, and upon payment of the amount of the tax that is not in dispute together with any penalty and interest then due with respect to such undisputed portion of the tax, the director shall further suspend collection activity while the court retains jurisdiction unless the court, upon appropriate motion after notice and an opportunity to be heard, determines that (i) the taxpayer's application for judicial review is frivolous, as defined in section 9-1-43; (ii) collection would be jeopardized by delay, as defined in section 9-1-43; or (iii) suspension of collection would cause substantial economic hardship to the locality. For purposes of determining whether substantial economic hardship to the locality would arise from a suspension of collection activity, the court shall consider the cumulative effect of then-pending appeals filed within the locality by different taxpayers that allege common claims or theories of relief.

(2) Upon a determination that the appeal is frivolous, that collection may be jeopardized by delay, or that suspension of collection would result in substantial economic hardship to the locality, the court may require the taxpayer to pay the amount in dispute or a portion thereof, or to provide surety for payment of the amount in dispute in a form acceptable to the court.

(3) No suspension of collection activity shall be required if the application for judicial review fails to identify with particularity the amount in dispute.

(4) The requirement that collection activity be suspended shall cease unless an application for judicial review pursuant to Virginia Code § 58.1-3984 and any amendment(s) thereto is filed and served on the necessary parties within 30 days of the service of the notice of intent to file such application.

(5) The suspension of collection activity authorized by this subdivision shall not be applicable to any appeal of a local license tax that is initiated by the direct filing of an action pursuant to Virginia Code § 58.1-3984 and any amendment(s) thereto without prior exhaustion of the appeals provided by sections 9-1-43 and 9-1-43.1.

(c) Suspension of payment of disputed amount of refund due upon city's notice of intent to initiate judicial review.

(1) Payment of any refund determined to be due pursuant to the determination of the state tax commissioner of an appeal pursuant to section 9-1-43.1 shall be suspended if the city serves upon the taxpayer, within 60 days of the date of the determination of the state tax commissioner, a notice of intent to file an application for judicial review of the state tax commissioner's determination pursuant to Virginia Code § 58.1-3984 and any amendment(s) thereto and pays the amount of the refund not in dispute, including tax and accrued interest. Payment of such refund shall remain suspended while the court retains jurisdiction unless the court, upon appropriate motion after notice and an opportunity to be heard, determines that the city's application for judicial review is frivolous, as defined in this section.

(2) No suspension of refund activity shall be permitted if the city's application for judicial review fails to identify with particularity the amount in dispute.

(3) The suspension of the obligation to make a refund shall cease unless an application for judicial review pursuant to Virginia Code § 58.1-3984 and any amendment(s) thereto is filed and served on the necessary parties within 30 days of the service of the notice of intent to file such application.

(d) Accrual of interest on unpaid amount of tax. Interest shall accrue in accordance with the provisions of section 9-1-46, but no further penalty shall be imposed while collection action is suspended. (Ord. No. 4408, 6/21/05, Sec. 1)

Sec. 9-1-44 Administrative rulings.

Any taxpayer or authorized representative of a taxpayer may request a written ruling from the director regarding the application of the tax levied by this chapter to a specific situation. Any person requesting such a ruling must provide all facts relevant to the situation placed at issue and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be prospectively revoked or prospectively amended if (i) there is a change in the law, a court decision, or the guidelines issued by the Virginia Department of Taxation upon which the ruling was based, or (ii) the director notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which the ruling was in effect. (Ord. No. 3834, 11/18/95, Sec. 2; Ord. No. 4408, 6/21/05, Sec. 1)

Sec. 9-1-45 Inter-jurisdictional agreements.

The director may enter into agreements with any other political subdivision of Virginia concerning the manner in which gross receipts shall be apportioned among definite places of business. However, the sum of the gross receipts apportioned by an agreement shall not exceed the total gross receipts attributable to all of the definite places of business subject to the agreement. Upon being notified by a licensee that the director's method of attributing gross receipts is inconsistent with the method of one or more political subdivisions in which the licensee is licensed to engage in business and that the inconsistency has, or is likely to, result in taxes on more than 100 percent of the licensee's gross receipts from all locations in the affected jurisdictions, the director shall make a good faith effort to reach an apportionment agreement with the other political subdivisions involved. (Ord. No. 3834, 11/18/95, Sec. 2)

Sec. 9-1-46 Interest on late payments and refunds.

(a) Interest shall be charged on late payments of the license tax from the thirty-first day following the date payment was due until the date payment is made without regard to fault or other reason for the lateness of the payment. Such interest shall accrue at the rate of 10 percent per annum for the first year such tax remains unpaid and thereafter at the rate of five percent per annum.

(b) Whenever an assessment of additional or omitted tax by the director is found to be erroneous, all interest and penalty charged and collected on the amount of the assessment found to be erroneous shall be refunded.

(c) Interest shall be paid on the refund of any license tax, whether attributable to an amended return or other reason, at the rate specified in subsection (a) above for late payments of the license tax. Interest on refunds shall not begin to accrue until 30 days have passed from the date of payment or the due date, whichever is later, and shall otherwise be determined in accordance with section 3-2-9(c). (Ord. No. 3870, 6/15/96, Sec. 2; Ord. No. 4058, 6/12/99, Sec. 8)

Secs. 9-1-47 through 9-1-50 reserved.

ARTICLE B

License Taxes Not Based on Gross Receipts

Editorial Note: Ord. No. 3834, § 4, adopted Nov. 18, 1995, amended the title of Article B to read as herein set out.

Sec. 9-1-51 Alcoholic beverages—generally.

(a) Terms used or referred to in this section shall have the same meaning as set forth in section 4-2, Code of Virginia (1950), as amended, unless a different meaning clearly appears from the context.

(b) Annual city license taxes shall be assessed and collected from persons licensed by the state alcoholic beverage control commission to manufacture, bottle or sell within this municipality in the following amounts:

(1) The each distiller's license, $1,000. No local license shall be required for any person who shall manufacture not more than 5,000 gallons of alcohol or spirits or both during any license year.

(2) For each winery license, $600.

(3) For each brewery license, $600.

(4) For each bottler's license, $360.

(5) For each wholesale beer license, $250.

(6) For each wholesale wine distributor's license, $50; and for each wholesale druggist license, $10.

(7) For each retail on-premises wine and beer license for a hotel, restaurant or club, and for each retail off-premises wine and beer license $150.

(8) For each retail on-premises beer license for a hotel, restaurant or club, and for each druggist license, $100.

(9) For each retail off premises beer license, $100.

(10) For each banquet license, $5.

(11) For each fruit distiller's license, $1,500.

(12) For each hospital license, $10.

(c) No license under this section shall be issued unless such person shall hold or shall secure simultaneously therewith the proper state license provided for in sections 4-1 to 4-98, Code of Virginia. If any person shall hold any such local license without at the same time holding the proper state license provided for by such sections, such local license shall, during the period when such person does not hold the proper state license, confer no rights, powers or privileges under the provisions of this section. (Code 1963, Sec. 20-38)

Sec. 9-1-52 Same—beverages of not more than three and two-tenths percent alcohol.

(a) The term "beverages," as used in this section, shall mean beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor, and fruit

juices containing one-half of one percent or more of alcohol by volume and not more than three and two-tenths percent of alcohol by weight.

(b) It shall be lawful to manufacture, bottle, sell, offer for sale, distribute, carry, ship, transport, possess, drink, use, advertise and dispense in the city, beverages, as defined in subsection (a) of this section, subject to the provisions, conditions and exceptions hereinafter set forth.

(c) No person shall, within the city, manufacture or bottle for sale, keep or store for sale, sell or offer for sale, beverages without having first obtained the license required under the provisions of this section.

(d) Licenses issued under authority of this section and the taxes thereon shall be as follows:

(1) The annual tax on manufacturer's licenses, which shall authorize the licensees to manufacture beverages and to sell the same in barrels, bottles or other closed containers to other persons for resale only, shall be $600.

(2) The annual tax on bottlers' licenses, which shall authorize the licensees to receive shipments of beverages in barrels or other closed containers and to bottle and sell the same to other persons for resale only, shall be $360.

(3) a. The annual tax on wholesalers' or distributor's licenses resident or nonresident, which shall authorize the licensees to sell beverages in barrels, bottles or other closed containers to other persons for resale only, shall be $300. A suitable tag shall be furnished for each truck or vehicle, which shall at all times be kept attached thereto.

b. Wholesalers or distributors not using trucks or vehicles for delivery of beverages shall pay an annual license tax of $240.

(4) There shall be two classifications of retailers' licenses, designated "general" and "off sale."

a. The tax on a "general" retailer's license, which shall authorize the licensee to sell beverages at retail only, either for consumption on the premises where sold or to be delivered for consumption elsewhere, shall be $50 per annum.

b. The tax on an "off sale" retailer's license, which shall authorize the licensee to sell beverages at retail only to be consumed only off the premises where sold shall be $50 per annum.

(e) Each such license shall designate the place where the business of the licensee will be carried on and a separate license shall be required for each separate place of business. No license shall be transferable from one person to another but may be amended to show a change in the place of business within the city. Each license issued shall be kept posted in a conspicuous place by the licensee at the place where he carries on the business for which the license is issued.

(f) The peddling of beverages to consumers by licensees or the agents of licensees shall be unlawful.

(g) The provisions of this section shall be subject to the provisions of sections 4-99 to 4-118, Code of Virginia. (Code 1963, Sec. 20-39)

Sec. 9-1-53 Carnivals, circuses, menageries, side shows, tent shows, rodeos, animal shows, festivals, fiestas, etc.—generally.

(a) Carnivals, circuses, menageries, side shows, tent shows, rodeos, animal shows, festivals, fiestas, and shows or amusements of like nature, for the privilege of doing business in the city, shall pay in advance a license tax of $1,000 per day or $7,000 per week. No rebate shall be allowed for any reason. No waiver of this tax shall be made or passed for any reason.

(b) Any person applying for a license under this section, which license involves the use of the streets, shall obtain, before such license is issued, a permit in accordance with the provisions of sections 5-2-41 to 5-2-51. (Code 1963, Sec. 20-44; Ord. No. 2993, 12/15/84, Sec. 1)

State Law Reference: Authority of city to tax carnivals, circuses, etc., Code of Va., Sec. 58.1-3728.

Sec. 9-1-54 Same—sponsored by nonprofit benevolent, religious, educational, etc., organizations.

(a) Carnivals, circuses, menageries, side shows, tent shows, rodeos, animal shows, festivals, fiestas and shows or amusements of a like nature which are sponsored by nonprofit benevolent, religious, educational, patriotic or charitable organizations shall pay in advance for the privilege of doing business in the city a license tax of $120 for the first day and $60 for each day thereafter. No rebate shall be allowed for any reason. No waiver of this tax shall be made or passed for any reason.

(b) Carnivals, circuses, menageries, side shows, tent shows, rodeos, animal shows, festivals, fiestas and shows or amusements of a like nature which are managed by nonprofit benevolent, religious, educational, patriotic or charitable organizations, shall pay in advance for the privilege of doing business in the city a license tax of $30 for the first day and $30 for each day thereafter. No

rebate shall be allowed for any reason. No waiver of this tax shall be made or passed for any reason.

(c) Carnivals, circuses, menageries, side shows, tent shows, rodeos, animal shows, festivals, fiestas, and shows or amusements of a like nature which are managed by nonprofit benevolent, religious, educational, patriotic or charitable organizations and which are performed on property owned by the managing organization shall first obtain a license for the privilege of doing business in the city, but no license tax shall be assessed or charged for the privilege.

(d) Any person applying for a license under this section, which license involves the use of the streets, shall obtain, before such license is issued, a permit in accordance with the provisions of sections 5-2-41 to 5-2-51.

(e) No license shall be issued under this section unless and until the city manager or his or her duly authorized representative has first made or caused to be made an investigation of the organization involved and the nature of the sponsorship or management of the show or amusement and the city manager or his or her duly authorized representative is satisfied that:

(1) The organization is in fact a bona fide nonprofit organization.

(2) The organization is in fact a bona fide benevolent, religious, educational, patriotic or charitable organization.

(3) At least 80 percent of the organization's share of the proceeds to be derived from the show or amusement will be used for one of the purposes set forth in (2) above.

(4) The organization will either in a bona fide manner sponsor or manage the show or amusement.

(5) The organization, in the instance of subsection (c), is the bona fide owner of the property upon which the performance is to take place.

(f) For the purposes of this section the "sponsor of a show or amusement" shall be construed to mean an organization that allows its name to be used in connection with promoting a show or amusement and shares in the revenue from such show or amusement.

(g) For the purposes of this section, "management of a show or amusement" shall be construed to mean substantial and major active physical participation in the operation and control thereof. (The sponsorship of a show coupled with the sale of tickets, assistance in publicity, ownership of the property, and a share in the revenue shall not constitute management.)

(h) The city manager is authorized and directed to establish and promulgate regulations necessary to carry into effect the provisions of this section. Such regulations may include, but shall not be limited to, requiring financial statements and sworn applications. (Code 1963, Sec. 20-45)

Sec. 9-1-55 reserved.

Editorial Note: Ord. No. 3834, § 3, adopted Nov. 18, 1995, repealed § 9-1-55 which pertained to coin-operated devices—amusement-type slot machines. See the Ordinance Comparative Table.

Sec. 9-1-56 Slot machine operators.

Every slot machine operator, as defined in this chapter, shall pay for the privilege of doing business in the city an annual license tax of $20 for each slot machine for the operation of fewer than 10 slot machines and $200 for the operation of 10 or more slot machines. The number of machines shall be calculated as the number located in the city on January 1 of the license year, or in the case of a beginner, an estimate of the number of such machines to be brought into the city. The license tax imposed by this section is not in lieu of, but is in addition to, the other license taxes imposed by section 9-1-82 of this code; provided, that the slot machine operator's license imposed by this section shall not apply to operators of weighing machines, automatic baggage or parcel-checking machines or receptacles, or to vending machines so constructed as to do nothing but vend goods, wares and merchandise or postage stamps or to machines which provide service only or to operators of viewing machines or photomat machines or to devices or machines affording rides to children. (Code 1963, Sec. 20-47; Ord. No. 2861, 10/25/83, Sec. 2; Ord. No. 3834, 11/18/95, Sec. 4)

Sec. 9-1-57 reserved.

Editorial Note: Ord. No. 3834, § 3, adopted Nov. 18, 1995, repealed § 9-1-57 which pertained to coin-operated devices—placing vending machines. See the Ordinance Comparative Table.

Sec. 9-1-58 Fortunetellers, phrenologists, etc.

(a) Every fortuneteller, clairvoyant, phrenologist, spirit medium, chiromancer, astrologist, hypnotist or palmist operating in the city shall pay for the privilege an annual license tax of $1,000, and this license tax shall not be prorated.

(b) The director shall immediately notify the chief of police in writing of the issuance of any license under this section. (Code 1963, Sec. 20-54; Ord. No. 2993, 12/15/84, Sec. 2)

State Law Reference: Licensing fortunetellers, etc., Code of Va., Sec. 58.1-3726.

Sec. 9-1-59 reserved.

Editorial Note: Ord. No. 4837, § 3, adopted Oct. 19, 2013, repealed § 9-1-59 which pertained to massage parlor operators and derived from § 20-61.1 of the 1963 Code.

Sec. 9-1-60 Peddlers.

(a) The term "peddler" as used in this section shall mean any person who shall carry from place to place any goods, wares or merchandise and offer to sell or barter the same. All persons who do not keep a regular place of business, whether it be a house or a vacant lot or elsewhere, open at all times in regular business hours and at the same place, who shall offer for sale goods, wares and merchandise, shall be deemed peddlers. All persons who keep a regular place of business open at all times in regular business hours and at the same place, who shall, elsewhere than at such regular place of business, personally or through their agents, offer for sale or sell and, at the time of such offering for sale, deliver goods, wares and merchandise shall also be deemed peddlers.

(b) Every person engaged in the business of a peddler at retail within the city shall pay for the privilege an annual license tax as follows:

(1) Every retail peddler who sells only consumable items in the city shall be taxed for a business license at $250 per each selling unit.

(2) Every retail peddler who sells only nonconsumable items in the city shall be taxed for a business license at $500 per each selling unit.

(3) Every retail peddler who sells consumable and nonconsumable items in the city shall be taxed for a business license at $500 per each selling unit.

(c) The license tax imposed under this section shall not be prorated, notwithstanding the provisions of section 9-1-20.

(d) It shall be unlawful for any person to sell or offer for sale any goods, wares or merchandise or otherwise engage in the business of a peddler upon the lands or premises of any public park, public square or public playground within the city, except merchants or vendors registered and approved by a city agency sponsoring a special event or by the holder of a permit for use of the park, square or playground for a special event, which permit authorizes the holder to sell goods, wares or merchandise at such event, and except any other person authorized to do so pursuant to a franchise, license or contract granted by the city. (Ord. No. 2864, 10/25/83, Sec. 4; Ord. No. 2891, 12/19/83, Sec. 1)

Sec. 9-1-61 Itinerant vendors.

(a) The term "itinerant vendor," as used in this section, shall mean any person who shall engage in, do or transact any temporary or transient business in the city, either in one location or in traveling from place to place, in the sale of goods, wares and merchandise and who, in carrying on such business, shall hire, lease, use or occupy any building or structure, motor vehicle, tent, car, boat or any part thereof, including rooms in hotels, motels, lodging houses or other places, for a period of less than one year to exhibit such goods, wares or merchandise.

(b) Every person engaged in the business of an itinerant vendor within the city shall pay for the privilege an annual license tax of $500. (Ord. No. 2865, 10/25/83, Sec. 1; Ord. No. 3368, 4/15/89, Sec. 3)

Secs. 9-1-62 through 9-1-70 reserved.

ARTICLE C

Nonregulatory Licenses

Sec. 9-1-71 Professional services.

Every person who conducts or operates a business that provides professional services in, and who maintains a definite place of business in, the city shall pay for the privilege of doing so an annual license tax of $50 or, if the business' annual gross receipts with situs in the city equal or exceed $100,000, $0.58 per $100 of all the business' gross receipts with such situs. (Code 1963, Sec. 20-73, as amended by Ord. No. 2514, 9/23/80, Sec. 1; Ord. No. 2569, 5/16/81, Secs. 1, 2, 3; Ord. No. 2863, 10/25/83, Sec. 3; Ord. No. 2988, 11/17/84, Sec. 4; Ord. No. 2993, 12/15/84, Sec. 3; Ord. No. 3542, 11/16/91, Sec. 8; Ord. No. 3834, 11/18/95, Sec. 6; Ord. No. 3870, 6/15/96, Sec. 3)

Sec. 9-1-71.1 Financial services.

Every person conducting or operating a business that provides financial services in, and who maintains a definite place of business in, the city shall pay for the privilege of doing so an annual license tax of $50 or, if the business' annual gross receipts with situs in the city equal or exceed $100,000, $0.35 per $100 of all the business' gross receipts with such situs. (Ord. No. 3834, 11/18/95, Sec. 6; Ord. No. 3870, 6/15/96, Sec. 3)

Sec. 9-1-72 Repair, personal and business services.

(a) Every person who conducts or operates a business that provides repair, personal and business services in, and who maintains a definite place of business in, the city shall pay for the privilege of doing so an annual license tax of $50 or, if the business' annual gross receipts with situs in the city equal or exceed $100,000, $0.35 per $100 of all the business' gross receipts with such situs. (Code 1963, Sec. 20-74, as amended by Ord. No. 2514, 9/23/80, Sec. 2; Ord. No. 2569, 5/16/81, Secs. 4, 5; Ord. No. 2993, 12/15/84, Sec. 4; Ord. No. 3542, 11/16/91, Secs. 9, 15; Ord. No. 3834, 11/18/95, Sec. 6; Ord. No. 3870, 6/15/96, Sec. 3)

Sec. 9-1-73 reserved.

Editorial Note: Ord. No. 3834, § 5, adopted Nov. 18, 1995, repealed § 9-1-73 which pertained to business services and occupations. See the Ordinance Comparative Table.

Sec. 9-1-74 reserved.

Editorial Note: Ord. No. 3834, § 5, adopted Nov. 18, 1995, repealed § 9-1-74 which pertained to repair services and occupations. See the Ordinance Comparative Table.

Sec. 9-1-75 Retail merchants.

(a) Every person who engages in or conducts the business of a retail merchant in, and who maintains a definite place of business in, the city shall pay for the privilege of doing so an annual license tax of $50 or, if the business' annual gross receipts with situs in the city equal or exceed $100,000, $0.20 per $100 of all the business' gross receipts with such situs.

(b) The license tax provided for in this section shall be in addition to the alcoholic beverage license tax required under any other sections of this chapter.

(c) Any person or organization who sponsors a show or sale of goods, wares and merchandise at retail and not for resale shall obtain a license under this section for such show or sale, and shall pay for the privilege of conducting the show or sale a license tax of $50 and, upon the termination of the show or sale, $0.20 per $100 of the gross receipts of the show or sale in excess of $15,000; provided that no license shall be issued for a period longer than one year. (Code 1963, Sec. 20-77; Ord. No. 2663, 3/13/82, Sec. 2; Ord. No. 2721, 10/16/82, Sec. 2; Ord. No. 2683, 10/25/83, Sec. 4; Ord. No. 2864, 10/25/83, Sec. 1; Ord. No. 2891, 12/19/83, Sec. 2; Ord. No. 2988, 11/17/84, Sec. 5; Ord. No. 2993, 12/14/84, Sec. 6; Ord. No. 3416, 12/16/89, Sec. 1; Ord. No. 3542, 11/16/91, Secs. 12, 15; Ord. No. 3562, 3/21/92, Sec. 1; Ord. No. 3834, 11/18/95, Sec. 6; Ord. No. 3870, 6/15/96, Sec. 3)

Sec. 9-1-76 reserved.

Editorial Note: Ord. No. 3834, § 5, adopted Nov. 18, 1995 repealed § 9-1-76 which pertained to retail merchants—filling stations. See the Ordinance Comparative Table.

Sec. 9-1-76.1 reserved.

Editorial Note: Section 2 of Ord. No. 2684, adopted Oct. 25, 1983, repealed § 9-1-76.1, concerning peddlers' use of public parks, etc. Said provisions derived from Ord. No. 2832, § 1, adopted June 28, 1983.

Sec. 9-1-77 Retail and wholesale merchants.

Any person who is both a wholesale merchant and a retail merchant shall obtain both classes of licenses; provided, that any retail merchant who

desires to do a wholesale business also may elect to do such wholesale business under his retailer's license by paying license taxes as a retailer on both his retail business and his wholesale business. (Code 1963, Sec. 20-78)

Sec. 9-1-78 Wholesale merchants.

Every person who engages in or conducts the business of a wholesale merchant in, and who maintains a definite place of business in, the city shall pay for the privilege of doing so an annual license tax of $50 or, if the business' purchases with situs in the city equal or exceed $100,000, $0.05 for each $100 of all the business' purchases with such situs. (Code 1963, Sec. 20-79, as amended by Ord. No. 2514, 9-23-80, Sec. 3; Ord. No. 2569, 5/16/81, Sec. 9; Ord. No. 2663, 3/13/82, Sec. 3; Ord. No. 2864, 10/25/83, Sec. 3; Ord. No. 3542, 11/16/91, Sec. 13; Ord. No. 3834, 11/18/95, Sec. 6; Ord. No. 3870, 6/15/96, Sec. 3; Ord. No. 4408, 6/21/05, Sec. 2)

Sec. 9-1-79 Contractors and contracting.

(a) Every person who maintains a definite place of business in the city and engages in the business of a contractor shall pay for the privilege of doing so an annual license tax of $50 or, if the business' annual gross receipts with situs in the city equal or exceed $100,000, $0.16 for each $100 of all the business' gross receipts with such situs.

(b) Notwithstanding any contrary provision of this chapter, (i) every person who engages in the business of a contractor in the city, and who maintains a definite place of business in the state, but not in the city, shall not be liable for any license tax under this section, unless the gross receipts received in any year by such person from business conducted in the city exceed $25,000, in which event the person shall pay the city a license tax at the rate set forth in subsection (a) above; and (ii) every person who engages in the business of a contractor in the city for less than 30 days in a license year, and who does not maintain a definite place of business in the state shall not be liable for any license tax under this section, unless the gross receipts received in any year by such person from business conducted in the city exceed $25,000, in which event the person shall pay the city a license tax at the rate set forth in subsection (a) above.

(c) Orders and contracts covering more than one calendar year may be prorated to allow the gross amount or any portion thereof of any such order or contract to be used only once as a basis for determining the amount of the annual license tax to be paid pursuant to this section.

(d) The provisions of this section shall not relieve a person who engages in the business of a contractor in the city of any duty to register as a contractor with the city or the state before engaging in such business in the city, as may be required by other law.

(e) The following requirements shall apply to any application made by a contractor for the issuance or reissuance of a business license:

(1) Notwithstanding any provision of this chapter to the contrary, no business license shall be issued or reissued to any contractor who (i) has not obtained or is not maintaining workers' compensation coverage for its employees, and (ii) at the time of application for such issuance or reissuance, is required to obtain and maintain such coverage pursuant to chapter 8, title 65.2 of the Code of Virginia (1950), as amended.

(2) At the time of any application for the issuance or reissuance of a business license, every contractor shall provide a written certification to the director that such contractor is in compliance with the provisions of chapter 8, title 65.2 of the Code of Virginia (1950), as amended, and will remain in compliance with such provisions at all times during the effective period of any such business license. The director shall forward such signed certification to the Virginia Workers' Compensation Commission.

(3) Any person who knowingly presents or causes to be presented to the director a false certificate shall be guilty of a class 3 misdemeanor. (Code 1963, Sec. 20-80; Ord. No. 3542, 11/16/91, Sec. 14; Ord. No. 3834, 11/18/95, Sec. 6; Ord. No. 3870, 6/15/96, Sec. 3; Ord. No. 4005, 6/13/98, Sec. 5; Ord. No. 4056, 6/12/99, Sec. 1)

State Law Reference: Licensing contractors, etc., Code of Va., Secs. 58.1-3714, 58.1-3715.

Sec. 9-1-80 reserved.

Editorial Note: Ord. No. 3542, § 15, adopted Nov. 16, 1991, repealed § 9-1-80, which pertained to contractors performing a single contract and derived from Ord. No. 2515, § 1, adopted Sept. 23, 1980.

Sec. 9-1-81 reserved.

Editorial Note: Ord. No. 3834, § 5, adopted Nov. 18, 1995, repealed § 9-1-81 which pertained to manufacturers, mills and processors selling at retail. See the Ordinance Comparative Table.

Sec. 9-1-82 Amusements.

Every person who conducts or operates a business that provides amusements in, and who maintains a definite place of business in, the city shall pay for the privilege of doing so an annual license tax of $50 or, if the business' annual gross receipts with situs in the city equal or exceed $100,000, $0.36 per $100 of all the business' gross receipts with such situs. (Code 1963, Sec. 20-82, as amended by Ord. No. 2569, 5/16/81, Sec. 11; Ord. No. 2863, 10/25/83, Sec. 6; Ord. No. 2988, 11/17/84, Sec. 7; Ord. No. 3834, 11/18/95, Sec. 6; Ord. No. 3870, 6/15/96, Sec. 3)

State Law References: Licensing amusements generally, Code of Va. Secs. 58-268 to 58-284.2; licensing bowling alleys, Code of Va. Sec. 58-372; licensing poolrooms, Code of Va., Sec. 58-396.

Sec. 9-1-83 Building and loan associations.

(a) Every building and loan association having its principal office in the city shall pay for the privilege of doing business a license tax of $50.

(b) A building and loan association or company which does business on a purely mutual plan, and makes loans only to stockholders, organized in the city and confines its business solely to the city and counties immediately contiguous thereto, shall pay a license tax of $50. (Code 1963, Sec. 20-83)

Sec. 9-1-84 Public utilities.

(a) All motor vehicle carriers operating on or through the streets of the city shall pay for the privilege of using the streets, roads and routes, including bridges, an annual license tax as follows: one-fifth cent per mile for each mile operated within the city by any vehicle weighing 5,000 pounds or less, two-fifths cent per mile for each mile so operated by any vehicle weighing more than 5,000 pounds and less than 15,000 pounds; and three-fifths cents per mile for each mile so operated by any vehicle weighing more than 15,000 pounds.

(b) All telephone companies, for the privilege of doing business in the city, shall pay an annual license tax equal to $0.50 per $100 of the gross receipts for the rentals, subscriptions and stations, excluding however, business done between the city and points without the state and messages sent by the federal government of this state and their officers and agents.

(c) All persons engaged in the business of sending telegrams from the city to any point within the state shall pay for the privilege an annual license tax equal to $0.50 per $100 of the gross receipts received from such telegrams and telegraphic communications of any kind.

(d) All persons furnishing water for domestic and commercial consumption shall pay for the privilege an annual license tax of one-half of one percent of the gross receipts from any one or more of such businesses. (Code 1963, Sec. 20-84; Ord. No. 4164, 10/14/00, Sec. 3; Ord. No. 4624, 9/12/09, Sec. 8)

Editor's Note: It should be noted that § 5 of Ord. No. 4164 provides that "section 3 of this ordinance shall be effective (a) on January 1, 2001, as to persons first furnishing, heat, light or power by means of electric current or gas in the city on or after January 1, 2001, and (b) on January 1, 2002, as to persons furnishing, heat, light or power by means of electric current or gas in the city prior to January 1, 2001."

State Law References: Licensing, taxation of telephone and telegraph companies, Code of Va., Secs. 58-578 to 58-587; licensing, taxation of water, heat, light or power companies, Code of Va., Secs. 58-602 to 58-617.

Sec. 9-1-85 reserved.

Editorial Note: Ord. No. 3834, § 5, adopted Nov. 18, 1995, repealed § 9-1-85 which pertained to restaurants. See the Ordinance Comparative Table.

Sec. 9-1-86 reserved.

Editorial Note: Ord. No. 3834, § 5, adopted Nov. 18, 1995, repealed § 9-1-86 which pertained to direct sellers; amount of trade or business conducted from private residence. See the Ordinance Comparative Table.

Sec. 9-1-87 Soliciting agents for sale of goods, etc.

(a) Every person who engages in or conducts business in the city as a soliciting agent or solicits orders in the city for goods, wares and merchandise, services, business services, repair services and the like, and who is not otherwise in this chapter taxed, shall pay for the privilege of doing so an annual license tax of $50 or, if the annual gross receipts derived from such activities equal or exceed $100,000, $0.20 per $100 of all the gross receipts from such activities.

(b) Any person engaged solely in the manufacture and sale of his own manufactured goods, wares and merchandise, and who maintains no place of business in the city other than for the solicitation of orders for his manufactured products, and who sells only to licensed jobbers and not to retailers or consumers, and who makes delivery to jobbers form his manufactured goods,

wares and merchandise that are regularly stored in the city, shall be licensed and pay a tax under

the provisions of this section. (Code 1963, Sec. 20-87; Ord. No. 2863, 10/25/83, Sec. 8; Ord. No. 2988, 11/17/84, Sec. 10; Ord. No. 3834, 11/18/95, Sec. 6; Ord. No. 3870, 6/15/96, Sec. 3)

Sec. 9-1-88 Renting by owners of dwelling units or commercial establishments.

(a) Except as provided in subsection (b), every person who, as principal, engages in or conducts the business of renting one or more dwelling units, including houses and apartments, located within the city shall pay for the privilege of doing so an annual license tax of $50 or, if the annual gross receipts derived from such activities equal or exceed $100,000, $0.50 of each $100 of all the gross receipts from such activities.

(b) Persons engaged in the business of renting dwelling units shall not come within the provisions of this section and the tax levied, unless they are engaged in the business of renting more than four separate dwelling units.

(c) The term "business of renting houses and apartments," as used in this section, means the rental of dwelling units, whether located in a single-family, two-family, multifamily, condominium or other residential building, but shall not include the rental of living units in hotels, motels, tourist homes or boarding and rooming houses.

(d) The term "dwelling unit," for the purpose of this section, means one or more rooms designed for or intended for the occupancy of one family for living purposes and having cooking facilities.

(e) Every person who, as principal, engages in or conducts the business of renting commercial property located within the city shall pay for the privilege of doing so an annual license tax of $50 or, if the annual gross receipts derived from such activities equal or exceed $100,000, $0.35 for each $100 of all the gross receipts from such activities. (Code 1963, Sec. 20-88; Ord. No. 3834, 11/18/95, Sec. 6; Ord. No. 3870, 6/15/96, Sec. 3)

Secs. 9-1-89 through 9-1-100 reserved.

ARTICLE D

Builders or Developers

Sec. 9-1-101 reserved.

Editorial Note: Ord. No. 3834, § 7, adopted Nov. 18, 1995 repealed § 9-1-101 which pertained to definitions. See the Ordinance Comparative Table.

Sec. 9-1-102 Amount of tax.

Every person engaging in, conducting or operating the business of a builder or developer in the city shall pay for the privilege of engaging in such business an annual license tax as follows:

(1) Persons constructing on their own account for sale for the period of January 1, 1980, through March 31, 1980, $30 or $0.16 for each $100 of gross receipts from sales, whichever is higher; and for the period of April 1, 1980, through December 31, 1980, and thereafter, $30 or $0.16 for each $100 of gross receipts from sales made in this state during the preceding year, whichever is greater.

(2) Persons constructing on their own account for rent, the license tax shall be as prescribed in section 9-1-88 of this code.

a. For the purposes of this section, all revenue from business performed in a jurisdiction in this state which does not impose a business license tax shall be excluded from gross receipts as defined in this chapter.

b. Any such person who has paid a license tax or any portion thereof for the tax year 1980, prior to May 27, 1980, shall upon application to the city's director of finance be reimbursed and repaid, or in that person's discretion to be credited for a succeeding year's tax, the amount of the tax paid in excess of the amount of tax due and owing for the year 1980 in accordance with the above schedule. (Code 1963, Sec. 20-99)

Sec. 9-1-103 reserved.

Editorial Note: Ord. No. 3834, § 7, adopted Nov. 18, 1995, repealed § 9-1-103 which pertained to builders or developers constructing or improving a single project for sale. See the Ordinance Comparative Table.

Sec. 9-1-104 Application of other sections of this chapter to builders or developers.

All sections of article A of this chapter shall be generally applicable to and govern builders' or

developers' licenses, even though the term "gross expenditures" and the specific sections of this article are not mentioned or recited therein, except where the context clearly indicates a different meaning and it manifestly could not be applicable. (Code 1963, Sec. 20-100)

Secs. 9-1-105 through 9-1-110 reserved.

ARTICLE E

Distress Merchandise Sales

Sec. 9-1-111 Definitions.

The following terms shall have the meanings respectively ascribed to them by this section, unless the context clearly indicates a different meaning:

(1) *Advertise.* All means of conveying to the public notice of sale or notice of intention to conduct a sale, whether by word of mouth, newspaper or magazine advertisement, handbill, circular, pamphlet, written notice, printed notice, printed display, billboard display, window display, poster, radio or television announcement, by recordings, films, tapes and any other means whether oral, written or printed.

(2) *Distress merchandise sale.* Any offer to sell to the public or sale to the public of goods, wares or merchandise on the implied or direct representation that such sales is in anticipation of the termination of business at its present location or that the sale is being held other than in the ordinary course of business. Without limiting the generality of the above, distress merchandise sales shall include any sale advertised either specifically or in substance to be a "fire sale," "smoke and water damage sale," "trustee's sale," "bankrupt sale," "save us from bankruptcy sale," "insolvent sale," "insurance salvage sale," "mortgage sale," "assignee's sale," "adjuster's sale," "must vacate sale," "quitting business sale," "receiver's sale," "loss of lease sale," "forced out of business sale" or "removal sale."

(e) *Director.* The director of finance of the city and/or his or her duly authorized representative.

Sec. 9-1-112 License—required.

It shall be unlawful for any person to advertise or conduct a distress merchandise sale without first having obtained a license to do so in accordance with the provisions of this article. (Code 1963, Sec. 20-103)

Sec. 9-1-113 Same—application.

Any person desiring to conduct a distress merchandise sale shall make written application to the director at least 15 days prior to the date on which the sale is to commence, on blanks furnished by the director and verified by the applicant before a person authorized to administer

oaths. Each application shall contain the following information and such other information as the director may deem necessary:

(1) The name and address of the owner of the goods, wares, or merchandise to be the object of the sale, and if the sale is to be conducted by a person not the owner of the goods, then the name of the person conducting the sale.

(2) A description of the place where the sale is to be held.

(3) The nature of the occupancy of the place where the sale is to be held, whether by lease or otherwise, and the effective date of the termination of the occupancy.

(4) A full and complete statement of the facts regarding the distress merchandise sale, including the reason why the sale is being conducted, the manner in which the sale will be conducted, and the commencement and termination date of the sale.

(5) The means to be employed in advertising the sale, together with the content of any proposed advertisement.

(6) A complete and detailed inventory of the goods, wares and merchandise to be offered for sale, as disclosed by the applicant's records. The inventory shall be attached to and become a part of the required application.

(7) The place where the stock was purchased or acquired and the terms and conditions of the acquisition, and in the case of stock placed upon the premises within 90 days prior to the sale, the time of acquisition of the stock.

(8) A statement that all goods included in the inventory were purchased by the applicant for resale on bona fide orders without cancellation privileges and are not goods purchased on consignment or goods ordered in contemplation of conducting a distress merchandise sale. Any unusual purchases or additions to the stock of goods of the business hereby affected within 60 days before the filing of an application shall be deemed to be of the latter character.

Sec. 9-1-114 Same—investigation of application; grounds for denial of license.

Upon receipt of an application for a license under this article, the director shall cause an investigation to be made of all pertinent facts surrounding the conduct of the sale. No license shall be issued if any one or more of the following facts or circumstances are found to exist:

(1) That the inventory contains goods, wares or merchandise not purchased by the applicant for resale on bona fide orders without cancellation privileges or are goods, wares or merchandise acquired on consignment.

(2) That the applicant was granted a license under this article within three years preceding the date of the filing of the application.

(3) That the applicant has heretofore been convicted of a violation of this article or has had a license issued to him pursuant to this article revoked within a five-year period immediately preceding the date of the present application for license.

(4) That the goods, wares or merchandise described in the inventory were transferred or assigned to the applicant for less than an adequate consideration.

(5) That the inventory contains goods, wares or merchandise purchased by the applicant or added to his stock in contemplation of the sale and for the purpose of selling the same at the sale. For the purpose of this subsection, any unusual addition to the stock of such goods, wares or merchandise made within 60 days prior to the filing of the application shall be prima facie evidence that the addition was made in contemplation of the sale and for the purpose of selling the same at the sale.

(6) That any representation made in the application is purposefully untrue or misleading.

Sec. 9-1-115 Same—established business prerequisite to issuance.

No person who has not been the owner of a business advertised or described in the application for a license under this article for a period of at least six months prior to the date of the proposed sale shall be granted a license; provided, that upon the death of a person doing business in this city, his heirs, devisees or legatees shall have the right to apply at any time for a license under this article. (Code 1963, Sec. 20-106)

Sec. 9-1-116 Same—fees.

The fee for licenses issued pursuant to this article shall be $50 or $0.20 for each $100 of gross receipts from sales during the entire period of the distress merchandise sale, whichever is greater. The license may be renewed without fee under the conditions prescribed in section 9-1-121 of this

Code. (Code 1963, Sec. 20-107; Ord. No. 2721, 10/16/82, Sec. 5; Ord. No. 2863, 10/25/83, Sec. 9; Ord. No. 2988, 11/17/84, Sec. 11; Ord. No. 4408, 6/21/05, Sec. 3)

Sec. 9-1-117 Same—surrender of other business licenses.

Upon being issued a license under this article for a distress merchandise sale, the licensee shall surrender to the director all other business licenses he may hold at that time applicable to the location and goods covered by the application for a license under this article.

Sec. 9-1-118 Same—display.

Upon the commencement of a sale licensed under this article and for its duration, the license issued under this article shall be prominently displayed in the place of sale by the licensee. (Code 1963. Sec. 20-109)

Sec. 9-1-119 Same—restrictions as to location.

Where a person applying for a license under this article operates more than one place of business, the license issued shall apply only to the one store or branch specified in the application, and no other store or branch shall advertise or represent that it is cooperating with it or in any way participating in the licensed sale, nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the licensed sale. (Code 1963, Sec. 20-110)

Sec. 9-1-120 Same—nontransferable.

No license issued pursuant to this article shall be assignable or transferable. (Code 1963, Sec. 20-111)

Sec. 9-1-121 Same—renewal.

(a) The director may renew a license issued under this article for one period of time only, such period to be in addition to the 60 days permitted in the original license, and not to exceed 30 consecutive days, Sundays and holidays excluded, when he finds:

(1) that facts exist justifying the license renewal;

(2) that the licensee has filed an application for renewal;

(3) that the licensee has submitted with the application for renewal a revised inventory showing the items listed on the original inventory remaining unsold and not listing any goods not included in the original application and inventory.

(b) For the purpose of this section, any application for a license under the provisions of this article covering any goods previously inventoried as required hereunder, shall be deemed to be an application for renewal, whether presented by the original applicant, or by any other person.

Sec. 9-1-122 Conditions of licenses.

Licenses issued pursuant to this article shall be issued on the following terms and conditions:

(1) The sale shall be held at the place named on the application and by the particular licensee for a period of not more than 60 consecutive calendar days, Sundays and legal holidays excluded, next following the date of the issuance of the license.

(2) Only the goods, wares and merchandise described in the inventory attached to the application shall be sold at the sale.

(3) The license shall authorize only the one type of sale described in the application at the location named therein. (Code 1963, Sec. 20-113)

Sec. 9-1-123 Duties of licensees.

A licensee under this article shall:

(1) *Adhere to inventory.* Make no additions whatsoever during the period of the licensed sale to the stock of goods set forth in the inventory attached to the application for a license.

(2) *Advertise properly.* Refrain from employing any untrue, deceptive or misleading advertising.

(3) *Adhere to advertising.* Conduct the licensed sale in strict conformity with any advertising or holding out incident thereto.

(4) *Keep duplicate inventory.* Keep available at the place of sale a duplicate copy of the inventory submitted with the application, and present the duplicate to inspecting officials upon request.

(5) *Segregate noninventoried goods.* Keep any other goods separate and apart from the goods listed in the filed inventory as being objects of sale, and make such distinction clear to the public by placing tags on all inventoried goods in and about the place of sale apprising the public of the status of the goods. (Code 1963, Sec. 20-114)

Sec. 9-1-124 Article supplemental to other licensing provisions.

The provisions of this article are intended to augment and be in addition to the provisions of the general licensing laws of this city. Where this

article imposes a greater restriction upon persons, premises, businesses or practices than is imposed by the general licensing laws of this city, this article shall control. (Code 1963, Sec. 20-115)

Sec. 9-1-125 Applicability of article.

The provisions of this article shall not apply to or affect the following persons:

(1) persons acting pursuant to an order or process of a court of competent jurisdiction;

(2) persons acting in accordance with their powers and duties as public officials;

(3) duly appointed personal representatives of deceased persons;

(4) persons executing bona fide deeds of trust, mortgages and like instruments;

(5) duly licensed auctioneers, selling at auction;

(6) any publisher of a newspaper, magazine or other publication, who published in good faith any advertisement without knowledge that the provisions of this article have not been complied with. (Code 1963, Sec. 20-116)

Sec. 9-1-126 Penalties.

Any person violating any provisions of this article shall, upon conviction thereof, be fined not less than $100 nor more than $500 or be imprisoned for a term not to exceed six (6) months, or both. In addition, any licenses or renewals thereof issued under this article, shall stand revoked. The imposition of one (1) penalty for any violation of this article shall not excuse the violation or permit it to continue, and each day that a violation exists shall constitute a separate offense. Notwithstanding or in addition to the foregoing, any violation of any provision of this article may be restrained, prohibited, and enjoined in any court of equity jurisdiction in the city.

Secs. 9-1-127 through 9-1-140 reserved.

ARTICLE F

License Tax Upon Persons Holding a Mixed Beverage Restaurant License and Caterer's License

Sec. 9-1-141 Levy and rate.

(a) There is hereby adopted, levied and imposed upon persons holding mixed beverage restaurant and caterer's licenses issued by the Virginia Alcoholic Beverage Control Commission for an establishment located within the city a license tax for the privilege of doing business or operating in the city on the following basis and at the following rates:

(1) Persons operating restaurants, including restaurants located on premises of and operated by hotels or motels:

a. $200 per annum for each restaurant with a seating capacity at tables for 50 to 100 persons;

b. $350 per annum for each restaurant with a seating capacity at tables for more than 100 but not more than 150 persons; and

c. $500 per annum for each restaurant with a seating capacity at tables for more than 150 persons.

(2) A private, nonprofit club operating a restaurant located on the premises of the club, $350 per annum.

(3) $500 per annum for each caterer.

(4) Mixed beverage special events, $10 for each day of each event.

(b) The license tax imposed by this section shall be in addition to all other taxes and fees of every kind now imposed. (Code 1963, Sec. 20-118)

Sec. 9-1-142 Refunds; transfers; proration and loss of state license.

There shall be no refunds of the tax paid under the provisions of this article, except in the case of an error on the part of a city employee or officer. No license issued under the provisions of this article shall be transferable. The license tax imposed under the provisions of this article shall be prorated as follows: on licenses issued on or after April 1 of each year, the amount of tax shall be three-fourths (¾) of the annual tax on such licenses; on licenses issued on or after July 1, the amount of tax shall be one-half (½) of the annual tax on such licenses; and on and after October 1, the license tax shall be one-fourth (¼) of the annual tax. If any person shall hold any city license under the provisions of this article without at the same time

holding a proper valid and usable license issued by the Virginia Alcoholic Beverage Control Commission, the city license shall, during the period when that person does not hold the proper valid and usable license, confer no rights, powers or privileges. (Code 1963, Sec. 20-119)

Sec. 9-1-143 Provisions of article A applicable.

The provisions of article A of this chapter shall apply mutatis mutandis to the taxes imposed, licenses issued and persons and establishments within the purview of this article F, except where the context of article F indicates differently. (Code 1963, Sec. 20-120)

CHAPTER 2

Aircraft

State Law Reference: Aircraft, airmen and airports generally, Code of Va., Secs. 5.1-1 to 5.1-25; interference with operation of passenger aircraft, Code of Va., Secs. 5.1-20 to 5.1-22; municipal airports and other air navigation facilities, Code of Va., Secs. 5.1-31 to 5.1-48.

Cross Reference: Charter provision as to power of city to acquire, maintain and operate airports and appurtenances thereto, city charter, Sec. 2.03(1).

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§ 9-2-8	Acrobatic flying.
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§ 9-2-11	Dropping objects.
§ 9-2-12	Permits for flights for distribution of circulars, etc.
§ 9-2-13	Exceptions to application of chapter.
§ 9-2-14	Gas bags and air balloons.

Sec. 9-2-1 Definition.

The term "aircraft," as used in this chapter, shall mean any aeroplane, airplane, gas bag, flying machine, balloon or any contrivance now known or hereafter invented, used or designed for navigation or flight in the air, except a parachute or other contrivances used primarily as safety equipment. (Code 1963, Sec. 3-1)

Sec. 9-2-2 Certificates of airworthiness required.

No person shall operate any aircraft within or over the city unless such aircraft shall have first received a certificate of airworthiness from the Federal Aviation Agency. (Code 1963, Sec. 3-2)

Sec. 9-2-3 Airman certificates required for operators.

No person shall operate any aircraft within or over the city unless the person has first been issued an airman certificate by the Federal Aviation Agency. (Code 1963, Sec. 3-3)

Sec. 9-2-4 Compliance with rules and regulations of Federal Aviation Agency.

No person shall operate any aircraft over or within the city in violation of any valid air traffic

rule or regulation established by the Federal Aviation Agency. (Code 1963, Sec. 3-4)

Sec. 9-2-5 Minimum height limits.

Except when taking off or landing at an established landing field or airport, or at a location authorized by the city manager pursuant to section 9-2-7, no person shall fly or permit any aircraft to be flown within the city, except at a height sufficient to permit a reasonably safe emergency landing, which in no case shall be less than 1,000 feet; provided, that the provisions of this section may be deviated from when special circumstances render a departure necessary to avoid immediate danger or when such departure is required because of stress of weather conditions or other unavoidable cause. (Code 1963, Sec. 3-5; Ord. No. 4020, 9/12/98, Sec. 1)

Sec. 9-2-6 Course upon landing and taking off at airport close to city; course over city.

When airports are close to the city, aircraft, where possible, shall land and take off so as not to fly over the city. When it is necessary to fly over the city, aircraft shall proceed so as to enter and leave the air space over the city in a direct line and shall not veer from the course or circle over the city, except when special circumstances render a departure necessary to avoid immediate danger or when such departure is required because of stress of weather conditions or other unavoidable cause. (Code 1963, Sec. 3-6)

Sec. 9-2-7 Landing at other than established airport.

Except in case of emergency, or as authorized by the city manager, no person shall land any aircraft in the city, except upon a regularly established airport. Any authorization provided by the manager pursuant to this section shall be for a helicopter landing only, shall be based upon a determination that the landing is in the interest of the city and consistent with the safety of the public, in accordance with guidelines approved by the city council, and shall be accompanied by any terms and conditions deemed necessary by the manager to protect the public safety and welfare, including the provision of insurance, a bond or other form of security. (Code 1963, Sec. 3-7; Ord. No. 4020, 9/12/98, Sec. 2)

Sec. 9-2-8 Acrobatic flying.

Acrobatic flying by any person flying over any portion of the city shall be unlawful. The term "acrobatic flying," as used in this section, shall mean any intentional airplane maneuver or stunt not necessary to air navigation, or the operation of aircraft in such manner as to endanger human life or safety by the performance of unusual or dangerous maneuvers. (Code 1963, Sec. 3-8)

Sec. 9-2-9 Lights, etc., for night flying.

All aircraft, when flying within or over the city at night, shall have lights and other equipment required for such flying by the rules, regulations or orders of the Federal Aviation Agency. (Code 1963, Sec. 3-9)

Sec. 9-2-10 Unnecessary noise.

Unnecessary noise by operators of aircraft within or over the city shall be unlawful. (Code 1963, Sec. 3-10)

Sec. 9-2-11 Dropping objects.

No person in any aircraft shall cause or permit to be thrown out, discharged or dropped within the city, any object, or thing, except loose water or loose sand ballast when absolutely essential to the safety of the occupants of the aircraft and except as provided in section 9-2-12 of this code. (Code 1963, Sec. 3-11)

Sec. 9-2-12 Permits for flights for distribution of circulars, etc.

No person shall make any flights within or over the city carrying banners on any aircraft or distribute circulars from any aircraft within or over the city or operate a loud-speaking device from any aircraft flying within or over the city, without first obtaining a permit to do so from the chief of police and paying a permit fee of $5 for each flight. The chief of police shall issue such permit if the person who will operate the aircraft in carrying out the proposed flight is duly licensed by the Federal Aviation Agency, the aircraft to be used is licensed by the Federal Aviation Agency, and the safety or lives of the inhabitants of the city will not be endangered by the proposed flight. Permits as provided for in this section may be issued by the chief of police for periods of not longer than six (6) months, rather than for individual flights, if the safety or lives of the inhabitants of the city will not be endangered and if a permit fee of $25

is paid; provided, that the permit shall be revoked by the police chief upon violation of any provision of this chapter. (Code 1963, Sec. 3-12)

Sec. 9-2-13 Exceptions to application of chapter.

This chapter shall not apply to public aircraft of the federal government, or of a state, or territory, or of a political subdivision of a state or territory, or to aircraft licensed by a foreign country with which the federal government has a reciprocal agreement covering operation of such aircraft. (Code 1963, Sec. 3-13)

Sec. 9-2-14 Gas bags and air balloons.

(a) The term "aircraft" as used in this chapter shall also mean any air balloon or hot-air balloon in addition to those meanings set forth in section 9-2-1 of this code.

(b) Notwithstanding the provisions of sections 9-2-5, 9-2-6 and 9-2-7 of this chapter, any gas bag, balloon, air balloon or hot-air balloon that is designed to transport persons in and through the air may take off and land in the city during one or more days; provided, however, that the operator shall have at least seven days prior thereto applied for and thereafter received a permit issued by the city manager.

(c) The aforesaid permit may be issued by the city manager for such duration as he shall determine and upon such terms and conditions as he shall deem necessary or appropriate to preserve and protect the public health, safety and welfare and may include requiring a bond, insurance, security or any combination thereof.

(d) The applicant for the foregoing permit shall be responsible for complying with the relevant provisions of title 5.1 of the Code of Virginia (1950), as amended, especially, but not limited to, those pertaining to the licensing of aircraft, operators, airports, drop zones, landing areas or landing fields. (Ord. No. 2681, 5/15/82, Sec. 1)

CHAPTER 3

Alexandria Cable Communications Code

Editorial Note: Ord. No. 4738, § 1, adopted Oct. 15, 2011, amended Chapter 3 in its entirety to read as herein set out. See the Ordinance Comparative Table for a detailed analysis of inclusion.

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ARTICLE A

General Provisions

Sec. 9-3-1 Title.

This chapter shall be known and may be cited as the "Alexandria Cable Communications Code." (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-2 Purpose.

The City Council of Alexandria finds that the development of cable television systems has the potential to be of great benefit to those who reside and work in the city. Cable technology is rapidly changing, and cable plays an essential role as part of the city's basic infrastructure. Cable television systems make extensive use of scarce and valuable public rights-of-way in a manner that differs from the way in which the general public uses them. As a result, the grant of a franchise for the use of public rights-of-way has the effect of giving the holder extensive economic benefits. For these reasons, the city council finds that general welfare of the city requires that regulations be established to ensure that any cable television franchise granted by the city is in accord with and is operated in the public interest. In light of the foregoing, the following goals, among others, underlie the provisions set forth in this chapter:

(a) Cable television should be available to as many city residents as possible.

(b) A cable system should be capable of accommodating both the present and the reasonably foreseeable future cable-related needs of the community.

(c) A cable system should be constructed and maintained during a franchise term so that changes in technology may be integrated into existing system facilities to the maximum extent feasible.

(d) A cable system should be responsive to the needs and interests of the local community. It is the intent of the city council that all provisions set forth in this chapter be construed to serve the public interest and the foregoing public purposes, and that any franchise issued pursuant to this chapter be construed to include the foregoing findings and public purposes as integral parts thereof. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-3 through 9-3-10 reserved.

ARTICLE B

Definitions and Word Usage

Sec. 9-3-11 Definitions and usage—general.

For the purposes of this chapter, the following terms, phrases, words and abbreviations shall have the meanings given in this article, unless otherwise expressly stated. Words not defined herein shall have a meaning set forth in Title 47 of the United States Code, Chapter 5, Subchapter V-A, 47 U.S.C. § 521 et seq., as amended, and, if not defined therein, should have their common and ordinary meaning within the cable television industry. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-12 Access channel.

"Access channel" shall mean any channel on a cable system set aside by a franchisee for public, educational or governmental use. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-13 Affiliate.

"Affiliate" shall mean any person who owns or controls, is owned or controlled by, or is under common ownership or control with a franchisee. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-14 Administrator.

"Administrator" shall mean the cable television administrator appointed by the city manager. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-15 Basic service.

"Basic service" shall mean any service tier that includes the retransmission of local television broadcast signals. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-16 Cable act.

"Cable Act" shall mean the Cable Communications Policy Act of 1984, 47 U.S.C. § 521 et seq., as it may be amended from time to time. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-17 Cable service.

"Cable service" shall mean (1) the one-way transmission to subscribers of video programming or other programming services, and (2) subscriber interaction, if any, which is required

for the selection of such video programming or other programming service. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-18 Cable system or system.

"Cable system" or "system" shall mean a facility consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and is provided to multiple customers within the city, but such term does not include any of the following: (1) a system that serves fewer than 20 subscribers; (2) any facility that serves only to retransmit the television signals of one or more television broadcast stations; (3) any facility that serves only subscribers without using any public right-of-way; (4) any facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, 47 U.S.C. § 201 et seq., provided that such facility shall be considered a cable system if it is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services ; (5) any facility of any electric utility used solely for operating its electric utility systems; (6) any portion of a system that serves fewer than 50 subscribers in any locality where such portion is a part of a larger system franchised in an adjacent locality; or (7) an open video system that complies with § 653 of Title VI of the Communications Act of 1934, as amended, 47 U.S.C. § 573. A reference to a cable system refers to any part thereof, including, without limitation, converters. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-19 City.

"City" shall mean the City of Alexandria, Virginia. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-20 City council or council.

"City council" or "council" shall mean the governing body of the city. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-21 Educational access channel.

"Educational access channel" shall mean any channel on a cable system set aside by a franchisee for educational use. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-22 Fcc.

"FCC" shall mean the Federal Communications Commission, its designee or any successor governmental entity. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-23 Franchise.

"Franchise" shall mean a non-exclusive authorization granted in accordance with this chapter to construct, operate and maintain a cable system along and within the public rights-of-way of the city or a specified portion thereof. Any such authorization, in whatever form granted, shall not include, or be deemed to include, an authorization to transact or carry on a business within the city, or to attach devices to poles or other structures, whether owned by the city or a private entity, or to excavate or perform work in or along any public right-of-way. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-24 Franchise agreement.

"Franchise agreement" shall mean a contract between the city and a franchisee that sets forth, subject to this chapter, the terms and conditions under which a franchise will be exercised. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-25 Franchise area.

"Franchise area" shall mean the area of the city that a franchisee is authorized to serve by its franchise agreement. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-26 Franchisee.

"Franchisee" shall mean a person who has been granted a franchise by the city. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-27 Governmental access channel.

"Governmental access channel" shall mean any channel on a cable system set aside by a franchisee for government use. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-28 Gross revenues.

"Gross revenues" shall mean all revenue, as determined in accordance with generally accepted accounting principles, that is actually received by the cable operator and derived from the operation of the cable system to provide cable services in the franchise area. Gross revenues shall include, with-

out limitation, monthly fees charged subscribers for any basic, optional, premium, per-channel or per-program service; installation, disconnection, reconnection and change-in-service fees; leased channel fees; late fees and administrative fees; revenues from the rentals and sales of converters or other equipment; fees for the rental of studios and production equipment and the use of franchisee personnel; advertising revenues; revenues from program guides; and revenues from home shopping channels, including commissions from the sales of goods; provided, however, that in an ordinance cable franchise "gross revenue" shall not include: (i) refunds or rebates made to subscribers or other third parties; (ii) any revenue which is received from the sale of merchandise over home shopping channels carried on the cable system, but not including revenue received from home shopping channels for the use of the cable service to sell merchandise; (iii) any tax, fee, or charge collected by the cable operator and remitted to a governmental entity or its agent or designee, including without limitation a local public access or education group; (iv) program launch fees; (v) directory or Internet advertising revenue including, but not limited to, yellow page, white page, banner advertisement, and electronic publishing; (vi) a sale of cable service for resale or for use as a component part of or for the integration into cable services to be resold in the ordinary course of business, when the reseller is required to pay or collect franchise fees or similar fees on the resale of the cable service; (vii) revenues received by any affiliate or any other person in exchange for supplying goods or services used by the cable operator to provide cable service; and (viii) revenue derived from services classified as noncable services under federal law, including, without limitation, revenue derived from telecommunications services and information services, and any other revenues attributed by the cable operator to noncable services in accordance with rules, regulations, standards, or orders of the Federal Communications Commission. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-29 Ordinance cable franchise.

"Ordinance cable franchise" shall mean a franchise issued in accordance with Code of Virginia § 15.2-2018.21. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-30 Person.

"Person" shall mean a natural person, partnership, association, joint stock company, organization, corporation, limited liability corporation and any other legal entity, and any lawful successor thereto or transferee thereof, but such term does not include the city. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-31 Public access channel.

"Public access channel" shall mean any channel on a cable system set aside by a franchisee for use by the general public, including groups and individuals, and which is available for such use on a non-discriminatory basis. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-32 Public rights-of-way.

"Public rights-of-way" shall mean the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive or bridge, in which the city holds a property interest and which, consistent with the purposes for which it was acquired or dedicated, may be used for the installation, operation and maintenance of a cable system. No reference in this chapter or in any franchise agreement to a "public right-of-way" shall be deemed to be a representation or guarantee by the city that its interests or other rights in such right-of-way are sufficient to permit its use for the installation, operation and maintenance of a cable system, and a franchisee shall be deemed to gain only those rights which the city has the undisputed right and power to give. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-33 Sale.

"Sale" shall mean any sale, exchange or barter transaction. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-34 Service tier.

"Service tier" shall mean a package of two or more cable services for which a separate charge is made by a franchisee, other than a package of premium and pay-per-view services that are also sold on a genuine a la carte basis. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-35 Subscriber.

"Subscriber" shall mean any person who legally receives any service delivered over a cable system. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-36 Transfer.

"Transfer" shall mean any transaction in which (i) an ownership or other interest in the cable operator is transferred, directly or indirectly, from one person or group of persons to another person or group of persons, so that majority control of the cable operator is transferred; or (ii) the rights and obligations held by the cable operator under the cable franchise granted under this article are transferred or assigned to another person or group of persons. However, notwithstanding clauses (i) and (ii) of the preceding sentence, a transfer of the cable franchise shall not include (a) transfer of an ownership or other interest in the cable operator to the parent of the cable operator or to another affiliate of the cable operator; (b) transfer of an interest in the cable franchise granted under this article or the rights held by the cable operator under the cable franchise granted under this article to the parent of the cable operator or to another affiliate of the cable operator; (c) any action that is the result of a merger of the parent of the cable operator; (d) any action that is the result of a merger of another affiliate of the cable operator; or (e) a transfer in trust, by mortgage, or by assignment of any rights, title, or interest of the cable operator in the cable franchise or the system used to provide cable in order to secure indebtedness. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-37 Transmission of video programming directly to subscribers.

"Transmission of video programming directly to subscribers" shall mean the delivery of programming to equipment located on subscriber premises, whether or not that programming is selected, controlled or marketed to subscribers by the entity that delivers it. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-38 User.

"User" shall mean a person utilizing a cable system channel or equipment and facilities for purposes of producing or transmitting material, as contrasted with the receipt thereof in the capacity of a subscriber. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-39 through 9-3-51 reserved.

ARTICLE C

General Franchise Characteristics

Sec. 9-3-52 Grant of franchise.

The city council may grant one or more negotiated cable television franchises in accordance with this chapter and Code of Virginia § 15.2-2108.20. Except as otherwise expressly provided in a franchise agreement, each such franchise shall be subject to the provisions of this chapter, as it may be amended from time to time. The city council may also grant one or more ordinance cable franchises, to the extent the applicable statutes are not preempted by federal law. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-53 Franchise required.

No person may construct or operate a cable system without a franchise granted by the city council. No person may be granted a franchise unless such person has entered into a franchise agreement with the city, or the city has adopted an ordinance issuing such person an ordinance cable franchise. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-54 Operation of a cable system without a franchise.

Any person who occupies public rights-of-way for the purpose of constructing or operating a cable system and who does not hold a valid franchise from the city shall be subject to all provisions of this chapter. In its discretion, the city may, at any time, require such person to enter into a franchise agreement with the city, or issue such person an ordinance cable franchise, require such person to remove its property and restore the area occupied by the property to a condition satisfactory to the city, remove the property itself and restore the area to a satisfactory condition and charge the person the costs therefor, or take any other action it is entitled to take under applicable law, including filing an action for damages. In no event shall a franchise be created unless it is issued by action of the city council and is subject to a written franchise agreement or an ordinance cable franchise. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-55 Franchise characteristics.

(a) A franchise authorizes use of public rights-of-way for installing cables, wires, lines, optical fiber, underground conduit and other devices nec-

essary and appurtenant to the operation of a cable system within a franchise area, but does not authorize a franchisee to provide service to, or install a cable system on, private property without the property owner's consent (except for use of compatible easements pursuant to Section 621 of the Cable Act, 47 U.S.C. § 541(a)(2)), or to use conduits without a separate agreement with the owner of same.

(b) A franchise is non-exclusive and will not explicitly or implicitly preclude the issuance of other franchises to operate cable systems within the city, or affect the city's right to authorize use of public rights-of-way by other persons to operate cable systems or for other purposes.

(c) Once a franchise agreement has been executed by the city and a franchisee, the agreement shall constitute a contract between the franchisee and the city, and the terms, conditions, and provisions of the agreement, subject to this chapter and all other duly enacted and applicable laws (except as expressly otherwise provided in this agreement), shall define the rights and obligations of the franchisee and the city relating to the franchise.

(d) All privileges provided by a franchise shall be subordinate to any prior lawful occupancy of the public rights-of-way, and the city shall always retain the right to designate where a franchisee's facilities are to be placed within the public rights-of-way in order to avoid actual or potential conflicts between users of the public rights-of-way and to ensure the safety and convenience of the public.

(e) Except as otherwise provided in a franchise agreement, a franchisee may not enter into or enforce any exclusive contract with a subscriber (including, but not limited to, a building owner) as a condition of providing or continuing service. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-56 Franchisee subject to other laws, police power.

(a) At all times, a franchisee shall be subject to and shall comply with all applicable federal, state and local laws, and shall be subject to the lawful exercise of the city's police power authority, including all rights the city may have under the Cable Act, 47 U.S.C. § 552.

(b) Except as expressly otherwise provided in a franchise agreement, the city shall retain all authority, including that given to it by federal and state law, to regulate cable systems, franchisees and franchises. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-57 Acts at franchisee's expense.

Any act that a franchisee is or may be required to perform under this chapter, a franchise agreement or other applicable law shall be performed at the franchisee's sole expense, unless expressly provided to the contrary in this chapter, the franchise agreement or other applicable law. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-58 Eminent domain.

Nothing in this chapter shall be deemed or construed to impair or affect, in any way or to any extent, any right the city may have to acquire the property of the franchisee through the exercise of the right of eminent domain, or be deemed or construed to contract away or to modify or abridge, either for a term or in perpetuity, any right of eminent domain the city may have with respect to any public utility. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-59 Interpretation of franchise terms.

Except as to matters that are governed solely by federal law or regulation, a franchise agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-60 Filing fees.

(a) All applications and requests submitted under this chapter for the grant of an initial franchise or modification of a franchise, a renewal of a franchise, or the transfer of a franchise, shall be subject to a processing fee in an amount determined by the administrator to meet the reasonable cost of processing the request. The processing fee shall be due on a date to be specified by the administrator, and the applicant shall be informed of that date at the time that the applicant is informed of the reasonable cost of processing the request.

(b) Any payments made by a franchisee pursuant to this section fall within one or more of the exceptions in the Cable Act, 47 U.S.C. § 542(g)(2), and do not constitute a franchise fee, and no such payments may be passed through to subscribers in any form, except to the extent federal law or regulation provides that they may be passed through. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-61 Public hearings.

Any party submitting an application or a request, or otherwise seeking city approval, under

this chapter shall be notified of any public hearing conducted by the city council on the subject of the application, request or matter sought, and shall be given an opportunity to be heard at any such hearing. (Ord. No. 4738, 10/15/11, Sec. 1)

ARTICLE D

Initial Grant of Franchise

Sec. 9-3-62 Length of franchise.

No initial franchise shall be granted for a period of more than 15 years, although an initial franchise may be renewed pursuant to the terms of this chapter and the applicable franchise agreement. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-63 Initiation of application process.

(a) Any person wishing to obtain an initial franchise in the form of a negotiated franchise agreement shall file an application with the administrator pursuant to the terms of this article. Any person wishing to obtain an initial franchise in the form of an ordinance cable franchise shall file a request to negotiate the terms of a negotiated cable franchise, as required by Code of Virginia § 15.2-2108.21, which shall take the form of an application pursuant to the terms of this article.

(b) Any person wishing to obtain an initial ordinance cable franchise shall also follow the procedure specified in Code of Virginia § 15.2-2108.21, to the extent such provisions are not preempted by federal law. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-64 Grant of franchise: notices, publications, acceptance.

(a) Upon receipt of an application, the city council may refer the application to the administrator for review and evaluation and for the submission of recommendations and may make or provide for such other investigation as it may determine appropriate.

(b) In evaluating an application for an initial franchise, the city council, and if applicable the administrator, shall consider, among other things, the following factors:

(1) whether the applicant has the financial, technical and legal qualifications to construct, operate and maintain a cable system and to provide, or provide for the provision of, cable service;

(2) whether, the applicant has the financial, technical and legal qualifications to provide adequate public, educational and governmental access channel capacity and facilities, and adequate financial support for same;

(3) whether the applicant or an affiliate of the applicant owns or controls any other cable system in the city; and

(4) whether issuance of a franchise to the applicant will eliminate or reduce competition in the delivery of cable service in the city.

(c) If the council determines to grant an initial negotiated franchise to an applicant, it shall enact an ordinance proposing to make the grant as advertised, subject to the execution of an appropriate franchise agreement specifying the details of the franchise. If the council determines to grant an ordinance cable franchise to an applicant, it shall enact an ordinance in accordance with Code of Virginia § 15.2-2108.22.

(d) This chapter is not intended and shall not be interpreted to grant any bidder or any existing franchisee standing to challenge the issuance of a franchise to another person.

(e) Within 30 days after the enactment of an ordinance granting an applicant an initial negotiated franchise, the applicant shall present to the city a signed and notarized agreement accepting the provisions of the franchise. At that time, the applicant shall file any bonds and security fund deposits required, and fulfill any other requirements then imposed, by this chapter. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-65 Contents of application.

Any application submitted pursuant to section 9-3-63 shall contain, at a minimum, the following information:

(a) the name and address of the applicant and of the following persons: the 10 largest holders of an ownership interest in the applicant; all persons with five percent or more ownership interest in the applicant; all the persons who control the applicant; all officers and directors of the applicant; and, as to each such identified person who holds a five percent or more ownership interest in another cable system, the name of such system and the person's ownership interest in it;

(b) a demonstration of the applicant's technical ability to construct, operate and maintain the proposed cable system, including the identification of key personnel;

(c) a demonstration of the applicant's legal qualifications to construct, operate and maintain the proposed cable system, including a demonstration that the applicant meets the following criteria:

(1) the applicant has not had any cable television franchise validly revoked by any franchising authority within the three years preceding the submission of the application;

(2) the applicant is authorized under Virginia law to operate a cable system;

(3) the applicant is not precluded by federal law from operating a cable system in the city, and possesses or is qualified to obtain any necessary federal franchises or waivers required to operate a system in the city;

(4) the applicant, within 10 years preceding the submission of the bid, has not been convicted of any act or omission of such character that the applicant cannot be relied upon to deal truthfully with the city and with subscribers of the cable system, or to comply with its obligations under applicable law;

(5) the applicant has not filed any materially misleading information with its application and has not intentionally withheld information that is required to be provided; and

(6) no elected official of the city holds a controlling interest in the applicant or an affiliate of the applicant; notwithstanding the foregoing provisions of this subsection, an applicant shall be provided an opportunity to show that it would be inappropriate to find it unqualified to obtain a franchise under this chapter by virtue of subsections (c)(2) or (c)(5), in light of the particular circumstances surrounding the matter and the steps taken by the applicant to cure all harms flowing therefrom and to prevent their recurrence, the lack of involvement of the applicant's principals, or the remoteness of the matter from the operation of a cable system;

(d) a statement prepared by a certified public accountant regarding the applicant's financial ability to complete the construction and to operate the proposed cable system;

(e) a description of the applicant's prior experience in cable system ownership, construction and operation, and an identification of communities in which the applicant or any of its principals have, or have had, a cable franchise or any interest in a cable franchise;

(f) an identification of the area of the city to be served by the proposed cable system;

(g) a detailed description of the physical facilities of the proposed cable system, including the system's channel capacity, technical design, performance characteristics, head-end and access facilities;

(h) a description of the construction of the proposed cable system, including an estimate of plant mileage and its location, a proposed construction schedule, a description, where appropriate, of how services will be converted from existing facilities to new facilities, and information on

the availability of space in existing conduits, including, where appropriate, an estimate of the cost of any necessary rearrangement of existing facilities;

(i) the proposed rate structure for the proposed cable system, including projected charges for each service tier, installation, converters and other equipment or services;

(j) a description of the manner in which the applicant will reasonably meet the future cable-related needs and interests of the city, including descriptions of how the applicant will meet the needs described in any recent community needs assessment conducted by or for the city, and how the applicant will provide adequate public, educational, and governmental access channel capacity, facilities or financial support to meet the city's needs and interests;

(k) pro forma financial projections for the proposed franchise term, including a statement of projected income and a schedule of planned capital additions, with all significant assumptions explained in notes or supporting schedules;

(l) if the applicant proposes to provide cable service to an area already served by an existing cable franchisee, an identification of the area where the overbuild would occur, the potential subscriber density in the area that would encompass the overbuild, and the ability of the public rights-of-way and other property that would be used by the applicant to accommodate an additional cable system;

(m) any other information that may be reasonably necessary to demonstrate compliance with the requirements of this chapter, and any other information that the city may request of the applicant which is relevant to the city's consideration of the application; and

(n) an affidavit or declaration of the applicant or an authorized officer certifying the truth and accuracy of the information in the application, and certifying that the application meets all federal and state law requirements. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-66 Public hearings.

Prior to the granting an initial franchise under this article, the city council shall hold at least one public hearing, following reasonable notice to the public, at which the applicant, all other interested parties and the public shall be afforded a reasonable opportunity to be heard. Reasonable notice to the public shall consist of an advertisement of the date, time, place and subject of such hearing that shall be published in a newspaper having general circulation in the city. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-67 through 9-3-70 reserved.

ARTICLE E

Franchise Renewal and Modification

Sec. 9-3-71 Renewal.

A franchise may be renewed by the city for a period of no more than 15 years, upon application of the franchisee in accordance with the then-existing rules of the FCC and applicable law. Renewal may take the form of a negotiated franchise agreement, in which case the process specified in section 9-3-72 shall apply. In the alternative, renewal may take the form of an ordinance cable franchise, to the extent that the terms of or process for granting such a franchise are not preempted by federal law. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-72 Application for grant of a franchise renewal.

(a) An application by a franchisee for renewal of its franchise shall be filed with the administrator, and the application shall be received and reviewed in a manner consistent with the Cable Act, 47 U.S.C. § 546(a)—(g). If neither a franchisee nor the city activates in a timely manner, or can activate, the renewal process set forth in 47 U.S.C. § 546(a)—(g) (including, for example, if the said provisions are repealed), then, except for applications submitted pursuant to 47 U.S.C. § 546(h), the provisions of article D shall apply.

(b) If the provisions of 47 U.S.C. § 546(a)—(g) are properly invoked, and if the city does not act under 47 U.S.C. § 546(h), the administrator shall forward the franchisee's application for renewal to the city council, and thereafter the council, having reviewed the franchisee's past performance under its existing franchise and considered the future cable-related needs and interests of the Alexandria community, may request the franchisee to submit a proposal defining the cable system it proposes to provide under a renewal franchise. If council so requests, the administrator shall establish deadlines for the franchisee's proposal and may, before or after submission of the proposal, require the franchisee to provide information that the administrator deems pertinent to the franchisee's renewal application or its proposal, or both.

(c) Upon receipt of a franchisee's proposal and all additional information that the administrator has required, the administrator shall provide notice to the public of the receipt of the proposal. No later than 120 days following the receipt of the proposal, the administrator shall recommend to the city council, and the council shall preliminarily determine, by resolution, whether the franchisee's franchise is to be renewed.

(1) If the council determines preliminarily to renew the franchise, it shall direct the administrator to prepare a franchise agreement that incorporates, as appropriate, the commitments made by the franchisee in its franchise renewal proposal and contains other matters deemed pertinent by the administrator. If the franchisee accepts the franchise agreement prepared by the administrator, and the agreement is approved by the city council, the council shall grant a renewal franchise to the franchisee. If the franchise agreement prepared by the administrator is not accepted by the franchisee or is not approved by council within the time limit established by 47 U.S.C. § 546(c)(1), the franchisee's request for a franchise renewal shall be deemed preliminarily denied, and an administrative proceeding under the Cable Act shall be commenced if the franchisee, within 10 business days from the expiration of the time limit established by 47 U.S.C. § 546(c)(1), requests the commencement of such a proceeding.

(2) If the city council determines, preliminarily or otherwise, that a franchise should not be renewed, and the franchisee notifies the administrator no later than 10 business days of the council determination that it wishes to pursue its right to an administrative proceeding under the Cable Act, then such a proceeding shall be commenced in accordance with the Cable Act.

(d) If an administrative proceeding under the Cable Act is commenced on a franchisee's franchise renewal request, the request shall be evaluated on the basis of factors that are consistent with federal law, and shall be conducted in accordance with the following procedures:

(1) The city council shall, by resolution, appoint a hearing officer to preside over the proceeding, which officer can be the council itself.

(2) The hearing officer shall establish a schedule for the proceeding which allows for documentary discovery and interrogatory responses, production of evidence, and cross-examination of witnesses. Depositions shall not be permitted unless the party requesting the deposition shows that documentary discovery and interrogatory responses will not provide it an adequate opportunity to present its case. The hearing officer may require the production of evidence as the interests of justice may require, including the production of evidence by the franchisee and any entity that owns or controls or is owned or controlled by the

franchisee. The hearing officer may also issue protective orders. Enforcement of any order issued by the hearing officer shall be in and by the Circuit Court for the City of Alexandria.

(3) The hearing officer may conduct a prehearing conference and establish appropriate prehearing orders. Intervention by non-parties is not authorized, except to the extent required by the Cable Act.

(4) The hearing officer may require the city and the franchisee to submit prepared testimony prior to the initiation of the hearing. Unless the parties agree otherwise, the franchisee shall present its evidence first, followed by the city. The hearing officer shall see that a transcript is prepared of the proceeding.

(5) The primary factors to be considered by the hearing officer and the parties during the administrative proceeding are:

(i) whether the franchisee has substantially complied with the material terms of its existing franchise and with applicable law;

(ii) whether the quality of the franchisee's service, including signal quality, response to consumer complaints and billing practices, but without regard to the mix or quality of the programming and similar services provided over the cable system, has been reasonable in light of the needs of the Alexandria community;

(iii) whether the franchisee has the financial, legal and technical ability to provide the services, facilities and equipment, as set forth in the operator's proposal; and

(iv) whether the operator's proposal is reasonable to meet the future cable-related needs and interests of the Alexandria community, taking into account the cost of meeting those needs and interests.

(6) Following completion of any hearing, the hearing officer shall require the parties to submit proposed findings of fact with respect to the four factors identified in subsection (5). Based on the record of the proceeding, the hearing officer shall then prepare written findings of fact with respect to those factors, and shall submit those findings to the city council (unless the hearing officer is the council, in which case the written findings shall constitute the final decision of the city), with copies to the administrator and the franchisee.

(7) Where the hearing officer is not the city council, the parties shall have 30 calendar days from the date the hearing officer's findings of fact are submitted to council to file, with the city clerk, their exceptions to the findings. Following the filing of such exceptions and within 90 days of the issuance of the hearing officer's findings of fact, the council, based upon the record before the hearing officer, the officer's findings and any exceptions that have been filed, shall determine whether to renew the franchise. Within 30 days of making its determination, the council shall commit its determination to writing, stating the reasons therefor, which determination shall be consistent with the requirements of the Cable Act and based on the record compiled before the hearing officer. A copy of the final decision of the council shall be provided to the franchisee.

(8) Any determination to deny a franchisee's request for the renewal of its franchisee shall be based on one or more adverse findings made with respect to the factors described in subsection (5) and 47 U.S.C. § 546(c)(1), which findings are based on the record of the administrative proceeding conducted under this subsection. A determination to deny shall not be based upon a franchisee's failure to substantially comply with the material terms of its franchise under subsection (5)(i) or 47 U.S.C. § 546(c)(1)(A), or upon events considered under subsection (5)(ii) or 47 U.S.C. § 546(c)(1)(B), where such failure to comply or such events occur after the effective date of the Cable Act, unless the administrator has provided the franchisee with notice and the opportunity to cure, or where it is documented that the city has waived its right to object, or where the franchisee has given written notice of a failure or inability to cure and the city has failed to object within a reasonable time after receipt of such notice.

(9) Any administrative proceeding under this subsection shall be conducted with due speed, but with due regard for the right of the franchisee to fully present its case.

(10) In conducting the administrative proceeding under this subsection, and except as inconsistent with the foregoing, the hearing officer shall adhere, to the extent permissible and feasible, to the Virginia Administrative Process Act, § 9.6-14:1, et seq. of the Code of Virginia (1950), as amended, or any successor statute.

(e) Nothing in this section shall be construed as preventing a franchisee from submitting an informal request for the renewal of its franchisee pursuant to 47 U.S.C. § 546(h), which application may be granted or denied in accordance with the provisions of 47 U.S.C. § 546(h).

(f) The provisions of this article shall be read and applied so that they are consistent with the Cable Act, 47 U.S.C. § 546. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-73 Application for modification of a franchise or franchise agreement.

(a) An application for modification of a franchise or a franchise agreement shall be filed with the administrator and shall include, at minimum, the following information:

(i) the specific modification requested;

(ii) the justification for the requested modification, including the impact of the requested modification on subscribers and others, and the financial impact on the franchisee if the modification is approved or disapproved, demonstrated through, inter alia, submission of financial pro formas;

(iii) a statement whether the modification is sought pursuant to the Cable Act, 47 U.S.C. § 545, and, if so, a demonstration that the requested modification meets the standards set forth in 47 U.S.C. § 545;

(iv) any other information that the franchisee believes is necessary for the city to make an informed determination on the application for modification; and

(v) an affidavit or declaration of the franchisee or an authorized officer certifying the truth and accuracy of the information in the application, and certifying that the application is consistent with all federal and state law requirements.

(b) Following review of the proposed modification, the administrator shall forward the modification, along with a recommendation, to the city council. In making a recommendation, the administrator shall utilize the factors identified below in subsection (c).

(c) Following a public hearing, the city council shall determine whether to approve the proposed modification. In making this determination, the council shall consider the extent to which the modification departs from the terms, conditions and intent of the existing franchise or franchise agreement, the justification for the modification and the extent to which the modification is consistent with and furthers the cable-related needs and interests of the Alexandria community. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-74 through 9-3-80 reserved.

ARTICLE F

Franchise Transfers

Sec. 9-3-81 City approval required.

No transfer shall occur without prior written application to and approval of the city council, and only then upon such terms and conditions as the council deems necessary and proper, consistent with applicable law. A franchise is a privilege that is in the public trust and personal to the franchisee, and the franchisee's obligations under a franchise involve personal services whose performance involves personal credit, trust and confidence in the franchisee. Any transfer without the prior approval of the city council shall be considered to impair the city's assurance of due performance. The council approval of a transfer in one instance shall not render unnecessary council approval of any subsequent transfer. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-82 Application for a transfer.

(a) A franchisee shall promptly notify the administrator of any proposed transfer. If a transfer should take place without prior notice to the administrator, the franchisee shall promptly notify the administrator that such a transfer has occurred; provided, that such notice shall not be construed as curing the franchisee's failure, before the transfer, to provide the required notice to the administrator and to obtain the required city council approval of the transfer.

(b) At least 120 calendar days prior to the contemplated effective date of a transfer, a franchisee shall submit to the administrator FCC Form 394 or any applicable successor form, unless the administrator has waived this requirement in writing based upon the nature of the proposed transfer. Such an application shall provide complete information on the proposed transfer, including details on the legal, financial, technical and other qualifications of the transferee, and on the potential impact of the transfer on the cable system, cable service and subscriber rates. At a minimum, the following information may be requested by the administrator, in addition to the information supplied in the application:

(1) all information and forms required under federal law;

(2) all information required in section 9-3-65(a) through (e), (i), (j), (k), and (n), substituting in these provisions the term "proposed transferee" for the term "bidder;"

(3) a detailed statement of the corporate or other business entity organization of the proposed transferee, together with an explanation of how decisions regarding the cable system will be made if the proposed is transfer approved;

(4) any business relationships or transactions of any kind, past, present or anticipated, between the franchisee, or its owners, subsidiaries or affiliates, and any of the proposed transferees, or their corporate parents, subsidiaries or affiliates, other than the proposed transfer;

(5) any contracts, financing documents or other documents that relate to the proposed transfer, and all documents, schedules, exhibits or the like referred to therein;

(6) any documents related to the transfer, including any documents regarding rates that the transferee expects to charge, that have been provided to any entity that has been asked to provide financing (debt, equity or any other kind) for, or to underwrite any offering made in connection with, the proposed transfer;

(7) any documents provided to the boards of directors, executive committees or similar controlling bodies of the franchisee and of any proposed transferee, or their corporate parents, subsidiaries or affiliates, regarding the proposed transfer;

(8) any shareholder reports or filings with the Securities and Exchange Commission or the Federal Trade Commission that discuss the transaction, and any filings required under the Clayton Act in connection with the proposed transfer;

(9) complete financial statements for the franchisee and any potential transferees for the prior three years, including balance sheets, income statements, profit and loss statements, and documents detailing capital investments and operating costs;

(10) a detailed description of the sources and amounts of the funds to be used in the proposed transfer, indicating how the debt-equity ratio of the cable system will change in the course of the transaction, what entities will be liable for repayment of any debt incurred, what interest, payment schedule and other terms or conditions will apply to any debt financing, any debt coverages or financial ratios that any proposed transferees will be required to maintain over the franchise term if the proposed transfer is approved, what financial resources would be available to the system under the control of the proposed transferee, and whether the proposed transferee can meet debt-equity or any other required ratios without increasing subscriber rates, with any assumptions underlying that conclusion, and, if not, what rate increases would be required and why;

(11) any other information necessary to provide a complete and accurate understanding of the financial position of the cable system before and after the proposed transfer, including but not limited to two sets of projected income statements and cash flow statements, including capital investments, for at least five years after the proposed transfer, one set assuming the transfer is approved, and one set assuming the transfer is not approved, and each set stating specifically what assumptions are being made with respect to any rebuild or upgrade of the system;

(12) complete information regarding any potential impact of the transfer on subscriber rates and service;

(13) a detailed analysis of franchise fee payments made by the franchisee, or any affiliate, during the life of the franchise, showing (i) total gross revenues, by category (e.g., basic, pay, pay-per-view, advertising, installation, equipment, late charges, miscellaneous, other), (ii) the revenues, by category, that were included in the calculation of the franchise fee, so that it is clear what, if any, revenues were not included and the dollar value of those exclusions, (iii) the value of any non-cash compensation received (e.g., trades for advertising spots) showing what amounts of non-cash compensation were included in the franchise fee calculation, (iv) what, if any, deductions were made from revenues in calculating the franchise fee (e.g., bad debt), and the amount of each deduction, and (v) if an outside agency was used to collect revenue (e.g., a collection agency, an advertising agency paid on the basis of percentage of sales), how much revenue was received by these agencies, and the total amount of such revenues included for purposes of the franchise fee calculation;

(14) information sufficient to permit the city to determine the franchisee's compliance with its franchise obligations over the term of the franchise, including specific descriptions of any non-compliance of which the franchisee or any potential transferee is aware;

(15) any representations made to anyone, in connection with the proposed transfer, about the franchisee's compliance with its franchise; and

(16) a brief summary of the proposed transferee's plans for at least the upcoming five years regarding line extension, plant and equipment

upgrades, channel capacity, expansion or elimination of services, and any other changes affecting the performance of the cable system.

(c) For purposes of determining whether a proposed transfer should be approved, the city council, and the administrator, may inquire into all qualifications of the proposed transferee and such other matters as is deemed necessary to determine whether the transfer is in the public interest and should be approved, denied or conditioned.

(d) Following review of the application and the proposed transfer, the administrator shall forward the application, along with a recommendation on the proposed transfer, to the city council. In making a recommendation, the administrator shall utilize the factors identified in section 9-3-83. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-83 Determination by city council.

(a) Following receipt of an application for approval of a transfer and the administrator's recommendation, the city council shall determine whether to approve or deny the application, or approve it subject to conditions. In making this determination, the council shall consider the following factors:

(1) the legal, financial and technical qualifications of the proposed transferee to operate the cable system in accordance with this chapter and the franchise agreement between the incumbent franchisee and the city;

(2) whether the incumbent franchisee is in compliance with this chapter and its franchise agreement with the city, and, if not, the proposed transferee's commitment and ability to cure such noncompliance; and

(3) whether the proposed transferee owns or controls any other cable system in the city.

(b) Any transfer without the prior approval of the city council shall be ineffective, and shall make the franchise affected by the transfer subject to cancellation at the city's sole discretion and to any other remedies available under the franchise, this chapter or other applicable law.

(c) Any mortgage, pledge or lease shall be subject and subordinate to the rights of the city under this chapter or other applicable law. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-84 Transferee's agreement.

No application for the approval of a transfer shall be approved by the city council unless the transferee agrees in writing that it will abide by and accept all terms of the franchise agreement between the incumbent franchisee and the city, and all applicable provisions of this chapter, and that it will assume the obligations, liabilities and responsibility for all acts and omissions, known and unknown, of the incumbent franchisee under the franchise agreement and this chapter, for all purposes, including renewal, unless the council, in its discretion, expressly waives all or part of this requirement. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-85 Approval does not constitute waiver of city rights.

Approval by the city council of a transfer does not constitute a waiver or release of any of the rights of the city under this chapter or a franchise agreement against the transferor franchisee, whether arising before or after the date of the transfer. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-86 through 9-3-88 reserved.

ARTICLE G

Termination of Franchise

Sec. 9-3-89 Forms of termination.

A franchise may, in accordance with this article, be terminated by revocation or terminate by expiration. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-90 Revocation of franchise.

(a) The city shall have the right to revoke a franchise, effective on a date set by the city council no less than 90 days following the date of the decision to revoke, for a franchisee's failure to construct, operate or maintain the cable system as required by this chapter, an ordinance cable franchise, or a franchise agreement, for any other material violation of this chapter or material breach of a franchise agreement, for a franchisee's defrauding or attempting to defraud the city or subscribers, or if the franchise or the cable system is assigned for the benefit of the creditors of the franchisee, or a receiver or trustee is appointed to take over the business of the franchisee, or the franchisee is declared a bankrupt.

(b) Prior to revoking a franchise for one or more of the grounds stated in subsection (a), the city shall follow the procedures in subsections (1), (2) and (3) below.

(1) Whenever the city believes there are grounds to revoke a franchise, written notice shall be provided to the franchisee informing it of those grounds and providing it with an opportunity to remove the grounds within a period of 30 or more days, except that no such opportunity need be provided where the franchisee is believed to have defrauded or attempted to defraud the city or subscribers, in which case the notice required by this subsection may be provided and the city may then proceed immediately to the public hearing provided for in subsection (3).

(2) If, within the period stated in the city notice, the franchisee fails to remove the identified grounds for revocation, or at least to initiate and actively pursue corrective action to remove those grounds to the satisfaction of the city, a second written notice to the franchisee shall be provided to the franchisee informing it of the city's intention to pursue revocation of its franchise by holding a public hearing before the city council, or a designee of the council, and of the date, time and place of the hearing, which shall be no less than 30 days after the date of the notice.

(3) At the public hearing on a franchise revocation, the franchisee shall be given the opportunity to be heard and to present information and evidence regarding the grounds for revocation that have been identified by the city. Following a hearing held before the city council, the council shall determine, based on the information and evidence presented at the hearing and other information of record, whether to revoke the franchise and, if so, the date on which the revocation shall be effective. Following a hearing held before a designee of council, the designee shall determine whether to recommend to council that the franchise be revoked or not revoked, and shall prepare and forward to the council a written report containing the designee's recommendation and the reasons for the recommendation. In addition, the designee shall forward to the council a copy of the record complied in conjunction with the hearing. Following receipt of such report, the council shall determine, based on the report and the hearing record, whether to revoke the franchise. Whenever the city council determines to revoke a franchise, it shall issue a written decision setting forth the reasons for its decision, and a copy of the decision shall be transmitted to the franchisee.

(c) In the event of foreclosure or other judicial sale of any of the facilities, equipment or property of a franchisee, the city may revoke the franchise, following a public hearing before the city council, by serving notice of the revocation on the franchisee and the successful bidder, in which event the franchise and all rights and privileges of the franchisee shall be revoked and shall terminate 30 days after the service of the notice, unless:

(1) the city has approved the transfer of the franchise to the successful bidder; and

(2) the successful bidder has covenanted and agreed with the city to assume and be bound by the terms and conditions of the franchise agreement and this chapter, and such other conditions as may be established or as are required pursuant to article D of this chapter.

(d) If the city revokes a franchise, the city council may require the former franchisee to remove its facilities and equipment from all, or some, public rights-of-way at the franchisee's sole expense, unless the franchisee is using its facilities for other lawful purposes. If the franchisee fails to do so within a reasonable period of time, the removal shall be undertaken by the franchisee's surety. If removal is not undertaken by said surety, the city may undertake the removal itself,

and it shall then be reimbursed for all its expenses by the franchisee or the franchisee's surety, or both.

(e) Notwithstanding any other provision of this chapter to the contrary, where the city has granted a franchise requiring the completion of construction of a cable system or of a cable system upgrade, or the completion of other specific obligations, by a specified date, the failure of the franchisee to complete such construction or upgrade, or to comply with such other specific obligations, as required, may, at the option of the city council, result in the automatic termination of the franchise, without the procedures set out in this section, where such automatic termination is provided in the franchise or franchise agreement. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-91 Expiration of franchise.

A franchise shall terminate upon its expiration date, as set forth in the franchise agreement or any applicable ordinance granting a franchise. If an expired franchise is not renewed pursuant to article E, the city council may require the franchisee to remove its facilities and equipment from all, or some, public rights-of-way at the franchisee's sole expense, unless the franchisee is using its facilities for other lawful purposes. If the franchisee fails to do so within a reasonable period of time, the removal shall be undertaken by the franchisee's surety. If removal is not undertaken by said surety, the city may undertake the removal itself, and it shall then be reimbursed for all its expenses by the franchisee or the franchisee's surety, or both. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-92 through 9-3-98 reserved.

ARTICLE H

System Facilities, Equipment, and Services

Sec. 9-3-99 Compliance with article.

Except as otherwise specifically provided in a franchise agreement, a franchisee shall comply with the requirements set forth in this article, unless such compliance is prohibited by federal law. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-100 Provisions of service.

After cable service has been established by activating trunk distribution cable for an area specified in a franchise agreement, a franchisee shall provide cable service to any household requesting cable service within that area, including each multiple dwelling unit in the area, except for multiple dwelling units to which it cannot obtain legal access. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-101 Full service to municipal buildings.

A franchisee shall install, at no charge to the city, at least one service outlet at each city building within the franchise area, and shall charge only its time and material costs for any additional service outlets to such facilities. The franchisee shall at a minimum provide the cable services delivered on the basic service tier to all outlets in such buildings free of charge. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-102 Leased access requirement.

A franchisee shall provide leased access channels if and as required by federal law. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-103 Technical standards.

(a) Any cable system within the city shall meet or exceed the technical standards set forth in 47 C.F.R. § 76.601 and any other applicable technical standards required by federal or state law, including any such standards as hereafter may be amended or adopted by the city in a manner consistent with federal and state law.

(b) A franchisee shall use equipment generally used in high-quality, reliable, modern cable systems of similar design, including, but not limited to, back-up power supplies at all active locations and at the head-end capable of providing power to the system for a minimum of three hours in the

event of an electrical outage, and modulators, antennae, amplifiers and other electronics that permit and are capable of passing through the signal received at the head-end with minimal alteration or deterioration.

(c) A franchisee shall not design, install or operate its facilities in a manner that will interfere with the signals of any broadcast station, the facilities of any public utility, the cable system of another franchisee, or individual or master antennae used for receiving television or other broadcast signals. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-104 Proof of performance tests.

A franchisee shall perform proof of performance tests, as required by FCC rules, designed to demonstrate compliance with the technical standards in this article, the franchise agreement and FCC requirements. The franchisee shall provide the proof of performance test results promptly to the administrator. The franchisee shall provide the administrator 10 days' advance written notice when a proof of performance test is scheduled so that the city may, if it wishes, have an observer present. The city shall have the right to inspect the cable system during and after its construction to ensure compliance with the technical standards in this article, the franchise agreement and applicable provisions of federal, state and local law, and may require the franchisee to perform additional tests based on the city's investigation of cable system performance or on subscriber complaints. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-105 Interconnection.

(a) A franchisee shall design its cable system so that it may be interconnected with any other cable television system or similar communications systems in the Washington D.C., metropolitan area. Such interconnection may be made by direct cable connection, microwave link, satellite or any other appropriate method. Any interconnection shall be the subject of a mutually acceptable interconnection agreement between the cable operators.

(b) A franchisee shall cooperate with any federal, state or regional regulatory agency established for the purpose of regulating, facilitating, financing or otherwise providing for the interconnection of communications systems beyond the boundaries of the city. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-106 System design review process.

In additional to any requirements included in a franchise agreement, at least 60 days prior to the commencement of construction on any cable system upgrade occurring more than three years after the start of a franchise, the franchisee shall make a detailed system design and construction plan available for review by the city at the local office of the franchisee, which shall include at least the following elements:

(a) design type, trunk and feeder design, and number and location of hubs or nodes;

(b) distribution system-cable, fiber and equipment to be used;

(c) plans for standby power at head-end;

(d) longest amplifier cascade in system (number of amplifiers, number of miles, type of cable/fiber); and

(e) design maps and tree trunk maps for the system.

The proposed system design shall be shown on maps of industry standard scale using standard symbols, shall depict all electronic and physical features of the cable plant, and shall satisfy all design and construction obligations applicable to the franchisee under its franchise agreement, this chapter and other applicable law. The city may review the proposed system design to ensure compliance with applicable right-of-way management and safety requirements and, within 30 days of the date the design is made available for city review, propose revisions that it believes are required to satisfy such obligations. Within 15 days of receipt of these proposed revisions, the franchisee shall submit a revised design to the city incorporating the revisions, unless the city finds, after further discussion with the franchisee, that the revisions are not required to satisfy the franchisee's obligations. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-107 Emergency alert system.

Franchisee shall comply with the emergency alert system requirements of the FCC in order that emergency messages may be distributed over the system. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-108 through 9-3-115 reserved.

ARTICLE I

Construction, Operation and Maintenance of Cable System

Sec. 9-3-116 System construction schedule.

(a) Every franchise agreement shall specify, or provide for the preparation of, the construction schedule that will apply to any required construction, upgrade or rebuild of the franchisee's cable system.

(b) Failure on the part of a franchisee to timely commence and thereafter to diligently pursue construction, or otherwise to comply with an agreed-upon construction schedule, shall be grounds for termination of the franchise or for the imposition of penalties under this chapter; provided, that the city council may, for good cause shown, provide additional time for a franchisee to comply with construction schedule requirements. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-117 Construction, operation and maintenance requirements.

(a) A franchisee shall construct, operate and maintain its cable system in compliance with all applicable laws, ordinance, rules and regulations. The system, and all parts thereof, shall be subject to periodic inspection by the city.

(b) No construction or other activity on or related to a cable system, including any activity within a public right-of-way, shall be commenced by a franchisee until all required permits and approvals have been obtained from the city and other authorities. Any such permit or approval may impose conditions that are necessary to protect structures in the public right-of-way, to ensure the proper restoration of the public right-of-way and any structures located therein, to provide for protection and the continuity of pedestrian and vehicular traffic, and otherwise to protect the public's utilization of the public right-of-way.

(c) The construction, operation and maintenance of a cable system shall be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970, as amended, the National Electrical Safety Code, the National Electric Code and other applicable federal, state and local laws and regulations.

(d) All cable system transmission, distribution and other lines, equipment and structures shall be located and installed so as to cause minimum interference with the rights and convenience of property owners.

(e) All installation of electronic equipment shall be of a permanent nature, using durable components.

(f) Any cable system antennae and their supporting structures shall be constructed, painted, lighted and maintained in accordance with applicable rules and regulations of the Federal Aviation Administration and other applicable state and local laws and regulations.

(g) All of a franchisee's plant and equipment, including, but not limited to, its antennae site, head-end, distribution system, towers, house connections, structures, poles, wires, cable, coaxial cable, fiber optic cable, fixtures and apparatuses shall be constructed, reconstructed, installed, located, erected, replaced, removed, repaired, operated and maintained in accordance with good engineering practices, and shall be performed by experienced and properly trained maintenance and construction personnel so as not to endanger or unreasonably interfere with any public right-of-way or the use thereof, with any improvements located therein or with the legal rights of any property owner, and so as not to unnecessarily hinder or obstruct the public's use of the right-of-way, including pedestrian and vehicular traffic.

(h) All safety practices required by law shall be used during construction, maintenance and repair of a cable system. A franchisee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents that are likely to cause damage, injury or nuisance to the public.

(i) A franchisee shall not locate facilities, equipment or fixtures where they will interfere with, or in a manner which will cause them to interfere with, any gas, electric, telephone, water, sewer or other utility facility or equipment; nor shall a franchisee, through its facilities, equipment or fixtures, obstruct or hinder in any manner the various utilities serving the residents and businesses of the city or their use of any public rights-of-way.

(j) Any public right-of-way, public property or private property that is disturbed or damaged during, or as a result of, the construction, reconstruction, repair, replacement, relocation, operation or maintenance of a cable system shall be promptly repaired by the franchisee, at its sole expense.

(k) A franchisee shall, by a time specified by the city and at its sole expense, protect, support, temporarily or permanently disconnect, temporarily or permanently remove or relocate, or take

other specific action identified by the city with respect to any of its facilities, equipment, fixtures or other property when required by the city by reason of any of the following: traffic conditions; public safety demands; public right-of-way relocation, vacation, construction, regrading, maintenance or repair (including resurfacing or widening); construction undertaken by the city; construction, installation, replacement or repair of, or other work on, sewers, drains, water pipes, power lines, signal lines, tracks or any other type of communications system, public improvement or public utility by the city or any entity providing utility services to residents and businesses of the city; or any other activity undertaken for the general welfare; provided, that the franchisee may, in all such cases, abandon its property in place, so long as the city consents to the abandonment and the abandonment is done in accordance with any terms and conditions established by the city, including the removal of the abandoned property at the franchisee's sole expense. If compensation is paid to any user of the right-of-way in connection with actions taken pursuant to this section, the city shall not unreasonably discriminate between such users.

(l) If a franchisee is required to take action with respect to its property in order to accommodate the construction, operation, maintenance or repair of, or a similar activity involving, the facilities, equipment, fixtures or other property of another person who is authorized to use the public rights-of-way, a franchisee shall take the action requested. The city may resolve disputes between the franchisee and other persons who are authorized to utilize public rights-of-way as to the responsibility for the costs associated with the action undertaken by the franchisee, where the parties are unable to do so themselves and resolution of the dispute is not governed by a contract between the parties or federal or state law or regulation.

(m) In the event of an emergency, or where a cable system creates or is contributing to an imminent danger to health, safety or property, the city may remove, disconnect, relay, repair or relocate, or take any other necessary action with respect to, any or all parts of the cable system without prior notice to the franchisee.

(n) A franchisee shall, on the request of any person holding a permit issued by the city to move a building, temporarily raise or lower its wires and other facilities to permit the moving of the building. The expense of such temporary removal or raising or lowering of facilities shall be borne by the person requesting same, and the franchisee may require such payment in advance, except in the case where the requesting person is the city, in which case no payment shall be required. The franchisee shall be given at least 48 hours' advance notice of any building movement under this subsection.

(o) A franchisee may trim trees that overhang a public right-of-way so as to prevent the branches of such trees from coming in contact with the wires and cables of its cable system. However, no such tree trimming by a franchisee may take place unless pursuant to a tree trimming plan that has been reviewed and approved by the administrator. Moreover, any such tree trimming may, at the option of the city, be performed by the city itself, and the costs of the trimming shall be shared among the franchisee and all other users of the right-of-way.

(p) In all areas of the city where electric utility lines or telephone lines, or both, are located overhead, all trunk, feeder, drop cables and lines, and other facilities, associated with a franchisee's cable system may be constructed, and may thereafter continue to be located (except as provided below), overhead. In all areas of the city where electric utility and telephone lines are located underground, all trunk, feeder, and drop cables and lines, and other facilities, associated with a franchisee's cable system shall be constructed, and thereafter shall continue to be located, underground, and any such facilities of the franchisee that are already constructed in said areas shall be relocated underground, and all such undergrounding shall be undertaken at the sole expense of the franchisee. Whenever and wherever electric utility lines and telephone lines are relocated from overhead to underground placement in an area of the city, all cables, lines and other facilities associated with a cable system in the area that are located overhead shall be relocated underground no later than 180 days following the undergrounding of the electric and telephone lines, or by another date determined by the city council.

(q) A franchisee shall use, with the owner's permission, existing underground utility conduits or overhead utility facilities whenever feasible, and shall not erect any poles or other structures or facilities in any public right-of-way without the express permission of the administrator and the director of transportation and environmental services. Copies of agreements for a franchisee's use of underground conduits and overhead utility facilities shall be filed with the administrator, if required by a franchise agreement or upon city

request. To the extent and in the manner required by federal or state law, the owners of poles supporting electric, telephone or other utility lines shall make such poles available to a franchisee.

(r) The city shall have the right to install and maintain free of charge upon any poles owned by a franchisee any cables, lines, wires and other fixtures and facilities used for city communications purposes, so long as they do not unreasonably interfere with the operations of the franchisee's cable system.

(s) Except as otherwise provided in a franchise agreement, prior to the construction or installation of any towers, poles, underground conduits or other structures or facilities associated with a cable system, or the construction, upgrade or rebuild of a cable system or any part thereof, a franchisee shall submit to the administrator and any other persons designated by the administrator, for their approval, a concise description of the work to be performed, including engineering drawings and a map and plans indicating the proposed location of all proposed structures and facilities. No construction or installation work shall be commenced by the franchisee until approval therefor has been received from the administrator.

(t) Any contractor or subcontractor who assists in the construction, installation, operation, maintenance or repair of, or who undertakes any other work on a cable system shall be properly licensed under the laws of the commonwealth and this code. Any such contractor and subcontractor shall perform work in compliance with all applicable provisions of law and any applicable franchise agreement, and the franchisee shall be responsible for ensuring that the work is so performed. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-118 Use of public property.

(a) In the event that the location or the grade, line or other characteristic of any public right-of-way that a franchisee is authorized to use and occupy is altered by the city, the franchisee shall, at its sole expense, relocate or otherwise modify its cable system so as to conform to the new location or the new grade, line or other right-of-way characteristic. If compensation is paid to any user of the right-of-way in connection with actions taken pursuant to this section, the city shall not unreasonably discriminate between such users.

(b) In the event that an alteration is made to a sanitary or storm sewer or to any other structure or facility maintained by the city or the Alexandria Sanitation Authority and located in a public right-of-way, the franchisee shall, at its sole expense, relocate or otherwise modify its cable system or any part thereof as necessary to conform to such alteration. If any alternation to such a sanitary or storm sewer or to another structure or facility maintained by the city or the Alexandria Sanitation Authority is required on account of the presence in a public right-of-way of a franchisee's cable system or a part thereof, any such alternation shall be made at the sole expense of the franchisee. If compensation is paid to any user of the right-of-way in connection with actions taken pursuant to this section, the city shall not unreasonably discriminate between such users.

(c) During any work associated with or performed on its cable system, the franchisee shall, at its sole expense, protect and, if damaged, repair any and all existing structures and facilities located within or adjacent to a public right-of-way, regardless of the person owning such structures and facilities.

(d) Any work by a franchisee in a public right-of-way shall be undertaken only after all city approvals have been obtained, and shall be performed in the manner required by this code and by the city as part of such approvals. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-119 Interference with public projects.

Nothing in this chapter shall be construed to interfere with the right of the city and other governmental entities to construct, operate, repair and maintain public improvements and public works of every description, whether or not within a public right-of-way, and, in the event that a cable system interferes or poses a danger of interfering with the construction, operation, repair or maintenance of any public improvement or public works, the franchisee, at its sole expense, either shall undertake such protective measures identified by the city or other governmental entity as necessary to protect such improvement or works, or shall relocate its cable system, or any part thereof, as directed by the city or other governmental entity. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-120 Publicizing proposed construction and other work.

A franchisee shall publicize scheduled construction work by causing written notice of such work to be delivered to the administrator at least one week prior to the commencement of the work and

by notifying those persons most likely to be affected by the work, by telephone, in person, by mail, by distribution of flyers to residences, or in another manner approved by the administrator that is reasonably calculated to provide adequate notice. This provision shall not apply to individual installations or routine service calls. In addition, before entering onto any person's property, a franchisee shall make a reasonable effort to contact the property owner or, in the case of residential property, the property's occupant; provided that, if a franchisee must enter a single family home or another structure used as a person's residence (e.g., a condominium or apartment), it shall schedule an appointment to do so at the convenience of the owner or occupant. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-121 Continuity of service.

(a) It is the right of all subscribers located in a franchisee's franchise area to receive all available services from the franchisee, so long as their financial and other obligations to the franchisee are satisfied.

(b) A franchisee shall ensure that all subscribers receive continuous uninterrupted service. At the city's request, a franchisee shall continue to operate its cable system for a temporary period (the "transition period") whenever necessary following the termination, sale or transfer of its franchise to maintain service to subscribers, and it shall cooperate with the city to ensure an orderly transition to another franchisee. The transition period shall be no longer than the reasonable period required for the selection of another franchisee and the construction of a replacement system, and shall be no longer than 36 months, unless extended by the city for good cause. During such transition period, a franchisee shall continue to be obligated to comply with the terms and conditions of its franchise agreement, this chapter and other applicable laws and regulations.

(c) If a franchisee abandons its cable system during the term of its franchise, or fails to operate its system in accordance with the terms of its franchise agreement and this chapter during the term of its franchise agreement and this chapter during the term of its franchise or any transition period, the city shall provide franchisee written notice of its demand that operation of the Cable System be resumed within 48 hours. If franchisee fails to resume operation of the cable system within 48 hours of the written demand, the city may seek emergency judicial relief to order the franchisee to resume operation of the cable system or to have a court of competent jurisdiction designate an operator of the cable system until such time as the franchisee is capable of restoring operation of the cable system or until the franchise is revoked, ownership of the cable system is transferred, or another designated operator is approved. Any interim operator of the cable system shall be responsible for all costs and receipt of revenues from the operation of the cable system during the interim period and shall be entitled to retain all profits from the operation of the cable system, and for a period not to exceed three months from the date the interim operator is designated, the franchisee shall reimburse the city and/or the interim operator for all costs resulting from the franchisee's failure to perform that are in excess of the revenues from the cable system received by the interim operator.

(d) The city shall be entitled to injunctive relief under the preceding subsection if:

(1) the franchisee fails to provide cable service in accordance with its franchise and franchise agreement for more than 20 percent of the franchise area for 96 consecutive hours, unless the city authorizes a longer interruption of service; or

(2) the franchisee, for any period following notice from the city, willfully and without cause refuses to provide cable service in accordance with its franchise and franchise agreement over any portion of the franchise area. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-122 through 9-3-145 reserved.

ARTICLE J

Operation and Reporting Provisions

Sec. 9-3-146 Open books and records.

(a) The city shall have the right, upon reasonable written notice, to inspect and copy, during normal business hours, all books, receipts, maps, plans, financial statements, service complaint logs, performance test results, and other like materials (which may be available in electronic format) which may be relevant to the franchisee's compliance with the requirements and obligations imposed upon it by this chapter, a franchise agreement or applicable law. The right of the city under this section to inspect extends to the materials identified above that are in the possession or under the control of the franchisee, of an affiliate of the franchisee, and of any other person responsible for managing and administering the cable system. The franchisee is responsible for collecting the materials covered by this section and providing them to the city or, in the case of materials meeting the requirements of section 9-3-151, at its option, for paying all reasonable costs incurred by the city in inspecting the materials where they are located. Upon a request for confidentiality by franchisee, information obtained by the city pursuant this section shall be made available only to persons needing access to the materials in order to perform their responsibilities on behalf of or for the city and, as to all other persons, shall, to the extent permitted by law, be treated as confidential. Franchisee may require persons needing access to the materials to sign a reasonable non-disclosure agreement that ensures the confidentiality of the materials.

(b) Access to a franchisee's records shall not be denied by the franchisee on the basis that said records contain "proprietary" information. A franchisee's refusal to provide information required under this section to the city shall be grounds for revocation of the franchise.

(c) A franchisee shall maintain a file of the records that are to be open to public inspection under FCC rules and regulations. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-147 Communication with regulatory agencies.

Upon written request by the administrator, a franchisee shall file with the administrator, in a form acceptable to the administrator, all reports required by the FCC, including, but not limited to, proof of performance test results, equal employment opportunity reports and all petitions, applications and communications specifically pertaining to the cable system, or a group of cable systems of which the franchisee's cable system is a part, submitted or received by the franchisee, an affiliate or any other person on the behalf of the franchisee if available to the franchisee, either to or from the FCC, the Securities and Exchange Commission or any other federal or state regulatory commission or agency having jurisdiction over matters affecting operation of the franchisee's system. Public access to such reports received by the city shall not be denied. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-148 Reports.

(a) *Annual report.* No later than 90 days following the close of its fiscal year, a franchisee shall submit a written report to the city council, in a form directed by the administrator. The report shall be presented at a regular meeting of the council no earlier than 10 days following submission of the report. The report shall include the following information pertaining to the franchisee's immediately preceding fiscal year:

(1) a summary of the year's activities in the development of the cable system, including but not limited to services begun or discontinued and the number of subscribers as of the close of the fiscal year;

(2) a summary of the year's complaints, identifying both the number and nature of the complaints received and an explanation of their dispositions;

(3) a statement showing gross revenues for the year, and subscriber revenue from each category of service and non-subscriber revenue from each source; and

(4) such other information with respect to the franchisee's operations, affairs, transactions or property as may be reasonably necessary or appropriate to the performance of any of the rights, functions or duties of the city in connection with this chapter or the franchise agreement, as the administrator or the city council may request.

(b) *Annual opinion survey report.* The franchisee shall prepare and submit to the administrator, by August 31 of each year or such other date as set by the administrator, the results of an opinion survey which shall identify the satisfaction and dissatisfaction among the franchisee's subscribers and the cable-related needs and interests of the Alexandria community that are being

met and those that are not being met by the franchisee. The questions to be used in the opinion survey shall be developed in collaboration between the franchisee and the administrator.

(c) *Annual plant survey report.* The franchisee shall prepare and submit to the administrator, by August 31 of each year or such other date as set by the administrator, copies of all FCC proof of performance test reports conducted during the preceding 12-month period.

(d) *Special reports and documents.* A franchisee shall deliver the following special reports and documents. Unless otherwise specified in the subsections below, these reports and documents shall be delivered to the administrator within five days of their completion, filing or receipt by, or on behalf of, the franchisee.

(1) Any notice of deficiency or forfeiture or any other document issued by any state or federal agency instituting an investigation or a civil or criminal proceeding regarding the cable system or the franchisee, to the extent the same affects the franchisee's operations in the city, shall be filed with the administrator.

(2) Any petition or request for protection under bankruptcy laws filed by or on behalf of, or any judgment related to a declaration of bankruptcy by, the franchisee or any person holding more than a 20 percent ownership interest in the franchisee shall be filed with the administrator.

(3) A report shall be filed with the administrator within 30 days of the end of each calendar quarter, stating the number of service calls, by type of service requested, received by the franchisee during the prior quarter.

(4) A report shall be filed with the administrator within 30 days of the end of each calendar quarter, (i) stating the number of outages and service degradations that occurred during the prior quarter, (ii) identifying separately each planned outage that occurred during the quarter, the time it occurred, its duration and the estimated area and number of subscribers affected, (iii) identifying each unplanned outage or service degradation that occurred during the quarter, the time it occurred, its duration and the area and number of subscribers affected, and (iv) stating the total hours of outages and service degradations, the total number of viewing hours that subscribers lost due to the outages and degradations (i.e., hours of outages and degradations multiplied by the number of subscribers affected).

(e) *General reports.* A franchisee shall prepare and file with the administrator, at the times and in the form prescribed by the administrator, such additional reports with respect to the franchisee's operations, affairs, transactions or property as may be reasonably necessary or appropriate to the performance of any of the rights, functions or duties of the city in connection with this chapter or the franchise agreement. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-149 Records required.

(a) A franchisee shall at all times maintain:

(1) records of complaints received. The term "complaints" as used herein and in this chapter refers to any written statement of dissatisfaction with one or more aspects of a cable system, including service outages, the technical quality of video transmissions, and the performance by franchisee's employees, but not including the quality or nature of programming, that a franchisee receives in its administrative offices or in the field from a subscriber, whether or not the complaint requires a service call;

(2) a full and complete set of plans, records and "as built" maps showing the exact location of all cable system equipment installed or in use in the city, exclusive of subscriber service drops;

(3) records of service outages, indicating date, duration, area and the estimated number of subscribers affected, type of outage, and cause;

(4) records of service calls for repair and maintenance, indicating the date and time service was requested, the date of acknowledgement, the date and time service was scheduled (if it was scheduled), the date and time service was provided, and (if different) the date and time the problem was solved; and

(5) records of installation/reconnection and requests for service extension, indicating date of request, date of acknowledgment, and the date and time service was extended.

(b) A franchisee shall maintain records for a period of five years and provide the city with access to information in addition to the records and information specified in subsection (a) as are reasonably required by the administrator. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-150 Performance evaluation.

(a) The city may, at its discretion, hold performance evaluation sessions, which shall be held no more frequently than once every 12 months. All such evaluation sessions shall be open to the public.

(b) Topics that may be discussed at an evaluation session shall relate to franchisee's compliance with this chapter and a franchise agreement, and may include, but are not limited to, cable system performance and construction, customer service and complaint response, subscriber privacy, services provided, programming offered, service rate structures, franchise fees, penalties, free or discounted services, applications of new technologies, judicial and FCC filings, and line extensions.

(c) During the review and evaluation by the city, a franchisee shall cooperate with the city and shall provide such information and documents as the city may need to reasonably perform its review. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-151 Voluminous materials.

If any books, records, maps, plans or other documents requested from a franchisee by the city are too voluminous to copy or move, or for security reasons cannot be moved, then a franchisee may request that the city's inspection take place where such documents are located rather than at a location designated by the city, provided that the franchisee must (i) make necessary arrangements for copying, at its sole expense, the documents selected by the city after review, and (ii) pay all reasonable transportation, lodging and other travel-related expenses incurred by the city in inspecting the documents or having the documents inspected by its designee where the documents are located. The parties agree that any payments made by the franchisee under this section are not a franchise fee and fall within one or more of the exceptions in the Cable Act, 47 U.S.C. § 542(g)(2). (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-152 Retention of records; relation to privacy rights.

A franchisee shall take all reasonable steps to ensure that it is able to provide the documents and information which must be provided or may be requested under this chapter or a franchise agreement, including by providing appropriate subscriber privacy notices. Nothing in this section shall be read to require a franchisee to violate the Cable Act, 47 U.S.C. § 551. A franchisee shall be responsible for redacting from documents any data that federal law prevents it from providing to the city. Unless otherwise required by federal law, records required to be complied by this chapter shall be maintained by a franchisee for at least five years. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-153 through 9-3-165 reserved.

ARTICLE K

Consumer Protection Provisions

Sec. 9-3-166 General provisions.

A franchisee shall comply with the customer service standards set forth in this article. A franchisee shall also comply with any additional or stricter customer service standards or requirements established by federal or state law or regulation. Nothing in this article shall relieve a franchisee of its obligation to comply with applicable consumer protection laws. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-167 Telephone and office availability.

(a) Unless otherwise provided in a franchise agreement, a franchisee shall maintain an office at a convenient location in the city that shall be open during normal business hours to allow subscribers to request service, pay bills and conduct other business. A franchisee shall perform service calls, installations and disconnects during normal business hours. A franchisee shall establish a publicly-listed, local toll-free telephone number. The phone at such number must be answered by customer service representatives during normal business hours, for the purpose of receiving requests for service, inquiries and complaints from subscribers. After those hours, a franchisee shall arrange for the phone to be answered so that customers can register complaints and report service problems on a 24-hour per day, seven-day per week basis, and so that the franchisee can respond to service outages as required herein.

(b) Under normal operating conditions, telephone answering time shall not exceed 30 seconds, and the time to transfer a call to a customer service representative, including hold time, shall not exceed an additional 30 seconds. This standard shall be met 90 percent of the time, measured quarterly. Under normal operating conditions, customers shall receive a busy signal less than three percent of the time. When the business office is closed, an answering machine or service capable of receiving and recording service complaints and inquiries shall be employed. Upon request of the administrator, a franchisee shall supply statistical data to verify that it has met the standards set forth in this subsection. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-168 Scheduling work.

(a) All appointments for service, installation or disconnection shall be specified by date. A franchisee shall identify a specific time at which the work shall be done, or offer a choice of time blocks which shall not exceed four hours in length. A franchisee may also, upon request, schedule service installation calls outside normal business hours, for the convenience of the customer, provided that customer pays a reasonable additional charge for such service. If, at any time, an installer or technician believes it impossible to make a scheduled appointment time, a documented attempt to contact the subscriber shall be made prior to the end of the appointment window, and the appointment shall be rescheduled at a time convenient to the subscriber.

(b) With regard to mobility-limited subscribers, upon their request, a franchisee shall arrange for pickup and/or replacement of converters or other franchisee equipment at the subscribers' address or by a satisfactory equivalent (such as the provision of a postage-paid mailer).

(c) Requests for service, repair and maintenance must be acknowledged by a trained customer service representative of the franchisee within 24 hours or prior to the end of the next business day, whichever is earlier. A franchisee shall respond to all other inquiries, including billing inquiries, and to all complaints within five business days of the inquiry or complaint.

(d) Under normal operating conditions, standard installations made within 125 feet of a franchisee's existing distribution system shall be completed within seven business days after the order is placed, unless a later appointment is requested by the subscriber. Other installations shall be commenced as soon as reasonably possible after the order is placed and thereafter diligently pursued to completion. Repairs and maintenance for service interruptions and other repairs not requiring in-unit work must be commenced within 24 hours of the subscriber request or complaint, and thereafter diligently pursued to completion. Work on all other requests for service shall be commenced by the close of the next business day after notification of the service problem, and shall be completed within three days from the date of the initial request, unless a different time is requested by the subscriber. Where, for reasons beyond the franchisee's control, service work cannot be completed within the specific time period set out in this subsection even

with the exercise of all due diligence, the franchisee shall complete the work in the shortest time reasonably possible.

(e) A franchisee shall not cancel a service or installation appointment with a customer after the close of business on the business day immediately preceding the appointment.

(f) Under normal operating conditions, the standards set out in subsection (d) and in subsection (e) shall be met by a franchisee at least 95 percent of the time, measured on a quarterly basis.

(g) For purposes of this article K, "normal operating conditions" means those service conditions that are within the control of the cable operator. Those conditions that are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions that are ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

(h) For purposes of this article K, "normal business hours" means those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-169 Notice to subscribers.

(a) A franchisee shall provide each subscriber, at the time cable service is installed and at least once a year thereafter, a description of products and services offered, prices and options for programming services and conditions of subscription to programming and other services, installation and service maintenance policies, instructions on how to use the cable service, channel position of programming carried on the system, and billing and complaint procedures, including the address and telephone number of the administrator. Subscribers shall be advised of the procedures for resolution of complaints about the quality of the television signal delivered by the cable system operator, including the address of the administrator authority's cable office. Copies of the standard notice delivered at the time of installation and the annual notice shall be provided to the administrator. Except as otherwise provided below in article L, a franchisee shall provide the administrator and all subscribers at least 30 days' prior notice of any significant changes in the information that is required by this subsection to be provided to subscribers. Such notice shall be in writing, and may take the form of a bill insert, direct mail, or e-mail, or another means selected by the operator in its discretion and calculated to ensure that affected subscribers have a reasonable opportunity to become aware of the changes.

(b) A franchisee's promotional materials, announcements and advertising of residential cable service to subscribers and the general public, where price information is listed in any manner, shall clearly and accurately disclose price terms. In the case of pay-per-view or pay-per-event programming, all promotional materials shall clearly and accurately disclose price terms. In the case of telephone orders, a franchisee shall take reasonable steps to ensure that price terms are clearly and accurately disclosed to potential customers.

(c) A franchisee shall maintain a record of the terms of each notice provided to subscribers as required by this article, as well as of the terms of each promotional offer made to subscribers. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-170 Interruptions of service.

A franchisee may intentionally interrupt service on the cable system only for good cause and for the shortest time possible and, except in emergency situations, only after a minimum of 48 hours prior notice to subscribers and the administrator of the anticipated service interruption; provided, that planned maintenance that does not require more than two hours interruption of service and that occurs between the hours of 12:00 a.m. and 6:00 a.m. shall not require any notice to subscribers, and notice of such interruption to the administrator may be given at least 24 hours prior to the anticipated service interruption. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-171 Billing.

(a) A franchisee's first billing statement after a new installation or service change shall be prorated as appropriate and shall reflect any security deposit.

(b) A franchisee's billing statement shall be clear, concise and understandable, shall itemize each category of service and equipment provided to the subscriber, and shall state the charge for each such category of service and equipment.

(c) A franchisee's billing statement shall show a specific payment due date that is the later of (i) 20 days after the date the statement is mailed, or (ii) the fifteenth day of the month in which the service being billed is rendered.

(d) A franchisee's billing statement shall notify subscribers that they can remit payment in person at the franchisee's office in the city and shall state the address of that office.

(e) Subscribers shall not be charged a late fee or otherwise penalized for any failure by a franchisee, including a failure to timely or correctly bill the subscriber or to properly credit the subscriber for a payment timely made.

(f) The account of any subscriber shall be credited, upon request, a prorated share of the monthly charge if the subscriber is without service or service is substantially impaired for any reason for a period exceeding four hours during any 24-hour period, except where the franchisee can show that the service outage or impairment was caused by the subscriber or was part of a planned outage that occurred between the hours of 12:00 a.m. and 6:00 a.m.

(g) A franchisee shall respond to all written billing complaints from a subscriber within 30 days of its receipt of the complaint.

(h) Refund checks to subscribers shall be issued no later than (i) the earlier of the subscriber's next regular billing date, if practicable, or 30 days following resolution of the refund request, or (ii) where service has been terminated, the date on which all equipment has been returned to the franchisee.

(i) Credits for service shall be issued no later than the subscriber's next regular billing date after the determination that a credit is warranted. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-172 Disconnection/downgrades.

(a) A subscriber may terminate service at any time, except as provided in any long-term contract executed by a subscriber which confers a benefit not available to subscribers who have not entered into such an agreement.

(b) A franchisee shall promptly terminate cable service, or downgrade the level of service of, any subscriber who so requests. No period of notice prior to voluntary termination or downgrade of service may be required of subscribers by a franchisee. No charge may be imposed for any voluntary disconnection, and downgrade charges must comply with the requirements of federal law. No charge may be imposed by a franchisee for any cable service delivered after the date the subscriber's equipment is returned. The provisions of this paragraph shall not apply when the subscriber's service is subject to a long-term contract.

(c) A subscriber may be asked, but not required, to disconnect a franchisee's equipment and personally return it to the franchisee's business office. If a subscriber elects not to personally return equipment to the franchisee's business office, a subscriber must either cooperate with the franchisee to arrange pick-up by the franchisee, or return the equipment using a pre-paid mailer provided by the franchisee.

(d) Any security deposit and other funds due a subscriber shall be refunded on disconnected accounts after the converter has been recovered by the franchisee. Any refund to which a subscriber who has requested service disconnection is due shall be received by the subscriber no more than 45 days following the date on which the subscriber's final bill is rendered.

(e) If any subscriber fails to pay a monthly subscriber or other fee or charge, a franchisee may disconnect the subscriber's service outlet; provided, that no such disconnection shall be effected until after 45 days from the due date of the monthly subscriber fee or other charge, and after 10 days from the subscriber's receipt of written notice of the franchisee's intent to disconnect following expiration of such 45-day period. If the subscriber pays all amounts due, including late charges and any special charges of which the subscriber has been notified, before the date scheduled for disconnection, the franchisee shall not disconnect service. After disconnection, upon payment by the subscriber in full of all due fees or charges, including any reconnection charge, the franchisee shall promptly reinstate service.

(f) A franchisee may immediately disconnect a subscriber if the subscriber is damaging or destroying the franchisee's cable system or equipment. After disconnection, the franchisee shall restore service after the subscriber provides adequate assurance that the subscriber has ceased the practices that led to disconnection, and after the subscriber has paid all proper fees and charges, including any reconnect fees and any amounts owed the franchisee for damage to its cable system or equipment.

(g) A franchisee may disconnect a subscriber who causes signal leakage in excess of federal limits. It may do so after five days written notice to the subscriber, if the subscriber fails to take steps to correct the problem. It may also do so

without notice, provided that, immediately after the disconnection, the franchisee notifies the subscriber of the problem and, once the problem is corrected, reconnects the subscriber.

(h) Except as federal law may otherwise provide, a franchisee shall remove its facilities, to include its drop cable, amplifiers, optical network terminal or other network termination device, and any similar equipment owned by the franchisee from a subscriber's premises within 30 days of the termination of service, if such removal is requested by the subscriber, whether the termination is voluntary or involuntary. If a franchisee fails to remove its property in that period, the property shall be deemed abandoned. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-173 Changes in service.

In the event a franchisee decides to alter the service (e.g., by retiering or restructuring service) that it provides to a class of subscribers, it shall provide each subscriber a 30 days advance notice that explains the substance and full effect of the alteration and provides to the subscriber the right within the thirty-day period to select any combination of services offered by the franchisee. Except as federal law otherwise provides, a subscriber may not be required to pay any charge (other than the regular service fee), including an upgrade or downgrade charge, in order to receive the services selected; provided, that the franchisee may impose its regular installation charge if installation work is required by a subscriber's selection of services. No charge may be made for any service or product that a subscriber has not affirmatively selected, unless the service or product is an enhancement of an existing service or product that was affirmatively selected by the subscriber, and the price of the enhanced service or product is equal to or less than the price of the existing service or product. A subscriber's payment of the regular monthly bill shall not in and of itself constitute an affirmative selection of a service or product. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-174 Deposits.

A franchisee may require a reasonable, nondiscriminatory deposit on equipment that is provided to subscribers. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-175 Parental control option.

A franchisee shall provide control devices to any subscriber who wishes to be able to block the video or audio portion of any, or any channels of, cable service programming entering the subscriber's home. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-176 Anti-competitive acts prohibited.

A franchisee shall not engage in acts that have the purpose or effect of limiting competition for the provision of cable service or services similar to cable service in the city, except as permitted by federal or state law. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-177 through 9-3-195 reserved.

ARTICLE L

Rate Regulation

Sec. 9-3-196 Scope and applicability.

(a) This article governs the regulation of rates and charges for basic cable service and equipment within the city for any franchisee which has been notified that (i) the city has been certified by the FCC to regulate its basic cable service and equipment rates and charges, and (ii) the city has adopted regulations governing the regulation of basic cable service and equipment rates and charges. The provisions set forth in this article are intended to be consistent with all regulations of the FCC governing the regulation of basic cable service rates and equipment charges, and the city will regulate and interpret the provisions of this article so that they are consistent with such regulations, as if the regulations were set forth herein. A franchisee is prohibited from engaging in any activity which it is prohibited from engaging in under the regulations of the FCC.

(b) For purposes of this article, the term "equipment" means all equipment and services subject to regulation under 47 C.F.R. § 76.923. Should the city elect to regulate any of the rates and charges for cable service imposed on subscribers by a franchisee, the city shall do so in accordance with applicable law. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-197 Local regulatory framework.

Should the city elect to regulate any of the rates and charges for cable service imposed on subscribers by a franchisee, the city shall do so in accordance with applicable law. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-198 Schedule of rates, rules and regulations.

A franchisee shall prepare and file with the administrator a schedule of rates and charges for all services offered to the subscribing public under its franchise. The schedule shall state the cost of each offered service or combination of offered services, together with all rules and requirements affecting the installation, maintenance and provision of service or which otherwise affect the quality or cost of service to a subscriber. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-199 Notice to subscribers.

(a) A franchisee shall provide each subscriber, at the time cable service is installed and at least once a year thereafter, written instructions for placing a service call, filing a complaint or requesting a billing adjustment. As part of the notice provided at installation, a franchisee shall provide the telephone number of the city officer responsible for receiving customer complaints, a schedule of rates and charges for cable service and equipment, a statement of channel positions, a description of programming services, a copy of the service contract between franchisee and the subscriber, a description of delinquent subscriber disconnect and reconnect procedures, and a description of other franchisee policies and procedures that may affect its subscribers. Copies of the installation and the annual notices shall be provided to the administrator.

(b) A franchisee shall maintain a file containing a copy of each notice provided to subscribers under this section. This file shall be available for inspection upon the request of the administrator. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-200 Discrimination and preferences prohibited.

A franchisee shall not, by a special rate schedule, rebate, concession or any other device or practice, impose upon or collect from any subscriber, directly or indirectly, rates or charges that differ from the rates and charges that the franchisee imposes upon and collects from other subscribers for a like and contemporaneous service under substantially similar circumstances or conditions; provided, that this section shall not be construed to prohibit the establishment of special rates or charges for subscribers who are 65 years of age or older or are handicapped persons, promotional rates, or the establishment of other special rates or charges that are permitted by law. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-201 Establishment of rates, charges and rules.

(a) A franchisee's initial schedule of rates, charges and other matters, required by section 9-3-198, shall be filed with the administrator within 60 days of the commencement of service by the franchisee. Any change to the schedule of rates, charges and other matters shall be filed with the administrator at least 30 days prior to the effective date of the change.

(b) No change shall be made in the rates, charges and other matters set out in a schedule required by this section and filed with the administrator until advance notice of the change has been provided to each subscriber and the administrator. This advance notice shall be provided to subscribers at least 30 days prior to the effective date of the change and to the administrator in advance of the notice to subscribers, unless otherwise required by FCC regulations. Notwithstanding the above, the administrator may, by general regulation or in particular instances, permit changes to be made on lesser notice to correct errors, to provide special or new service, or to address special emergency conditions. Notice shall contain such information as is required by applicable law. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-202 Filing and review of rates and charges.

(a) *Filings by franchisee*.

(1) If a franchisee is notified by the city that its basic service and equipment rates and charges are subject to regulation, it shall file a submission ("initial rate filing") within 30 days of the notification, justifying its then existing basic service and equipment rates and charges. All such rates and charges, for all customer classifications, shall be justified. Except as otherwise provided by law, once a franchisee has been notified by the city that its basic service and equipment rates and charges are subject to regulation, it may not thereafter increase any such rates or charges without filing a submission justifying the increase ("rate increase filing") and obtaining the prior approval of the city. This prohibition applies in all cases, including rate and charge increases announced but not implemented prior to the date of the city notice informing the franchisee that its rates and charges are subject to regulation. In addition to its initial rate filing, franchisee shall file a rate increase filing for any increase in basic service or equipment rates and charges, and for any new basic service or equipment rate or charge (collectively, a "rate increase"). An "increase" occurs when there is an increase in rates or charges, or a decrease in program or customer services without a corresponding decrease in rates or charges. Rate filings proposing a rate or charge increase shall be filed at least 30 days in advance of the proposed effective date of the increase. This requirement does not alter or eliminate any other notice requirement.

(2) Every initial rate filing and every rate increase filing (collectively, a "rate filing") shall be filed with the administrator, and shall be considered filed on the date that the original and three copies of the filing (including all supporting materials) are received by that office. Information that the franchisee claims is proprietary under section 9-3-213 must be clearly identified and segregated from the remainder of the filing so that the city may determine the manner in which it was used by the franchisee in setting rates.

(3) Subject to any FCC regulations governing the burden of proof, a filing submitted by a franchisee under this section shall demonstrate that the rates and charges being proposed for basic service and equipment are reasonable. Except as inconsistent with FCC regulations:

(i) The rate filing shall state in a cover letter whether it addresses the existing rates and charges of the franchisee or a proposed increase in the franchisee's rates and charges, and shall contain a brief, narrative description of the existing or the proposed increase in rates and charges. The letter shall also identify any rate or proposed increase in a rate that is based, in whole or in part, upon cost of service, and identify any pages of the filing that contain information that the franchisee claims is proprietary. If the filing proposes an increase in rates not based on cost of service, the cover letter shall state whether any part of the proposed increase is based on an inflation adjustment, an increase in external costs, an increase in the number of cable channels, or a combination of such increases.

(ii) The pages of the rate filing shall be numbered sequentially.

(iii) The rate filing shall contain all applicable FCC forms which shall be correctly completed.

(iv) If the rate filing proposes, for different classes of customers, different rates or charges for basic service, it shall demonstrate that the classifications of customers and the differences in rates or charges are reasonable and consistent with federal law.

(b) *City review.*

(1) Decision authority.

(i) Initial rate filings seeking to establish initial permitted basic service and equipment rates and charges, and rate increase filings seeking to establish increases in permitted basic service rates based on a cost of service showing, shall be decided, and appropriate implementing orders shall be issued, by city council consistent with the procedures set out in the FCC regulations (47 C.F.R. § 76.933); provided, that the administrator

shall review each such rate filing and make a recommendation to the council prior to its decision.

(ii) Rate increase filings seeking to establish increases in permitted basic service and equipment rates and charges based on the FCC's quarterly or annual price cap rate regulations (47 C.F.R. § 76.922(d) and (e)), or to establish new basic service or equipment rates and charges, may be decided, and appropriate implementing orders may be issued, by the administrator consistent with the procedures set out in FCC regulations (47 C.F.R. § 76.933); provided, that, if the administrator determines that such a rate increase filing should not be approved, that rates and charges which are less than those proposed in the filing should be approved, and/or that refunds should be ordered, her decision shall be in the form of a recommendation to city council which shall make the final decision on the filing and issue the implementing order; provided further, that the administrator shall make any such recommendation available to the franchisee and for public inspection prior to any council action, and shall forward to council, reasonably in advance of its decision, any comments on the recommendation made by the franchisee or members of the public.

(iii) Other matters relating to initial rate filings and rate increase filings, including without limitation the tolling of deadlines for review, permitting proposed rates and charges to take effect subject to refund, and directing a cable operator to keep an accurate accounting of all amounts received and on whose behalf such amounts were paid pursuant to 47 C.F.R. § 76.933, may be decided, and appropriate implementing orders may be issued, by the administrator.

(2) After receiving an initial rate filing or a rate increase filing, the administrator shall publish a notice in a newspaper having general circulation in the city that the rate filing has been received and that, except for those parts which may be withheld as proprietary, it is available for public review. The notice shall state that interested parties may comment on the filing, and shall provide a reasonable time, in light of the dates by which city council or the administrator must decide the rate filing and issue an order, in which written comments on the filing may be submitted to the office. A copy of any submitted comments shall be provided to the franchisee which may submit written comments in response. The office shall forward comments submitted by the public and response comments submitted by the franchisee to the administrator and, in rate filings to be decided by city council, to the council.

(3) In reaching a decision on an initial rate filing or a rate increase filing, the city council and the administrator, as the case may be, shall act in a manner that is consistent with the procedures set out in the FCC regulations (47 C.F.R. § 76.933). (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-203 Provisions generally applicable to rate orders.

(a) Any order issued by the city council or the administrator pursuant to section 9-3-202(b) approving or disapproving, in whole or in part, an initial rate filing or a rate increase filing, as those terms are defined in section 9-3-202(b) ("rate order"), shall be effective upon the date and upon such terms and conditions as specified by the council or the administrator. Any such rate order shall be released to the public and the franchisee. Where the council disapproves, in whole or in part, a rate filing, or orders that a rate or charge may go into effect subject to refund or otherwise orders refunds, a public notice shall be published in a newspaper with general circulation in the city stating that the order has been issued and is available for review. Any such order shall be in writing, and explain the basis for the council's decision.

(b) Any order establishing rates or charges other than those proposed by the franchisee shall explain why the franchisee's proposed rates or charges were unreasonable and why the rates and charges established by the order are reasonable. In no event may an order establishing rates or charges other than those proposed by the franchisee or requiring a franchisee to make refunds to subscribers be issued by the city council unless and until the franchisee has been given notice of, and an opportunity to comment upon, the order. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-204 Obligations of franchisee.

(a) A franchisee shall implement remedial requirements, including refunds and prospective rate reductions, within 60 days of the date on which the city council issues the order imposing the requirements.

(b) Within 90 days of the date on which an order mandating a remedy is issued, a franchisee must file a certification, signed by an authorized representative, stating:

(1) whether the franchisee has complied with all provisions of the council order;

(2) describing the measures taken to implement the council order; and

(3) showing how any refunds (including interest thereon) were calculated and distributed.

(c) It is the franchisee's obligation to maintain books and records of account so that it can make proper refunds.

(d) It is the franchisee's obligation to submit as complete a rate filing as possible.

(e) A franchisee and any other person having records showing revenues, or expenses that are allocated to the franchisee's cable system in the city shall respond to requests for information from the administrator within reasonable deadlines established by the administrator. A franchisee is responsible for ensuring that such other entity responds to the administrator's requests.

(f) Each franchisee is responsible for the continuing accuracy and completeness of information furnished to the city. Whenever information furnished by a franchisee is no longer accurate and complete in all significant respects, the franchisee shall correct the deficiencies. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-205 Duties of the administrator.

The administrator shall be responsible for administering the provisions of this article, as provided below. Without limitation and by way of illustration, and except as inconsistent with FCC regulations:

(1) The administrator shall ensure that notices are given to the public and the franchisee as required by this article and by FCC regulations.

(2) The administrator may submit requests for information to a franchisee and establish deadlines for the franchisee's response to them.

(3) For good cause, the administrator may extend any filing or response deadline except as to matters that are mandatory under FCC regulations.

(4) The administrator shall rule on any request for confidentiality.

(5) The administrator shall make the decisions and recommendations, and issue the implementing orders, as provided in section 9-3-202(b). (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-206 Penalties and forfeitures.

Except as prohibited by federal law, the city may impose fines or monetary forfeitures on a franchisee that does not comply with a rate order issued under this article, including an order requiring refunds to subscribers. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-207 Proprietary information.

(a) If any provision of this article, or if any request for information properly made pursuant to this article, requires a franchisee to produce for the city what the franchisee considers to be proprietary information, the franchisee shall produce the information. However, at the time such information is produced, the franchisee may request that all or specific, identified portions of the information be treated as confidential and withheld from public disclosure. Such a request shall state the reasons why the identified information should be treated as proprietary and the facts that support those reasons. Requests for the confidential treatment of proprietary information will be reviewed by the administrator based upon FCC regulations and state and local law, as applicable. Any determination by the administrator that information is proprietary and is to be withheld from public disclosure shall be made in writing, and such information shall be placed in a file for inspection by the public. If a franchisee's request for the confidential treatment of proprietary information is denied, the franchisee may seek review of the denial by filing a request for review with the city attorney within five working days of the denial, in which case disclosure of the alleged proprietary material shall be stayed pending review. Notwithstanding any provision of this section to the contrary, where a franchisee which is proposing an increase in its rates or charges has submitted what it considers to be proprietary information and has requested the confidential treatment of that information, the city shall, upon the franchisee's withdrawal of its rate filing, immediately return the information.

(b) Information that a franchisee claims is proprietary must be clearly identified. If it is part of a larger submission, such as a rate filing, the proprietary information must be segregated from the remainder of the submission. It must also be clearly marked so that the city may determine where the proprietary information belongs within the submission and how it relates to the remainder of the submission.

(c) Any interested person may file with the administrator a request to inspect material that is being withheld as proprietary. In determining such requests, the administrator shall weigh the considerations favoring non-disclosure against the

reasons given for permitting inspection in light of the facts of the particular case. The administrator may grant, deny or conditionally grant a request. The administrator shall promptly notify the requesting person and the franchisee as to the disposition of the request. The party aggrieved by such disposition may seek review of the disposition by filing a request for review with the city attorney. Disclosure will be stayed pending review. Notwithstanding any provision of this subsection to the contrary, the administrator shall deny any request to inspect proprietary material whenever such inspection is prohibited by federal or state law. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-208 Petition for change in effective competition status.

A franchisee may petition for a change in effective competition status, and the city shall consider that petition, in accordance with 47 C.F.R. § 76.915. The petition and three copies shall be filed with the administrator. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-209 reserved.

Sec. 9-3-210 Waiver and extension.

For good cause, the city manager may waive any provision of this article or extend any deadline for filing or responding, except where the waiver or extension would violate FCC regulations or deny due process. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-211 through 9-3-224 reserved.

ARTICLE M

Franchise Fee

Sec. 9-3-225 Finding.

The city council finds that public rights-of-way of the city to be used by a franchisee for the operation of a cable system are valuable public properties that have been acquired and maintained by the city, and in some cases the Commonwealth of Virginia, at substantial expense to the taxpayers. The city council further finds that the grant of a franchise to use public rights-of-way for a cable system is a valuable property right without which a franchisee would be required to invest substantial capital. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-226 Payment to city.

As compensation for use of the public rights-of-way, if the Virginia communications sales and use tax imposed by Code of Virginia § 58.1-648 is repealed, a franchisee may be required to pay the city a franchise fee in an amount to be specified in its franchise agreement. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-227 Not a tax or in lieu of any other tax or fee.

(a) Payment of a franchise fee shall not be considered a tax or a payment in the nature of a tax.

(b) A franchise fee is in addition to all other taxes and payments that a franchisee may be required to pay under any federal, state or local law, and to any other tax, fee or assessment imposed by utilities or cable operators for use of their services, facilities or equipment, including any applicable amusement taxes, except to the extent that such fees, taxes or assessments are required to be treated as a franchise fee under the Cable Act, 47 U.S.C. § 542. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-228 Payments.

(a) Unless otherwise provided in a franchise agreement, a franchise fee and any other costs assessed by the city against a franchisee shall be paid monthly to the city and shall commence as of the effective date of a franchise. The city shall be furnished at the time of each payment with a statement, certified by a financial representative of the franchisee, stating that the figure which is

reported by the franchisee as its gross revenues for the payment period, and upon which the franchisee fee payment has been based, is a correct representation of the franchisee's gross revenues for the period. Unless otherwise provided in a franchise agreement franchise fee payments shall be made to the city no later than 30 days following the end of applicable payment period. Within 90 days of the end of any fiscal year, a franchisee shall file with the administrator an audited financial statement, certified by an independent public accountant, for the just concluded fiscal year, which shall include a statement of the franchisee's gross revenues for the year. Should the city elect to regulate any of the rates and charges for cable service imposed on subscribers by a franchisee, the city shall do so in accordance with applicable law.

(b) In the event any franchise fee payment is not made on or before its due date as specified in this section, the franchisee shall pay a penalty in the amount of 10 percent of the payment and, in addition, interest charges computed from the payment's due date until the payment is made, using an annual rate of interest equal to the average commercial prime rate of interest of the city's primary depository bank during the period the payment is unpaid. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-229 No accord or satisfaction.

The acceptance of any payment by the city shall not be construed as a release or an accord and satisfaction of any claim the city may have for further or additional sums payable as a franchise fee under this article, or as the penalty and interest due on an unpaid franchisee fee payment, or for the performance of any other obligation of a franchisee. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-230 Audit and related records.

(a) The city shall have the right to inspect and copy records related to a franchisee's gross revenues that are in the possession or under the control of the franchisee, an affiliate or any other person that collects or receives funds related to the franchisee's operation in the city. The franchisee shall be responsible for providing such records to the city, without regard to the person possessing them. A franchisee shall ensure that the records which are subject to the city's right of inspection and copying under this section are maintained for at least five years. Any records related to a franchisee's gross revenues that are copied by the city pursuant to this section shall be treated by the city as proprietary information and be subject to the provisions of section 9-3-207.

(b) The city shall have the right to audit a franchisee's fiscal and financial records, and to recompute any amounts that are payable under this article by the franchisee. The expenses for such an audit shall be borne by the city unless the audit discloses an underpayment by a franchisee, in which case the costs of the audit shall be borne by the franchisee as a cost incidental to the enforcement of its franchise. Any additional amounts due to the city as a result of the audit shall be paid, together with interest calculated in accordance with section 9-3-228, within 30 days following written notice to the franchisee by the city of the underpayment, which notice shall include a copy of the audit report.

(c) A franchisee shall maintain its fiscal and financial records, and ensure that all relevant fiscal and financial records are maintained by others on its behalf, in such a manner as to enable the city to determine the cost of assets of the franchisee which are used in providing services within the city and to determine the franchisee's gross revenues. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-231 through 9-3-244 reserved.

ARTICLE N

Insurance; Indemnification; Performance Guarantees

Sec. 9-3-245 Insurance required.

A franchisee shall maintain and, by its acceptance of a franchise, shall have agreed that it will maintain, throughout the term of the franchise, at least the following liability insurance coverages insuring both the city and the franchisee: worker's compensation and employer liability insurance to meet all requirements of Virginia law; comprehensive general liability insurance with respect to the construction, operation and maintenance of the cable system and the conduct of the franchisee's business in the city; and commercial automobile liability insurance covering all motor vehicles owed or leased by franchisee and any other vehicles while driven by franchisee's employees, in the minimum amounts of:

(a) $2,500,000 for property damage resulting from any one occurrence;

(b) $5,000,000 for personal bodily injury or death resulting from any one occurrence; and

(c) $1,000,000 for all other types of liability.

The city may review these policy limits no more than once a year and may require reasonable adjustments to them. In the event that the franchisee objects to an increase in a policy limit and the parties are unable to agree on a mutually acceptable amount, the dispute shall be resolved by arbitration in accordance with the procedures of the American Arbitration Association. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-246 Qualifications of sureties.

All insurance policies shall be with sureties qualified to do business in the Commonwealth of Virginia, with an A-1 or better rating of insurance by Best's Key Rating Guide, Property/Casualty Edition, and shall be in a form approved by the city. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-247 Policies available for review.

All insurance policies maintained by a franchisee shall be available for review by the city, and, for each policy, a certificate of insurance shall be filed with the administrator. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-248 Additional insureds; prior notice of policy cancellation.

All general liability and automobile liability insurance policies shall name the city, its officers, boards, commissions, commissioners, agents and employees as additional named insureds, and shall further provide that any cancellation or reduction in coverage shall not be effective unless 30 days' prior written notice thereof has been given to the administrator. A franchisee shall not cancel any insurance policy required by this article without obtaining alternative insurance that has been approved by the city. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-249 Failure constitutes material violation.

Failure to comply with the insurance requirements set forth in this article shall constitute a material violation of a franchise. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-250 Indemnification.

(a) A franchisee shall, at its sole cost and expense, fully indemnify, defend and hold harmless the city, and its officers, employees and agent from and against any and all losses and any and all claims, suits, actions, liability and judgments for damages or other relief, or otherwise subject to the Cable Act, 47 U.S.C. 558, resulting from the installation, construction, operation or maintenance of the franchisee's cable system, including but not limited to any claim for bodily injury, for property damage, for the violation of civil rights, for the invasion of the right of privacy, for defamation of any person, for the violation or infringement of any copyright, trade mark, trade name, service mark or patent, or for the violation of any other right of any person. This indemnity requirement does not apply to programming carried on any channel set aside for public, educational or government use, or any channel leased pursuant to 47 U.S.C. § 532, unless the franchisee was engaged in determining the editorial content of the program.

(b) The indemnity obligation of a franchisee under this section shall include, but is not limited to, providing legal representation and otherwise defending the city and city offices, employees and agents against any claim, suit, or action referenced in subsection (a).

(c) The city shall provide a franchisee with prompt notice of any loss, claim, suit or action referenced in subsection (a). (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-251 No limit of liability.

Neither the provisions of this article nor any damages recovered or indemnification received by the city shall be construed to limit the liability of a franchisee for damages under any franchise issued pursuant to this chapter. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-252 No recourse.

Without limiting such immunities as it may have under applicable law, the city shall not be liable to a franchisee for any loss or damages that the franchisee may suffer as the result of the city's exercise of its authority pursuant to this chapter, a franchise agreement or other applicable law. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-253 Security fund.

(a) Prior to a franchise becoming effective, the franchisee shall post with the city a cash security deposit to be used as a security fund to ensure the franchisee's faithful performance of and compliance with all provisions of this chapter, the franchise agreement and other applicable law, and all orders, permits and directions of the city, including the franchisee's payment of any claims, liens, fees, taxes or other payments due the city under this chapter, the franchise agreement or other law.

(b) In lieu of a cash security fund, a franchisee may file and maintain with the city an irrevocable letter of credit with an acceptable surety in the amount specified in the preceding paragraph to serve the same purposes as set forth therein. Said letter of credit shall remain in effect for the full term of the franchise plus an additional six months thereafter. The franchisee and its surety shall be jointly and severally liable under the terms of the letter of credit for the franchisee's failure to ensure its faithful performance of and compliance with all provisions of this chapter, the franchise agreement and other applicable law, and all orders, permits and directions of the city, including the franchisee's payment of any claims, liens, fees, taxes or other payments due the city under this chapter, the franchise agreement or other law. The letter of credit shall provide for 30 days' written notice to the city prior to its cancellation, non-renewal or any material alteration of its terms. Neither the filing of a letter of credit with the city, nor the city's receipt of any payment thereunder, shall be construed to excuse the franchisee's faithful performance of and compliance with all provisions of this chapter, the franchise agreement and other applicable law, and all orders, permits and directions of the city, or to limit the liability of the franchisee for damages.

(c) The rights of the city with respect to the security fund are in addition to all other rights of the city provided by this chapter, other law, a franchise and a franchise agreement, and no action, proceeding or exercise of a right with respect to such security fund or letter of credit shall affect any such other rights of the city.

(d) The following procedures shall apply to drawing on the security fund and letter of credit:

(i) If the franchisee fails to make timely payment to the city of any amount due under its franchise, a franchise agreement or applicable law, fails to make timely payment to the city of any taxes due, or fails to compensate the city within 10 days of written notification that such compensation is due for damages, costs or expenses that the city has incurred by reason of any act or omission of the franchisee in connection with its franchise or franchise agreement, or by reason of the city's enforcement of this chapter, the franchise or the franchise agreement, the city may withdraw the amount which it is due, with any interest and penalties that are payable, from the security fund or from monies available under the letter of credit.

(ii) Within three days of a withdrawal from the security fund or under the letter of credit, the city shall, by certified mail, return receipt requested, provide written notification of the amount, date and purpose of such withdrawal to the franchisee.

(iii) If, at the time of a withdrawal from the security fund and under the letter of credit by the city, the amounts available are insufficient to provide the total payment towards which the withdrawal is directed, the balance of such payment shall continue as the obligation of the franchisee to the city until it is paid.

(iv) No later than 30 days after providing the notice under subsection (ii), the franchisee shall deliver to the city, for deposit in the security fund, an amount equal to the amount so withdrawn and shall restore the letter of credit to its original amount. Failure to make timely delivery of such amount to the city or to restore the letter of credit shall constitute a material violation of the franchise.

(v) Upon termination of the franchise under conditions other than those providing for forfeiture of the security fund, the balance then remaining in the fund shall be withdrawn by the city and paid to the franchisee within 90 days of such termination, provided that there is then no outstanding default on the part of the franchisee. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-254 Performance bond.

(a) Prior to any cable system construction, upgrade or other cable-related work in the public rights-of-way, a franchisee shall establish in the city's favor a performance bond, in an amount specified in the franchise agreement or other authorization, to ensure the franchisee's faithful performance of the construction, upgrade or other work. Except as otherwise provided in a franchise agreement, the amount of any required performance bond shall be determined in accordance with the city's policies governing construction of facilities in the public rights-of-way.

(b) In the event a franchisee subject to a performance bond fails to complete the construction, upgrade or other work secured by the bond in a safe, timely and competent manner in accord with the provisions of a franchise agreement, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the city as a result of the franchisee's failure, including the full amount of any compensation, indemnification or cost of removing any property of the franchisee from the public rights-of-way, or the cost of completing or repairing the system construction, upgrade or other work in the public rights-of-way, plus a reasonable allowance for attorneys' fees, up to the full amount of the bond. The city may also recover against the security fund any amount recoverable under the bond, in cases where the monies available under the bond are insufficient.

(c) Upon completion of a cable system's construction, upgrade or other work in the public rights-of-way and payment of all construction obligations of the franchisee, to the satisfaction of the city, the city shall eliminate the bond or reduce its amount after a reasonable time to determine whether the work performed was satisfactory, which time shall be established considering the nature of the work performed. The city may subsequently require a new bond or an increase in the bond amount for any subsequent construction, upgrade or other work in the public rights-of-way. In any event, unless otherwise provided in a franchise agreement, the total amount of the bond shall equal 10 percent of the cost of the work.

(d) The performance bond shall be issued by a surety, with an A-/VII or better rating of insurance in Best's Key Rating Guide, Property/Casualty Edition, shall be subject to the approval of the administrator and shall contain the following endorsement:

> "This bond may not be canceled, or allowed to lapse, until 60 days following receipt by the City of Alexandria, Virginia, of a written notice of an intent to cancel or not to renew the bond that has been sent to the city by certified mail, return receipt requested."

(Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-255 Failure constitutes material violation.

Failure to maintain the security fund, letter of credit and performance bond required by this article shall constitute a material violation of a franchise. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-256 Remedies.

In addition to any other remedies available at law or equity, the city may apply any one or a combination of the following remedies in the event a franchisee violates any provision of this chapter, its franchise agreement or applicable state or federal law:

(a) In the event of a material violation, the city may terminate the franchise or shorten its term pursuant to the procedures specified in this chapter.

(b) In the case of any violation, the city may impose penalties available under applicable state and local laws for violation of city ordinances.

(c) In addition to or in lieu of any other remedy, in the case of any violation, the city may seek legal or equitable relief from any court of competent jurisdiction.

(d) In the case of any violation, the city may utilize any remedy provided for in a franchise agreement. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-257 Remedies cumulative.

All remedies under this chapter and a franchise agreement are cumulative unless otherwise expressly stated. The exercise of one remedy shall not foreclose use of another; nor shall the exercise of a remedy or the payment of liquidated damages or penalties relieve a franchisee of its obligations

to comply with its franchise. Remedies may be used singly or in combination. In addition, the city may exercise any rights it has at law or equity. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-258 Relation to insurance and indemnity requirements.

Recovery by the city of any amounts under an insurance policy, a performance bond, a security fund or a letter of credit required by this chapter, or otherwise made available by a franchisee, shall not limit the franchisee's duty to indemnify the city for any additional amounts to which the city is due. Nor shall such recovery relieve a franchisee of its obligations under a franchise, limit amounts otherwise owed to the city, or prevent the city from exercising any other rights or remedies it may have. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-259 Cost of consultant.

When necessary to aid in the review or analysis of matters relating to rates and charges, technical standards, system construction or upgrades, market surveys or in the city's performance of other activities under this chapter, the city shall be entitled to employ the services of consultants to assist and supplement the administrator. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-260 through 9-3-273 reserved.

ARTICLE O

Administrator

Sec. 9-3-274 Cable television administrator.

The position of cable television administrator, under the city manager, is hereby established. The administrator shall be appointed and may be removed by the manager. Whenever the administrator is authorized by this chapter to present a recommendation, report or other matter to the city council, such presentation shall be made through the city manager. The manager may designate any additional staff as needed to assist the administrator in the performance of the administrator's duties. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-275 Responsibilities of administrator.

The administrator shall be responsible for the day-to-day administration and enforcement of this chapter, of franchises granted pursuant to this chapter and of franchise agreements. The administrator's responsibilities shall include, but not be limited to, the following:

(a) to assist in the preparation of the invitation to bid for a franchise, to establish criteria for review and ranking of franchise bids, to review and screen bids for a franchise and to make recommendations to the city council;

(b) to monitor the timely performance of franchisees in making application for and obtaining all certificates, permits and agreements as required under this chapter or any franchise agreement;

(c) to monitor the performance of franchisees in meeting the construction timetable as provided for in this chapter or any franchise agreement;

(d) to advise and make recommendations to the city council on matters which may constitute grounds for revocation of a franchise in accordance with this chapter;

(e) to advise and make recommendations to the city council on the regulation of rates in accordance with this chapter;

(f) to cooperate with cable systems and government agencies in other jurisdictions and with other franchisees in the development of, and in the supervision of, the interconnection of systems;

(g) to review all franchise records, as required by this chapter, and all franchise reports filed with the FCC and, in the administrator's discre-

tion, to require the preparation and filing by a franchisee of information in addition to that required in this chapter;

(h) to monitor franchisees' performance under the terms of this chapter and any franchise agreement, and to make recommendations to the council to ensure such compliance;

(i) to promote, develop, and coordinate the use of public access channels in connection with the Alexandria Commission on Information Technology;

(j) to make an annual report to the council, which shall include an account of franchise fees received and distributed by the city, the total number of hours of utilization of various channels with hourly sub-totals for various programming categories, and a review of any plans submitted during the year by each franchisee for development of new services;

(k) to conduct, with franchisees, evaluations of the city's cable systems at least every three years, and to make recommendations to the city council regarding amendments to this chapter or to franchise agreements;

(l) to receive and investigate complaints against franchisees by any person or upon direction of the city council and, if warranted, to initiate enforcement action in connection with the complaint;

(m) to provide staff assistance and information to the Alexandria Commission on Information Technology; and

(n) to assist the city council in the regulation of rates. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-276 Expenditures.

The administrator may make expenditures to carry out the duties assigned in this chapter, subject to the availability of funds. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-277 through 9-3-283 reserved.

ARTICLE P

Reserved

Secs. 9-3-284 through 9-3-293 reserved.

ARTICLE Q

State Regulation

Sec. 9-3-294 Virginia Public Telecommunications Board.

A franchisee shall comply with all requirements of the Virginia Public Telecommunications Board not in conflict with FCC regulations, as such requirements may be amended from time to time. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-295 through 9-3-303 reserved.

ARTICLE R

Rights of Individuals

Sec. 9-3-304 Discriminatory practices prohibited.

(a) A franchisee shall not deny service, deny access or otherwise discriminate against subscribers, programmers or residents of the city on the basis of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.

(b) A franchisee shall not discriminate or take any retaliatory action against a person because of the person's exercise of any right under federal, state or local law; nor may a franchisee require a person to waive any such rights as a condition of receiving service.

(c) A franchisee shall not deny access or levy different rates or charges on any group of potential residential cable subscribers because of the income of the residents of the local area in which the group resides.

(d) A franchisee shall not discriminate in its rates or charges among, and shall not grant undue preferences to, subscribers, potential subscribers or any group of subscribers or potential subscribers; provided, that a franchisee may offer temporary, bona fide promotional discounts in order to attract or maintain subscribers, so long as such discounts are offered on a nondiscriminatory basis to similar classes of subscribers throughout the city, and may offer discounts for the elderly, the handicapped or the economically disadvantaged, and such other discounts as it is expressly entitled to provide under federal law, if such discounts are applied in a uniform and consistent manner. A franchisee shall comply with all applicable federal, state or local laws and regulations relating to nondiscrimination in the provision of cable service. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-305 Equal employment opportunity.

A franchisee shall not refuse to employ, and shall not discharge from employment or discriminate in compensation or in any other terms, conditions or privileges of employment against, any person because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability. A franchisee shall comply with all federal, state and local laws and regulations governing equal em-

ployment opportunities, as the same may be from time to time amended. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-306 Subscriber privacy.

(a) A franchisee shall at all times protect the privacy of all subscribers pursuant to the provisions of the Cable Act, 47 U.S.C. § 551. A franchisee shall not condition subscriber service on the subscriber's grant of permission to disclose information which, under federal or state law, cannot be disclosed without the subscriber's explicit consent.

(b) Neither a franchisee, nor its agents or employees shall, without the prior written authorization of a subscriber, sell or otherwise make available for commercial purposes the name, address or telephone number of the subscriber, or any information that identifies the individual viewing habits of the subscriber.

(c) A franchisee shall take reasonable steps to ensure that the privacy interests of subscribers, programmers and general citizens are not infringed as a result of any device or signal associated with the system. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-307 Restrictions on cable monitoring.

(a) Except as otherwise provided by federal law or by this section, a franchisee shall not monitor, arrange for the monitoring of or permit any person, expressly or impliedly with its knowledge, to monitor any subscriber outlet or receiver for any purpose whatsoever, without the specific written authorization of the subscriber being monitored and then only to the extent so authorized by the subscriber; provided, that a franchisee may conduct such monitoring as may reasonably be necessary for the maintenance and operation of its cable system, and the collection of data for the purpose of ascertaining viewer response to programming.

(b) Any data collected for the purpose of ascertaining viewer response to programming may be disseminated, so long as the data do not reveal any information, including identity, as to individual subscribers. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-308 Permission of property owner required.

Consistent with applicable law, no cable, line, wire, amplifier, converter or other equipment owned by a franchisee or used in conjunction with a cable system shall be installed by a franchisee over, under or upon any property without first securing the permission of the owner of the property or, if applicable, the owner of an easement which the equipment is to occupy. If such permission is subsequently validly revoked, the franchisee shall remove any of its equipment which is visible and movable, and promptly restore the property to its original condition, at its expense. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-309 through 9-3-322 reserved.

ARTICLE S

Resolution of Disputes

Sec. 9-3-323 Reasonable conduct.

A franchisee and the city shall act reasonably and in good faith, and shall deal fairly and cooperate with each in furtherance of the purposes of this chapter. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-324 Intent.

It is the intent of the city to provide for the orderly resolution of any dispute between a franchisee and the city arising out of the interpretation or enforcement of any provision of this chapter, a franchise, or a franchise agreement or any rule, regulation or procedure relating to cable communications matters. Fact-finding and mediation shall be the method of resolving such disputes, except that disputes specifically designated in this chapter as arbitrable may be submitted to that process for binding resolution. None of these methods, however, shall be the first resort of the parties, but shall be undertaken only after reasonable time and effort to resolve the dispute by negotiation and agreement. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-325 Fact-finding.

Any dispute, upon the election of either a franchisee or the city, shall be submitted to an expert individual, acceptable to both parties, for an investigation of the facts and a report thereof. Such fact-finding shall be for the purpose of developing better information for the use of both parties and shall not be binding on either party. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-326 Mediation.

Any dispute, upon the election of either a franchisee or the city, shall be submitted to an expert individual, acceptable to both parties, for the purpose of facilitating discussion and receiving new perspectives on the issues and new proposals for compromise. Such mediation shall not be binding on either party. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-327 Arbitration.

Only those matters which are expressly arbitrable under the provisions of this chapter may be submitted for arbitration. Arbitrable matters may be submitted to a single expert individual, if both parties agree to do so. Otherwise, the parties shall agree to a three-member panel. Within 30 calendar days after appointment of the arbitrators and upon at least 15 calendar days written notice to the parties, the arbitrators shall commence a hearing on the dispute. Arbitration shall be held under the rules and procedures of the American Arbitration Association. Arbitration shall be binding on all parties. Arbitration matters shall be held to have been adjudicated and settled, and not open, either directly or indirectly, for review, pursuant to the rules and procedures of the American Arbitration Association. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-328 Selection procedures.

(a) In the case of fact-finding or mediation, each party shall, with 15 calendar days of the election by one party to proceed with fact-finding or mediation, present up to three names each for possible service as experts. If there is no agreement on any of the names and if one of the parties agrees, the American Arbitration Association shall select an individual to fulfill the function as expert.

(b) In the case of arbitration, both parties shall, within 15 calendar days of their decision to proceed with arbitration, agree upon the number of persons to serve on the arbitration panel. Such number shall be either one or three. If a single-member panel is agreed upon, both parties shall jointly name the person, utilizing the procedures established for fact-finding and mediation. If a three-member panel is agreed upon, the membership shall be one person named by the franchisee, one person named by the city and a third person jointly named by the franchisee and the city. Said third person shall serve as the presiding officer of the panel. If there is no agreement on the single arbitrator or the presiding officer of a three-member panel, the parties may decline to proceed to arbitration or may select the single arbitrator or the panel's presiding officer, as the case may be, by requesting the American Arbitration Association to select an individual to serve as arbitrator or presiding officer. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-329 Fees and expenses.

All fees of single experts and arbitrators and all other expenses resulting from fact-finding,

mediation or arbitration shall be shared equally by the franchisee and the city. (Ord. No. 4738, 10/15/11, Sec. 1)

Secs. 9-3-330 through 9-3-343 reserved.

ARTICLE T

Miscellaneous Provisions

Sec. 9-3-344 Compliance with laws.

A franchisee shall comply with all applicable federal, state and local laws (including all city ordinances), rules and regulations apart from this chapter, heretofore and hereafter adopted and amended. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-345 Captions.

The captions to sections throughout this chapter are intended solely to facilitate reading and reference to the sections and provisions of this chapter. Such captions shall not affect the meaning or interpretation of this chapter. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-346 No recourse against the city.

A franchisee shall have no recourse against the city or its officials, boards, commissions, agents or employees for any loss, cost, expense, damage or liability arising out of any provision or requirement of this chapter or arising out of the enforcement of this chapter, unless the same shall be caused by criminal acts or by willful or gross negligence of a city officer or employee. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-347 Rights and remedies.

(a) The rights and remedies provided by this chapter are cumulative and shall be in addition to and not in derogation on of any other rights and remedies which the city, a franchisee or another person may have with respect to the subject matter of this chapter.

(b) The city hereby reserves to itself the right to intervene in any suit, action or proceeding involving any provision of this chapter.

(c) Specific mention of the materiality of any of the provisions herein is not intended to be exclusive of any others for the purpose of determining whether any failure of compliance hereunder is material and substantial.

(d) No franchisee shall be relieved of its obligation to comply with any provision of this chapter by reason of a failure on the part of the city to initiate enforcement action against the franchisee for a violation of the provision. Nor shall any a failure by the city to enforce a provision of this

chapter be deemed to waive the franchisee's violation or to void that provision. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-348 Day-to-day enforcement.

The day-to-day enforcement of the provisions of this chapter and any franchise granted pursuant to the chapter shall be the responsibility of the administrator. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-349 Powers of court to enforce obedience to franchises.

Nothing in this chapter shall be construed to prevent any party from enforcing compliance with the terms and conditions contained in any franchise, pursuant to Section 15.1-315 of the Code of Virginia (1950), as amended. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-350 Subsequent action by state or federal agencies.

Should the commonwealth of Virginia, the FCC or any other agency of the federal government require a franchisee to deliver any signals in addition to those required by this chapter, to perform any act which is inconsistent with any provision of this chapter or to cease to perform any act required by this chapter or a franchise agreement, the franchisee shall so notify the city. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-351 Amendments to this chapter.

In order to further the purposes of this chapter, to facilitate the provision of additional communications services to the city through the use of cable television and cable systems, and to ensure that the benefits of such services will reach city residents, the city retains the right to amend this chapter, and no provision to the contrary in a franchise or franchise agreement shall be of any force or effect. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-352 Incorporation by reference.

Except as otherwise agreed by a franchisee and the city, a franchise granted pursuant to this chapter shall incorporate by reference this chapter into such franchise. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-353 Prohibition of ownership by city employees.

Persons employed by the city who are involved in the administration or enforcement of this chapter and members of their immediate families shall not own any individual or joint interest, control or holding, direct or indirect, in a franchisee in the form of shares of stock, notes or other indebtedness, in trust or otherwise. The prohibition of this section shall also apply to members of the city council, the city attorney and members of their immediate families. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-354 Force majeure.

A franchisee shall not be deemed in default with provisions of its franchise where performance was rendered impossible by war or riots, civil disturbances, natural catastrophes or other circumstances beyond the franchisee's control, and a franchise shall not be revoked or a franchisee penalized in such a situation, provided that the franchisee takes immediate and diligent steps to bring itself into compliance with its franchise without unduly endangering the health, safety and integrity of the franchisee's employees or property, or of public rights-of-way, public or private property or the public. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-355 Public emergency.

In the event of a major public emergency or disaster, as determined by the administrator, a franchisee immediately shall make its cable system, employees and property, as may be necessary, available for use by the city or a civil defense or governmental agency designated by the city to operate the system for the term of such emergency or disaster, for emergency purposes. The city shall return use of the system, employees and property to the franchisee after the emergency or disaster has ended or has been dealt with. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-356 Connections to system; use of antennae.

(a) Subscribers shall have the right to attach devices to a franchisee's cable system that will allow them to lawfully transmit signals or services, for which they have paid the franchisee, to VCRs, receivers and other terminal equipment, and a franchisee shall provide information to subscribers that will enable them to adjust such

devices so that they may be used with the franchisee's system. Subscribers also shall have the right to use their own remote control devices and converters, and other similar equipment.

(b) A franchisee shall not, as a condition of providing cable service, require any subscriber or potential subscriber to remove any existing antenna, shall not disconnect an antenna except at the express direction of the subscriber or potential subscriber, and shall not prohibit or discourage a subscriber from installing an antenna switch, provided that the subscriber's equipment and installation are consistent with applicable codes. (Ord. No. 4738, 10/15/11, Sec. 1)

Sec. 9-3-357 Severability.

If any provision of this chapter shall, to any extent, be held to be invalid or unenforceable, the remainder of the chapter shall be valid in all other respects and shall continue to be effective. In the event of a subsequent change in applicable law under which the provision that had been held invalid is no longer invalid, the provision shall thereupon return to full force and effect without further action by the city, unless the city determines otherwise. (Ord. No. 4738, 10/15/11, Sec. 1)

CHAPTER 4

Reserved

Editorial Note: Ord. No. 4629, § 1, adopted Oct. 17, 2009, repealed Chapter 4, §§ 9-4-1—9-4-11, 9-4-21—9-4-37, and 9-4-51—9-4-57, which pertained to coin-operated dry cleaning establishments and derived from §§ 9-1—9-35 of the 1963 Code.

Secs. 9-4-1 through 9-4-57 reserved.

CHAPTER 5

Reserved

Editorial Note: Ord. No. 4629, § 2, adopted Oct. 17, 2009, repealed Chapter 5, §§ 9-5-1—9-5-9, which pertained to coin-operated laundries and derived from §§ 9B-1—9B-9 of the 1963 Code.

Secs. 9-5-1 through 9-5-9 reserved.

CHAPTER 6

Concerts

§ 9-6-1	Definitions.
§ 9-6-2	Permit—required.
§ 9-6-3	Same—application.
§ 9-6-4	Same—approval; denial; conditions for issuance.
§ 9-6-5	General operating regulations.
§ 9-6-6	Revocation of permit.
§ 9-6-7	Appeal of denial of application or conditions of approval for permit.
§ 9-6-8	Exemptions.
§ 9-6-9	Inspections; right of entry.
§ 9-6-10	Penalties.

Sec. 9-6-1 Definitions.

For purposes of this chapter, certain words shall have the meanings assigned below.

(1) *Concert.* Any entertainment, activity, amusement, gathering or assembly of persons within the city wherein an admission fee is charged and where there will be presented as the primary source of entertainment live or recorded musical entertainment, and which the promoter thereof has reason to believe will attract 500 or more persons. A public dance or dance exhibition is a concert.

(2) *Promoter.* Any natural person, association, partnership, firm, corporation, joint venture or any other legal entity whatsoever, who initiates, organizes, promotes, permits, conducts or causes to be advertised a concert. (Code 1963, Sec. 9C-1)

Sec. 9-6-2 Permit—required.

(a) It shall be unlawful for any promoter to organize, promote, permit, conduct or cause to be advertised a concert unless a permit has been obtained pursuant to this chapter. A separate permit shall be required for each concert.

(b) The requirement that a permit shall be obtained is in addition to any other permits or licenses required by the state, this code, the city council or any department, board, agency or commission of the city.

(c) No such permit shall be transferable. (Code 1963, Sec. 9C-2)

Sec. 9-6-3 Same—application.

Written application for a permit to conduct and operate a concert shall be made to the city manager. The application shall be submitted 30 days

or more prior to the date upon which the concert is to be, or may be held. Each application shall contain the following:

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(1) The name, age, residence and mailing address of the applicant. Where the applicant is a partnership, a corporation or other association, this information shall be provided for all partners, officers and directors or members.

(2) The name and mailing address of the owner of the premises, if other than the applicant, and the exact location of the premises on which the concert is to be presented.

(3) The date and hours during which the concert is to be presented.

(4) An estimate of the minimum and the maximum number of persons expected to attend the concert.

(5) A description of all loudspeakers and sound equipment to be used and the estimated intensity of the sound, in decibels, at the boundary of the property on which the concert is to be presented.

(6) Such other information pertinent to the event as the city manager finds is reasonably necessary and required in order to determine whether or not the permit should be granted. (Code 1963, Sec. 9C-3)

Sec. 9-6-4 Same—approval; denial; conditions for issuance.

(a) Within 21 days after an application is filed, the city manager shall approve or deny the application. Failure by the city manager to act within that period shall constitute approval of the application. In approving an application, the city manager may set conditions prerequisite to the issuance of a permit and shall, as a minimum, require the following of all permits:

(1) *Security personnel.* The permittee shall employ at his own expense such security personnel as are necessary and sufficient to provide for adequate security and protection of the maximum number of persons expected to attend the concert and for the preservation of order and protection of property in and around the site of the concert. The required number of security personnel shall be determined by the chief of police whose decision shall be final.

(2) *Fire protection.* The permittee shall at his own expense take adequate steps as determined by the fire marshal to ensure fire protection.

(b) Any other conditions imposed by the city manager as a prerequisite to the issuance of a permit shall be reasonably calculated to protect the health, safety, welfare and property of persons attending the concert or of the citizenry in general. If such other conditions are imposed as a prerequisite to the issuance of a permit or where an application is denied, within three days of such action, notice thereof must be mailed to the applicant by certified mail and, in the case of denial, the reasons therefore shall be stated in the notice.

(c) A permit may be denied if:

(1) The applicant fails to comply with any requirements of this chapter, or with any conditions imposed pursuant hereto, or with any other applicable provision of state or local law, rule or regulation.

(2) The applicant has knowingly made a false, misleading or fraudulent statement in the permit application or in any supporting document. (Code 1963, Sec. 9C-4)

Sec. 9-6-5 General operating regulations.

The following operating regulations shall be enforced by the permittee:

(1) No permittee or persons having control of the concert shall knowingly permit any persons to bring onto the premises of the concert any intoxicating liquor or permit intoxicating liquor to be consumed on the premises, and no person during the concert shall take or carry onto the premises or drink thereon intoxicating liquor.

(2) No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be operated in such manner as to be plainly audible across property boundaries at a distance of 50 feet from the building, structure or premises on which it is located.

(3) No concert shall be presented between the hours of 2:00 a.m. and 9:00 a.m.

(4) Concerts operating without a permit under this chapter based on a reasonable anticipation of less than 500 persons in attendance, shall limit attendance to 499 persons and printed tickets, if utilized, shall not number more than 499.

(5) The burden of preserving order during the concert is upon the permittee. (Code 1963, Sec. 9C-5)

Sec. 9-6-6 Revocation of permit.

Any violation of one or more of the requirements of this chapter or any violation of one or more of the terms and conditions of a permit issued hereunder shall be grounds for immediate revocation of the permit by the city manager or his designee. Upon revocation of the permit, the permittee shall immediately terminate the concert and provide for the orderly dispersal of those in attendance. (Code 1963, Sec. 9C-6)

Sec. 9-6-7 Appeal of denial of application or conditions of approval for permit.

(a) Any applicant aggrieved by the actions of the city manager in the denial of an application or the imposition of conditions of approval of an application for a permit under this chapter shall have the right to appeal to the city council. The appeal shall be taken by filing with the clerk of the city council within 10 days after notice of the city manager's decision regarding denial or conditions of approval, a written statement setting forth fully the grounds for appeal. The clerk of the city council shall forthwith notify the city manager, who shall schedule a public hearing before the city council and shall give notice of such hearing to the appellant.

(b) After the hearing, the city council may affirm or revoke the city manager's decision with respect to denial of the permit and may affirm, modify or waive those conditions of approval which, in its opinion, are impractical or would result in severe hardship to the applicant; provided, however, that the provisions of section 9-6-4(a)(1) and (2), herein, cannot be waived. (Code 1963, Sec. 9C-7)

Sec. 9-6-8 Exemptions.

The provisions of this chapter shall not apply to any concert sponsored by the Commonwealth of Virginia or the city where such event is conducted on publicly owned land or property. (Code 1963, Sec. 9C-8)

Sec. 9-6-9 Inspections; right of entry.

The city manager, or his authorized agents or representatives shall have the power to enter a concert upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter or of terms and conditions imposed pursuant thereto. (Code 1963, Sec. 9C-9)

Sec. 9-6-10 Penalties.

Any person violating any of the provisions of this chapter or violating the terms and conditions of a permit granted pursuant to this chapter shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished by a fine not exceeding $500 or by imprisonment not exceeding six months, or both. (Code 1963, Sec. 9C-10)

CHAPTER 7

Filling Stations

State Law Reference: Gasoline and lubricating oils, Code of Va., Secs. 59-41 to 59-60.

Cross Reference: Power of city concerning filling stations. sec. 2.04(1).

§ 9-7-1	Definitions.
§ 9-7-2	Pumps at curb.
§ 9-7-3	Installation and operation.
§ 9-7-4	Filling stations abutting residential zones; storage of inoperative motor vehicles.
§ 9-7-5	Self-service stations—automatic locking devices.
§ 9-7-6	Same—coin-operated dispensers.
§ 9-7-7	Display of prices on signs; enforcement; penalty.
§ 9-7-8	Display of brand names or trademarks.
§ 9-7-9	Enjoining violations by retail dealers.

Sec. 9-7-1 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

(1) *Motor fuel.* A light distillate of petroleum or allied substance with suitable volatility and other characteristics to be used as a fuel for operating internal combustion engines whether or not it is mixed with other materials, or any other product or liquid when sold for use as a fuel in any type of internal combustion engine furnishing power to operate a vehicle.

(2) *Retail dealer.* Any person operating a service station, filling station, store garage or other place of business for the retail sale of motor fuel or the same of or dispensing of motor fuel for delivery into the service tank of any motor vehicle which is propelled by an internal combustion motor other than such a motor vehicle belonging to the person owning or operating such place of business. (Code 1963, Sec. 12-1)

Sec. 9-7-2 Pumps at curb.

The installation of pumps at gasoline filling stations at the curb, other than those now in existence, is prohibited. (Code 1963, Sec. 12-2)

Sec. 9-7-3 Installation and operation.

The installation and operation of gasoline filling stations shall conform in all respects to title 4, chapter 2 of this code relative to fire prevention,

and title 8, chapter 1 of this code relative to construction and maintenance. (Code 1963, Sec. 12-3; Ord. No. 3930, 6/14/97, Sec. 1)

Sec. 9-7-4 Filling stations abutting residential zone; storage of inoperative motor vehicles.

It shall be unlawful for any retail dealer who operates a filling station which abuts or is across an alley from land zoned R-20, R-12, R-8, R-5, R-2-5, RB, RM or RT and actually used for residential purposes to park or store or to suffer or permit to be parked or stored, for more than 48 hours, except within a fully enclosed building on the premises of the filling station, any motor vehicle or part thereof whose physical condition is such that it is economically impractical to make it operative. (Code 1963, Sec. 12-3.1)

Sec. 9-7-5 Self-service stations—automatic locking devices.

It shall be unlawful for a self-service type of station to operate unless each dispensing unit for class I liquids, as defined in title 4, chapter 2 of this code, is provided with an automatic locking device that prevents the reuse of the unit after the hose has been replaced until the unit has been manually unlocked by means of a detachable key or similar mechanism. A computing pump that automatically prevents reuse until the reset handle is operated may be approved as complying with the provisions of this section, provided the reset handle is detached and is used only by the attendant to start the pump prior to each use by a customer. (Code 1963, Sec. 12-12; Ord. No. 3930, 6/14/97, Sec. 4)

Sec. 9-7-6 Same—coin-operated dispensers.

It shall be unlawful to dispense gasoline by the use of unattended coin-operated dispensing devices. (Code 1963, Sec. 12-15; Ord. No. 3930, 6/14/97, Sec. 4)

Sec. 9-7-7 Display of prices on signs; enforcement; penalty.

(a) Each gasoline supplier shall provide and each retail dealer shall maintain and display publicly on a permitted monument sign that is less than six feet in height, located upon the premises under the control of the retail dealer, price signs that are seen easily from the street and that face both directions of traffic on the nearest public street or way. Such signs shall state the total price per gallon, including all taxes, of no less than two, but no more than three of the motor fuels available at the premises. All figures, including fractions, upon such signs shall be of the same size and shall be block type, and shall be a minimum of eight inches, and a maximum of 12 inches high, with a stroke width of two inches. The figures shall be in black print on a white or light colored background; provided, however, that the city manager, or the designee of the manager, may, on a case-by-case basis, grant a limited variation in such color requirements if he or she finds that the variation will meet the spirit and intent of this section and will provide the same degree of protection to consumers as is afforded by the color scheme specified above. The sign shall be no less than three feet in width and no less than four feet in height, shall be no greater than four feet in width and five feet in height, and shall be only square or rectangular in shape. Such sign shall be counted against the total free-standing sign allowance provided under current zoning ordinances.

(b) Where more than one type (e.g., leaded, unleaded, gasohol or diesel), or one grade (e.g., regular or premium), or a range of grades of motor fuel is offered for sale by the dealer, the type and grade of the motor fuel shall be displayed next to the price charged for that type and grade, with the price for regular gasoline being placed at the top of the sign, followed by the price for unleaded gasoline. Where more than one type of service is provided (e.g., full or self-service), only one set of prices for one of the services offered shall be required to be stated in the signs. Each sign shall state whether its prices are for self-serve or full-serve.

(c) Wherever the figures and fractions used in any price-computing mechanism constituting a part of a motor fuel pump or dispensing device are calibrated on the basis of the metric system (e.g., price per liter rather than price per gallon), there shall be posted on the premises in a place open and convenient to the public a metric-to-gallon price conversion table or equation adopted by the consumer affairs commission. Use of said table or equation to compute the figures and fractions for the price per gallon to be stated in the price signs shall be deemed acceptable for the purposes of this section.

(d) No signs relating to the price of motor fuel or other products sold by any retail dealer shall be posted or displayed on or about the premises which shall violate any provision of the city code, as amended, or law of the state or which shall

constitute a traffic or driving hazard, or which shall mislead the public, or in any way tend to constitute a fraud upon the public.

(e) The figures and fractions used in any price-computing mechanism constituting a part of any pump or dispensing device may be set to measure and compute on the basis of price per gallon, half-gallon, metric liter or other measure, so long as it is done in accordance with state and federal law.

(f) No signs stating or relating to the prices of motor fuel, and no signs designed or calculated to cause the public to believe that they state or relate to the price of motor fuel, other than the signs required by this section or referred to in the following section shall be posted or displayed on or about the premises, where motor fuel is sold at retail and within view from any public highway or reservation.

(g) (1) The provisions of this section may be enforced by the Office of Consumer Affairs of the City of Alexandria pursuant to section 12-7-2 of the city code and by written notice of violation served upon the owner, the owner's duly authorized agent or the manager of the premises where the violation has occurred. Said notice shall require compliance within a specified time period, depending upon the nature and circumstances of the violation, and in no event more than seven calendar days from the date of the notice.

(2) The notice of violation may be served by delivering it in person to one or more of the aforesaid persons, by mailing it by certified mail to one or more of their last known post office addresses, by delivering it to and leaving it in the possession of any person in charge of the premises, or, if such a person is not found upon the premises, by affixing a copy of it in a conspicuous place at the entrance door to the premises. Such procedure shall be deemed the equivalent of personal notice.

(h) Any person who violates a provision of this section and any person who, having been served with a notice of violation, fails to comply with such notice within the time limit therein specified, shall, upon conviction, be punished by a fine of not more than $100. Each day that any violation is allowed to continue shall constitute a separate and distinct offense. (Code 1963, Sec. 12-19, as amended by Ord. No. 2503, 6/25/80; Ord. No. 3264, 1/23/88, Sec. 1; Ord. No. 3930, 6/14/97, Secs. 2, 4; Ord. No. 5030, 6/18/16, Sec. 1)

Sec. 9-7-8 Display of brand names or trademarks.

All aboveground equipment for storing or dispensing motor fuel operated by a retail dealer shall bear in a conspicuous place the brand name or trademark of the manufacturer or distributor of the product stored therein or sold or dispensed therefrom. If the motor fuel stored in or sold or dispensed from aboveground equipment by a retail dealer has no brand name or trademark, such container or dispensing equipment shall have conspicuously displayed thereon the words "NO BRAND," or retail dealer's own brand or trade name. (Code 1963, Sec. 12-20; Ord. No. 3930, 6/14/97, Sec. 4)

State Law Reference: Fraud and misrepresentation in sale of liquid fuels, lubricating oils and similar products, Code of Va., Secs. 18.1-134 to 18.1-140.

Sec. 9-7-9 Enjoining violations by retail dealers.

The circuit court of the city shall have jurisdiction in equity to enjoin the habitual, continued or repeated violation of any provision of this chapter by any retail dealer. Petitions for such relief may be filed by any person injured or damaged by such violation. (Code 1963, Sec. 12-21; Ord. No. 3930, 6/14/97, Sec. 4)

CHAPTER 8

Junk Dealers, Antique Dealers, Canvassers, Pawnbrokers and Dealers in Secondhand Articles, Precious Metals or Gems

Charter Reference: Power of city relative to junk dealers, pawnbrokers, dealers in secondhand goods, sec. 2.05(r).

Cross Reference: Dealers in secondhand bicycles, sec. 10-7-3.

State Law Reference: Dealers in junk and secondhand articles, Code of Va., Secs. 54-825 to 54-836.

ARTICLE A

Policy

§ 9-8-1 Policy of chapter.
§§ 9-8-2 through 9-8-10 reserved.

ARTICLE B

Junk Dealers, Antique Dealers, Canvassers, Pawnbrokers or Dealers in Secondhand Articles

§ 9-8-11 Definitions.
§ 9-8-12 Permit required for engaging in or conducting business.
§ 9-8-13 Application for permit.
§ 9-8-14 Issuance.
§ 9-8-14.1 Applicability of permit process.
§ 9-8-15 Record of transactions.
§ 9-8-16 Reports to police.
§ 9-8-17 Inspection of premises.
§ 9-8-18 Articles to be retained 15 days after report.
§ 9-8-19 Prohibitions.
§ 9-8-20 Dealing in secondhand steel, copper, etc.
§ 9-8-21 Permit required for sale of secondhand heating or plumbing fixtures, electric or gas fixtures, etc.; exceptions.
§ 9-8-22 Premises of junk dealers to be enclosed.
§ 9-8-23 Revocation.
§ 9-8-24 Appeals.
§ 9-8-25 Penalties.
§§ 9-8-26 through 9-8-30 reserved.

ARTICLE C

Precious Metals or Gem Dealers

§ 9-8-31 Definitions.
§ 9-8-32 Permit required.
§ 9-8-33 Application for permit.
§ 9-8-34 Record of transactions.
§ 9-8-35 Inspection of premises.
§ 9-8-36 Articles to be retained 15 days.
§ 9-8-37 Prohibitions.
§ 9-8-38 Exemptions.
§ 9-8-39 Appeals.
§ 9-8-40 Penalty.

ARTICLE A

Policy

Sec. 9-8-1 Policy of chapter.

It is hereby declared to be the policy of the city in the exercise of its police power for the protection of the safety, health and welfare of its citizens to regulate the purchase or pawn of junk, antiques, and secondhand articles, precious metals and gems by pawnbrokers and other dealers by requiring the licensing of persons engaged in the business of purchasing such articles, requiring the holding of each article for a 15 day period and requiring that records be kept of each purchase. (Ord. No. 2518, 10/29/80, Sec. 2, as amended by Ord. No. 2587, 6/13/81, Sec. 3)

Secs. 9-8-2 through 9-8-10 reserved.

ARTICLE B

Junk Dealers, Antique Dealers, Canvassers, Pawnbrokers or Dealers in Secondhand Articles

Sec. 9-8-11 Definitions.

As used in this article, unless the context clearly requires otherwise, the following terms shall have the meanings herein ascribed to them:

(1) *Antique dealer.* Any dealer as defined herein who engages in the business or occupation of purchasing any work of art, piece of furniture or decorative object made 100 years prior to the date of purchase.

(2) *Canvasser.* Any person who shall canvass for the purpose of buying any junk or any other like commodity for any junk dealer, or for sale to such junk dealer or to another.

(3) *Chief of police.* Chief of police shall refer to the director of public safety or his designee.

(4) *Dealer.* Any person, firm, partnership, corporation and any principal or employer on whose behalf a purchase is made, employee, agent or servant thereof who makes any such purchase on behalf of his employer or principal, who or which is engaged in or conducting business for the purchase or pawn of junk, antiques or secondhand articles. Dealers are excluded from this definition insofar as they make purchases of articles subject to this article directly from other dealers, manufacturers or wholesalers for wholesale or retail inventories. Also excluded from this definition are dealers receiving merchandise for consignment sale and jobbers buying complete household inventories through established telephone and newspaper advertisements. Further, there shall be excluded from this definition all agents, clerks and employees of a junk dealer; provided, however, every junk dealer shall be liable to all the penalties provided for violations of any of the provisions of this article, whether such violations shall be committed by himself or by his agents, clerks or employees.

(5) *Director.* The director of public safety or his designee.

(6) *Engaged in or conducting business.* The purchase or pawn of any items aforesaid, including such business conducted by an established dealer in a permanent location and including any temporary, transient or itinerant business.

(7) *Established dealer.* Any dealer as defined herein who engaged in or conducts business at a fixed location in Alexandria, Virginia, for profit for 30 consecutive days or more.

(8) *Itinerant dealer.* Any dealer as defined herein who engages in any temporary or transient business conducted in a shop, room, hotel room, motel room or other premises for any duration less than 30 consecutive days.

(9) *Junk dealer.* Any dealer as defined herein who engages in the purchase or pawn of junk, rags, rag cullings, bones, bottles, scrap, metals, metal drosses, steel, iron, old lead pipe, old bathroom fixtures, old rubber, old rubber articles or other like commodities, except paper, furniture, clothes and shoes.

(10) *Pawnbroker.* Any person who shall in any manner lend or advance money or other things for profit on the pledge or possession of personal property, or other valuable things, other than securities or written evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

(11) *Secondhand articles.* Any item of personal property or object of value, previously owned or used, which is not purchased or sold as new. Secondhand articles do not include property purchased by one licensed, established merchant from another within or without the city in the normal course of business. (Code 1963, Sec. 19-01, as amended by Ord. No. 2518, 10/29/80, Sec. 4; Ord. No. 2587, 6/13/81, Sec. 6; Ord. No. 3006, 1/12/85, Sec. 1)

Sec. 9-8-12 Permit required for engaging in or conducting business.

It shall be unlawful for any dealer to engage in any activity subject to regulation by this article without first obtaining a permit therefor from the chief of police as specified herein. Such permit shall be necessary in addition to any required business license. (Code 1963, Sec. 19-1, as amended by Ord. No. 2518, 10/29/80, Sec. 4; Ord. No. 2587, 6/13/81, Sec. 7)

Sec. 9-8-13 Application for permit.

(a) Applicants for a permit under this article, whether a person, firm or corporation, shall file a written application on a form provided by the chief of police, signed by the applicant if an individual, by all partners if a partnership and by the president if a corporation, with the chief of police showing:

(1) the name or names of the principals, agents and employees of the applicant's business during the time that it is proposed that it will be carried on in the city; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (as proprietor, agent, employee or otherwise); the name and the address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state it is incorporated;

(2) the place or places in the city where it is proposed to carry on the applicant's business, and the length of time during which it is proposed that said business shall be conducted;

(3) the place or places, other than the permanent place of business of the applicant, where the applicant within the six (6) months next preceding the date of said application conducted an itinerant business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

(4) whether or not the applicant has been convicted, within the seven (7) years immediately preceding the date of the filing of the application, of a felony or crime involving burglary, larceny, receiving stolen goods, embezzlement or fraudulent conversion, the nature of such offense and the punishment assessed therefor; and

(5) credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(b) The application shall state thereon that "it is unlawful for any person to make a false statement on this application." Any false statement made on the application form will void the application *ad initio* and constitute a misdemeanor punishable under section 9-8-25. (Ord. No. 2518, 10/29/80, Sec. 5, as amended by Ord. No. 2587, 6/13/81, Sec. 7)

Sec. 9-8-14 Issuance.

(a) Upon receipt of an application for a permit in accordance with the provisions of section 9-8-13, the chief of police shall investigate the statements made on the application. Unless the chief of police determines otherwise after his investigation, he shall within 30 days following the date of the filing of the application issue the applicant a permit hereunder. The chief of police may, after investigation and finding that the health, safety or welfare of the public so demand, refuse to issue a permit to an applicant for the following reasons:

(1) Conviction of the applicant of any felony within the seven (7) years immediately preceding the date of filing of the application.

(2) Conviction of the applicant of any crime within the seven (7) years immediately preceding the date of the filing of the application involving burglary, larceny, receiving stolen goods, embezzlement and fraudulent conversion.

(3) Fraud, misrepresentation or false statement of material or relevant facts contained in the application.

(4) The chief of police may refuse to issue a permit or may revoke a permit issued to any canvasser who fails to obtain a canvasser's license as required by section 54-829 of the Code of Virginia (1950), as amended, or to any junk dealer who fails to obtain a license as required by section 54-825 of the Code of Virginia.

(b) An applicant for a permit may, in the discretion of the chief of police, be issued a temporary permit within 72 hours after filing the application based upon a preliminary investigation by the chief of police, which permit shall remain in effect until the issuance, or denial, of a permit as herein provided.

(c) The chief of police shall mail to the applicant, by certified mail, a written statement of his decision on each application together with a brief statement of his reasons therefor. In the event the chief of police denies a permit, he shall notify the applicant in writing within 30 days of the filing of the application. A confidential record of the investigation shall be kept on file by the chief of police.

(d) The permit issued hereunder shall be a personal privilege and shall not be transferable, nor shall there be any abatement of the fee for such permit by reason of the fact that the permit holder shall have exercised the privilege for any period of less than it was granted.

(e) The issuance of a permit to any itinerant dealer shall specify the date or dates upon which the business may be conducted. A fee of $10 per day shall be charged, and the permit shall be issued only for the period specified in the application. A fee for the issuance of a permit to an established dealer in the amount of $10 shall be charged and said permit shall be renewed annually.

(f) The permit issued under this article shall be posted conspicuously in each place of business named therein.

(g) Appeals from the decision of the chief of police shall be made in accordance with section 9-8-24. (Code 1963, Sec. 19-2, as amended by Ord. No. 2518, 10/29/80, Sec. 6; Ord. No. 2587, 6/13/81, Sec. 7)

Sec. 9-8-14.1 Applicability of permit process.

Any and all agents, clerks and employees of a junk dealer, who shall or may, at any time, engage or be involved in the purchase of any goods or merchandise on behalf of their principal or employer, shall be subject to all of the provisions of sections 9-8-13 and 9-8-14, even though no permit shall be issued. No agent, clerk or employee may engage in or be involved in the purchase of any goods or merchandise until such application is favorably acted upon by the director. Any agent, clerk or employee who engages in or is involved in the purchase of any goods or merchandise without prior approval by the director shall be deemed to be acting in violation of this article. (Ord. No. 3006, 1/12/85, Sec. 2)

Sec. 9-8-15 Record of transactions.

(a) Every dealer shall keep at his place of business for at least 24 months, or carry with him while conducting business, a permanently bound book in which shall be legibly recorded with ink in the English language, at the time of the purchase or pawn of any item aforesaid within the city in the course of his business, an accurate account of each such transaction. The record shall set forth an accurate and legible description of the goods, articles or things purchased or pawned, the name, residence and description of the person selling or pawning the same, the driver's license number or social security number of the seller or pawner and the dealer's permit number. The description of the person required by this section shall consist of the hair color, sex, race, approximate height, weight, date of birth and any distinguishing features of such person. In order to ensure the accuracy of the information, the dealer shall comply with the provisions of section 9-8-19(d). Such book shall during regular business hours be open to the inspection of the director. It shall be unlawful for any person to fail to exhibit to the director any record book required to be kept pursuant to this section.

(b) Each dealer shall also keep and maintain for at least 24 months an accurate and legible record of the name and address of the person, firm or corporation to which he sells any item aforesaid after the waiting period required by section 9-8-18. This record shall also show the name and address of the seller from whom the dealer purchased such item.

(c) Anything in this section to the contrary notwithstanding, a junk dealer shall not be required to record transactions pertaining to the purchase of rags, bones, old iron, paper and aluminum cans; further, there shall be excluded from this section any transaction by a junk dealer in which the total value of the goods and merchandise purchased in such transaction is less than $25. Additionally, the requirements of this section shall not apply to any transaction between dealers (as "dealer" is defined by this article), or between a dealer on the one hand, and a licensed, established merchant from within or without the city on the other hand, when such transaction takes place in the normal course of business. (Code 1963, Sec. 19-3, as amended by Ord. No. 2518, 10/29/80, Sec. 6; Ord. No. 2587, 6/13/81, Sec. 7; Ord. No. 3006, 1/12/85, Sec. 3)

Sec. 9-8-16 Reports to police.

Every dealer buying from off-the-street or walk-in sellers shall, every day except Sunday, deliver or mail to the chief of police within 24 hours of the time of purchase, on blank forms to be prescribed by the chief of police or on a copy of the bill of sale, a legible and accurate description of every article or thing required to be entered in a record book provided for under the preceding section. The form or bill of sale shall set forth the dealer's permit number, the driver's license number or social security number of the seller or pawner, together with a description of the person selling the same including the hair color, sex, race, approximate height, weight, date of birth and any distinguishing features, together with a reference to the volume and page number of the record book where the original entry required by the preceding section was made. (Code 1963, Sec. 19-4, as amended by Ord. No. 2518, 10/29/80, Sec. 6; Ord. No. 2587, 6/13/81, Sec. 7)

Sec. 9-8-17 Inspection of premises.

Every dealer shall admit to his premises during regular business hours the chief of police to

examine any books or other record on the premises or in his possession which are required by this article, as well as any article listed in a record known or believed by the chief of police to be missing or stolen. (Ord. No. 2518, 10/29/80, Sec. 7, as amended by Ord. No. 2587, 6/13/81, Sec. 7)

Sec. 9-8-18 Articles to be retained 15 days after report.

No dealer shall sell, melt, change the form of or dispose of any article received by him, of which he is required to make record and report under this chapter, within 15 days after such report is mailed or delivered to the chief of police. All such articles shall be retained in his possession in the city during the 15 day period. (Code 1963, Sec. 19-5, as amended by Ord. No. 2518, 10/29/80, Sec. 8; Ord. No. 2587, 6/13/81, Sec. 7)

Sec. 9-8-19 Prohibitions.

(a) No dealer shall have in his place of business or in his possession, or shall have acquired and resold any article which is proved to have been stolen, the account and report of which he has not kept and reported as herein prescribed.

(b) It shall be unlawful for any dealer in the course of his business or occupation to acquire, by purchase or pawn, any goods from any person under 18 years of age.

(c) It shall be unlawful for any dealer to acquire, by purchase or pawn, goods bearing evidence of a serial number which has been tampered with or scratched or obliterated in any manner unless such person immediately contacts the police department of the city.

(d) It shall be unlawful for any dealer to accept or buy any articles prior to ascertaining the identity of the person pawning or selling said articles by requiring an identification issued by a governmental agency and at least one (1) other corroborating means of identification. (Code 1963, Sec. 19-6, as amended by Ord. No. 2518, 10/29/80, Sec. 8; Ord. No. 2587, 6/13/81, Sec. 7)

Sec. 9-8-20 Dealing in secondhand steel, copper, etc.

Except as provided in the following section, it shall be unlawful for any person to buy, barter, purchase, exchange or accept from any person whomsoever, except plumbers, the owner of buildings from which the material is taken, railroad, industrial, manufacturing and public utility companies or the authorized agents of such companies, lawful owners or junk dealers licensed by any state or political subdivision, any secondhand steel, copper, copper wire, aluminium, aluminium wire, brass, brass bearings or fittings, electric light or gas fixtures, locks or other building hardware, lead or brass water pipes or any part of such fixtures or pipes, wire, cable, lead, solder, iron used by or belonging to a railroad, telephone, telegraph, industrial, manufacturing or public utility company. (Code 1963, Sec. 19-8; Ord. No. 2818, 6/28/83, Sec. 1)

Sec. 9-8-21 Permit required for sale of secondhand heating or plumbing fixtures, electric or gas fixtures, etc.; exceptions.

It shall be unlawful for any person to offer for sale, sell, barter or exchange any secondhand heating or plumbing fixtures or supplies, electric fixtures or wiring, gas fixtures or appliances, water faucets, pipes, locks, bathtubs, or any other secondhand fixtures of whatever kind or description pertaining to a building without first obtaining a permit for the sale or exchange of same from the chief of police. This section shall not be construed to apply to the sale of secondhand materials taken from premises occupied by the owner when sold by the owner on the premises nor shall it be construed to apply to the sale of such articles by a public utility company at its place of business or to sales by a governmental agency. (Code 1963, Sec. 19-9)

State Law Reference: Purchase, possession of secondhand grate baskets, gas fixtures, etc., Code of Va., Sec. 18.1-145; buying pig iron, etc., with intent to defraud, Code of Va., Sec. 18.1-146.

Sec. 9-8-22 Premises of junk dealers to be enclosed.

Every junk dealer shall erect and maintain in good state of repair around all open enclosures where his business or any part thereof is carried on, tight board fences at least eight (8) feet high which shall be painted an appropriate color on the outside, or by a superior type of enclosure, such as brick wall, etc. All activities in connection with the junk business shall be conducted within such enclosures. (Code 1963, Sec. 19-10)

Sec. 9-8-23 Revocation.

(a) Any permit issued to an established dealer under the provisions of this article may be revoked by the chief of police after notice and hearing if the chief of police finds that such person has knowingly violated any provision of this article. A seven-day written notice of the hearing stating the reasons for the proposed revocation shall be mailed, postage prepaid, to the permit holder at the business address appearing on the permit application, or if there be none, to the residence address, appearing thereon.

(b) Said notice shall set forth the grounds of the proposed revocation and the time and place of the hearing. At the hearing, the permit holder may be represented by counsel, may cross-examine witnesses and may present evidence in his favor.

(c) In the case of an itinerant dealer, the chief of police may forthwith revoke such permit if the chief of police finds that such person has knowingly violated the provisions of this article. An itinerant dealer who has had his or her permit revoked by the chief of police may demand notice and hearing as described above within 48 hours of the next business day following revocation. At such hearing, the itinerant dealer shall be afforded all of the rights and privileges described above.

(d) Appeals from the decision of the chief of police shall be made in accordance with section 9-8-24.

(e) Any dealer who has received written notice of a revocation hearing pursuant to this section shall be ineligible to apply, pursuant to section 9-8-13, for issuance of a permit until the revocation proceeding has concluded. Any dealer whose permit has been revoked by the chief of police in accordance with this section shall be ineligible to apply, pursuant to section 9-8-13, for issuance of a new permit for a period of 12 months following the date that the revocation becomes final. (Ord. No. 2518, 10/29/80, Sec. 9; Ord. No. 3734, 6/18/94, Sec. 1)

Sec. 9-8-24 Appeals.

An appeal from the decision of the chief of police to deny an application for a permit or to revoke a permit shall be made in writing to the city manager within seven (7) days of the receipt of a decision. The appeal shall state the specific grounds for the appeal. The city manager shall hold a hearing within a reasonable time from the receipt of the appeal. At the hearing, the applicant or permit holder may be represented by counsel, may cross-examine witnesses and may present evidence in his favor. The city manager may grant or deny the appeal. The decision of the city manager shall be final. (Ord. No. 2518, 10/29/80, Sec. 9)

Sec. 9-8-25 Penalties.

Any violation of any provision of this article shall constitute a misdemeanor. Operation of any business hereunder in violation of any provision of this article shall constitute a separate offense for each day of operation.

Secs. 9-8-26 through 9-8-30 reserved.

ARTICLE C

Precious Metals or Gems Dealers

Sec. 9-8-31 Definitions.

As used in this article, unless the context clearly requires otherwise, the following terms shall have the meanings herein ascribed to them:

(1) *Coin.* Any piece of gold, silver or other metal fashioned into a prescribed shape, weight and degree of fineness, stamped by authority of a government with certain marks and devices and having a certain fixed value as money.

(2) *Chief of police.* The Chief of the Alexandria Police Department or his designee.

(3) *Dealer.* Any person, firm, partnership or corporation engaged in the business of (i) purchasing secondhand precious metals or gems, (ii) removing in any manner precious metals or gems from manufactured articles not then owned by such person, firm, partnership or corporation, or (iii) buying, acquiring or selling precious metals or gems removed from such manufactured articles. "Dealer" shall mean all employers and principals on whose behalf a purchase is made and any employee or agent who makes such purchase for or on behalf of his employer or principal.

This definition shall not be construed so as to include persons engaged in the following activities:

a. purchases of precious metals or gems directly from other dealers, manufacturers or wholesalers for retail or wholesale inventories, provided the selling dealer has complied with the provisions of this article or of sections 54-859.15 through 54-859.27 of the Code of Virginia (1950), as amended;

b. purchases of precious metals or gems from a duly qualified fiduciary who is disposing of the assets of the estate being administered by such fiduciary in the administration of an estate;

c. acceptance by a retail merchant of trade-in merchandise previously sold by such retail merchant to the person presenting that merchandise for trade-in;

d. repairing, restoring or designing jewelry by a retail merchant, if such activities are within his normal course of business;

e. purchases of precious metals or gems by industrial refiners and manufacturers, insofar as such purchases are made directly from retail merchants, wholesalers, dealers or by mail originating outside the Commonwealth of Virginia; or

f. persons regularly engaged in the business of purchasing and processing nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a by-product.

(4) *Gems.* Any item containing precious or semiprecious stones customarily used in jewelry.

(5) *Precious metals.* Any item except coins composed in whole or in part of gold, silver, platinum or platinum alloys. (Ord. No. 2587, 6/13/81, Sec. 8)

Sec. 9-8-32 Permit required.

Effective July 1, 1981, no person shall engage in the activities of a dealer as defined in section 9-8-31 without first obtaining a permit from the chief of police. Appeals from the decision of the chief of police to deny an application for a permit shall be made in accordance with section 9-8-39 of this article. (Ord. No. 2587, 6/13/81, Sec. 8)

Sec. 9-8-33 Application for permit.

(a) Applicants for a permit under this article shall file with the chief of police an application form which shall include the dealer's full name, any aliases, address, age, sex and fingerprints; the name, address and telephone number of the applicant's employer, if any; and the location of the dealer's place of business. Upon filing this application and the payment of a $200 application fee, the dealer shall be issued a permit by the chief of police, provided that the applicant has not been convicted of a felony or crime of moral turpitude within seven (7) years prior to the date of application. The permit shall be denied if the applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to the provisions of this article or pursuant to sections 54-859.15 through 54-859.27 of the Code of Virginia (1950), as amended.

(b) Before a permit may be issued, the dealer must have all weighing devices used in his business inspected and approved by local or state weights and measures officials and present written evidence of such approval to the chief of police.

(c) If the business of the dealer is not operated without interruption, with Saturdays, Sundays and recognized holidays excepted, the dealer shall

notify the chief of police of all closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.

(d) The permit required under this article shall be valid for one (1) year from the date issued and may be renewed in the same manner as such permit was initially obtained with an annual permit fee of $200. No permit shall be transferable.

(e) Each dealer at the time of obtaining a permit shall enter into a recognizance to the city secured by a corporate surety authorized to do business in the Commonwealth of Virginia, in the penal sum of $10,000, conditioned upon due observance of the terms of this article. In lieu of a bond, a dealer may cause to be issued by a bank authorized to do business in the Commonwealth of Virginia a letter of credit in favor of the city in the sum of $10,000. A single bond upon an employer or principal may be written or a single letter of credit issued to cover all employees and all transactions occurring at a single location.

(f) If any person shall be aggrieved by the misconduct of any dealer who has violated the provisions of this article, he may maintain an action for recovery in any court of proper jurisdiction against such dealer and his surety, provided that recovery against the surety shall be only for that amount of the judgment, if any, which is unsatisfied by the dealer. (Ord. No. 2587, 6/13/81, Sec. 8)

Sec. 9-8-34 Record of transactions.

(a) Every dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems. The record of each such purchase shall be retained by the dealer for not less than 24 months. These records shall set forth the following:

(1) A complete description of all precious metals or gems purchased from each seller. The description shall include all names, initials, serial numbers or other identifying marks or monograms on each item purchased, the true weight or carat of any gem and the price paid for each item.

(2) The date and time of receipt of the items purchased.

(3) The name, address, age, sex, race, driver's license number or social security number and signature of the seller.

(b) The information required above shall appear on each bill of sale for all precious metals and gems purchased by a dealer. A copy of the bill of sale or a form prescribed by the chief of police containing such information shall be mailed or delivered within 24 hours of the time of purchase to the chief of police.

(c) Each dealer shall keep and maintain for at least 24 months an accurate and legible record of the name and address of the person, firm or corporation to which he sells any precious metal or gem in its original form after the waiting period required by section 9-8-37. This record shall also show the name and address of the seller from whom the dealer purchased such item. (Ord. No. 2587, 6/13/81, Sec. 8)

Sec. 9-8-35 Inspection of premises.

Every dealer shall admit to his premises during regular business hours the chief of police or any law enforcement officer of the state or federal governments, and shall permit such law enforcement officer to examine all records required by this article and to examine any article listed in a record which is believed by the officer or official to be missing or stolen.

Sec. 9-8-36 Articles to be retained 15 days.

(a) The dealer shall retain all precious metals or gems purchased for a minimum of 15 calendar days from the date on which a copy of the bill of sale or form prescribed by the chief of police is mailed or delivered to the chief of police. Until the expiration of this period, the dealer shall not sell, alter or dispose of a purchased item in whole or in part, or remove it from the city.

(b) If a dealer performs the service of removing precious metals or gems, he shall retain the metals or gems removed and the article from which the removal was made for a period of 15 calendar days after receiving such article and precious metals or gems. (Ord. No. 2587, 6/13/81, Sec. 8)

Sec. 9-8-37 Prohibitions.

(a) No dealer shall purchase precious metals or gems without first ascertaining the identity of the seller by requiring an identification issued by a governmental agency with a photograph of the seller thereon, and at least one (1) other corroborating means of identification.

(b) No dealer shall purchase precious metals or gems from any seller who is under the age of 18.

(c) No dealer shall purchase precious metals or gems from any seller who the dealer believes or has reason to believe is not the owner of such items, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale. (Ord. No. 2587, 6/13/81, Sec. 8)

Sec. 9-8-38 Exemptions.

The chief of police may waive by written notice implementation of any one (1) or more of the provisions of this article except subsections 9-8-37(b) and (c) for particular numismatic, gem or antique exhibitions or craft shows sponsored by nonprofit organizations; provided that the purpose of the exhibitions is nonprofit in nature notwithstanding the fact that there may be casual purchases and trades made at such exhibitions. (Ord. No. 2587, 6/ 13/81, Sec. 8)

Sec. 9-8-39 Appeals.

An appeal from the decision of the chief of police to deny an application or to revoke a permit shall be made in writing to the city manager within seven (7) days of the receipt of a decision. The appeal shall state the specific grounds for the appeal. The city manager shall hold a hearing within a reasonable time from the receipt of the appeal. At the hearing the applicant or permit holder may be represented by counsel, may cross-examine witnesses and may present evidence in his favor. The city manager may grant or deny the appeal. The decision of the city manager shall be final. (Ord. No. 2587, 6/13/81, Sec. 8)

Sec. 9-8-40 Penalty.

(a) Any person convicted of violating any of the provisions of this article shall be guilty of a class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense, he shall be guilty of a class 1 misdemeanor.

(b) Upon the first conviction by any court of a dealer for violation of any provision of this article, the chief of police may revoke his permit to engage in business as a dealer under this article for a period of one (1) full year from the date the conviction becomes final. Appeals from the decision of the chief of police shall be made in accordance with section 9-8-39 of this article. Such revocation shall be mandatory upon a second conviction. (Ord. No. 2587, 6/13/81, Sec. 8)

CHAPTER 9

Reserved

Editor's Note: Ord. No. 4856, § 5, adopted Jan. 25, 2014, repealed Ch. 9, §§ 9-9-1—9-9-10, which pertained to Rebound Tumbling Centers and derived from §§ 27-1—27-10 of the 1963 Code.

CHAPTER 10

Solicitations

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ARTICLE A

Solicitation for Charitable Purposes

Editorial Note: Section 1 of Ord. No. 2662, adopted March 13, 1982, repealed Art. I of Ch. 32 of the 1963 Code, which had been codified as §§ 9-10-1—9-10-15, constituting Art. A hereof. Section 2 of Ord. No. 2662 added an Art. I-A, on the same subject, which the editor has codified as new §§ 9-10-1—9-10-9.

Sec. 9-10-1 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

Charitable organization. Any person which is or holds itself out to be organized or operated for any charitable purpose, or any person which solicits or obtains contributions solicited from the public. This definition shall not be deemed to include any church or convention or association of churches, primarily operated for nonsecular purposes and no part of the net income of which inures to the direct benefit of any individual; nor shall it include any political party as defined in section 24.1-1, Code of Virginia (1950), as amended, or any political campaign committee required by local, state or federal law to file a report or statement of contributions and expenditures; nor shall it include any labor union registered under section 40.1-76, Code of Virginia (1950), as amended, nor any trade association; nor shall it include any authorized individual who solicits, by authority of such organization, solely on behalf of a registered charitable organization or on behalf of an organization excluded from the definition of charitable organization.

Charitable purpose. Any charitable, benevolent, humane, philanthropic, patriotic or eleemosynary purpose and the purposes of influencing legislation or influencing the actions of any public official or instigating, prosecuting or intervening in litigation.

Contribution. Any gift, bequest, devise or other grant of any money, credit, financial assistance or property of any kind or value, including the promise to contribute, except payments by the membership of an organization for membership fees, dues, fines or assessments or for services rendered to individual members, and except money, credit, financial assistance or property received from any governmental authority. The term "contribution" shall not include any donation of blood or any gift made pursuant to article 2, section 32.1-289 et seq., chapter 8, title 32.1 of the Code of Virginia (1950), as amended, also known as the Uniform Anatomical Gift Act.

Director. The city manager or his or her designee.

Person. Any individual, organization, trust, foundation, association, partnership, corporation, society, or other group or combination acting as a unit.

Sale, sell and sold. The transfer of any property or the rendition of any service to any person in exchange for consideration, including any purported contribution without which such property would not have been transferred or such services would not have been rendered.

Solicit and solicitation. The request or appeal, directly or indirectly, for any contribution on the plea or representation that such contribution will be used for a charitable purpose, including without limitation, the following methods of requesting such contribution:

(1) Any oral or written request;

(2) Any announcement to the press, over the radio or television, or by telephone or telegraph

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concerning an appeal or campaign to which the public is requested to make a contribution for any charitable purpose connected therewith;

(3) The distribution, circulation, posting or publishing of any handbill, written advertisement or other publication which directly or by implication seeks to obtain public support; or

(4) The sale of, offer or attempt to sell any advertisement, advertising space, subscription, ticket or any service or tangible item in connection with which any appeal is made for any charitable purpose or where the name of any charitable organization is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will be donated to any charitable purpose.

A solicitation, as defined herein, shall be deemed to occur when the request is made, at the place the request is received, whether or not the person making the same actually receives any contribution. (Ord. No. 2662, 3/13/82, Sec. 2)

Sec. 9-10-2 Registration of charitable organizations.

(a) Every charitable organization, except as otherwise provided in this article or by state law, which intends to solicit contributions within the city, or have funds solicited on its behalf in the city, shall, prior to any solicitation, file an initial registration statement with an upon forms acceptable to the director. It shall be the duty of the president, chairperson or principal officer of such charitable organization to keep the statements required by this article accurate and up-to-date on at least an annual basis.

(b) Any charitable organization may file with the director evidence, including but not limited to a copy of the registration statement it has filed with the state commissioner, pursuant to the requirements of chapter 5, section 57-48, et seq., title 57 of the Code of Virginia, (1950), as amended, a copy of the letter of exemption provided for by section 57-60 of the state code, or other evidence of compliance and, therefore, exemption pursuant to section 57-50 of the state code. Such filing shall be deemed to be compliance with the requirements of this section. The director may require that any or all of the information listed below be included in the statement:

(1) The name of the organization and the purpose for which it was organized;

(2) The principal address of the organization, the address of any of its offices within the city and its designated agent for service of process within the Commonwealth of Virginia. If no such agent is designated, the organization shall be deemed to have designated the secretary of the commonwealth;

(3) The names and addresses of any chapters, branches or affiliates of the organization located in the city;

(4) The place where and the date when the organization was legally established, the form of its organization, and a reference to any determination of its tax-exempt status under the Internal Revenue Code;

(5) The names and addresses of the officers, directors, trustees, principal salaried executive staff officer, if any, and any person having custody of financial records of the organization;

(6) A statement indicating whether the organization intends to solicit contributions from the public directly or have such done on its behalf by others;

(7) A statement indicating whether the organization is authorized by any other governmental agency or authority within the Commonwealth of Virginia to solicit contributions and whether it, or any officer, professional fund-raiser or professional solicitor thereof, is or has ever been enjoined by any court or otherwise prohibited from soliciting contributions in any jurisdiction;

(8) The general purpose or purposes for which the contributions to be solicited shall be used;

(9) The name or names under which it intends to solicit contributions;

(10) The names of the individuals or officers of the organization who will have final responsibility for the custody of the contributions;

(11) The names of the individuals or officers of the organization responsible for the final distribution of the contributions;

(12) A statement indicating whether the organization or any officer thereof, or any professional solicitor or professional fund-raiser retained by the organization has ever been convicted in any jurisdiction of embezzlement, larceny or other crime involving the obtaining of money or property by false pretenses or the misapplication of funds impressed with a trust, unless such person has received a pardon for such offense, and, if so, a description of the pertinent facts;

(13) A statement showing the percentage which the organization's fund-raising expenses for the preceding fiscal year bore to such support it received directly from the public during that year; and

(14) The director may also require additional information which is listed in section 57-49 of the Code of Virginia (1950), as amended. Such additional information may only be required, however, when it is deemed by the director to be reasonably necessary in order to ensure compliance with the requirements and purpose of this article. (Ord. No. 2662, 3/13/82, Sec. 2)

Sec. 9-10-3 Publication of warning concerning certain charitable organizations.

If the director shall determine that any charitable organization required to be registered pursuant to the provisions of this article is not registered and is soliciting in the city, he or she may, after 10 days' written notice mailed to the charitable organization, cause to be printed in one (1) or more newspapers of general circulation in the city a notice in substantially the following form:

WARNING—UNREGISTERED
CHARITABLE SOLICITATION

The organization named below has solicited contributions from area residents for allegedly charitable purposes. It has not registered with the director as required by law. Contributors are cautioned that their contributions to such organizations may be used for noncharitable purposes.

A copy of such warning shall immediately be forwarded to the state commissioner for agriculture and consumer services or his or her duly authorized delegate. (Ord. No. 2662, 3/13/82, Sec. 2)

Sec. 9-10-4 Information filed to become public records.

Registration statements required to be filed under this article shall become public records in the office of the director and shall be open to the general public for inspection during normal working hours and under such conditions as the director may prescribe. A reasonable charge may be made for any copies of such documents and information as may be furnished any person by the director. (Ord. No. 2662, 3/13/82, Sec. 2)

Sec. 9-10-5 Prohibited acts.

In addition to the prohibited acts enumerated in section 57-57 of the Code of Virginia (1950), as amended, it shall be unlawful for any person to violate any of the provisions of this section in connection with any solicitation regulated by this article:

(1) No charitable organization shall use or exploit the fact of its registration under this article so as to lead the public to believe that such registration in any manner constitutes an endorsement or approval by the city, except that any such registered charitable organization may use and advertise the following statement in connection with any solicitation for which it has registered under this article: "Registered with the City of Alexandria, Virginia, as required by law. Such registration does not imply any endorsement by the city of a public solicitation for contributions."

(2) No person shall knowingly make any false or misleading statement or otherwise engage in any deceptive practice.

(3) No person shall use the endorsement of any individual or organization without the endorser's written consent; provided, however, participation in a solicitation is deemed to be such consent. Nothing contained in this section shall prevent the publication of names of contributors, without their written consent, in an annual or other periodic report issued by a charitable organization for the purpose of reporting on its operations and affairs to its membership or for the purpose of reporting contributions to contributors.

(4) No person shall denominate any membership fee or purchase price of goods or services sold as a contribution or as a donation or in any other manner represent or imply that the member or the purchaser of such goods or services will be entitled to an income tax deduction for his or her cost, or any portion thereof, unless there shall first have been obtained a signed opinion of counsel or an Internal Revenue Service ruling or determination letter holding such cost to be deductible. No charitable organization, other than an organization exempt under section 57-60(a)(3) of the Code of Virginia (1950), as amended, shall represent or imply that a contributor will be entitled to an income tax deduction for his contribution unless there shall first have been obtained a signed opinion of counsel or an Internal Revenue Service ruling or determination letter holding gifts to such organization to be so deductible.

(5) No person shall use or display the name or emblem of a charitable organization in a solicitation without the organization's consent.

(6)a. No professional solicitor shall solicit in the name of or on behalf of any charitable organization unless such solicitor has written authori-

zation of two (2) officers of such organization, which authorization shall bear the signature of the solicitor and shall expressly state on its face the period for which it is valid, not to exceed one (1) year from the date issued. A copy of such authorization shall be filed with the director.

b. Professional solicitors shall carry such written authorization on or about their person when making any such solicitation and shall exhibit the same on request to any person solicited by them or to any police officer of the city or agent of the director.

(7) No charitable organization shall accept any contribution exceeding five dollars ($5.00) in cash or tangible personal property without providing, upon request of the donor, a written receipt signed by the person accepting such contribution.

(8) No person shall solicit within the city if such person has been convicted in any jurisdiction of embezzlement, larceny or other crime involving the obtaining of money or property by false pretenses or the misapplication of funds impressed with a trust, unless such person has received a pardon for such offense or the public is informed of such conviction in a manner approved in writing by the director before any solicitation occurs. No person shall solicit within the city if such person has ever been enjoined by any court or otherwise prohibited from soliciting in any jurisdiction, unless the director shall first determine in writing that such person is entitled to solicit in such jurisdiction at the time of soliciting within the city and that the reason for such injunction or prohibition does not involve moral turpitude.

(9) No person shall solicit within the city for the benefit of any other person located without the city, if such other person refuses to supply any information required by the provisions of this article. A solicitation shall be deemed to be on behalf of every person who receives, directly or indirectly, more than 10 percent of the gross amount collected.

(10) No person shall knowingly or willfully make any false statement in any registration statement required by this article. (Ord. No. 2662, 3/13/82, Sec. 2)

Sec. 9-10-6 Enforcement.

(a) The director, upon his or her own motion or upon complaint of any person, may investigate any person and/or charitable organization to determine whether such person and/or charitable organization has violated any provision of this article or has filed any required registration statement which contains false and misleading statements. The director shall submit his or her findings in writing to the city attorney.

(b) Whenever the commonwealth's attorney or the city attorney shall have reason to believe that any person and/or charitable organization is operating in violation of any provision of this article or has knowingly or willfully made any false statement in any registration statement or that a charitable organization has failed to file a registration statement as required by this article, or that there is employed or is about to be employed in any solicitation or collection of contributions by or for a charitable organization any device, scheme or artifice to defraud or to obtain money or property from the public by means of any false pretense, representation or promise or that the officers or representatives of any charitable organization have refused or failed after notice to produce any records of such organization or that funds raised by solicitation activities are not devoted or will not be devoted to charitable purposes, the commonwealth's attorney or the city attorney may bring an action in the name of the city against such charitable organization and/or its officers to enjoin such charitable organization from continuing such violation, solicitation or collection, or from engaging therein, or doing any acts in furtherance thereof and for such other relief as the court deems appropriate. (Ord. No. 2662, 3/13/82, Sec. 2)

Sec. 9-10-7 Liability imposed by other laws not decreased.

Nothing contained in this article shall be construed as making lawful any act or omission which is now unlawful, or as decreasing the liability, civil or criminal, of any person imposed by any existing law. (Ord. No. 2662, 3/13/82, Sec. 2)

Sec. 9-10-8 Application to court for relief.

Any person aggrieved by any final decision or order of the director issued pursuant to this article may, within 15 days from the date of such order, apply for relief to the circuit court of the city. Either party may appeal any final order of such court in the same manner as provided by law in cases other than cases of appeals of right. (Ord. No. 2662, 3/13/82, Sec. 2)

Sec. 9-10-9 Penalties.

Any person who willfully and knowingly violates or causes to be violated any provision of this article, or who shall willfully and knowingly give false and incorrect information to the director in filing statements required by this article, whether such statement is verified or not, shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to pay a fine of not less than $100 or no more than $500 or to be imprisoned in the Alexandria Correctional Center for not more than six (6) months, or both. (Ord. No. 2662, 3/13/82, Sec. 2)

Secs. 9-10-10 through 9-10-20 reserved.

ARTICLE B

Solicitation for Noncharitable Purposes

Sec. 9-10-21 Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) *Canvasser* or *solicitor.* Any individual whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares or merchandise, subscriptions, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future whether or not the individual has, carries or exposes for sale, a sample of such sale or whether he is collecting advance payments on such sales or not; provided, that the definition shall include any person who, for himself or for any other person or corporation, hires, leases, uses or occupies any building or structure, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

(2) *Peddler.* Any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, motor truck, or any other type of conveyance, from house to house, or from street to street, carrying, conveying or transporting goods, wares and merchandise, offering and exposing the same for sale, or making sales or delivering articles to purchasers, or who, by traveling from house to house, shall sell or offer the same for sale from a wagon, automotive vehicle, motor truck, railroad car, or other vehicle or conveyance; and further provided, that one who solicits orders and as a separate transaction, makes deliveries to purchasers as a part of the scheme or design to evade the provisions of this article shall be deemed a peddler, subject to the provisions of this article. The word "peddler" shall also include the words "hawker" and "huckster."

(3) *Peddler, solicitor* or *canvasser.* The terms "peddler," "solicitor" or "canvasser" shall not be construed to include the following:

a. Farmers or truck gardeners selling, offering for sale or soliciting orders for any products grown, raised or produced by them.

b. Vendors of milk, bakery products, groceries or other food products of any kind, duly licensed

in the city to sell the same from trucks or wagon.

c. Persons peddling, soliciting or canvassing where the proceeds derived from such peddling, soliciting or canvassing are to be used for charitable or religious purposes, provided, however, that they are in compliance with the requirements of article A of this chapter unless they are excluded therefrom or on behalf of a qualified and filed candidate or candidates for public office, or on behalf of a political party.

d. Salespersons or agents for wholesale houses or firms who solicit orders from, or sell to retail dealers in the city for resale or other commercial purposes, or to manufacturers for manufacturing or other commercial purposes.

e. Children of or under the age of 16 years, except when they are acting as agents of adults covered by this article.

f. Route salespersons for laundry, dry cleaning, rug cleaning, garment storage, linen supply, towel supply and diaper services, operated from clearly identifiable vehicles, and newspaper delivery persons on a regular route. (Code 1963, Sec. 32-10; Ord. No. 2662, 3/13/82, Sec. 3)

Sec. 9-10-22 Certificate of registration—required.

It shall be unlawful for any solicitor, canvasser or peddler as defined in section 9-10-21 to engage in such business or act within the meaning and application of this article within the corporate limits of the city without first obtaining and possessing a valid certificate therefor in compliance with the provisions of this article. (Code 1963, Sec. 32-11)

Sec. 9-10-23 Same—application.

(a) Any person desiring to act as a peddler, solicitor or canvasser within the city shall first file with the city police department a sworn application in writing, on a form to be provided by the city, containing the following information:

(1) name, permanent business and local business address of the applicant;

(2) home address of the applicant;

(3) if employed, the name and address of the employer;

(4) a brief description of the nature of the business and the goods to be sold or services to be performed;

(5) a statement as to whether or not the applicant has been convicted, pleaded nolo contendere or suffered a forfeiture on a charge of violating any law whether local, state or federal, excluding traffic violations, the nature of the offense and the punishment or penalty assessed therefor;

(6) the length of time the applicant intends to do business in the city;

(7) if a vehicle is to be used, a description of the same, together with the license number, or other means of identification;

(8) the place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where the goods or products are located at the time such application is filed, and the proposed method of delivery.

(9) the names of at least two (2) persons who will certify as to the applicant's good character and business respectability, or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant.

(b) The written application shall be accompanied by:

(1) credentials establishing the applicant's relationship with this employer, if he is not self-employed, and

(2) a recently taken photograph of the applicant clearly showing the face and shoulders. (If the applicant does not have such photographs, the city police department shall take same.)

(c) Any such person shall also first have his finger and thumb prints taken by the city police department. (Code 1963, Sec. 32-12)

Sec. 9-10-24 Same—fee.

No application shall be considered until the applicant shall have first paid the director of finance the sum of $10 to cover processing the costs of the investigation prescribed by this article and such sum shall not be returned to the applicant in the event the certificate is refused. (Code 1963, Sec. 32-13)

Sec. 9-10-25 Same—investigation of applicant.

Upon receipt of the application and certificate fee as provided for in preceding sections, the chief of police shall cause to be made such an investigation of the applicant as he deems necessary for the protection of the citizens of the city. (Code 1963, Sec. 32-14)

Sec. 9-10-26 Same—issuance or denial.

(a) A certificate of registration shall be granted within 16 days from the date of filing of an application unless the chief of police finds:

(1) that the criminal record of the applicant shows that he has been convicted (including pleas of nolo contendere and forfeitures) of a crime involving moral turpitude or of a felony;

(2) that the applicant has been convicted (including pleas of nolo contendere and forfeitures) of more than (1) misdemeanor, excluding motor vehicle code violations;

(3) that the applicant has made a false, fraudulent or misleading material statement in his application;

(4) that the applicant has been convicted (including pleas of nolo contendere and forfeitures) of a violation of the laws of any jurisdiction relating to selling, vending, soliciting, peddling, hawking or canvassing; and/or

(5) that the applicant has been convicted of a crime involving a fraud upon any person whether or not such fraud was perpetrated in the course of his conducting a solicitation activity.

(b) If the chief of police finds one (1) or more of the above he shall deny the application unless he determines that the circumstances related to the finding are such that no real threat would be posed to the health, life or property of the citizens of the city if the applicant were granted a certificate of registration, in which case he shall grant such certificate. Such determination when made shall be in writing and shall be based on such considerations as the nature and gravity of the offenses for which the applicant was convicted, the length of time since the last conviction, the work history of the applicant and the general background of the applicant.

(c) The chief of police shall keep a permanent record of all certificates issued, denied or revoked. (Code 1963, Sec. 32-15)

Sec. 9-10-27 Same—contents.

Such certificate shall contain a certificate number, the name and photograph of the certificate holder, the kind of goods to be sold thereunder, the name of the employer, the date of issuance and the date of expiration, and the signature of the chief of police, or his authorized agent. (Code 1963, Sec. 32-16)

Sec. 9-10-28 Same—duration; transfer; renewal.

No certificate shall be valid for a period longer than one (1) year from the date of its issuance; no certificate shall be transferable; a certificate shall automatically expire at such times as an applicant changes his employer; and no certificate shall be renewed after expiration or revocation, but applicants may apply for a new certificate. (Code 1963, Sec. 32-17)

Sec. 9-10-29 Bond.

Every applicant shall file with the chief of police, or his authorized agent, a surety bond running to the city in the amount of $1,000 with a corporate surety licensed to do business in the state, conditioned that the applicant shall comply fully with all provisions of the ordinances of the city and the statutes of the state regulating and concerning the business of peddling, soliciting or canvassing, and guaranteeing to any citizen of the city that all money paid will be accounted for and applied according to the representations of the peddler, solicitor or canvasser, and further guaranteeing to any citizen of the city doing business with such peddler, solicitor or canvasser, that the property purchased will be delivered according to the representations of such solicitor, and that such property purchased meets the standards as represented by the peddler, solicitor or canvasser. Action on such bond may be brought in the name of the aggrieved person. A blanket bond, otherwise meeting the requirements of this section, shall be acceptable. (Code 1963, Sec. 32-18)

Sec. 9-10-30 Carrying and exhibiting certificate.

It shall be the duty of peddlers, canvassers or solicitors to carry their certificates at all times while engaged in peddling, soliciting or canvassing in the city, and it shall also be the duty of any such peddler, solicitor or canvasser to exhibit his certificate when requested by any householder or law enforcement officer. (Code 1963, Sec. 32-19)

Sec. 9-10-31 Grounds for revocation of certificate; notice.

(a) Certificates issued under the provisions of this article may be revoked by the city manager after notice and hearing for any of the following causes:

(1) fraud, misrepresentation or false statement contained in the application for certificate;

(2) fraud, misrepresentation or false statement made in the course of carrying on his business as peddler, solicitor or canvasser;

(3) any violation of this article;

(4) conviction of any crime or misdemeanor involving moral turpitude;

(5) conducting his business in an unlawful manner, or in such a manner as to constitute the breach of the peace, or to constitute a menace to the health, safety or general welfare of the people; and/or

(6) cancellation or termination of the bond.

(b) Notice of the hearing for revocation of a certificate shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. The notice shall be mailed, postage prepaid, to the certificate holder at his last known local business address at least five days prior to the date set for hearing. (Code 1963, Sec. 32-20)

Sec. 9-10-32 Appeals.

Any person aggrieved by the action of the chief of police, or his authorized agent, in the denial of an application for a certificate or in the decision with reference to the revocation of a certificate by the city manager shall have the right of appeal to the city council. Such appeal shall be taken by filing with the clerk of the city council within 10 days after the notice of action complained of has been mailed to such person's last known local business address, a written statement setting forth fully the grounds for appeal. The city council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in this article for notice of a hearing on revocation. The decision and order of the city council on such appeal shall be final and conclusive. (Code 1963, Sec. 32-21)

Sec. 9-10-33 Penalty.

Any person violating any provision of this article shall, upon conviction thereof, be punished by a fine not to exceed $100 or by imprisonment not to exceed 30 days in jail, or by both such fine and imprisonment. (Code 1963. Sec. 32-22)

Sec. 9-10-34 Interstate commerce.

Nothing in this article shall be construed or enforced so as to be in derogation of interstate commerce. (Code 1963, Sec. 32-23)

CHAPTER 11

Sunday Closing Law

§ 9-11-1 Referendum on question of application.
§ 9-11-2 Sense of citizens.
§ 9-11-3 Provisions of section 18.2-341 of Code of Virginia to have no force or effect within city.

Sec. 9-11-1 Referendum on question of application.

Pursuant to section 15.1-29.5 of the Code of Virginia, a referendum was held within the city on Tuesday, November 5, 1974, on the question of the application of Sunday closing laws within the city. A majority of those voting in such referendum approved the fact that such closing laws shall have no force or effect within the city. A duly certified copy of a court order proclaiming the results has been transmitted to the city council, the governing body of the city. (Code 1963, Sec. 34A-1)

Sec. 9-11-2 Sense of citizens.

In view of the results noted in section 9-11-1 above, the city council is of the opinion that it is the sense of the citizens of the City of Alexandria, Virginia that Sunday closing laws are not necessary in Alexandria and by this section expresses that sense. (Code 1963, Sec. 34A-2)

Sec. 9-11-3 Provisions of section 18.2-341 of Code of Virginia to have no force or effect within city.

The provisions of section 18.2-341 of the Code of Virginia shall have no force or effect within the City of Alexandria, Virginia. (Code 1963, Sec. 34A-3; Ord. No. 2785, 3/19/83, Sec. 1)

CHAPTER 12

Taxicabs and Other Vehicles for Hire

Charter Reference: Power of city as to permits for use of streets by taxicabs, buses and other vehicles for hire, Sec. 2.04(d).

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§ 9-12-162 Use of locations other than designated parking spaces by sight-seeing buses.
§ 9-12-163 Use of parking spaces designated for use by sight-seeing buses by other vehicles.
§ 9-12-164 Use of designated spaces by sight-seeing buses.
§ 9-12-165 Penalty.

ARTICLE A. 1

TAXICABS

DIVISION 1

Generally

Sec. 9-12-1 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

(1) *Board.* The traffic and parking board created by title 5, chapter 8, article A of this code.

(2) *Certificate.* A certificate of public convenience and necessity issued by the city manager authorizing the operation of a taxicab company under the provisions of this article.

(3) *Certificate holder.* Any taxicab company, or taxicab owner still holding a valid certificate issued prior to February 15, 1983, which has been granted a certificate of public convenience and necessity as provided in this article.

(4) *Cruising.* The driving of a taxicab on the streets, alleys, or public places of the commonwealth in search of, or soliciting for, prospective passengers for hire.

(5) *Director.* The director of the department of transportation and environmental services or the director's designee.

(5.1) *Dispatch service.* A service that receives telephone, text or e-mail requests for taxi service and wirelessly dispatches those requests to taxicabs in the field.

(5.2) *Dispatch call.* A taxicab trip generated by the customer contacting a central dispatch center and the call being dispatched to one of that company's taxicabs by the dispatch center.

(6) *Driver.* The person operating any taxicab.

(7) *Driver's permit.* The permit issued to a driver of a taxicab under the provisions of this article.

(7.1) *Driver move.* When a driver leaves his existing company to another company that has a vacant authorization. A driver move may take place at any time and has no impact on the number of authorizations held under either company's certificate of public convenience and necessity.

(7.2) *Reserved.*

(7.3) *Documented city trip.* A non-dispatched trip served by the driver while on duty that originates without a call to a central dispatch center in one of the following manners: a) a pick-up from an authorized Alexandria taxi stand; b) a pick-up from a Metro Station located within the City of Alexandria; c) a pick-up from Washington Reagan Airport where the final destination is within the City of Alexandria; or d) a trip arranged by direct communication between the customer and the driver. With respect to each of the foregoing, in order to constitute a documented city trip, such trip must be contemporaneously documented on the company's business records via a regular established business procedure, so that a company record of the trip exists independent of what may be recorded in a driver's manifest, including, without limitation, the date of the trip, the time and location of both the origination and termination point of the trip and the number of passengers served on the trip.

(8) *Hack inspector.* The individual designated by the chief of police to fill this position pursuant to this article.

(9) *Manifest.* A daily record prepared by the driver of a taxicab of all trips made by the driver, showing the time and place of origin, destination, number of passengers and the amount of fare of each trip.

(10) *Owner.* The person who holds legal title to any taxicab, or any person who holds beneficial title to any such taxicab or any person having possession of any such taxicab under a conditional sales contract, lease, bailment or any instrument in the nature of a lien.

(11) *Person.* Any natural person, firm, partnership, limited partnership, corporation, company, limited liability company, joint venture, cooperative, association or joint stock association, including any trustee, receiver, assignee or personal representative thereof.

(12) *Regulation.* The rules and regulations promulgated by the city manager pursuant to this article.

(13) *Street.* The entire width between the boundary lines of every way or place of whatever nature open to the use of the public for purposes of vehicular travel in the commonwealth including streets, highways, alleys and publicly maintained parking lots.

(14) *Taxicab.* Any motor vehicle having a seating capacity of not more than six passengers and not operating on a regular route or between fixed

terminals, used in transportation of passengers for hire or compensation, and subject to regulation under this article and applicable law.

(15) *Taximeter.* A meter, instrument or device, approved by the hack inspector, attached to a taxicab which accurately and reliably measures the distance driven and the waiting time upon which the fare is based.

(16) *Taxicab company.* A person who regularly engages in the provision of taxicab services to and from points in the city and maintains a place of business within the city for the management and dispatch of such services.

(17) *Taxicab services.* The operation of a motor vehicle upon the streets, on call or on demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along the streets as directed by the passenger or passengers being transported, except as excluded by applicable law.

(18) *Vehicle permit.* A permit issued by city manager authorizing a taxicab to be associated with a taxicab company, and operated under its dispatch system and colors. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4683, 10/16/10, Sec. 1; Ord. No. 4950, 5/16/15, Sec. 1)

Sec. 9-12-2 Compliance with article.

(a) It shall be unlawful for any person to operate, drive or provide taxicab services in any taxicab required by this article to obtain a permit from the city, unless such person, and such taxicab, shall conform to and comply with the provisions of this article.

(b) It shall be unlawful for any person to operate a taxicab company required by this article to obtain a certificate of public convenience and necessity from the city, unless such person shall conform to and comply with the provisions of this article.

(c) Any person who violates any provisions of this article shall be guilty of a class 2 misdemeanor, unless another penalty is expressly provided in this article. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-3 Hack inspector.

The chief of police shall appoint either a sworn officer or a civilian employee to serve at his pleasure as hack inspector, and one or more assistant hack inspectors. The hack inspector shall exercise the powers and duties provided for in this article and do all things necessary to make effective the provisions of this article. The chief of police may designate the hack inspector to administer some or all of his powers and responsibilities under this article. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-4 Authority of city manager.

(a) The city manager may designate a person or persons to administer some or all of the provisions of this article.

(b) The city manager is authorized to make such reasonable rules and regulations as may be necessary to administer the provisions of this article. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-5 False statements prohibited.

(a) It shall be unlawful for any person knowingly to make or cause to be made, either directly or indirectly, any false statement as an inducement for the issuance of a certificate of public convenience and necessity, vehicle permit or a driver's permit provided for in this article.

(b) It shall be unlawful for person knowingly to make or cause to be made, either directly or indirectly, any false statement in any document required to be submitted pursuant to this article. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-6 Insurance or bond required.

(a) Every taxicab owner for which a vehicle permit has been issued under this article shall keep in full force and effect at all times either:

(1) A public liability and property damage insurance policy with a company authorized to do business within the state covering each driver authorized by the vehicle owner to operate the vehicle as a taxicab in at least the amount of $450,000 combined single limit, with not less than $300,000 coverage for death, not less than $100,000 coverage for bodily injury, and not less than $50,000 coverage for property damage, and every such policy shall contain a clause obligating the company issuing the same to give 15 days' notice in writing to the hack inspector and the company with which the owner is affiliated before any cancellation thereof.

(2) An indemnity bond of a surety company, authorized to do business within the state in the same amounts and for the same purposes as the insurance policy stated in subsection (1) of this section; provided, that the director of finance of the city, after investigation, shall be fully satisfied as to the financial responsibility of the surety company on such bond.

(3) Each certificate holder shall be responsible for maintaining records documenting compliance with the foregoing insurance requirements, including a certificate of insurance or insurance binder for all affiliated taxicabs and all authorized drivers. Such documents shall be available for inspection by the hack inspector during normal business hours. In addition, each certificate holder shall provide the hack inspector an annual report, at a time of the hack inspector's determination, setting forth:

A. All affiliated taxicabs, including make, model, production year and VIN;

B. All drivers authorized to drive each affiliated taxicab vehicle; and

C. The manner in which each authorized driver and affiliated taxicab comply with the requirements of this section, including, without limitation, the name of the insurer and a certification that the policy complies the requirements of this section.

(4) In the event that the insurance provider or surety changes for one of its affiliated vehicles or authorized drivers, the certificate holder shall report such change to the hack office in writing within 48 hours of receiving notice of same. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4950, 5/16/15, Sec. 1)

Secs. 9-12-7 through 9-12-20 reserved.

DIVISION 2

Certificates of Public Convenience and Necessity

Sec. 9-12-21 Certificate required.

It shall be unlawful for any person to operate or engage in business as a taxicab company unless a certificate of public convenience and necessity shall have been issued pursuant to this article. It shall be unlawful for any person to operate or engage in business as a taxicab company under an expired, suspended or revoked certificate. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-22 Initial application for a certificate.

(a) An application for the initial issuance of a certificate of public convenience and necessity shall be made to the city manager, on or before May 1 of each year, on the form provided by the city manager.

(b) The applicant shall provide the following:

(1) The full name and business address of the applicant and, if the applicant is a corporation, a certified copy of the articles of incorporation;

(2) The full name and address of the registered agent or other person or persons upon whom legal process may be served and upon whom all notices or other matters relating to the administration and enforcement of this article should be made;

(3) The trade name and the telephone numbers under which the applicant does or proposes to do business;

(4) The financial status and responsibility of the applicant;

(5) The maximum number and ownership of taxicabs to be operated under the applicant's color scheme;

(6) A description of the type of service to be provided including the geographic area of the city to be served;

(7) A description of the communications system to be used with specific reference as to the applicant's plan to provide adequate dispatch service to the public;

(8) A description of the color scheme, insignia and cruising light design to be used, which shall conform to regulations issued by the city manager;

(9) Any conviction, plea of guilty or nolo contendere of the applicant, or if the applicant is a corporation, each of the officers of the corporation, arising out of any violation of a federal, state or municipal law;

(10) The specific experience of the applicant in the transportation of passengers for hire and the management of a business engaged therein, including, without limitation, the disclosure of any ownership interest in any taxicab company anywhere at any time;

(11) All facts or circumstances which the applicant asserts to meet the applicant's burden of demonstrating that the public convenience and necessity requires granting the certificate;

(12) Fingerprints of the applicant, or if the applicant is a corporation, each of the officers of the corporation; and

(13) Such additional information as the city manager may require.

(c) All applications must be signed (1) by the president if a corporation or (2) by the legal representative if a business entity other than a corporation, and must be notarized.

(d) Such forms shall include a statement that "It is unlawful for any person to make a false or misleading statement in connection with this

application and the making of any false or misleading statement shall be grounds for denial of the application or subsequent revocation of a certificate, and for criminal prosecution." (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-23 Fees.

The fees and charges for an application for, and for the issuance and renewal of, a certificate shall be established by regulation, and no application shall be filed, and no certificate issued or renewed, unless and until such fees and charges shall have been paid. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-24 Investigation of applicant.

Upon the filing of any application for a certificate, the chief of police shall make or cause to be made a thorough investigation of the qualifications, and traffic and criminal records, of the applicant. The results of this investigation shall be submitted to the city manager on or before the public hearing held under section 9-12-25. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-25 Determination of public convenience and necessity; issuance of certificate.

(a) *Burden:* The applicant shall have the burden of demonstrating that the public convenience and necessity require the operation of a new taxicab company and the authorization of any additional taxicabs that may be requested.

(b) *Notice and written comments:* Upon receipt of a completed application for an initial certificate and authorization of any additional taxicabs, the city manager shall notify all existing certificate holders by mail, and the public by advertisement in a newspaper of general circulation published within the city, that the application has been filed, and that written comments on the application may be filed with the city manager within 30 days after publication of the notice. No application shall be considered complete unless all of the information in sections 9-12-22 and 9-12-32 has been provided.

(c) *Public hearing:* The board shall hold a public hearing and make its recommendation to the city manager as to whether the public convenience and necessity requires granting the application for a new certificate and authorization of any additional taxicabs that may be requested. In making its recommendation, the board shall apply the criteria set forth in subsection (d) of this section. This hearing shall be held at the next regular meeting of the board after the written comment period has closed, and may be continued from time to time thereafter by the board.

(d) *Criteria for consideration.* The city manager shall determine whether public convenience and necessity require the operation of a new company and authorization of any additional taxicabs that may be requested in the application. In making this determination, the city manager shall consider:

(1) The representations of the applicant as set forth in its application;

(2) The results of the investigation made under section 9-12-24;

(3) Any information presented at the public hearing held pursuant to paragraph (c) of this section, and the recommendation of the traffic and parking board;

(4) Information as contained in the city manager's most recent report on the economic conditions of the taxi industry required by section 9-12-31;

(5) Any shortcomings or deficiencies in existing taxicab service and other forms of transportation for passengers already in existence;

(6) The probable permanence and quality of the service offered by the applicant;

(7) The financial status, qualifications and responsibility of the applicant as demonstrated by the applicant's ability to provide, maintain and operate the number of vehicles proposed to be operated in accordance with the character of service proposed in the application, the applicant's criminal and traffic record and the applicant's credit record, if any;

(8) The experience of the applicant in taxicab operations as an owner or manager or as a taxicab driver; and

(9) The effect on promoting competition and improving the quality of taxi service provided in Alexandria. There shall be a prohibition, based on potential anti-competitive impact, against any entity owning, in whole or in part, an interest in more than one taxicab company authorized to do business in the city. Any entity in violation of this provision as of [the effective date] shall have 18 months from the effective date to come into compliance therewith.

(f) *Decision:* The city manager may grant the certificate of public convenience and necessity applied for and approve any additional taxicabs requested by the applicant or approve a lesser number of taxicabs than requested, or the city

manager may deny the certificate. If the city manager denies the certificate or grants the certificate with a lesser number of taxicabs than requested by the applicant, the city manager shall notify the applicant by certified mail.

(g) *Re-application:* An applicant may not reapply for a certificate, or for the authorization of additional taxicabs, for one year from the date of decision by the city manager. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-26 Certificate generally; form; term.

(a) The certificate of public convenience and necessity shall state the following:

(1) The name, home and business address of the certificate holder and registered agent or other person to whom legal process may be served or notice given.

(2) The date of issuance; and

(3) That the certificate has been issued subject to the provisions of this division and all other laws and ordinances governing the operation of a taxicab company.

(b) Every certificate shall expire on December 31 next after issuance. Before expiration, each certificate holder shall file a renewal application with the hack inspector pursuant to section 9-12-27. In cases of death, sickness or unusual circumstances, the city manager may authorize the continued operation of an existing certificate until the following March 31. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-27 Renewal of certificate.

Each certificate holder shall file an application for renewal of the certificate with the hack inspector by August 1 of each year on the form provided by the city manager.

Each application for a renewal of a certificate shall demonstrate compliance with section 9-12-32, and shall include a requested number of taxicab authorizations based on current service levels. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-28 Color scheme of vehicles; insignia or trade name.

(a) Each applicant for a certificate shall adopt a unique, identifying color scheme, insignia and trade name, different from the appearance of ordinary vehicles, which shall be submitted for approval with the application for the certificate. Upon the granting of the certificate and approval of the color scheme, insignia and trade name, the certificate holder shall cause all vehicles operated under the certificate to conform to such color scheme and bear such insignia and trade name. No other certificate holder, owner or driver shall use such color scheme, insignia or trade name.

(b) No color scheme, insignia or trade name shall be approved if it conflicts with or imitates the color scheme, insignia or trade name used by another certificate holder in such manner as to mislead, confuse or tend to deceive the public.

(c) It shall be unlawful and grounds for revocation of a certificate for any certificate holder to change or allow to be changed the approved color scheme insignia or trade name, except as hereinafter provided.

(d) Any owner or driver connected with a certificate holder who is allowed to use the color scheme, insignia, or trade name of such certificate holder, shall immediately upon separation or discharge from the holder's company discontinue use of any taxicab until the color scheme, insignia and trade name on such taxicab has been changed or removed. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-29 Sale or transfer of certificates of public convenience and necessity; transfer of company control.

(a) A certificate of public convenience and necessity issued pursuant to this article shall remain the property of the city, and no such certificate may be sold or transferred by the certificate holder to any other person.

(b) Merger or transfer of control of a taxicab company, either de facto or de jure, is prohibited unless approved by the city manager after a determination that such merger or transfer of control is in the public interest. Any person who proposes to merge or acquire control of a taxicab company shall submit to the city manager an application in writing, setting forth such relevant information as to the proposed merger or transfer as prescribed by regulation, and indicating whether the merger or transfer of control will be de facto or de jure.

(1) The applicant shall have the burden of demonstrating that such merger or transfer of control will serve the public interest, and shall promptly respond to any requests for additional information required by the city manager.

(2) The city manager shall cause an investigation of the financial status, qualifications and responsibility of the applicant and the experience of the applicant in the taxicab business to be

conducted. The results of such investigation shall be used by the city manager in determining whether the merger or transfer is in the public interest.

(3) The city manager shall not approve a merger which results in any person controlling more than 40 percent of the taxicabs authorized under this article. This limitation may be modified by the city manager upon a finding that the public convenience and necessity will be served by such a modification.

(4) The city manager may approve or deny the request for merger or transfer of control. Before granting any such request, the city manager shall make an affirmative finding that the proposed merger or transfer of control is in the public interest. Absent such finding, the city manager shall deny the application, and notify the applicant.

(5) In the event of a merger or transfer of control, the city manager may, in the manager's discretion, waive or modify the driver transfer limits set forth in section 9-12-30. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-30 Amending certificates of public convenience and necessity.

(a) The number of taxicabs authorized by a certificate may be amended once every two years during the biennial review of the industry and the following procedures shall apply:

(1) A certificate holder may apply for an amendment to the number of vehicles authorized by the certificate, no later than August 1 of each year in which a review is conducted, on the form provided by the city manager.

(2) Reserved.

(3) A public hearing on all such applications shall be held by the board as part of the biennial review of the taxi industry pursuant to section 9-12-31, and the board shall make a recommendation thereon to the city manager.

(4) The board in making its recommendation, and the city manager in making the determination on such applications and proposed amendments, shall consider the factors prescribed in section 9-12-31.

(c) The decision on such applications shall be part of the city manager's order setting forth the conditions of the taxicab industry pursuant to section 9-12-31.

(d) Upon amendment as to the number of vehicles the certificate holder shall forthwith surrender the old certificate to the city manager, and the city manager shall issue a new certificate to the certificate holder. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4683, 10/16/10, Sec. 1; Ord. No. 4901, 9/13/14, Sec. 1)

Sec. 9-12-31 Biennial review of taxi industry.

(a) Between September 1 and November 15 of 2010, and during the same period every two years thereafter, the board and city manager shall conduct a review of the taxicab industry in Alexandria. The board shall conduct a public hearing, after giving reasonable notice to all applicants, existing certificate holders and the public. The board shall receive comment as to the economic condition of the taxicab industry, the adequacy of public service rendered by the industry, and whether any changes to the regulation of the industry are necessary or desirable, including changes to the number of taxicabs authorized for each taxicab company holding a valid certificate.

(b) Performance information required to be submitted by certificate holders pursuant to section 9-12-32 shall be considered by the board and the city manager as part of the review.

(c) In reviewing applications to renew certificates of public convenience and necessity, the board and city manager shall consider the certificate holder's record of compliance with section 9-12-32, and shall establish the maximum and minimum number of vehicles that may be affiliated with each certificate holder, as follows:

(1) The minimum number of authorized taxicabs for each certificate holder shall not be fewer than 10 percent less than the number authorized at the time of the biennial review, except by operation of section 9-12-30(a)(2). Notwithstanding the foregoing, the minimum number of authorized taxicabs for any company that has substantially met the level of dispatch service required under this Code for the intervening two years since the prior review shall not be reduced below the number of authorizations allowed in the prior review.

(2) The maximum number shall provide a sufficient number of taxicab authorizations for each certificate holder to provide a satisfactory level of dispatch service based on current and anticipated number of dispatch trips provided.

(3) In the event that the board and city manager shall authorize the issuance of one or more new certificates, the minimum number of taxi-

cabs authorized for each existing certificate holder may be further reduced by an additional five percent below the current authorization.

(d) The board and city manager shall set the total number of vehicles to be authorized for each taxicab company holding a valid certificate, giving consideration to such factors as bear on public convenience and necessity, including but not limited to:

(1) the demonstrated need on a company-by-company basis on the number of cabs necessary to provide satisfactory public service, including ensuring adequate availability of taxicabs for dispatch service and taxi stands;

(2) changes in the number of trips actually served by taxicabs for each existing company;

(3) the ability of current drivers to earn a living wage;

(4) a demonstrated commitment to specifically serve the needs of the elderly and/or disabled community;

(5) the dispatch levels attained during the two-year period immediately preceding the biennial review, so that no company shall be granted more authorizations than supported by its actual dispatch performance for the prior two-year period; and

(6) such factors listed in section 9-12-25(d) as the board or city manager deem applicable.

(e) [Reserved.]

(f) Giving consideration to the comments received at the public hearing, and to any additional information made part of the record before it, the board shall forward its conclusions as to the status of the industry, and its recommendations as all matters included in the annual review of the industry, to the city manager. The report shall include the findings of fact upon which board's conclusions and recommendations are based. The report shall be transmitted to the city manager no later than November 15.

(g) The biennial review of the taxicab industry shall also include a review of the fares and industry fees, including a review of the base fare, permitted additional charges and all fees charged to and by the certificate holders, owners and drivers. The public hearing before the board shall include comments on such fares, charges and fees and any recommended changes thereof. The board shall forward its conclusions, recommendations and findings of fact as to such fares, charges and fees as part of its report pursuant to subsection (f) of this section. In reviewing such fares, charges and fees, the board and city manager shall, without limitation, take the following factors into consideration:

(1) driver income compared to the City of Alexandria adopted living wage;

(2) cost of industry related regulatory and enforcement expenditures; and

(3) such factors listed in section 9-12-25(d) as the board or city manager deem applicable.

(h) Not later than December 15 of the year in which the biennial review is conducted, the city manager shall issue an order stating the manager's findings and conclusions as to the economic condition of the taxicab industry and determinations as to any pending applications or proposals under section 9-12-30. In issuing his order, the city manager shall presume that the factual findings of the board are prima facie correct. If the manager disagrees with any of the recommendations of the board, the manager shall, with the issuance of the order, enumerate the reasons for not accepting such recommendations. The order of the city manager may be used by him in determining the public convenience and necessity under the provisions of this article.

(i) Reserved.

(j) After completion of the transfer review process and the review of all applications for new or renewed certificates of public convenience and necessity, the city manager may approve additional authorizations for existing companies that have requested same, based upon a finding that such a grant will be in the public convenience and necessity including, without limitation, promoting prompt dispatch and exceptional customer service. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4683, 10/16/10, Sec. 1; Ord. No. 4901, 9/13/14, Sec. 2)

Sec. 9-12-32 Requirements for certificate holders.

Each certificate holder shall:

(a) provide 24-hour service;

(b) provide two-way dispatch service located within the boundaries of the city that meets the following:

(1) dispatch must be provided 24 hours a day, seven days a week;

(2) if less than 130 taxicabs are authorized under the certificate, dispatch may be provided not less than 16 hours a day, seven days a week;

(3) if the certificate has been issued for less than one year, dispatch may be provided not less than 16 hours a day, seven days a week until one

year following the date of issuance, after which dispatch must be provided as set out in paragraph (1) or (2), depending on the size of the certificate holder;

(c) provide the minimum level of service for dispatch and documented city trips and call response time as prescribed by regulation; however, in no circumstance may regulation set an average dispatch and documented city trip call volume equaling less than two calls per driver per day. In addition, in no circumstances may regulation provide more than 25% of the required call volume be satisfied by documented city trips. Dispatch and documented city trip service requirements shall be calculated based on the total number of properly documented calls served by the certificate holder during the time period reviewed by city staff.

(d) maintain a business office and required records within the boundaries of the city;

(e) have affiliated a minimum of 40 taxicabs under its color scheme, and a maximum of 50 percent of the total number of taxicabs authorized under this article. This limitation may be modified by the city manager upon a finding that the public convenience and necessity will be served by such a modification.

(f) provide a minimum of one vehicle, or one percent of the vehicles authorized under the certificate, whichever is greater, for ADA compliant handicap accessible transportation, and every vehicle permit issued for a handicap accessible vehicle shall state on the permit that it is to be used for a handicap accessible vehicle only. Each certificate holder has an affirmative obligation to make such ADA complaint vehicles available during the hours in which it provides dispatch service for dispatch to a qualified handicapped passenger in the event not less than two hours notice is provided by the passenger;

(g) maintain a record of all taxicabs affiliated with the certificate holder, of the owners thereof and of all drivers thereof, including the current address and telephone number for each such owner and driver. This record shall be turned in not less than annually by a date to be determined by the director of T&ES and otherwise be available at all times for examination and inspection by the director, hack inspector or any police officer and shall be preserved for 12 months;

(h) provide an alternative dispute resolution process for disputes arising between owners and/or drivers of taxicabs and the certificate holder pursuant to division 7 of this article;

(i) provide and adhere to written policies setting forth service requirements for drivers affiliated with the certificate holder and specifying disciplinary actions that the holder will take in the event the requirements are not met. All such requirements and disciplinary actions and any revision that may from time to time be added by the certificate holder shall be provided to every affiliated driver and posted in a conspicuous location in the taxicab company offices;

(j) not unreasonably withhold its agreement to allow an affiliated driver to transfer the authorization under which the driver is driving to another qualified driver.

(k) provide a 30-day notice to drivers of any changes in stand dues and post such changes in a conspicuous location in the taxicab company offices with a clearly stated reason for the change, and file such changes and reasons with the city, for informational purposes;

(l) post the most current schedule of stand dues in a conspicuous location in the taxicab company offices;

(m) file with the city, in a manner prescribed by regulation, for informational purposes, the requirements and disciplinary actions required by subsection (i) and the stand due schedule and any changes required by subsection (k).

(n) maintain monthly performance information and provide the following information to the city manager on a periodic basis, no less than annually, in the manner prescribed by regulation:

(1) dispatch call volume totals;

(2) number of complaints by type;

(3) a schedule of current stand dues;

(4) dispatch call volumes and detailed call and pick up data files; and

(5) such other information as may be prescribed by regulation.

(o) provide on an annual basis in the manner prescribed by regulation financial statements prepared in accordance with generally accepted accounting practices, including, but not limited to, all financial information permitted by Virginia Code § 46.2-2062(B) and any other applicable state law.

(p) all information submitted to the city manager under this section shall include a statement that "It is unlawful for any certificate holder to make a false or misleading statement and the making of any false or misleading statement shall be grounds revocation of a certificate and criminal prosecution," and shall be signed by the certificate holder or authorized representative.

(q) all financial data information submitted pursuant to this section shall be deemed confidential financial information pertaining to the certificate holder's business license pursuant to title 9 of the City Code and exempt from disclosure to the public pursuant to Virginia Code §§ 58.1-3 and 46.2-2602(B) and shall otherwise be kept confidential to the extent permissible under the Code of Virginia and the City Code.

(r) in the event that the City of Alexandria adopts a paratransit and/or senior citizen transportation program involving all certificate holders, each certificate holder must participate in such a program.

(s) all certificate holders who operate as taxicab companies must have written contracts setting forth the terms and conditions of their agreements with the drivers who operate under the vehicle authorizations granted to each certificate holder.

(t) ensure that all affiliated vehicles accept major credit cards as payment for taxicab fares pursuant to a policy to be determined by the certificate holder, subject to the following conditions:

(1) If a certificate holder mandates that its affiliated drivers use a specific credit card processor, that company will:

i. charge drivers no more than 5% of the transaction for processing;

ii. provide a direct deposit option for drivers.

(2) Certificate holders are responsible for uniformity of service and can determine the type(s) of credit card device(s) that are allowable in their fleet;

(3) Certificate holders shall provide the city with an annual report to be used in analyzing the effects of the mandatory credit card acceptance policy.

i. The report will contain information regarding the average and total number of credit card transactions per driver, the percentage of the certificate holder's trips paid for using a credit card, and the total and average transaction fees paid by the driver to the taxicab company to process the credit card payments, plus such other additional information as staff may reasonable require to assess the effects of the mandatory credit card policy.

ii. Companies that do not provide this data to the city will be considered to be out of compliance with the taxicab ordinance and subject to discipline pursuant to section 9-12-33.

(4) The certificate holder will ensure that for all credit card transactions, its affiliated drivers will issue a paper receipt showing date of transaction, cab number, driver name, and the amount of the transaction for all credit card transactions. The receipt may be hand-written;

(5) The certificate holder will ensure that all credit card processing equipment authorized for use by its affiliated drivers shall be PCI DSS compliant; and

(6) The certificate holder will take affiliated taxicabs out of service if their credit card processing equipment is inoperable. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4683, 10/16/10, Sec. 1; Ord. No. 4810, 5/28/13, Sec. 1; Ord. No. 4922, 1/24/15, Sec. 1; Ord. No. 4950, 5/16/15, Sec. 1)

Sec. 9-12-33 Civil penalties; revocation or suspension of certificates.

(a) Any certificate holder who violates any provisions of section 9-12-32 shall be guilty of a class two civil violation.

(b) Certificates of public convenience and necessity may be placed on probationary status for a period of 30 to 120 days, or revoked by the city manager for any of the following causes:

(1) failure to manage and operate the company and fleet in such a manner as to serve the public adequately;

(2) failure to manage and operate the company and fleet in such manner as to cause the authorized taxicabs to be maintained in good order and repair;

(3) failure to manage and operate the company and fleet in such manner as to cause the insurance required by this article o be maintained for the authorized taxicabs;

(4) repeated and persistent violations by the certificate holder or by the drivers of authorized taxicabs of the Alexandria City Code or of the motor vehicle laws of Virginia.

(5) failure to report any accident as required by this article;

(6) failure to manage and operate the company and fleet in such manner as to cause any fees lawfully assessed upon the ownership or operation of any vehicle licensed under this article to be paid;

(7) failure to comply with the requirements of section 9-12-32; and

(8) failure to comply with any other provision of this article.

(c) Prior to placing on probationary status or revoking any certificate, the city manager shall hold a hearing on the proposed revocation or probation. The certificate holder shall have the right to present his case in person or be represented by counsel licensed to practice law in the Commonwealth of Virginia. The certificate holder shall be given at least 10 days' notice by personal service, or by regular and certified mail, to the address shown on the certificate, of the grounds for revocation or probation and the time and place of the hearing thereon.

(d) The city manager shall notify the certificate holder by regular and certified mail directed to the address shown on the certificate, of his decision to revoke or place on probationary status the certificate. Such decision notice shall include the grounds for revocation or probation and the length of time of probation.

(e) A certificate holder whose certificate has been revoked may not reapply for a certificate for 365 days from the date of revocation.

(f) The city manager may place on probationary status a certificate for such a period of time in excess of 120 days as he may, in his reasonable discretion, see fit.

(g) If a certificate is placed on probationary status, the city manager shall impose such terms and conditions as the manager deems reasonably necessary to bring the certificate holder into compliance. In the event the certificate holder fails to comply within the time stated by the city manager, the certificate shall be revoked by operation of law.

(h) Disposition of vehicle authorizations from a revoked certificate. The vehicle authorizations held by a certificate holder whose certificate is revoked under this section shall be returned to the city on the effective date of the revocation. Not less than 45 days prior to the effective date of revocation of the certificate, the city manager shall cause a public hearing to be held by the board regarding the public interest in the disposition of the authorizations. The board shall make a recommendation to the city manager as to the disposition of the authorizations. Not less than 21 days prior to the date of revocation, the city manager shall make a determination as to the disposition of the authorizations. There shall be a presumption, but not a guarantee, that the vehicle authorizations from a certificate holder that has its certificate revoked shall be allowed to transfer to other authorized certificate holders, unless the manager finds that such transfer will not be in the best interest of the public convenience and necessity.

(i) The city manager's decision to place on probationary status or revoke a certificate may be reviewed on the record by the Circuit Court of the City of Alexandria, to determine whether the city manager applied the correct law, and whether the decision was arbitrary and capricious; provided a petition for review is filed with the court within 30 days of the decision. The filing of such petition shall not stay the effect of such revocation or suspension, unless otherwise ordered by the court. The court may affirm or reverse the decision of the city manager, or vacate the decision and remand the matter with instructions. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-34 Authorizations not in use.

(a) If a certificate holder fails to operate any authorized vehicles for more than 90 consecutive days, the authorization to operate such inactive vehicles shall terminate automatically and revert to the city, and the city manager shall issue a new certificate for the lesser number of authorized vehicles that remain in use.

(b) The provisions of subsection (a) shall not be applicable to that portion of an increase in authorized vehicles granted under the provisions of section 9-12-30 for a period of 365 days after an increase in certificates is authorized. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-35 Grandfathered certificates.

A certificate which was issued to an individual owner or driver prior to February 15, 1983, and remains in force and effect, including by renewal, on and after July 1, 2005, shall be subject to the following provisions:

(a) The original holder of such an individual certificate may change affiliation at any time and for any reason, subject to compliance with the provisions of this section.

(b) The provisions of section 9-12-32 shall not be applicable to renewals of grandfathered certificates held by an individual owner or driver.

(c) Grandfathered certificates may only be transferred in the manner set forth in the following section (d).

(d) Upon the holder's departure from the industry, the company with whom the grandfathered certificate is at that time affiliated may request that the grandfathered certificate be converted to a standard authorization, which, if granted, shall

be in addition to the number of authorizations then affiliated with the company. The traffic and parking board shall consider any such request at a public hearing and will make the final determination regarding such request. The city manager shall promulgate regulations for processing such requests and scheduling them for hearing. In the event such a request is granted, then the grandfathered certificate holder may transfer the vehicle permit in the same manner and subject to the same regulatory requirements as those vehicle permits for vehicles with standard authorizations. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4860, 3/15/14, Sec. 1)

Secs. 9-12-36 through 9-12-40 reserved.

DIVISION 3

Driver's Permit

Sec. 9-12-41 Driver's permit required, display.

No person shall operate a taxicab under the authority of a certificate of public convenience and necessity issued by the city, and no person who owns or controls a such a taxicab, shall permit it to be so driven, and no such taxicab shall be operated at any time for hire, unless the driver of such taxicab shall have first obtained and shall have then in force a driver's permit issued under the provisions of this division. Such permit shall be the property of the city, and shall be carried and displayed in a conspicuous place in the taxicab while being operated by the driver. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-42 Application.

(a) An application for a driver's permit under this division shall be made in writing under oath on forms provided for by the city manager, shall be filed with the hack inspector and shall provide the following:

(1) pertinent personal data;

(2) physical condition of the applicant;

(3) traffic record for five years previous to the date of the application including what driver's licenses have previously been issued to the applicant, and whether such license has ever been revoked or suspended;

(4) criminal record including state and local records;

(5) prior driving experience;

(6) whether or not the applicant has ever been convicted, forfeited or entered a plea of nolo contendere on any traffic or criminal charge of any kind; and if so, the details thereof; and

(7) a written certification from a company certificate holder that the applicant has taken and passed a written examination pursuant to section 9-12-46 herein, in a form reviewed and approved by the hack inspector.

(b) Each applicant shall apply for the permit in person and have his or her fingerprints taken, which fingerprints shall constitute a part of the application.

(c) Each applicant shall file with the application three copies of a recent photograph, of a size designated by regulation, one of which shall be attached to and become a part of the application, another to be permanently attached to the permit, if issued.

(d) The application shall state thereon that "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for prosecution and for denial or revocation of this driver's permit."

(e) Each applicant shall be subject to a brief oral examination by the hack inspector as to the applicant's ability to operate a taxicab, knowledge of the traffic laws of the city and state, knowledge of the city's roads and the laws of this article applicable to drivers at the time the driver's permit application is submitted; the applicant must successfully pass the oral examination before the hack inspector will further process the application for a driver's permit. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4950, 5/16/15, Sec. 1)

Sec. 9-12-43 Charges for permit.

The fees and charges for an application for, and for the issuance and renewal of, a drivers permit shall be established by regulation, and no application shall be filed, and no certificate issued or renewed, unless and until such fees and charges shall have been paid. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-44 Medical examination.

If the application indicates that the applicant's ability to safely operate a taxicab is reasonably in question, no driver's permit shall be issued or renewed until the applicant shall furnish a certificate from a reputable physician, certifying that,

in such physician's opinion, the applicant's ability to safely operate a taxicab is not impaired. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-45 Investigation of applicant.

Upon the filing of any application for a driver's permit under this division, the chief of police shall make a thorough investigation of the qualifications and traffic and criminal record of the applicant. Such investigation may include a local records check and a state records check. The result of this investigation shall be submitted to the hack inspector and to the board upon appeal. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-46 Examination of applicant as to driving ability, etc.

Each applicant for a driver's permit pursuant to this division shall be required to pass a written examination in a form approved by the hack inspector as to the applicant's ability to operate a taxicab, knowledge of the traffic laws of the city and state, knowledge of the city's roads and the laws of this article applicable to drivers. The content, nature and form of such examination shall be determined by the hack inspector and may be periodically changed by the hack inspector from time to time as may be deemed necessary for the public interest and safety. This examination may be offered and taken by a company certificate holder or a third party and must be successfully completed, with a passing score of 75% or higher prior to application for a driver's permit pursuant to section 9-12-42. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4950, 5/16/15, Sec. 1)

Sec. 9-12-47 Reserved.

Editor's note—Ord. No. 4950, § 1, adopted May 16, 2015, deleted § 9-12-47, entitled "Driver training", which derived from Ord. No. 4402, § 1, adopted June 14, 2005.

Sec. 9-12-48 Reserved.

Editor's note—Ord. No. 4950, § 1, adopted May 16, 2015, deleted § 9-12-48, entitled "Company endorsement of driver", which derived from Ord. No. 4402, § 1, adopted June 14, 2005.

Sec. 9-12-49 Requirements for driver's permit.

A driver's permit shall not be issued to any person who:

(a) is under 18 years of age;

(b) has ever been convicted, pleaded guilty or pleaded nolo contendere to a felony involving moral turpitude, or has been convicted, pleaded guilty or pleaded nolo contendere to a misdemeanor involving moral turpitude within the last five years; provided, however, that the board may waive the provisions of this subsection if the board determines that such waiver would not be contrary to the public interest;

(c) has had a taxicab driver's permit or similar permit permanently revoked in any other jurisdiction;

(d) has ever been convicted, pleaded guilty, or pleaded nolo contendere to a charge of hit and run, leaving the scene of an accident or any similar charge where injury to a person was involved;

(e) has repeatedly been convicted, pleaded guilty, pleaded nolo contendere, or forfeited collateral for violations of the traffic or safety laws of any city, state or the federal government;

(f) has not provided a written certification from a company certificate holder that the applicant has taken and passed a written examination pursuant to section 9-12-46 herein, in a form reviewed and approved by the hack inspector;

(g) has not held a valid motor vehicle operator's license for a period of at least six months;

(h) has not passed the applicable examinations required by section 9-12-46; or

(i) does not have a valid work authorization the Immigration and Naturalization Service, if required. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4950, 5/16/15, Sec. 1)

Sec. 9-12-50 Issuance or denial of driver's permit by chief of police.

(a) If the chief of police finds that an applicant has satisfied the requirements of this division the chief of police shall issue a driver's permit to the applicant.

(b) If the chief of police finds that an applicant has not met the requirements of this division, or that issuance of a driver's permit to the applicant would jeopardize the health, safety or welfare of the public, the chief of police shall deny the application, and give written notice thereof, including the reasons for the denial, to the applicant.

(c) The city manager may by regulation provide for a program for the issuance of temporary driver's permits. The chief of police may withhold issuance of the temporary permit if he reasonably believes that there are unresolved issues or addi-

tional information that may be required from an applicant. If upon review of the application, including a local criminal check, the chief of police finds no reason to deny the application, a temporary permit may be issued to the applicant as provided by regulation. Any such temporary permit shall be valid for no more than 90 days from the date of issuance. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-51 Appeal of a denial of a driver's permit.

(a) When an application for a driver's permit under this division is denied, the applicant may appeal to the board, which shall hold a hearing on any such appeal and make a recommendation regarding same to the city manager pursuant to the procedures set forth herein.

(b) Such applicant shall, within 10 days after being notified of the denial, file in writing with the hack inspector, a notice of appeal. The hack inspector shall schedule a public hearing before the board within a reasonable time. Notice of the hearing shall be given to the applicant at least 10 days before the hearing date.

(c) The hack inspector shall immediately notify the applicant in writing of the board's recommendation.

(d) The board shall make its recommendation to the city manager, who shall have authority to affirm or reverse the decision appealed from. If the city manager finds for the applicant, the chief of police shall issue the driver's permit. If the city manager finds against the applicant, the decision of the chief of police shall stand. The action of the city manager on appeal shall be final.

(e) There shall be no rehearing and any such applicant shall not be considered for a period of at least one year after denial. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-52 Information to be shown on permits.

Each driver's permit issued pursuant to this division shall at minimum contain the following information:

(a) the permit number;

(b) the name of the driver;

(c) photograph of the driver;

(d) the date of expiration; and

(e) a statement that the permit is issued subject to the provisions of this article and may be suspended or revoked pursuant to the provisions of this article. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-53 Expiration of permit.

Each driver's permit issued under this division, except for a 60-day temporary permit, shall expire two years from the date of issuance, unless sooner suspended or revoked. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-54 Renewal of permit.

A driver's permit may be renewed for successive periods of two years, provided that the procedure set forth for original applications is followed, including proof of compliance with the driver training requirement pursuant to section 9-12-47 and payment of all applicable fees. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-55 Permits nontransferable.

No driver's permit issued under this division shall be transferable. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-56 Records and reporting requirements.

(a) *Accident reports.* The driver of every taxicab shall report within 24 hours, to the hack inspector, every accident, however slight, in which a taxicab or any other vehicle operated by such driver is involved.

(b) *Manifest.* Every taxicab driver shall keep, on a form prescribed by the city manager, a manifest, which shall, at minimum, record the place, date and time the transportation of each paying passenger commenced and terminated, and the amount of the fare, all of which shall be recorded immediately upon the termination of each trip. All manifests shall be subject at all times to examination or inspection by any duly authorized city official, the hack inspector or any police officer. Every manifest shall be kept and preserved for 12 months, and shall be submitted to the city manager or the manager's designee as required by regulation.

(c) *Disposition of property left in vehicles.* Every driver of a taxicab shall carefully preserve any money or other property left in the taxicab and shall immediately notify the taxicab company of the discovery of the property and turn over such money or other property to the taxicab company within 24 hours of discovery. All taxicab companies shall maintain a lost and found for such property and shall report all property so received to the hack inspector, as prescribed by regulation.

Such money or other property shall be surrendered promptly to the owner, upon identification and proof of ownership.

(d) *Drivers and company certificate holders to report changes of affiliation.* Every driver of a taxicab, as well as the company certificate holder to which the driver is changing affiliation, shall notify the hack inspector within five business days when he changes his affiliation to another taxicab company. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4950, 5/16/15, Sec. 1)

Sec. 9-12-57 Service requirements.

The following are minimum service requirements that must be met by all drivers holding a driver's permit issued under this division:

(a) *Additional passengers.* No driver already engaged with a passenger shall take an additional passenger, except with the consent of all passengers.

(b) *Unlawful use of vehicles.* No driver shall use or permit the use of any taxicab for soliciting business for any person or house of ill repute, for selling intoxicating liquors, for lewd or indecent purposes or for transporting persons to houses of ill repute or places used for lewd indecent purposes.

(c) *Entering and leaving vehicles.* No driver shall allow a passenger to enter or leave any taxicab except along the curb of a street.

(d) *Stopping in intersections to load or unload prohibited; interfering with traffic.* No driver of any taxicab shall stop, load or unload any passengers in the intersection of any streets or on any crosswalk. No such driver shall in any way impede or interfere with the orderly flow of traffic on the streets.

(e) *Priority of calls for service.* Every driver of a taxicab shall serve requests for service in the order of receipt of such calls.

(f) *Nonpaying passengers.* No nonpaying passenger shall be transported in a taxicab with a paying passenger, except bona fide officers or employees of the owner or certificate holder, or a police officer engaged in the performance of his duty.

(g) *Drivers to take shortest route to destination.* The driver of each taxicab shall drive the same over the shortest practical route from the point of engagement to the destination of the passenger or passengers.

(h) *Number of passengers.* No driver of a taxicab shall carry at any one time more adult passengers than the number for which the vehicle was designed.

(i) *Passengers to occupy rear seat first.* Passengers shall fill the rear seat before using the front seat, and no driver shall carry a passenger in the front seat unless the back seat is filled, except when otherwise requested by a passenger.

(j) *Loitering at taxi stands.* No driver shall loiter or congregate with others in sidewalks adjacent to a taxi stand in such a manner as to violate section 9-12-115 of this division or in such a manner as to unreasonably inhibit or impede the flow of pedestrian traffic on the sidewalk.

(k) *Cruising.* The city manager may prohibit cruising throughout the city or in designated areas within the city in times of emergency, or at other times when some activity takes place within the city which will produce abnormal traffic congestion and danger to pedestrians and the city manager finds that cruising would add to the congestion and danger. No such prohibition may be issued, except in case of an emergency, without notice and public hearing before, and a recommendation from the board. When the city manager has issued such prohibition, it shall be unlawful for any person to cruise in the area designated.

(l) *Refusal to carry passengers.* No driver of a taxicab shall refuse or neglect to convey any orderly person, upon request, unless previously engaged, off duty, or unable or forbidden by the provisions of this article to do so.

(m) *Cleanliness and appearance of drivers.* Drivers of taxicabs shall be clean and dressed in neat, clean clothing at all times when serving the public. Whenever a driver's appearance is significantly changed by haircut or hair style, or modification, addition, or removal of a beard, moustache, side burns, toupee, wig, hair coloring, or the like, he shall submit within 30 days of such change two copies of a new photograph of himself in compliance with the requirements of section 9-12-42.

(n) *Responding to dispatch calls.* Every driver shall comply with the standards of dispatch service prescribed by regulation. Each driver must average not less than 50 percent of the average dispatch call volume set by regulation pursuant to section 9-12-32(c) for the company with which the driver is affiliated. Notwithstanding the foregoing, a company may set a different level of service for its drivers so long as the company

meets the dispatch requirements set forth by regulation pursuant to section 9-12-32(c) and notifies the hack inspector of this policy.

(o) *Complying with service regulations.* All drivers shall comply with customer service related provisions prescribed by regulation.

(p) *Complying with company service standards.* Every driver shall comply with the service requirements issued by the taxicab company with which the driver is affiliated.

(q) *Smoking in taxicabs.* Smoking shall be prohibited in taxicabs at all times.

(r) *Cell phone and mobile device use.* Drivers shall not use cell phones or other mobile devices when transporting passengers except for emergencies and trip related activities. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4922, 1/24/15, Sec. 1)

Sec. 9-12-58 Temporary suspension of permits and civil penalties.

(a) The chief of police or the hack inspector shall have the power to suspend any driver's permit for a period not to exceed five days for any one or more of the following causes:

(1) any violation of section 9-12-56;

(2) any violation of section 9-12-57; or

(3) any violation of section 9-12-60.

(b) In addition to the foregoing, any driver who violates sections 9-12-56, 9-12-57 or 9-12-60 shall be guilty of a class five civil violation. The hack inspector shall have the authority to assess the civil penalties set forth for such violations in City Code section 1-1-11 and shall coordinate with the office of the city attorney to determine when suspensions, civil penalties or a combination of both shall be imposed. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4683, 10/16/10, Sec. 1)

Sec. 9-12-59 Appeal from temporary suspension.

Whenever the chief of police or hack inspector has suspended a permit pursuant to section 9-12-58, the driver may appeal to the board, by filing a written notice of appeal with the hack inspector, within five days after being notified of his suspension. The hack inspector shall thereupon schedule, within a reasonable time, a hearing before the board. Notice of such hearing shall be given the applicant at least five days before the hearing. Any suspension shall be stayed pending the hearing before and decision of the board. The board shall have authority to affirm, reverse or modify the suspension appealed from. The action of the board shall be final and there shall be no rehearing. There shall be no appeal to the traffic & parking board from the imposition of a civil penalty not accompanied by a suspension, but civil penalties not accompanied by a suspension may be contested in the manner set forth in City Code section 1-1-11(c)(3). (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4683, 10/16/10, Sec. 1)

Sec. 9-12-60 Suspension and revocation of permits by the board.

(a) The board shall have the power to recommend that the city manager suspend or revoke any driver's permit issued under the provisions under this division for any one or more of the following causes:

(1) violation of any law involving moral turpitude;

(2) failure to report any accident in which the driver is involved;

(3) violation of any law prohibiting the operation of motor vehicles while under the influence of any intoxicating beverage, controlled substance or drug;

(4) operation of a taxicab known by the driver not to be in good order or safe repair;

(5) repeated violations of traffic or safety laws of local, state or federal government;

(6) being impaired by a disease or infirmity which makes the driver an unsafe driver;

(7) violation of any law prohibiting hit and run driving, leaving the scene of an accident or similar law;

(8) failure to serve the public adequately;

(9) making a false statement prohibited by section 9-12-5 of this code;

(10) repeated failure to be clean and dressed in neat, clean clothing at all times when serving the public;

(11) doing any act or failing to do any act which act or omission jeopardizes the health, safety or welfare of the public;

(12) repeated suspension pursuant to section 9-12-58 of this code;

(13) repeated or egregious rude or discourteous conduct towards a passenger; or

(14) violation of any other provision of this article.

(b) In any hearing by the board under this section, a conviction, plea of nolo contendere or forfeiture shall be conclusive evidence of a violation.

(c) The hack inspector shall give the holder of the permit at least 10 days' notice by personal service or by certified mail to the address shown on the permit of the grounds for suspension or revocation and the time and place of hearing.

(d) The board shall conduct a public hearing, and the city attorney, when requested by the hack inspector, shall present the case against the permit holder. The permit holder may present his own case or be represented by counsel.

(e) If the board finds that one or more of the causes specified in subsection (a) exists, the board shall recommend that the city manager suspend the driver's permit for not less than 30 days nor more than 120 days, or the board may recommend that the city manager revoke the driver's permit, as it may in its discretion see fit.

(f) When a driver's permit has been revoked, no application for a new permit shall be accepted for one year following the revocation.

(g) The city manager's decision to suspend or revoke a driver's permit may be reviewed on the record by the Circuit Court of the City of Alexandria, to determine whether the board and city manager applied the correct law, and whether the decision was arbitrary and capricious; provided a petition for review is filed with the court within 30 days of the decision. The filing of such petition shall not stay the effect of such revocation or suspension, unless otherwise ordered by the court. The court may affirm or reverse the decision of the city manager, or vacate the decision and remand the matter with instructions. (Ord. No. 4402, 6/14/05, Sec. 1)

Secs. 9-12-61 through 9-12-70 reserved.

DIVISION 4

Vehicle Permits

Sec. 9-12-71 Vehicle permit required; display.

No taxicab shall be operated under the authority of a certificate of public convenience and necessity issued by the city, and no person who owns or controls a such a taxicab, shall permit it to be so operated, and no such taxicab shall be operated at any time for hire, unless the owner of such taxicab shall have first obtained and shall have then in force a vehicle permit issued under the provisions of this division. Such permit shall be the property of the city, and shall be carried and displayed in a conspicuous place in the taxicab. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-72 Application.

(a) An application for a vehicle permit under this division shall be made in writing under oath on forms provided by the city manager; shall be filed with the hack inspector and shall contain at minimum the following information:

(1) full name of the applicant;

(2) applicant's current address;

(3) make, model and year of the vehicle;

(4) description of the insurance policy covering the vehicle.

(b) The application shall state thereon that "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for prosecution or denial or revocation of this vehicle permit." (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-73 Charges for vehicle permit.

The fees and charges for an application for, and for the issuance and renewal of, a vehicle permit shall be established by regulation, and no application shall be filed, and no vehicle permit issued or renewed, unless and until such fees and charges shall have been paid. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-74 Issuance of permit; inspection of vehicle.

Upon receipt of an application for a vehicle permit, the hack inspector shall make or cause to be made an inspection of the vehicle. If the vehicle complies with the provisions of this division and with the regulations promulgated pursuant to this article, the hack inspector shall issue a vehicle permit for such vehicle. If the vehicle is found by the hack inspector not to meet the requirements, the hack inspector shall notify the applicant of all defects which must be remedied for the permit to be issued. If the defects are not corrected on re-inspection, the application for a vehicle permit shall be denied. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-75 Information to be shown on permits.

Each vehicle permit issued pursuant to this division shall contain at minimum the following information:

(1) vehicle permit number;

(2) name of the certificate holder under whose certificate the vehicle will be operated;

(3) name of the owner;

(4) expiration date;

(5) year, make, model and vehicle identification number (VIN);

(6) make and serial number of taximeter; and

(7) the fact that the permit is issued subject to the provisions of this article and may be suspended or revoked if the provisions of this article are violated. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4950, 5/16/15, Sec. 1)

Sec. 9-12-76 Expiration of permit.

All vehicle permits issued under this division shall expire one year from the date of issuance, unless sooner suspended or revoked. Vehicle permit issuance shall be coordinated with the vehicle and meter inspection schedule promulgated by the hack inspector. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4950, 5/16/15, Sec. 1)

Sec. 9-12-77 Renewal of permit.

A vehicle permit may be renewed, provided the applicant follows the procedure set forth for original applications. The renewed permit shall expire one year from the date of issuance. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-78 Permit nontransferable before inspection.

(a) A vehicle used as a taxicab may be transferred to a new owner, either for use as a taxicab or otherwise. However, if the vehicle is to be used as a taxicab by the new owner, the vehicle permit may not be transferred to the new owner unless and until the hack inspector has inspected the vehicle and determined that the vehicle complies with all requirements for a new permit. Such inspection shall be conducted within a reasonable period of time.

(b) If a vehicle ceases to be used as a taxicab, the permit for that vehicle shall forthwith be surrendered to the hack inspector, and a new permit applied for and obtained for the replacement vehicle, if any. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-79 Suspension of permits.

(a) The chief of police or the hack inspector shall have the power to suspend a vehicle permit for a period not to exceed five days for one of the following causes:

(1) failure to maintain the taxicab in good order and repair.

(2) violation of the requirements set forth in section 9-12-81 of this division.

(b) The chief of police or the hack inspector shall have the power to suspend a vehicle permit until such time that the vehicle is safe to operate if the vehicle is found to be in violation of section 9-12-80 of this division.

(c) The chief of police or the hack inspector shall have the power to suspend a vehicle permit until such time that the vehicle is insured as required by section 9-12-6 of this article.

(d) In addition to the foregoing, any vehicle owner or driver who violates section 9-12-80 or 9-12-81 shall be guilty of a class two civil violation. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-80 Vehicles to be in safe condition.

Every taxicab and the equipment used in connection therewith, subject to a vehicle permit pursuant to this division, shall be kept at all times in proper and safe mechanical and operating condition to the satisfaction of the hack inspector. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-81 Requirements for vehicles.

Every taxicab and the equipment used in connection therewith, subject to a vehicle permit pursuant to this division, shall at all times comply with the following minimum standards:

(a) *Vehicles to be clean.* All taxicabs shall at all times be kept clean and sanitary to the satisfaction of the hack inspector.

(b) *Ventilation of vehicles; lights.* Every taxicab shall be equipped with properly functioning heating, air conditioning and windows and passenger cabin lights.

(c) *Body types of vehicles; seating capacity.* Every taxicab shall be of a vehicle type approved by regulation with four doors, at least two seats and not less than five-passenger capacity; provided, however, that any taxicab, otherwise in compliance with the provisions of this article may, upon the written application to and approval of the city manager, and having only three doors, may be used to provide transportation to handicapped or otherwise physically disabled persons.

(d) *Shades and curtains.* No taxicab shall be equipped with shades or curtains which can shield any occupant from observation.

(e) *Speedometers.* Every taxicab shall be equipped with a standard speedometer, properly installed and kept in good working order at all times.

(f) *Rear-view mirror.* Every taxicab shall be equipped with an adjustable rear-view mirror, properly installed.

(g) *"Off duty" signs.* Every taxicab shall carry, prominently displayed on the front windshield, a sign bearing the words "off duty," whenever the vehicle is driven by an operator other than a duly licensed taxicab driver, or is transporting a non-paying passenger, or is not in service.

(h) *Information to be displayed on outside of vehicle.*

(1) Every taxicab shall bear on the rear thereof and on each side thereof in lettering at least three inches high the word "taxicab" or "cab."

(2) The certificate number under which the taxicab is operated, clearly visible, shall be placed on the rear and on each side of each taxicab.

(3) The prevailing rates of fare shall be displayed on each side of the taxicab by means of cards or stickers, furnished by the director of finance at a cost established by regulation, placed in the side rear window in such a manner as to be visible from the outside. The form, size and content of said cards or stickers shall be as approved by the hack inspector.

(i) *Display of permit.* Every driver shall post his driver's permit in such a place as to be in full view of all passengers while the driver is operating a taxicab.

(j) *Display light.* Every taxicab shall be equipped with a plainly visible light signal permanently affixed on the exterior of the cab of a design approved by the hack inspector, which signal shall be turned on and exhibited at all times when the taxicab is on duty and available for hire.

(k) *Two-way communication.* Every taxicab shall be equipped with a means of wireless two-way communication, properly installed and kept in working order at all times. Such means of communication shall be operated in compliance with all applicable regulations of the Federal Communications Commission. Each unit will have the ability to conduct a two-way conversation with the taxicab dispatcher.

(l) *Age of vehicles.* Except for hybrid or alternative fuel vehicles, no vehicle permit shall be issued for a taxicab that is older than eight model years; provided, however, that a taxicab that was lawfully being operated as of July 1, 2005, may continue in operation until July 1, 2007, provided such vehicle complies with all other provisions of this article. No vehicle permit shall be issued for a hybrid or alternative fuel taxicab that is older than 10 model years; provided, however, that such a taxicab that was lawfully being operated as of July 1, 2005, may continue in operation until July 1, 2007, provided such vehicle complies with all other provisions of this article.

(m) *Taximeters.* Every taxicab shall be equipped with a taximeter in compliance with section 9-12-131. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4683, 10/16/10, Sec. 1; Ord. No. 4950, 5/16/15, Sec. 1)

Secs. 9-12-82 through 9-12-110 reserved.

DIVISION 5

Taxicab Stands

Sec. 9-12-111 Establishment of stands.

The board may establish taxicab stands at such places as it deems necessary for the public convenience. The board's may act on its own motion or on the written application of any abutting owner, after a public hearing and 15 days' notice to the public and to the owner of the property abutting and across the street from the proposed taxicab stand. No stand shall be established which would tend to create a traffic hazard or aggravate an already existing hazard. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-112 Abolition of stands.

(a) The board may, after notice and public hearing, abolish any taxicab stand which in its opinion is either:

(1) no longer necessary for the taxicabs or for-hire vehicles using it;

(2) no longer in the best interest of the public convenience;

(3) creating an unduly hazardous traffic condition; or

(4) adversely affecting nearby property or the occupants thereof.

(b) The action of the board shall be final. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-113 Doing business on street at other than duly established stands.

It shall be unlawful for any owner or driver of a taxicab or certificate holder to use as a place of business any parking meter space in the city or any portion of a street except at an authorized stand. For the purpose of this section, the actual transportation of passengers and the loading and unloading of passengers shall not be construed as doing business, but parking or standing while waiting for fares, calls, or dispatch shall be construed as doing business. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-114 Use of stands.

(a) Except as provided in section (b), vehicle stands shall be used only by on duty drivers authorized to perform taxicab services by this article.

(b) Any person shall have the right to stop temporarily in any taxicab stand for the purpose of discharging or receiving passengers or for loading or unloading merchandise, and the owner or occupant of the abutting property shall have reasonable right of ingress and egress, but no person other than the driver of a taxicab authorized to use such stand shall park therein. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-115 Drivers to attend and keep near vehicles at stands.

Drivers of taxicabs parked at any taxicab stand, shall at all times keep their taxicab attended and remain within 20 feet of their taxicab. (Ord. No. 4402, 6/14/05, Sec. 1)

Secs. 9-12-116 through 9-12-130 reserved.

DIVISION 6

Fares

Sec. 9-12-131 Taximeters.

(a) All taxicabs shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night; and, after sundown, the face of the taximeter shall be illuminated. Such taximeter shall be approved in advance by the hack inspector, operated mechanically or electronically and accurately track the movement of the vehicle via GPS or other commercially reliable means, as approved by the hack inspector in consultation with the director of T&ES. It shall be inspected and certified by the hack inspector at an annual cost determined by regulation for each meter, at all points and connections which, if manipulated, would affect its correct reading and recording. Each taximeter shall be equipped with a mechanism or display which indicates when the vehicle is engaged and when it is not engaged; and the driver shall actuate the taximeter at the commencement of each trip and stop the taximeter at the termination of each trip. Any taximeter shall be subject to inspection upon demand by the hack inspector, or any police officer, and if the taximeter is determined to be inoperative or inaccurate, the taxicab shall cease to be operated until the taximeter is repaired, inspected and certified by the hack inspector.

(b) When any taxicab is operated pursuant to a contract as permitted under section 9-12-133, any provision of this section in conflict with the terms and conditions of such contract shall not apply. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4950, 5/16/15, Sec. 1)

Sec. 9-12-132 Amount of fare to be charged.

(a) The rates to be charged to passengers in taxicabs shall be as follows. It shall be unlawful to make any greater or lesser charge:

(1) For the initial meter charge, $3.

(2) For the second and for each additional passenger who is five years of age or older, $1.25.

(3) For the first one-sixth of a mile traveled and each one-sixth mile or fraction thereof thereafter traveled for one or more passengers, $0.36.

(4) For each one hour of waiting time for one or more passengers, $25. The incremental cost of this charge shall be $0.36 for each 52 seconds. Waiting time shall include time consumed while the taxicab is waiting and available to passengers beginning three minutes after the scheduled time of arrival at the place to which it has been called, time consumed while the taxicab is stopped or slowed for traffic to a speed of less than seven miles per hour and time consumed for delays or stopovers en route at the direction of a passenger. There shall be no charge for mileage when time is being charged for a taxicab that is stopped or slowed for traffic to a speed of less than seven miles per hour. Waiting time shall not include time lost on account of the inefficiency of a taxicab.

(5) For any item placed in the cab trunk or rear of the vehicle, $0.50 if handled by the driver. The maximum charge for all such items shall be $7.

(6) (Reserved)

(7) (Reserved)

(8) For each animal, $2. There shall be no charge for guide dogs or service animals assisting persons with disabilities.

(9) For each trip originating at Ronald Reagan Washington National Airport, the airport fee shall be added to the fare for the trip.

(10) Taximeter fares shall be increased by $5 during any period in which a snow emergency declaration of Level 2 or Level 3 has been made by the city manager or his designee, or in the event that the director of transportation and environmental services determines that driving conditions in the city are, or are reasonably expected to become, unduly hazardous due to the accumulation of snow, sleet or ice on the streets, regardless of the declaration of a snow emergency or the level thereof. The transportation division of the department of transportation and environmental services will notify each taxicab company by telephone of the exact time any such taximeter fare increase is to go into effect and the exact time that such fare increase is terminated.

(11) Taximeter fares may be increased by a surcharge authorized by the city manager, in the event that the city manager determines that a sudden increase in the cost of gasoline requires a surcharge to maintain stability in the provision of taxicab services in the city and to prevent the gas cost increase from having a serious adverse financial impact on the drivers of taxicabs. The surcharge shall continue in effect for such period, not to exceed one year, as the city manager shall determine, but may be terminated sooner if the manager determines that the surcharge is no longer warranted. The determination of the city manager shall be based on information provided by taxicab companies, and from such other sources as the city manager deems appropriate. The transportation division of the department of transportation and environmental services will notify each taxicab company in writing of any such surcharge. Such notice shall indicate the amount of the surcharge, and the period during which such surcharge shall be permitted. A copy of such notice, shall be displayed within the vehicle in addition to the rate card required under section 9-12-134.

(b) This section shall not apply when any taxicab is operated pursuant to a contract provided for in section 9-12-133 of this chapter.

(c) Nothing contained herein shall prevent a certificate holder from establishing a coupon or reward program for its customers where a discount coupon, customer loyalty certificate or some other marketing device is accepted as part of the allowed fare set forth herein. (Ord. No. 4402, 6/14/05, Sec. 1; Ord. No. 4434, 12/17/05, Sec. 1; Ord. No. 4509, 12/15/07, Sec. 1, eff. 1/1/08; Ord. No. 4691, 11/13/10, Sec. 1; Ord. No. 4784, 1/22/13, Sec. 1)

Sec. 9-12-133 Taxicab services and fares for elderly or physically handicapped persons, or for other specifically authorized services, pursuant to a contract between a certificate holder and the city or a nonprofit private or public organization.

Any certificate holder may enter into a contract, on an annual or semiannual basis, with the city or any nonprofit private or public organization to provide taxicab services for elderly or for physically handicapped persons, or for other specific services to the general public, as specified in the contract, under a fare schedule agreed upon in the contract. Any person operating a taxicab pursuant to such a contract shall comply with all other provisions of this article. Notwithstanding the foregoing, the city is not limited to contracting with a certificate holder for the provision of transportation services for such elderly or physically handicapped persons. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-134 Display of rate of fare by card.

(a) Every taxicab shall have displayed in such a place within the vehicle as to be in view of passengers a rate card to be furnished by the hack inspector, at a cost established by regulation, showing the rates prescribed by this article.

(b) The rates shall also be displayed so as to be visible from the inside and outside of the vehicle as provided in section 9-12-94. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-135 Refusal of passenger to pay legal fare.

It shall be unlawful for any person to ride in a taxicab with intent to obtain passenger service

without paying the lawful fare under the schedule set out in section 9-12-132 or 9-12-133, whichever applies. Refusal to pay for service shall be prima facie evidence of such intent under this section. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-136 Receipts for amounts charged.

The driver of any taxicab shall, upon request by a passenger, provide a written receipt for the amount charged, stating the name of the driver, driver's permit number, vehicle permit number, company name, amount of fare and additional charges and the date of the transaction. Such receipt shall also include the taxicab company's phone number and the hack inspector's phone number and state that complaints as to fares and services may be made to either or both the company and the hack inspector. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-137 Carrying additional passengers when engaged.

Once a passenger has engaged and entered a taxicab for taxicab services, no other person shall be transported in such taxicab until the destination is reached without the consent of such passenger. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-138 Carrying several passengers to different destinations.

If two or more passengers, bound for different destinations, agree to engage a taxicab for taxicab services, the fare shall be allocated as follows: whenever a passenger gets out and pays the fare, the meter shall be reset upon that passenger's departure, but when the departing passenger does not pay the fare, the meter shall not be reset and the full fare shall be paid by the last passenger delivered. (Ord. No. 4402, 6/14/05, Sec. 1)

Secs. 9-12-139 through 9-12-140 reserved.

DIVISION 7

Dispute Resolution

Sec. 9-12-141 Scope.

The provisions of this division shall apply to every certificate of public convenience and necessity issued under division 2 of this article; to every driver's permit issued under division 3 of this article; to every person who operates a taxicab subject to this article, and to every person who suffers, permits or allows the operation under such person's color scheme, insignia or trade name, of a taxicab subject to this article, from and after July 1, 2005. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-142 Required conditions.

Every certificate of public convenience and necessity issued under division 2, and every driver's permit issued under division 3, of this article, and the right to operate a vehicle, or to suffer, permit or allow the operation of a vehicle under a person's color scheme, insignia or trade name, pursuant to this article shall be subject to the following terms and conditions:

(a) The license or permission held by any person who holds a valid driver's permit under division 3 to operate a vehicle under a taxicab company's color scheme shall not be terminated, suspended or impaired, and such driver's right to enjoy the resources and benefits provided by such company on the same basis as other similarly situated drivers for the company shall not be terminated, suspended or impaired, except where such termination, suspension or impairment is reasonable and for good cause.

(b) For purposes of this section, "good cause" means one or more of the causes set forth in section 9-12-58 of this code for the temporary suspension of a driver's permit by the chief of police or hack inspector; one or more of the causes set forth in section 9-12-60 of this code for the suspension or revocation of a driver's permit by the board, or a material failure of a driver to comply with established, written rules or practices of the company or to perform in accordance with his or her written contract with the company, after reasonable notice and an opportunity to comply or perform.

(c) Nothing in this section shall be deemed to impair the authority of the chief of police, hack inspector or board under this article. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-142 Dispute resolution procedures.

Each taxicab company may opt to have a written dispute resolution procedure as part of its agreements with its drivers, so long as such a dispute resolution procedure incorporates, at a minimum, binding arbitration pursuant to the Commercial Arbitration Rules, R-1 through R-56 of the American Arbitration Association. In the event that a taxicab company does not have an agreement with any driver incorporating such a dispute resolution procedure and said taxicab company is involved in a dispute with such a driver, then such dispute will be subject to the provisions of this section, as follows:

Disputes subject to the provisions of this division shall be subject to the following procedures:

(a) disputes shall first be the subject of an internal grievance procedure which shall be conducted as follows:

(1) the aggrieved party shall submit a complaint in writing to the taxicab company within 30 days from the date of the company's action, containing a written statement of the matter in dispute and the names, addresses and telephone numbers of each party to the dispute.

(2) within two weeks after the submission of the written complaint, the company shall appoint a representative from within the company to hear the dispute. Such representative shall be impartial, and shall have had no direct or indirect involvement in the dispute.

(3) within two weeks after said appointment, the representative shall conduct an informal hearing concerning the dispute.

(4) both parties shall use best efforts to resolve the dispute.

(5) within two weeks after the hearing has been concluded, the company representative shall render a written decision.

(b) If the dispute is not resolved through the internal grievance procedure, both parties may agree to informal or formal mediation of the dispute, pursuant to subsection (c). If the parties fail to agree to mediation, either party may elect to proceed to arbitration, pursuant to subsection (d).

(c) Informal or formal mediation.

(1) within two weeks after the internal grievance procedure has been concluded, any party requesting mediation shall submit a written notice requesting mediation to all parties.

(2) within two weeks after such notice has been submitted, the parties may agree to an impartial person to mediate the dispute in an informal process. If the parties do not so agree, the party requesting mediation shall submit a written Request for Mediation to the American Arbitration Association (AAA). If the parties are unable to agree to mediation, either party may elect to proceed to arbitration, pursuant to subsection (d).

(3) a request for mediation shall contain a brief statement of the dispute, and the names and addresses and telephone numbers of each party to the dispute.

(4) the mediator shall notify all parties of the time, date and place of the mediation.

(5) the costs of the mediation shall be borne equally by the parties unless they agree otherwise in writing.

(6) the mediation conducted by AAA shall be in substantial accord with the American Arbitration Association Commercial Mediation Rules, M-1 through M-17. Copies of such rules shall be available at city hall.

(7) the mediator may end the mediation if, in the sole discretion of the mediator, the continuation of the mediation would not be useful.

(8) the parties in mediation shall use their best efforts to resolve the issues in controversy and the mediator may execute a written settlement agreement if agreed on by the parties but may not impose a settlement on the parties.

(d) Where neither the internal grievance procedure, nor mediation if attempted, has resolved the issues in dispute, either party may submit the matter to arbitration, which shall be binding upon the parties. Such arbitration shall be conducted as follows:

(1) within two weeks after the mediation process or the internal grievance procedure has been concluded, the party requesting arbitration shall submit a written notice of intent to arbitrate to all parties.

(2) within two weeks after such notice has been submitted, an impartial person to arbitrate the dispute shall be agreed upon by the parties, or, if the parties do not so agree, the party requesting arbitration shall submit a written request for arbitration to the American Arbitration Association (AAA) and simultaneously mail a copy of the request for arbitration to every party to the dispute.

(3) a request for arbitration shall contain a brief statement of the dispute, and the names and addresses and telephone numbers of each party to the dispute.

(4) the arbitrator shall notify all parties and their representatives, if any, of the time, date and place of the arbitration.

(5) the costs of the arbitration shall be borne by the party which does not prevail, unless the parties agree otherwise in writing, or the costs are otherwise apportioned by the arbitrator if there is no prevailing party.

(6) the arbitration, whether conducted by AAA or another arbitrator chosen by the parties, shall be in substantial accord with the American Arbitration Association Commercial Arbitration Rules, R-1 through R-56. Such rules shall be made available to all parties at the Alexandria Hack Office.

(7) the arbitrator may conclude the arbitration hearing if in the sole discretion of the arbitrator, continuation of the hearing would not be useful.

(8) within two weeks after the arbitration hearing has been concluded, the arbitrator shall render an award in writing, which shall be binding upon the parties and which may be enforced by any court having jurisdiction over the parties.

(e) For purposes of this section, "dispute" means a disagreement between a person who holds a division 3 permit and the company under whose colors he or she drives over whether an action taken by the company to terminate, suspend or impair such person's license or permission to drive under the company's colors, or to terminate, suspend or impair his or her right to enjoy the resources and benefits provided by the company, on the same basis as other similarly situated company drivers, was reasonable and based upon good cause. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-143 Penalties.

A knowing failure to adhere to the dispute resolution procedures established by this division shall constitute a class four civil violation, pursuant to section 1-1-11 of this code, and may, in

addition, constitute grounds for suspension or revocation of a certificate of public convenience and necessity issued under division 2, or driver's permit issued under division 3, of this article. (Ord. No. 4402, 6/14/05, Sec. 1)

Sec. 9-12-144 Regulations.

The city manager may promulgate such regulations as deemed advisable for the administration and enforcement of this division 7. (Ord. No. 4402, 6/14/05, Sec. 1)

Secs. 9-12-145 through 9-12-150 reserved.

ARTICLE B

Buses

DIVISION 1

Routes, Operation, Terminals

Sec. 9-12-151 Designation of bus routes by council.

No person, firm or corporation, their lessees, trustees or receivers, shall operate motor buses for passenger transportation in or through the city, except on a route over such streets or highways of the city as may be designated or approved by the city council. Except as hereinafter provided, every motor bus passenger carrier shall file with the city council an application setting forth the route in or through the city desired which may be approved by the city council or modified in whole or in part as in the opinion of the city council the public safety, convenience and necessity may require. (Code 1963, Sec. 37-84; Ord. No. 3345, 11/22/88, Sec. 4)

Sec. 9-12-152 Routes for interstate buses.

All motor bus passenger carriers to which the state corporation commission has issued certificates to engage only in interstate transportation of passengers over the highways of this state, shall operate over only the following designated routes;

(1) When entering the corporate limits from the west over State Highway No. 236, continue east on Duke Street to Commerce, on Commerce to Prince, and east on Prince to Washington Street, thence north on Washington Street and Powhatan Street to and over the overhead bridge at the intersection of Powhatan Street and the right-of-way of the Richmond, Fredericksburg and Potomac Railroad, and thence north on the Alexandria-Washington Pike abutting the west line of such railroad right-of-way.

(2) When entering the corporate limits from the south over state highway no. 1, continue to Franklin Street, thence east on Franklin to Washington Street and thence north on Washington Street and Powhatan Street, and over the overhead bridge at the intersection of Powhatan Street, and right-of-way of the Richmond, Fredericksburg and Potomac Railroad, and thence north over the Alexandria-Washington Pike abutting the west line of such railroad right-of-way.

(3) When entering the city limits from the north, such carriers shall enter over state highway no. 1, and continue southwardly over the Alexandria Washington Pike to and over the overhead bridge designated in paragraphs (1) and (2), thence continuing southwardly over Powhatan Street and Washington Street to Cameron Street, and thence westwardly over Cameron Street to Peyton, over Peyton to Duke and over Duke to the corporate limits if the carrier's route is over state highway no. 236; but if the carrier's route is south over state highway no. 1 continue south over Washington Street from Cameron Street to Gibbon Street: thence west to Patrick, and thence south over Patrick to the corporate limits.

(4) Any such carrier operating from and to but not through the city shall operate over only such streets and highways designated in the foregoing subsections (1), (2) and (3); provided, however, that such carrier may, subject to the approval of the city council as provided in section 9-12-151 of this code, operate its motor buses over other streets when necessary to take such motor buses to and from its terminal. (Code 1963, Sec. 37-85; Ord. No. 3345, 11/22/88, Sec. 4)

Sec. 9-12-153 Operation of intraurban buses.

No motor bus passenger carrier shall transport passengers from one point to another within the city except a carrier to which the state corporation commission has issued a class "A" certificate with the right to engage in the intrastate transportation of passengers between the city and the District of Columbia pursuant to the state law in such case provided, or such carriers as the city council may authorize by ordinance to operate motor bus passenger service wholly within the city. (Code 1963, Sec. 37-86; Ord. No. 3345, 11/22/88, Sec. 4)

Sec. 9-12-154 Motor bus terminals.

No motor bus passenger carrier shall establish and maintain a terminal in the city until application therefor setting forth the location desired shall have been filed with and approved by the city council. The city council may, after 60 days' written notice, issue at its direction to any such carrier, require the abandonment and relocation of any motor bus passenger carrier terminal, when, in the opinion of the city council, the public safety, convenience and necessity require it. (Code 1963, Sec. 37-87; Ord. No. 3345, 11/22/88, Sec. 4)

Sec. 9-12-155 Exception as to sight-seeing buses.

This division shall not be construed to apply to sight-seeing buses. (Code 1963, Sec. 37-88; Ord. 3345, 11/22/88, Sec. 4)

Secs. 9-12-156 through 9-12-159 reserved.

DIVISION 2

Sight-Seeing Buses

Sec. 9-12-160 Establishment of designated parking spaces.

(a) Any owner of a sight-seeing bus or a sight-seeing bus company, or any agent of such owner, may send a written letter of application to the director seeking the establishment of a designated on-street parking space for the use of sight-seeing buses. The application, among other things, shall suggest a specific location for the requested space. An application for the establishment of such a space may also be filed by the director, in which case the director shall, for purposes of this section, be considered the applicant.

(b) The director shall review each application filed under subsection (a) and, within 45 days of its filing, shall submit it to the board. In the event the director believes that the location suggested by the applicant is suitable for parking sight-seeing buses or that there is a preferable location for such a space, he shall, in a response to the board which shall be submitted with the application, describe the location suggested by the applicant and, whether or not different, the location he determines to be preferable, state the impacts which the parking of buses at each such location will have on traffic, parking, safety and public health and welfare, and propose to the board the location he believes to be suitable for the parking of sight-seeing buses. In the event the director believes that neither the location suggested by the applicant nor any other location in the vicinity of that location is suitable for parking sight-seeing buses, he shall so inform the board in his response.

(c) Within 30 days of receipt of the application and the director's response, the board shall conduct a public hearing on the application. At least 10 days prior to such hearing, the director shall notify, by written notice, the occupant or, if none, the owner of all property abutting or located within 100 feet of the location suggested by the applicant and, if different, the location proposed by the director in his response of the date, time, place and nature of the public hearing. After conducting the public hearing, the board shall recommend that the director's proposed location, if any, be approved, rejected or modified and, if it rejects the director's proposed location or if the director proposed no location, it may recommend the location suggested by the applicant or another location.

(d) In the event the board recommends a location which is acceptable to the director, the director shall take all steps necessary to establish a parking space for sight-seeing buses at that location. In the event the board recommends that no parking space be established or recommends a location which is unacceptable to the director, the director shall notify the city manager who shall either direct lie implementation of the board's recommendation or bring the matter to city council.

(e) If the matter is brought to city council by the manager, it shall be the subject of a public hearing before the council. The city clerk shall provide notice of such hearing by causing an advertisement stating the time, date, place and nature of the hearing, and describing the location of any sight-seeing bus parking space at issue to be prepared and published at least seven days before the hearing in a newspaper of general circulation in the city. Following the public hearing, council shall determine whether to establish a parking space for sight-seeing buses and, if so, the location of such space, and thereafter the director shall proceed to implement the council decision. (Ord. No. 3345, 11/22/88, Sec. 4)

Sec. 9-12-161 Withdrawal or revocation of the right to use a designated parking space; elimination of spaces.

(a) All rights and privileges to use designated parking spaces established for the use of sight-seeing buses are mere licenses revocable at any time by the director, upon a recommendation of the board following a public hearing, for violation of any applicable provision of this article. The director is authorized and empowered, upon a recommendation from the board following a public hearing, to eliminate any designated sight-seeing bus parking space which, in his opinion, is either:

(1) no longer necessary for sight-seeing buses;

(2) creating and aggravating a hazardous traffic condition;

(3) adversely affecting abutting or nearby property, or the occupants thereof, or

(4) for other reasons, no longer in the best interest of the public.

(b) Any action of the director taken pursuant to this section may be appealed, within 30 days, to city council by any aggrieved party by filing a notice with the clerk of council. (Ord. No. 3345, 1, 1/22/88, Sec. 4)

Sec. 9-12-162 Use of locations other than designated parking spaces by sight-seeing buses.

It shall be unlawful for the driver of a sight-seeing bus to place such a bus in any parking space or otherwise adjacent to the curb of any street in the city, except 1) in a space designated pursuant to this division or when loading or unloading passengers; and 2) while displaying a valid permit for sight-seeing bus parking issued by the director pursuant to such procedures as the director may develop. (Ord. No. 3345, 11/22/88, Sec. 4; Ord. No. 4654, 4/17/10, Sec. 1)

Sec. 9-12-163 Use of parking spaces designated for use by sight-seeing buses by other vehicles.

Any person may stop temporarily in a designated sight-seeing bus parking space for the purpose of discharging or receiving passengers or for loading or unloading merchandise. However, it shall be unlawful for any person other than the driver of a sight-seeing bus to park in such a designated space. (Ord. No. 3345, 11/22/88, Sec. 4)

Sec. 9-12-164 Use of designated spaces by sight-seeing buses.

No sight-seeing bus may park in a space designated pursuant to this article without a permit issued by the director pursuant to section 9-12-162 or for longer than a time specified by the director. Such times shall be stated on a sign posted immediately adjacent to the space. The driver of any sight-seeing bus parked in a designated sight-seeing bus space shall, throughout the period the bus is parked in the space, remain within the vehicle or within 30 feet of it. In addition, the driver of such a parked bus shall turn off the vehicle's motor for the period the vehicle is parked in the designated space. (Ord. No. 3345, 11/22/88, Sec. 4; Ord. No. 4654, 4/17/10, Sec. 1)

Sec. 9-12-165 Penalty.

Any person violating sections 9-12-162, 9-12-163 or 9-12-164 shall be guilty of a traffic infraction and shall be punished by a fine of not more than $100, unless payment is made pursuant to section 3-2-351. (Ord. No. 3345, 11/22/88, Sec. 4)

CHAPTER 13

Towing and Storage of Motor Vehicles

§ 9-13-1	Definitions.
§ 9-13-2	Applicability.
§ 9-13-3	Towing and storage fees and regulations.
§ 9-13-4	Notice of tow.
§ 9-13-5	Hours of operation of storage facilities.
§ 9-13-6	Methods of payment.
§ 9-13-7	Receipt.
§ 9-13-8	Posting of fees.
§ 9-13-9	Towing log or similar record.
§ 9-13-10	Warning signs.
§ 9-13-11	Registration.
§ 9-13-12	Penalty.

Sec. 9-13-1 Definitions.

The following words and phrases, when used in this chapter, shall have the following meanings:

(a) "Motor vehicle" or "vehicle" means:

(1) any motor vehicle designed primarily for the transportation of no more than 10 persons, including the driver, and having a registered gross weight of 7,500 pounds or less; and

(2) any motor vehicle designed primarily for the transportation of property, such as pick-up trucks and panel trucks, and having a registered gross weight of 7,500 pounds or less.

(b) "After-hours fee" means the compensation payable for the towing of a motor vehicle, during the periods of time prescribed in section 9-13-3(a)(3), to a facility owned, operated, leased or used by a tow truck service, whether that facility is located within or beyond the City of Alexandria.

(c) "Storage fee" means the compensation payable for the storage of a towed motor vehicle that has been stored at or in a facility owned, operated, leased or used by a tow truck service, whether that facility is located within or beyond the City of Alexandria.

(d) "Tow," "tows," or "towing" means when the tow truck has engaged a vehicle by a physical or mechanical means that causes the towed vehicle to be removed from private property.

(e) "Towing fee" means the compensation payable for the towing of a motor vehicle.

(f) "Tow truck service" means any individual or entity that tows motor vehicles for compensation, and includes any authorized agent or legal representative of such individual or entity. The term does not, for purposes of this chapter, include an individual or entity that removes motor vehicles from public streets and other locations, pursuant to a contract with the City of Alexandria.

(g) "Tow truck" means any truck used by a tow truck service to tow or transport away a motor vehicle, and includes a flatbed truck.

(h) "Tow truck operator" or "operator" means any individual who, as an employee of or otherwise for a tow truck service, tows motor vehicles.

(i) "Drop fee" means the compensation payable for the release of a vehicle that has been connected to a tow truck but not yet removed from private property from which it is to be towed. (Ord. No. 3641, 6/12/93, Sec. 1; Ord. No. 4820, 6/15/13, Sec. 1)

Sec. 9-13-2 Applicability.

This chapter applies (i) to the towing, by a tow truck service, of motor vehicles from privately-owned property within the City of Alexandria without the consent of the vehicle owner or driver, (ii) to the fees that are charged for such towing of vehicles, and (iii) to the fees that are charged for the storage and retrieval of such towed vehicles. The chapter does not apply to the towing of motor vehicles from public streets and other locations within the city that is performed pursuant to a contract with the City of Alexandria or at the direction of City of Alexandria staff, or to the storage of such vehicles. (Ord. No. 3641, 6/12/93, Sec. 1; Ord. No. 4820, 6/15/13, Sec. 1)

Sec. 9-13-3 Towing and storage fees and regulations.

(a) The maximum fees that may be charged for the towing of motor vehicles and for the storage and, when specifically authorized by this section, the retrieval of such towed vehicles are as follows:

(1) for the towing of a motor vehicle (i) less than 7,500 pounds gross vehicle weight rating, the maximum fee shall be $135; (ii) for medium tows, 7,500 to 10,000 pounds gross vehicle weight rating, the maximum fee shall be $250; (iii) for heavy tows, greater than 10,000 pounds gross vehicle weight rating, the maximum fee shall be $500;

(2) for the storage of a towed motor vehicle, the maximum fee for each 24-hour period of storage, or portion thereof, shall be $50 for any (i) vehicle 22 feet or less and (ii) $5.00 per foot for any vehicle over 22 feet in length; provided, that no storage fee may be charged for the first 24 hours of storage; and

(3) for towing a vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday, an additional after-hours fee of no more than $25 per instance may be charged; however, in no event

shall more than two such fees be charged for towing any such vehicle. No charge shall be made for storage and safekeeping for a period of 24 hours or less.

(4) if a fee for notification of lien holder, owner, agent or other interested party is charged, it shall not exceed $75.00. This fee may only apply after the vehicle is on the storage site over three full business days. No administrative fees will be charged, or any other charges unless expressly set forth herein.

(b) It shall be unlawful for any person to charge a towing fee, storage fee or retrieval fee that exceeds the fees established by subsection (a).

(c) Any towed motor vehicle that is covered by this chapter shall be towed directly to and stored at a facility located in the City of Alexandria or in the Commonwealth of Virginia within three miles of the boundaries of the City of Alexandria. It shall be unlawful for any person to cause a towed vehicle to be stored at a facility more than three miles beyond the boundaries of the City of Alexandria. If the facility at which a towed motor vehicle is stored is located beyond the boundaries of the City of Alexandria, any storage fee shall be assessed at the rate of the jurisdiction in which the lot is located. This applies only to storage fees and not towing fees, after hours fees or any other fees regulated by this chapter.

(d) Vehicle release.

(1) If the owner of the vehicle is present and removes the vehicle from the property or corrects the violation before the vehicle is connected to the tow truck, no fee will be charged the vehicle owner;

(2) If the vehicle has been connected to the tow truck and has not yet left private property, the vehicle shall not be towed upon request of the vehicle owner. The owner shall be liable for a drop fee, as set forth in this Section, in lieu of towing, in an amount not to exceed $50, provided that the vehicle owner removes the vehicle from the property or otherwise corrects the violation. (Ord. No. 3641, 6/12/93, Sec. 1; Ord. No. 4820, 6/15/13, Sec. 1; Ord. No. 4959, 6/13/15, Sec. 1)

Sec. 9-13-4 Notice of tow.

When towing any motor vehicle, the tow truck service or operator shall contact the city's police department and provide the following information:

(a) the name of the tow truck service and operator;

(b) a description of the vehicle to be towed, including its year, make, model, vehicle identification number and license plate number;

(c) the date and time of the tow;

(d) the address of the location from which the vehicle is being towed; and

(e) the name and address of the facility to which the vehicle is to be delivered and stored, and from which the vehicle may be retrieved.

(f) The city manager, in conjunction with the director of transportation & environmental services, the police chief and the department of emergency communications, shall promulgate regulations for compliance with this section. (Ord. No. 3641, 6/12/93, Sec. 1; Ord. No. 4820, 6/15/13, Sec. 1)

Sec. 9-13-5 Hours of operation of storage facilities.

Any tow truck service that tows a motor vehicle from a location within the city shall take the vehicle to a storage facility from which towed vehicles may be retrieved 24 hours a day. (Ord. No. 3641, 6/12/93, Sec. 1)

Sec. 9-13-6 Methods of payment.

A tow truck service, tow truck operator and storage facility operator shall accept payment for towing fees, storage fees, after-hours fees and drop fees in each of the following ways:

(a) cash in United States currency;

(b) MasterCard or Visa debit cards;

(c) not less than two major national credit cards; and

(d) personal checks, but only in the event that debit/credit cards payments cannot be processed at the time payment is tendered. (Ord. No. 3641, 6/12/93, Sec. 1; Ord. No. 4820, 6/15/13, Sec. 1)

Sec. 9-13-7 Receipt.

Upon payment of all towing, storage and, if applicable, retrieval fees, the tow truck service or storage facility operator, as the case may be, shall immediately give the vehicle owner or custodian a written receipt that contains the following information:

(a) the name and address of the tow truck service;

(b) the address from which the vehicle was towed;

(c) the date and time that the vehicle was towed;

(d) the reason for the tow and the entity or person who authorized the removal of the vehicle;

(e) an itemized list of all the fees that are being charged; and

(f) the date and time when and the name of the person to whom the vehicle was released.

In the case of a drop fee, item (f) is not required and items (a) and (b) are modified to refer to the address at which the drop fee was incurred. (Ord. No. 3641, 6/12/93, Sec. 1; Ord. No. 4820, 6/15/13, Sec. 1)

Sec. 9-13-8 Posting of fees.

At every place of business where towing fees or storage fees, or both, are collected related to vehicles towed from private property located in the City of Alexandria, there shall be prominently displayed a sign containing a list of the fees imposed for towing and storage services, which sign shall state that the listed fees do not exceed the maximum fees allowed by law and shall refer to section 9-13-3 of this code. If the facility processes payments for tows from multiple jurisdictions, those related to the City of Alexandria shall be separately posted and displayed in a manner reasonably designed to make clear the rates that apply to tows from Alexandria as opposed to other jurisdictions. Any fee or charge in excess of those posted is prohibited. (Ord. No. 3641, 6/12/93, Sec. 1; Ord. No. 4820, 6/15/13, Sec. 1)

Sec. 9-13-9 Towing log or similar record.

Every tow truck service shall maintain a separate log or similar record which shall show, for each motor vehicle that it has towed from a location within the City of Alexandria, the following information:

(a) the date and time that the vehicle was towed;

(b) the make, model, year, Vehicle Identification Number and license plate number of the vehicle;

(c) the address of the property from which the vehicle was removed; and

(d) the towing and storage fees actually charged.

Such log or record shall be maintained for a period of at least one year from the date of each tow, and shall be made available, during normal business hours, for inspection by the city. In addition, the portion of such log or record pertaining to a particular motor vehicle shall be made available, during normal business hours, for inspection by the owner of the vehicle. (Ord. No. 3641, 6/12/93, Sec. 1; Ord. No. 4820, 6/15/13, Sec. 1)

Sec. 9-13-10 Warning signs.

It shall be unlawful for any tow truck service or operator to tow a motor vehicle unless the area in which the vehicle is parked has posted, at each entrance, a legible sign of a minimum size of 12 inches by 18 inches that contains the following:

(a) a pictorial symbol of a tow truck;

(b) a statement, in letters not less than one and one-half inches in height, to the effect that any trespassing motor vehicle within the area is subject to towing and storage at the expense of the vehicle owner;

(c) if applicable, the hours and days of the week when trespassing vehicles are subject to towing; and

(d) the telephone number for the City of Alexandria's Department of Emergency Communications, or such other telephone number as may be designated by the city that may be called 24 hours a day for information regarding the retrieval of a towed vehicle; provided, that the requirements of this section shall not apply to areas providing parking for single-family and two-family, as such dwellings are defined in the city zoning ordinance. (Ord. No. 3641, 6/12/93, Sec. 1; Ord. No. 4820, 6/15/13, Sec. 1; Ord. No. 4959, 6/13/15, Sec. 1)

Sec. 9-13-11 Registration.

(a) Any tow truck service providing service in the City of Alexandria shall register with the department of transportation & environmental services prior to commencing service in the City by January 31 of each subsequent year.

(b) The department of transportation & environmental services shall issue certificates in the normal course of its business after receiving the following materials from each applicant:

(1) the name, address and telephone number of the tow truck service;

(2) the name and telephone number of the business owner or chief executive officer of the business;

(3) either A) a copy of the tow truck service's City of Alexandria Business, Professional and Occupational License; or B) a written certification from the business owner or CEO that the tow truck service does not transact sufficient business to require such a license pursuant to the terms of

city code section 9-1-1 et seq. and a copy of the tow truck service's business license from the jurisdiction in which they are licensed;

(4) the address and telephone number of the facility to which vehicles towed from the City of Alexandria are to be taken; and

(5) the addresses and (if applicable) trade names of the property owners who have authorized the tow truck service to tow vehicles from their property. Such information will be considered proprietary business information pursuant to Code of Virginia Section 2.2-3705.6.

(c) Any change to the information provided at the time of registration shall be provided to the department of transportation & environmental services within 30 days of such change. (Ord. No. 4820, 6/15/13, Sec. 1)

Editor's note—Ord. No. 4820, § 1, adopted June 15, 2013, renumbered the former § 9-13-11 as 9-13-12 and enacted a new § 9-13-11 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 9-13-12 Penalty.

Any person violating a provision of this chapter shall be guilty of a class four civil violation as set forth in city code section 1-1-11(b)(4), to be assessed by the department of transportation & environmental services. In the event any tow truck service is assessed two civil penalties hereunder for violations at the same property, the department of transportation & environmental services shall issue a written warning to the property owner at the address of record in the tax records for the City of Alexandria. In the event a violation at a property that has been issued a written warning occurs within six months of the issuance of such written warning, the property owner shall be guilty of a class four civil violation as set forth in city code section 1-1-11(b)(4), separate from and in addition to any penalty that may be assessed against any other person. (Ord. No. 3641, 6/12/93, Sec. 1; Ord. No. 4820, 6/15/13, Sec. 1)

Note—See the editor's note to § 9-13-11.

CHAPTER 14

Delivery of Unsolicited Publications

Sec. 9-14-1	Definitions.
Sec. 9-14-2	Obligations of publishers and distributors.
Sec. 9-14-3	Removal.
Sec. 9-14-4	Enforcement by the city.
Sec. 9-14-5	Penalties.

Sec. 9-14-1 Definitions.

As used in this chapter:

(a) *Deliver* means to deliver, distribute, deposit, throw, cast or place, or cause or permit to be delivered, distributed, deposited, thrown, cast or placed, a publication, directly or indirectly by contractor, agent, employee or otherwise, but shall not include delivery by the United States Postal Service, delivery by handing or transmitting directly to the owner or occupant then present on the property, or delivery by placing within a receptacle or container expressly maintained by the owner or occupant of property for the receipt of newspaper deliveries.

(b) *Distributor* means an entity who engages in the business of circulating or delivering newspapers.

(c) *Publication* means any printed material issued monthly or more frequently, whether printed in broadsheet, tabloid or other sheet or booklet form, and shall include without limitation a newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service in accordance with statute or regulation, any collection of advertising or solicitations appended together in booklet or magazine form and any newspaper distributed without cost to or subscription by the recipient.

(d) *Publisher* means a person who engages in the business of printing and issuing for circulation, or causing to be printed and issued for circulation, a publication.

(e) *Unsolicited publication* means a publication to which no owner or occupant of the premises to which it is delivered currently subscribes or has not requested. (Ord. No. 4582, 3/14/09, Sec. 1)

Sec. 9-14-2 Obligations of publishers and distributors.

(a) Any publisher delivering or causing delivery of an unsolicited publication to a location within the City of Alexandria shall:

(1) provide reasonable methods, including but not limited to, telephonic means, e-mail means and regular mail means, to allow owners and/or

occupants of premises located within the City of Alexandria to communicate to the publisher that they do not wish to receive the unsolicited publication issued by the publisher; notice of all such methods shall be regularly included in, on or with the unsolicited publications issued by the publisher;

(2) implement a process or system whereby the addresses of all persons making requests for no delivery pursuant to section (a)(1) hereto are timely communicated to any and all applicable distributors responsible for distributing the unsolicited publication issued by the publisher;

(3) timely communicate the address of all persons making requests for no delivery made pursuant to section (a)(1) hereto to all applicable distributors pursuant to the process or system implemented pursuant to section (a)(2) hereto;

(4) implement and communicate to the requesting person a means of tracking requests for no delivery made pursuant to section (a)(1) hereto, including, by way of example, the assignment of a tracking number or some other reference system, so as to allow all persons making such requests to reference same in the event there is the need for follow-up or further communication;

(5) implement and utilize a process or system to timely follow up with all applicable distributors to ensure compliance with requests made pursuant to section (a)(1) hereto;

(6) upon written request from the director of the office of citizen assistance or designee, provide the City of Alexandria with contact information for any applicable distributor to allow the city to follow up with that distributor on any complaint received by the city from a resident regarding delivery of an unsolicited publication after making a request pursuant to section (a)(1) hereto; and

(7) the requirements set forth in sections (a)(1) through (a)(6) hereto shall not apply to requests made by residents for temporary cessation of deliveries.

(b) Any distributor delivering unsolicited publications in the City of Alexandria shall:

(1) not distribute to any address where the owner or occupant has made a request for no delivery pursuant to section (a)(1) hereof and such request has been communicated to the distributor by the publisher pursuant to sections (a)(2) and (a)(3) hereto;

(2) in making deliveries, use their best efforts to place publications in proximity to the entrances of the units to which the distributor intends delivery; unsolicited publications (other than those in properly located and maintained newspaper boxes or racks) should not be placed on streets, sidewalks, public rights-of-way, or other public property and shall not be distributed by placing them at intervals along a block, or by placing several near the entrance to a multi-unit building, other than in direct relation to the number of publications requested by the occupants of the block or building;

(3) implement and utilize a system or procedure for tracking and executing a publisher's direction regarding requests for no delivery made pursuant to section (a)(1) hereto;

(4) upon written request from the director of the office of citizen assistance or designee, use their best efforts to provide the City of Alexandria with facts and details related to complaints received by the city from a resident regarding delivery of an unsolicited publication after making a request pursuant to section (a)(1) hereto;

(5) take any corrective measures requested by the City of Alexandria after its completion of any investigation into complaints received by the city from a resident regarding delivery of an unsolicited publication after making a request pursuant to section (a)(1) hereof; and

(6) the requirements set forth in sections (b)(1) through (b)(5) hereto shall not apply to requests made by residents for temporary cessation of deliveries. (Ord. No. 4582, 3/14/09, Sec. 1)

Sec. 9-14-3 Removal.

(a) If the publication can be located, the distributor thereof shall remove any publication delivered in violation of section 9-14-2(b)(2) within 24 hours following notice and demand by the owner or occupant of the premises.

(b) If the publication can be located, the distributor thereof shall remove any publication delivered in violation of section 9-14-2(b)(2) within 24 hours following notice and demand by the director of the office of citizen assistance or designee.

(c) Violation of this section 9-14-3 shall constitute a separate and independent violation from the antecedent violation of section 9-14-2. (Ord. No. 4582, 3/14/09, Sec. 1)

Sec. 9-14-4 Enforcement by the city.

(a) Any resident of the City of Alexandria wishing to make a complaint regarding delivery of an unsolicited newspaper in violation of this chapter to the property at which they reside or

which they own shall provide the following information to the director of the office of citizen assistance or designee:

(1) the name of the requesting person;

(2) the address that was the subject of the request;

(3) the date of and method used to make the request;

(4) the tracking number or other reference information provided by the publisher in response to the request; and

(5) the name and publication date of the unsolicited publication that is the subject of the complaint.

(b) Any resident of the City of Alexandria wishing to make a complaint regarding a publisher's failure to provide a tracking number or other means of reference for a no delivery request in violation of section 9-14-2(a)(4) of this chapter shall provide the following information to the director of the office of citizen assistance or designee:

(1) name of the requesting person;

(2) the address that was the subject of the request;

(3) the date of and method used to make the request; and

(4) the name and publication date of the unsolicited publication that is the subject of the complaint.

(c) Any person wishing to make a complaint unrelated to a no delivery request and regarding improper placement of unsolicited publications by a distributor of unsolicited publications in violation of section 9-14-2(b)(2) of this chapter shall provide the following information to the director of the office of citizen assistance or designee:

(1) the name of the complaining person;

(2) the location of the alleged improper placement and time the condition was observed; and

(3) the name and publication date of the unsolicited newspaper that is the subject of the complaint.

(d) Any person wishing to make a complaint for failure to remove an improperly delivered unsolicited publication in violation of section 9-14-3(a) shall provide the same information as is required in section 9-14-4(a), plus the date, time and manner of communication of the request to remove.

The city shall have no obligation to take any action on a complaint that does not contain the required information set forth above. (Ord. No. 4582, 3/14/09, Sec. 1)

Sec. 9-14-5 Penalties.

(a) Violation of section 9-14-2 shall constitute a class five civil violation, pursuant to section 1-1-11 of this code; provided, however, that for the purpose of determining whether a subsequent violation is subject to an enhanced penalty, delivery of the same publication to the same address within a 12-month period shall constitute a violation arising from the same set of operative facts.

(b) Violation of section 9-14-3 shall constitute a class four civil violation, pursuant to section 1-1-11 of this code; provided, however, that for the purpose of determining whether a subsequent violation is subject to an enhanced penalty, the failure to remove the same publication from the same address within a 12-month period shall constitute a violation arising from the same set of operative facts. (Ord. No. 4582, 3/14/09, Sec. 1)

CHAPTER 15

Food Truck Vendors

§ 9-15-1	Title.
§ 9-15-2	Purpose.
§ 9-15-3	Administration and enforcement.
§ 9-15-4	Scope.
§ 9-15-5	Definitions.
§ 9-15-6	Authorization.
§ 9-15-7	Permits and licenses required.
§ 9-15-8	Food truck vendor permit required; fee for same.
§ 9-15-9	Display of licenses and permits.
§ 9-15-10	Administrative regulations.
§ 9-15-11	Compliance with other codes and regulations.
§ 9-15-12	Operational requirements for all food trucks.
§ 9-15-13	Vending locations.
§ 9-15-14	Special events.
§ 9-15-15	Designated on-street vending locations.
§ 9-15-16	Suspension or revocation of food truck vendor permit.
§ 9-15-17	Enforcement and penalties.
§ 9-15-18	reserved.

Sec. 9-15-1 Title.

This chapter shall be known and may be cited as the City of Alexandria Food Truck Ordinance. (Ord. No. 4875, 5/17/14, Sec. 1)

Sec. 9-15-2 Purpose.

The purpose of this chapter is to permit food truck vendors on public and private property within the city with regulations that balance the integration of the food truck vendors with the impacts on the health, safety and general welfare of the city. (Ord. No. 4875, 5/17/14, Sec. 1)

Sec. 9-15-3 Administration and enforcement.

The city manager shall administer and enforce this chapter. (Ord. No. 4875, 5/17/14, Sec. 1)

Sec. 9-15-4 Scope.

This chapter shall apply to food trucks, as the same is defined herein. This chapter shall not apply to vendors selling non-food products or sales of food from pushcarts or trailers. (Ord. No. 4875, 5/17/14, Sec. 1; Ord. No. 4991, 4/16/16, Sec. 1)

Sec. 9-15-5 Definitions.

(1) *City manager*. The city manager for the City of Alexandria, or his designee.

(2) *Farmer's market*. A building, structure, or place authorized by the city for use by vendors to sell, offer for sale or solicit orders for any products or crafts sold, grown, raised or produced by them. This shall include outdoor food and crafts markets as set forth in the zoning ordinance.

(3) *Food*. Any raw, cooked, or processed edible substance, beverage, ingredient, ice or water used or intended for use or for sale in whole or in part for human consumption.

(4) *Food truck*. A food truck is a mobile food establishment as defined in section 11-2-4 of this code, but limited to food establishments located in a motor vehicle licensed to operate by a department of motor vehicles.

(5) *Food truck vendor*. Any person who sells, offers for sale, or serves food from a food truck.

(6) *Private property*. Real property owned by an individual or individuals who have exclusive rights over it and it is not owned by a public entity or open to the public generally.

(7) *Private residence*. A dwelling place owned or inhabited by an individual or individuals, other than a multifamily dwelling as defined by the Alexandria Zoning Ordinance Section 2-137, as the same may be amended.

(8) *Public property*. Property within the City of Alexandria, with the exception of public rights-of-way, that is owned by either the city of Alexandria or the Alexandria City Public Schools.

(9) *Public rights-of-way*. The surface and area across, in, over, along, and upon the surface of the public streets, roads, bridges, sidewalks, lanes, courts, ways, alleys which are owned, under the jurisdiction or control of the city.

(10) *Pushcarts*. Any wheeled vehicle or device other than a motor vehicle or trailer that may be moved with or without the assistance of a motor and that does not require registration by the department of motor vehicles, used for the displaying, storing, providing or transporting of Food, articles, or services, offered for sale or served by a vendor. (Ord. No. 4875, 5/17/14, Sec. 1)

Sec. 9-15-6 Authorization.

Notwithstanding any provision of the city code or zoning ordinance to the contrary, food trucks shall be permitted within the city limits subject to the rules and regulations contained in this chapter. (Ord. No. 4875, 5/17/14, Sec. 1; Ord. No. 4991, 4/16/16, Sec. 1)

Sec. 9-15-7 Permits and licenses required.

The following permits and licenses shall be required for all food trucks:

A. Food truck permit as required pursuant to this title 9, chapter 15 of this code.

B. Business license as required pursuant to title 9, chapter 1 of this code.

C. Health permit as required by title 11, chapter 2 of this code.

D. Fire prevention permit, if required, pursuant to title 4, chapter 2, article B of this code. (Ord. No. 4875, 5/17/14, Sec. 1)

Sec. 9-15-8 Food truck vendor permit required; fee for same.

A. All food truck vendors shall obtain an annual food truck vendor permit from the city manager, with the exception of those food truck vendors who vend only at a special event pursuant to section 9-15-14 below.

B. Prior to issuing the permit, the city manager shall determine that:

i. the food truck vendor and food truck are in compliance with this chapter and with the administrative regulations promulgated by the city manager pursuant to section 9-15-10 herein;

ii. the food truck vendor has paid all applicable fees; and

iii. the food truck vendor has received all applicable permits as required herein.

C. After reviewing the application and finding that the health, safety and general welfare of the public so demands, the city manager may refuse to issue a permit for reasons including, but not limited to, the following:

i. The applicant for the permit has received three or more notices of violation of this chapter pursuant to section 9-15-17 below, including any violations of other sections of this code that are issued for violations relating to the operation of a food truck, in the 12 months prior to the date of the application;

ii. The applicant's permit has been suspended or revoked within the 12 months prior to the date of the application;

iii. Fraud, misrepresentations, or intentional false statements of material or relevant facts are contained in the application; or

iv. The applicant lacks the necessary permits or licenses to conduct the business proposed to be conducted.

D. The city manager shall establish an annual food truck vendor permit fee which shall be updated annually.

E. Exemptions from permit requirement. Food trucks that are permitted with any of the following permits are not required to obtain a food truck vendor permit or comply with the provisions of this chapter but shall comply with the conditions of the permit it is authorized under:

i. special event permit pursuant to section 9-15-14;

ii. special use permit pursuant to section 11-500 of the Zoning Ordinance;

iii. at a private residence at the direction of a resident for a private event that is not vending to the public and for which the food truck has the applicable licensing and follows the applicable regulations for a caterer; and

iv. food trucks that are stopping for only short term stops pursuant to sections 5-2-19 and 13-1-26 of the city code provided the truck is selling pre-packaged food only. (Ord. No. 4875, 5/17/14, Sec. 1; Ord. No. 4981, 12/12/15, Sec. 1)

Sec. 9-15-9 Display of licenses and permits.

All food trucks shall display all required licenses, tags, and permits. (Ord. No. 4875, 5/17/14, Sec. 1)

Sec. 9-15-10 Administrative regulations.

The city manager is authorized to make such reasonable rules and regulations as may be necessary to administer the provisions of this chapter. (Ord. No. 4875, 5/17/14, Sec. 1)

Sec. 9-15-11 Compliance with other codes and regulations.

All food trucks and food truck vendors shall comply with all applicable provisions of this code, the Code of the State of Virginia and the Federal Code. (Ord. No. 4875, 5/17/14, Sec. 1)

Sec. 9-15-12 Operational requirements for all food trucks.

The following rules shall apply to all food trucks:

A. *Hours*.

i. Vending may take place between the hours of 7:00 a.m. and 8:00 p.m.

ii. A food truck may not vend for longer than four hours of continuous vending.

B. *Parking locational requirements.*

i. Food truck vendors shall not have any exclusive right to any location on public property;

ii. Food trucks parked in a marked parking space must fit within the width and the length of the marked parking space;

iii. Occupation of any parking space shall not interfere with the lighting, trees, overhead wires, and/or utilities;

iv. The food truck vendor shall not block any other vehicle's or pedestrian's ingress or egress, cause traffic congestion, or be parked in any drive aisles or fire lanes;

C. *Vending locational requirements.*

i. No deliveries shall be received from another vehicle while a food truck is vending in a designated on-street vending location;

ii. Vending shall only take place from the inside of the food truck;

iii. Vending shall not take place to any person while such person is standing in the street unless said street has been closed to the public pursuant to a special event or street closure permit issued by the city;

iv. Vending shall not take place to any driver or passenger in a motor vehicle while the motor vehicle is stopped at a red light or while in a moving traffic lane; and

v. Food truck shall not be left unattended while vending.

D. *Signs*. No sign shall be displayed except for a sign displaying a menu or signs that are imprinted on the exterior body of a licensed food truck. All signs shall also comply with the applicable provisions of Article IX of the zoning ordinance. The applicable regulations shall include, but not be limited to, that the food truck shall not:

i. advertise other businesses on the food truck;

ii. use A-frame signs or remote signs;

iii. attach balloons or windblown signs to the food truck; or

iv. use animated or electronic signs.

E. *Noise.*

i. No music or other amplified announcements that are audible outside of the food truck shall be allowed, except as allowed by section 13-1-26 of the city code; and

ii. Food truck vendors shall comply with the noise code as set forth in section 11-5-1 et seq. of this code including utilizing generators that meet the requirements of the noise code.

F. *Storage*. No merchandise, food, equipment, or other item related to the operation of a food truck, other than a trash receptacle required by subsection H below, shall be stored or kept adjacent to the food truck.

G. *Liquid waste.* No liquid wastes used in the operation of the food truck or food vending shall be allowed to be discharged from the food truck except into an approved sewerage system as permitted by law.

H. *Trash*. Portable receptacles for the disposal of waste materials or other litter shall be provided by the food truck vendor for the use of customers and all food truck vendors shall direct customers to place all waste and litter in the receptacles. All waste shall be removed and disposed of by the food truck vendor. Public trash receptacles shall not be used for compliance with this section. (Ord. No. 4875, 5/17/14, Sec. 1; Ord. No. 4991, 4/16/16, Sec. 1)

Sec. 9-15-13 Vending locations.

Vending may take place at the following locations:

A. On private property, if the food truck vendor is legally parked on the property and has received written permission from the property owner and displays such written permission upon request;

B. At any farmer's market held on public or private property, if the food truck vendor is legally parked at the farmer's market and has received written permission from the farmer's market manager and displays such written permission upon request;

C. On public property, including, but not limited to, parks subject to policy recommendations of the parks and recreation commission, parking lots, and community buildings, where such public property has sufficient space for the parking of vehicles and with the permission of the city manager;

D. On public property owned by the Alexandria City Public Schools or the City of Alexandria School Board, where such public property has sufficient space for the parking of vehicles and with the permission of the superintendent of the schools or his designee;

E. At designated on-street locations pursuant to section 9-15-15. (Ord. No. 4875, 5/17/14, Sec. 1; Ord. No. 4981, 12/12/15, Sec. 1; Ord. No. 4991, 4/16/16, Sec. 1)

Sec. 9-15-14 Special events.

The city manager may permit food truck vendors to vend at a special event approved through the City of Alexandria Special Events

Policy and Procedures, approved by the city council on January 23, 2010, as the same may be amended, provided that food truck vendors:

A. who vend only at the special event and do not vend at other times on public right-of-way, public property or private property within the city, shall obtain a temporary food truck vendor permit and any other temporary permits required by the special events permit, including but not limited to a permit to operate a temporary food establishment from the health department;

B. shall vend only within the area designated for the special event; and

C. shall comply with all regulations set forth in this chapter unless such regulation is amended by the special event permit or permit to operate a temporary food establishment. (Ord. No. 4875, 5/17/14, Sec. 1; Ord. No. 4981, 12/12/15, Sec. 1; Ord. No. 4991, 4/16/16, Sec. 1)

Sec. 9-15-15 Designated on-street vending locations.

The city council may establish one or more designated vending locations within parking spaces on the public right-of-way where a food truck vendor may operate.

A. Factors for consideration of location: city council shall consider the following factors in determining whether a location should be used for vending:

i. concentration of people within one-fourth of a mile of the location;

ii. adequacy of parking in the surrounding area;

iii. adequacy of space on the street for circulation and safety; and

iv. amount of congestion.

B. Minimum requirements of location: At a minimum, the designated vending locations shall:

i. be on streets that have at least 66 feet of right-of-way;

ii. include no more than four parking spaces in a row;

iii. not be located in front or within 20 feet from a commercial outdoor dining area measured along the curb line;

iv. not be within 10 feet of an intersection, crosswalk, driveway, bus stop, taxi stand, or handicapped parking space;

v. not be situated in any part of any designated loading zone or fire lane; and

vi. allow for adequate clearance for pedestrian traffic as determined by the director of T&ES based on the context of the specific site. (Ord. No. 4991, 4/16/16, Sec. 1)

Sec. 9-15-16 Suspension or revocation of food truck vendor permit.

A. The city manager may, after providing the opportunity for a hearing as provided herein, suspend or revoke a food truck vendor permit issued under the provisions of this article if the city manager finds that such person has violated any provision of this article on three or more occasions within a 12-month period.

B. Prior to ordering the suspension or revocation of a food truck vendor permit, the city manager shall notify, in writing, the applicant or the permit holder, stating the reasons for the suspension or revocation. This notice shall be mailed, postage prepaid, to the applicant or to the permit holder at the business address appearing on the permit application, or if there is none, to the residential address appearing thereon. The notice shall state that the permit will be suspended or revoked unless a written request for hearing is filed with the city manager, by the applicant or the permit holder within 10 business days of the date the notice is mailed. If no request for a hearing is filed within this 10 business day period, the application or the permit shall be suspended or revoked by order of the city manager, and the suspension or revocation shall be final.

C. If the applicant or the permit holder files a request for a hearing in accordance with this provision, the city manager, shall give written notice of the hearing to the applicant or the permit holder at a time and place designated by the city manager. At the hearing the applicant or the permit holder may be represented by counsel, may cross-examine witnesses, and may present evidence in his or her favor.

D. The city manager shall issue his determination in writing, to grant or deny the appeal within 10 business days of the conclusion of the hearing. (Ord. No. 4875, 5/17/14, Sec. 1)

Sec. 9-15-17 Enforcement and penalties.

A. If the city manager determines that a violation of this chapter has occurred, he may cause a notice of violation to be served on any or all persons committing or permitting such violation.

B. Any person who commits, permits, assists in, or attempts, whether by act or omission, a violation of any provision of this chapter shall be liable for a class four civil violation and the violation will be enforced pursuant to section 1-1-11 of the city code. The penalty for each individual violation shall be $100 for the first violation, $250 for the second violation of the same regulation or requirement arising from the same set of operative facts, and $500 for each additional violation of the same regulation or requirement arising from the same set of operative facts.

C. Enforcement of penalties of this chapter of the city code shall not preclude enforcement of violations of other sections of the city code or zoning ordinance that may be applicable. (Ord. No. 4875, 5/17/14, Sec. 1)

Sec. 9-15-18 reserved.

Editor's note—Ord. No. 4981, § 1, adopted Dec. 12, 2015, repealed § 9-15-18 which pertained to expiration of chapter 15 and derived from Ord. No. 4875, § 1, adopted May 17, 2014, and Ord. No. 4908, § 1, adopted Nov. 15, 2014.

[The next page is 1103]

TITLE 10

Motor Vehicles and Traffic

Editorial Note: It should be noted that Ord. No. 3582, § 1, adopted June 13, 1992, provided:

"That all amendments made by the Virginia General Assembly during its 1992 session to sections in Titles 18.2 and 46.2 of the Virginia Code which are incorporated by reference into Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby adopted, and the incorporation of each such section in Title 10 of the city code shall be deemed an incorporation of the section as amended by the 1992 General Assembly."

Prior to amendment: Ord. No. 3460, § 1, adopted June 16, 1990, adopted all amendments made by the 1990 General Assembly to sections in Title 46.2 of the Virginia Code which are incorporated by reference into Title 10 of this code.

Ord. No. 3520, § 1, adopted June 15, 1991, adopted all amendments made by the 1991 General Assembly to sections in Titles 18.2 and 46.2 of the Virginia Code which are incorporated by reference into Title 10 of this code.

Charter Reference: Power of city to regulate motor vehicles and traffic, Sec. 2.04(g).

State Law Reference: Authority of cities to regulate the operation of vehicles, fix speed limits, designate stop and yield intersections, prohibit use of certain streets to certain types of vehicles and to prescribe special routes through city, to regulate pedestrian traffic, to install traffic control devices, to regulate vehicle parking, etc., Va. Code, Secs. 46.1-180 through 46.1-183, 46.1-188; city parking regulations generally and authority to install parking meters, Va. Code, Sec. 46.1-252; authority of cities to designate limited access streets, Va. Code, Sec. 15.1-16.

Chapter 1	General Provisions
Chapter 2	Traffic Regulation
Chapter 3	Operation of Vehicles
Chapter 4	Stopping, Standing and Parking
Chapter 5	Protection of Pedestrians
Chapter 6	Maximum Size and Weight; Combinations of Vehicles
Chapter 7	Bicycles
Chapter 8	Motor Vehicle Alarms

CHAPTER 1

General Provisions

§ 10-1-1	Adoption of state law.
§§ 10-1-2 through 10-1-8	reserved.
§ 10-1-9	Accident reports.
§ 10-1-10	Vehicles carrying children to and from private schools, kindergartens, etc.—display of information; operation of yellow vehicles.
§ 10-1-11	Same—seating arrangements.
§ 10-1-12	Same—first-aid kit and fire extinguisher.
§ 10-1-13	Display of information on vehicles peddling gasoline, etc.
§ 10-1-14	reserved.
§ 10-1-15	Truck routes.
§ 10-1-15.1	Truck traffic; prohibited on certain streets; penalty.
§ 10-1-16	Clinging to moving vehicles.
§ 10-1-17	Riding on vehicle or part of vehicle not intended for passengers.
§ 10-1-18	Compliance with chapter.
§ 10-1-19	Penalties.

Sec. 10-1-1 Adoption of state law.

(a) Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, all of the provisions and requirements of the laws of the state contained in title 46.2 and article 2 of chapter 7 of title 18.2 of the Code of Virginia, as amended, except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements which by their very nature can have no application to or within the city, are hereby adopted and incorporated into this section by reference and made applicable within the city. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the city. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this section as fully as though set forth at length herein; and it shall be unlawful for any person within the city to violate or fail, neglect or refuse to comply with any provision of title 46.2 or article 2 of chapter 7 of title 18.2 of the Code of Virginia, which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2 or article 2 of chapter 7 of title 18.2 of the Code of Virginia.

(b) All definitions of words and phrases contained in the state law hereby adopted shall apply to such words and phrases when used in this chapter, unless clearly indicated to the contrary.

(c) In addition to the definition of words and phrases contained in the state law, the following words and phrases, when used in this title shall, for the purposes of this title, having the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) *Authorized emergency vehicle.* Vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police of the city.

(2) *Curb loading zone.* A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(3) *Division.* The division of motor vehicles of the state acting directly or through it duly authorized officers and agents.

(4) *Driver.* Every person who drives or is in actual physical control of a vehicle.

(5) *Freight curb loading zone.* A zone adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

(6) *High occupancy vehicle.* A vehicle which has three or more occupants.

(7) *Limited-access highway.* Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except as points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

(8) *Park.* When prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

(9) *Passenger curb loading zone.* A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(10) *Pedestrians.* Any person afoot.

(11) *Police officer.* Every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(12) *Private roadway or driveway.* Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(13) *Railroad.* A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

(14) *Railroad train.* A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

(15) *Sidewalk.* That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(16) *Stop.* When required, means complete cessation of movement.

(17) *Stop, stopping or standing.* When prohibited, means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(18) *Street.* The entire width between the boundary lines of every way or place of whatever nature open to the use of the public for purposes of vehicular travel in the city, including the street, alleys and publicly maintained parking lots and for law enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically designated "highways" by an ordinance adopted by city council.

(19) *Through highway.* Every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

(20) *Traffic.* Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for purposes of travel.

(21) *Traffic-control signal.* Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(22) *Traffic division.* The traffic division of the police department of this city, or in the event a traffic division is not established, then such term whenever used herein shall be deemed to refer to the police department of this city. (Ord. No. 2827, 6/28/83, Sec. 1; Ord. No. 2405, 3/17/84, Sec. 1; Ord. No. 3402, 9/16/89, Sec. 1)

Secs. 10-1-2 through 10-1-8 reserved.

Editorial Note: Section 1 of Ord. No. 2825, adopted June 28, 1983, repealed §§ 10-1-2–10-1-8, concerning (1) applica-

bility of chapter; (2) persons on bicycles or riding animals; (3) emergency vehicles; (4) compliance with police, fire department orders; (5) registration cards; (6) operators' licenses; (7) stopping for accidents. The repealed sections derived from Code 1963, §§ 22-2, 22-2.1, 22-4—22-8.

Sec. 10-1-9 Accident reports.

(a) The driver of any vehicle involved in an accident resulting in injury or death to any person or in property damage to an apparent extent of $500 or more shall, within five days after the accident, make a written report of the accident to the police department.

(b) The police department shall make such reports available to any person involved or injured in the accident or his attorney or to any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident. (Code 1963, Sec. 22-9, as amended by Ord. No. 2396, 10/13/79, Sec. 2; Ord. No. 2827, 6/28/83, Sec. 2)

Sec. 10-1-10 Vehicles carrying children to and from private schools, kindergartens, etc.—display of information; operation of yellow vehicles.

(a) Every motor vehicle regularly carrying children to or from any private school, nursery, day nursery, kindergarten or children's home and operated under the control of any such institution shall be clearly marked on both the front and rear with the words "SCHOOL VEHICLE."

(b) It shall be unlawful for any motor vehicle having a seating capacity of more than 15 persons to be operated in this city if it be yellow in color, unless the motor vehicle is regularly used for the proposes stated above. This section shall not apply to any motor vehicle used to transport passengers for hire or for a fare operated daily on a regular schedule and maintaining its terminal in a city or town of this state. (Code 1963, Sec. 22-10)

Sec. 10-1-11 Same—seating arrangements.

In any vehicle of the type mentioned in the preceding section, there shall be a seating space available for each pupil transported, children shall not stand, and no seating space shall be occupied by more than one child at any one time. No child or person shall be seated immediately next to or adjacent to the driver, that is to say there shall be at least one seating space between the driver and the child or person sitting next to him. (Code 1963, Sec. 22-11)

Sec. 10-1-12 Same—first-aid kit and fire extinguisher.

Each vehicle of the type mentioned in section 10-1-10 of this code shall carry a first-aid kit and a fire extinguisher. (Code 1963, Sec. 22-12)

Sec. 10-1-13 Display of information on vehicles peddling gasoline, etc.

Each vehicle used in the business of peddling or selling gasoline or oil or their products in the city shall be plainly marked with the name and street address of the person conducting such business. (Code 1963, Sec. 22-13)

Sec. 10-1-14 reserved.

Editorial Note: Section 1 of Ord. No. 2825, adopted June 28, 1983, repealed § 10-1-14, concerning garagekeepers' reports, derived from Code 1963, § 22-14.

Sec. 10-1-15 Truck routes.

(a) The operator of every motor truck passing through the city shall be restricted to using such vehicles on the streets under the jurisdiction of the city hereinafter designated, and it shall be unlawful for any such operator to use such vehicle on any streets other than those hereinafter designated:

(1) All of U.S. Route numbered 1 in the city, except for the Monroe Avenue Bridge. Use of the Monroe Avenue Bridge shall be restricted to motor trucks that do not exceed 15 tons gross weight.

(2) U.S. Route numbered 1 from the north city line to Monroe Avenue; Monroe Avenue between U.S. Route numbered 1 and Mount Vernon Avenue; Mount Vernon Avenue between Monroe Avenue and West Glebe Road; and West Glebe Road between U.S. Route numbered 1 and the north city line.

(3) State Route numbered 7 from the west city line to Interstate 395; State Route numbered 236 from the west city line to U.S. Route numbered 1 south; U.S. Route numbered 1 between State Road numbered 236 and the south city line; and State Route numbered 241.

(4) Interstate Routes numbered 95 and 495.

(b) The director of traffic is authorized and directed to erect appropriate official signs on the above designated streets, except for Interstate 95 and 495, and at the city limits on all other streets entering the city. This section shall not be deemed violated if at the time of the alleged violation the sign placed in conformity with this section is missing or is substantially defaced so that an ordinarily observant person under the same circumstances would not be aware of the existence of this section. (Code 1963, Sec. 22-15; Ord. No. 4886, 6/14/14, Sec. 1)

Sec. 10-1-15.1 Truck traffic; prohibited on certain streets; penalty.

(a) Motor trucks are prohibited from using the following streets or portions of streets:

(1) Powhatan Street between North Washington Street and Henry Street.

(2) South Gordon Street.

(3) South Early Street.

(4) South Floyd Street.

(5) The 200 block of South Fayette Street.

(6) The 200 block of South Payne Street.

(7) The 600 block of South Saint Asaph Street.

(8) The 300 and 400 blocks of North Fayette Street.

(9) The 300 and 400 blocks of North Payne Street.

(10) The 1200 and 1300 blocks of Queen Street.

(11) The 1200 and 1300 blocks of Princess Street.

(12) The 1200 and 1300 blocks of Oronoco Street.

(13) Pickett Street between Seminary Road and Pegram Street.

(14) Jordan Street between Seminary Road and Duke Street.

(15) Howard Street between Seminary Road and Jordan Street.

(16) Richenbacher Avenue between north Van Dorn Street and Pickett Street.

(17) Taney Avenue between north Van Dorn Street and Jordan Street.

(18) The 300 block of South Henry Street.

(19) The 200 block of South West Street between the hours of 11:00 p.m. and 7:00 a.m. only.

(20) West Taylor Run Parkway between Janneys Lane and Duke Street.

(21) North Early Street between Menokin Drive and Braddock Road.

(22) West Rosemont Avenue between Commonwealth Avenue and Russell Road.

(b) The prohibition set out in subsection (a) shall not apply to public utility motor trucks or to motor trucks whose purpose is receiving loads or making deliveries on the streets or portions of streets listed in subsection (a) or on an adjacent residential street to which no other access is available.

(c) Any person violating this section shall be fined not less than $100. (Ord. No. 2616, 9/22/81, Sec. 1; Ord. No. 2658, 3/13/82, Sec. 1; Ord. No. 2745, 11/23/82, Sec. 1; Ord. No. 3154, 9/13/86, Sec. 1; Ord. No. 3292, 5/14/88, Sec. 1; Ord. No. 3311, 6/18/88, Sec. 1; Ord. No. 3522, 6/15/91, Sec. 1; Ord. No. 3572, 5/16/92, Sec. 1; Ord. No. 4361, 10/16/04, Sec. 1; Ord. No. 4387, 3/12/05, Sec. 1; Ord. No. 4510, 12/15/07, Sec. 1; Ord. No. 4881, 5/17/14, Sec. 1; Ord. No. 4983, 1/30/16, Sec. 1)

Editorial Note: Ord. No. 2616, adopted Sept. 22, 1981, added § 22-15.1 to the 1963 Code; at the editor's discretion, it has been codified as § 10-1-15.1 hereof.

Sec. 10-1-16 Clinging to moving vehicles.

Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway. (Code 1963, Sec. 22-16)

Sec. 10-1-17 Riding on vehicle or part of vehicle not intended for passengers.

No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers. This section shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. (Code 1963, Sec. 22-17)

Sec. 10-1-18 Compliance with chapter.

It shall be unlawful for any person to violate any of the provisions of this chapter or to do any act forbidden by this chapter, or to fail to perform any act required by this chapter. (Code 1963, Sec. 22-18)

Sec. 10-1-19 Penalties.

Notwithstanding any other provision of this code to the contrary, the violation of any provision of this title for which no misdemeanor

classification or civil penalty is expressly provided in this title shall be classified as a traffic infraction punishable by a fine of not more than $200. (Code 1963, Sec. 22-19; Ord. No. 2888, 12/19/83, Sec. 1; Ord. No. 2933, 6/18/84, Sec. 1; Ord. No. 3402, 9/16/89, Sec. 2; Ord. No. 3761, 12/17/94, Sec. 1)

CHAPTER 2

Traffic Regulation

ARTICLE A

Traffic Division

§ 10-2-1 Establishment, control.
§ 10-2-2 Duties—generally.
§ 10-2-3 Same—accidents generally.
§ 10-2-4 Same—accident reports.
§ 10-2-5 Annual report.
§ 10-2-6 Identification of funeral processions.
§ 10-2-7 Traffic controls requiring action by city council.
§ 10-2-8 Change of controls established by director of transportation and environmental services.
§§ 10-2-9 through 10-2-20 reserved.

ARTICLE B

Miscellaneous Regulations

§ 10-21-21 Duty of police to enforce city and state traffic regulations; authority of police and firemen to direct traffic; authority of fire marshals to issue citations.
§ 10-2-22 Drivers' files.
§ 10-2-23 Record of traffic violations.
§ 10-2-24 Emergency and experimental regulations.
§ 10-2-25 Traffic-control signal legend.
§ 10-2-26 Signs as prerequisite to enforcement.
§ 10-2-27 Sign, etc., prerequisite to punishment for violation of regulation.
§ 10-2-28 Specifications for traffic-control devices; uniformity of such devices; what traffic-control devices to be official.
§ 10-2-29 Designation of play streets.

ARTICLE A

Traffic Division

Cross Reference: Police department, Title 4, Ch. 1.

Sec. 10-2-1 Establishment, control.

There is hereby established in the police department of this city a traffic division to be under the control of an officer of police appointed by and directly responsible to the police chief. (Code 1963, Sec. 22-24)

Sec. 10-2-2 Duties—generally.

With such aid as may be rendered by other members of the police department, it shall be the duty of the traffic division:

(1) to enforce the traffic regulations of the city and all of the state vehicle and traffic regulations applicable to traffic in the city;

(2) to make arrests for traffic violations;

(3) to cooperate with the director of transportation and environment services and other officers of the city in the administration of traffic laws and in developing ways and means to improve traffic conditions; and

(4) to carry out those duties specially imposed upon the division by this chapter and the traffic ordinances of the city. (Code 1963, Sec. 22-25)

Sec. 10-2-3 Same—accidents generally.

It shall be the duty of the traffic division, assisted by other police officers of the police department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents. Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the director of transportation and environmental services, and the traffic and parking board in conducting studies of such accidents and determining remedial measures. (Code 1963, Sec. 22-26)

Cross Reference: Traffic and parking board, Title 5, Ch. 8, Art. A.

Sec. 10-2-4 Same—accident reports.

(a) The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city director of transportation and environmental services.

(b) The traffic division shall receive and properly file all accident reports made to it under state law or under any ordinance of this city, but all accident reports made by drivers shall be for the confidential use of the police department, the traffic division and the director of transportation and environmental services, and no such report shall be admissible in any civil or criminal proceeding except that, upon demand of any person who has or claims to have made such report or upon demand of any court, a certificate showing that a specified accident report has or has not been made shall be furnished, solely to prove compliance or noncompliance with the requirement that the report be made. (Code 1963, Sec. 22-27)

Sec. 10-2-5 Annual report.

The traffic division shall annually prepare a traffic report which shall be filed with the city manager. Such report shall contain information on traffic matters in the city as follows:

(1) the number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

(2) the number of traffic accidents investigated and other pertinent data on the safety activities of the police; and

(3) the plans and recommendations of the division for future traffic safety activities. (Code 1963, Sec. 22-28)

Sec. 10-2-6 Identification of funeral processions.

The traffic division shall designate a type of pennant or other identifying insignia to be employed to identify the vehicles in funeral processions. (Code 1963, Sec. 22-29)

Sec. 10-2-7 Traffic controls requiring action by city council.

The following shall be established by the director of transportation and environmental services only when authorized by action of the city council:

(1) one-way streets;

(2) parking meter zones;

(3) traffic lights;

(4) prohibition of parking on more than one-half of any city block, including both street sides;

(5) transit routes, and

(6) truck routes. (Code 1963, Sec. 22-34; Ord. No. 4200, 5/12/01, Sec. 1)

Sec. 10-2-8 Change of controls established by director of transportation and environmental services.

Any person desiring to remove or change any control device established by the director of transportation and environmental services shall first apply to the traffic and parking board. After a hearing is had before the board, the board shall forward its recommendation to the city council and such person may apply to the city council for a further hearing. The city council shall have the power to retain, remove or change any control; provided, that the council shall first examine the recommendation from the traffic and parking board, receive a report on the matter from the

director of transportation and environmental services and hold a hearing in relation thereto. (Code 1963, Sec. 22-35)

Secs. 10-2-9 through 10-2-20 reserved.

ARTICLE B

Miscellaneous Regulations

Sec. 10-21-21 Duty of police to enforce city and state traffic regulations; authority of police and firemen to direct traffic; authority of fire marshals to issue citations.

(a) It shall be the duty of the officers of the police department or any officers as are assigned by the police chief to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city.

(b) With the consent of the landowner, any officer may patrol the landowner's property to enforce state and city motor vehicle registration and licensing requirements.

(c) Officers of the police department or such officers as are assigned by the police chief are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(d) The city fire marshal and deputy fire marshals are authorized to issue citations for any violation of section 10-4-2 (only in the case of an emergency vehicle easement sign) of this code. (Code 1963, Sec. 22-36)

Sec. 10-2-22 Drivers' files.

(a) The police department or the traffic division thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

(b) The division shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reason therefor, and shall take whatever steps are lawful and reasonable to prevent the same or to have the licenses of such persons suspended or revoked.

(c) Such records shall accumulate during at least a five-year period and from that time on the

records shall be maintained complete for at least the most recent five-year period. (Code 1963, Sec. 22-37)

Sec. 10-2-23 Record of traffic violations.

(a) The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of this city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all alleged offenses. The record shall be so maintained as to show all types of violations and the total of each. The record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

(b) All forms for records of violations and notices of violations shall be serially numbered. For each month and year, written record shall be kept available to the public showing the disposal of all such forms. (Code 1963, Sec. 22-38)

Sec. 10-2-24 Emergency and experimental regulations.

The police chief, by and with the approval of the director of transportation and environmental services, is hereby empowered to make regulations necessary to make effective the provisions of this chapter and to make effective the provisions of this chapter and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No temporary or experimental regulations shall remain in effect for more than 90 days. (Code 1963, Sec. 22-39)

Sec. 10-2-25 Traffic-control signal legend.

(a) Signals by lights or semaphores shall be as follows:

(1) *Red* indicates that traffic then moving shall stop and remain stopped as long as a constant red signal is shown, except in the direction indicated by a lighted green arrow; provided, however, that except where a sign is placed prohibiting turns on red, vehicular traffic facing a constant red signal may, after coming and [to] a full stop, cautiously enter the intersection to make a right turn. Such right-turning traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

(2) *Green* indicates the traffic shall then move in the direction of the signal and remain in motion as long as the green signal is given, except that such traffic shall yield to other vehicles and pedestrians lawfully within the intersection.

(3) *Amber* indicates that a change is about to be made in the direction of the moving of traffic. When the amber signal is shown, traffic which has not already entered the intersection, including the crosswalks, shall stop if it is not reasonably safe to continue, but that which has already entered the intersection shall continue to move until the intersection has been entirely cleared. The amber signal is a warning that the red signal is imminent.

(b) The use of a flashing red indicates that traffic shall stop before entering an intersection and the use of a flashing amber indicates that traffic may proceed through the intersection or past such signal with reasonable care under the circumstances. (Code 1963, Sec. 22-40)

Sec. 10-2-26 Signs as prerequisite to enforcement.

No provision of this title for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place. (Code 1963, Sec. 22-41)

Sec. 10-2-27 Sign, etc., prerequisite to punishment for violation of regulation.

The violation of any regulation of the traffic and parking board or police chief shall not be punishable unless the regulation is clearly indicated by a signal, sign, marker or other device. (Code 1963, Sec. 22-42)

Sec. 10-2-28 Specifications for traffic-control devices; uniformity of such devices; what traffic-control devices to be official.

All traffic-control signs, signals, and devices shall conform to specifications approved by the state highway commission and resolutions adopted by the city council. All signs and signals required under this title for a particular purpose shall as far as practicable be uniform as to type

and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this title shall be official traffic-control devices. (Code 1963, Sec. 22-43)

Sec. 10-2-29 Designation of play streets.

The city council shall have authority to declare any street or part thereof a play street and to authorize the director of transportation and environmental services to place appropriate signs or devices in the roadway indicating and helping to protect the same. (Code 1963, Sec. 22-44)

CHAPTER 3

Operation of Vehicles

Editorial Note: Ord. No. 3402, §§ 3—90, adopted Sept. 16, 1989, revised Tit. 10, Ch. 3; the nature and extent of amendment prohibits detailed analysis herein. See the Ordinance Comparative Table for a detailed analysis of inclusion of Ord. No. 3402.

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ARTICLE A

General Provisions

Sec. 10-3-1 Obedience to official traffic-control devices, signs or markers generally.

The driver of any vehicle, trailer or semitrailer shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with this code, the traffic ordinances of this city or the regulations of this state, unless otherwise directed by police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this title. (Code 1963, Sec. 22-49)

Sec. 10-3-2 Commuter bus and high occupancy vehicles lanes.

(a) The city council, by resolution, may designate commuter lanes on the streets of the city under its exclusive jurisdiction for the exclusive use of buses and high occupancy vehicles during specified days and hours. No vehicles other than buses and high occupancy vehicles shall, for any purpose, enter or travel in a commuter lane designated by council during the days and hours specified by council, except that any vehicle may enter and travel in a commuter lane if it turns at the first intersection or at any point before such intersection, following the point it enters the lane.

(b) Unless otherwise stated in the council resolution designating a commuter lane, commuter lane restrictions shall be in effect from 7:00 a.m. to 9:00 a.m. for lanes in which traffic moves in a northerly direction, and from 4:00 p.m. to 6:00 p.m., for lanes in which traffic moves in a southerly direction, Monday through Friday, excluding legal holidays. Unless otherwise stated in the council resolution describing a commuter lane, at least two persons must occupy a vehicle in order for it to constitute a high occupancy vehicle and thus be entitled to travel in the commuter lane when the lane's restrictions are in effect.

(c) Signs designating a commuter lane shall state the minimum number of persons who must occupy a vehicle in order for it to be entitled to use the commuter lane, and shall state the days and hours during which this occupancy requirement is in effect. Such signs shall be plainly posted along the entire route of a commuter lane, at least one per block. In addition, one such sign shall be posted in the block preceding the first block of the commuter lane.

(d) Any person operating a vehicle in a commuter lane in violation of this section shall be guilty of a traffic infraction that is not a moving violation. Upon conviction, such infractions shall be punishable as follows:

(1) for a first offense, by a fine of $125;

(2) for a second offense within a period of five years from the first offense, by a fine of $250;

(3) for a third offense within a period of five years of the first offense, by a fine of $500; and

(4) for a fourth or subsequent offense within a period of five years of the first offense, by a fine of $1,000. (Code 1963, Sec. 22-49.1; Ord. No. 2888, 12/19/83, Sec. 3; Ord. No. 2905, 3/17/84, Sec. 2; Ord. No. 2974, 10/13/84, Sec. 1; Ord. No. 3326, 9/24/88, Secs., 1, 2; Ord. No. 3521, 6/15/91, Sec. 1; Ord. No. 3535, 9/14/91, Sec. 1; Ord. No. 3909, 1/25/97, Sec. 1; Ord. No. 4597, 6/13/09, Sec. 1)

Sec. 10-3-3 Failure to give full time and attention.

No person shall operate a motor vehicle upon the streets of the city without giving full time and attention to the operation of the vehicle. Any person violating this section shall be guilty of a traffic infraction and punished by a fine of not more than $100. (Ord. No. 3479, 10/13/90, Sec. 1)

Sec. 10-3-4 Entering or leaving private driveways.

The drivers of vehicles entering or leaving private driveways shall obey the signs erected pursuant to section 10-2-8 of this code. (Code 1963, Sec. 22-51)

Sec. 10-3-5 Driving on play streets.

Whenever signs are erected, pursuant to section 10-2-29 of this code, indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then any such driver shall exercise the greatest care in driving upon such street or portion thereof. (Code 1963, Sec. 22-52)

Sec. 10-3-6 Driving within barricaded area of street.

It shall be unlawful for any person to drive any vehicle within an area of a street barricaded pursuant to section 5-2-10 of this code. (Code 1963, Sec. 22-53)

Sec. 10-3-7 Driving on sidewalks.

No person shall drive any vehicle, including bicycles, mopeds and motorcycles, upon any sidewalk except while actually crossing the sidewalk at a temporary or permanent driveway. As used in this section, "sidewalk" means any public sidewalk or pedestrian walkway, park, square or plaza in the city; and any private sidewalk or pedestrian walkway, park, square or plaza in the city to which the general public is regularly afforded access by easement, invitation or license. (Code 1963, Sec. 22-55; Ord. No. 2888, 12/19/83, Sec. 3; Ord. No. 4410, 6/21/05, Sec. 1)

Sec. 10-3-8 reserved.

Editorial Note: Section 2 of Ord. No. 2825, adopted June 28, 1983, repealed § 10-3-8, "Driving over fire hose," derived from Code 1963, § 22-56.

Sec. 10-3-9 Driving when view is obstructed or control interfered with by load, etc.

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such numbers of persons, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanisms. (Code 1963, Sec. 22-57)

Sec. 10-3-10 Driving through processions.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while the vehicles are in motion. (Code 1963, Sec. 22-58)

Sec. 10-3-11 Occupation of certain trailers while being towed.

Any person who occupies a house trailer or camping trailer while the trailer is being towed upon a public highway in this city, or any operator of a towing vehicles who knowingly permits another person to do such, shall be guilty of a misdemeanor. (Code 1963, Sec. 22-63.1)

Sec. 10-3-12 Backing.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic, and shall in every case yield the right-of-way to moving traffic and also to pedestrians. (Code 1963, Sec. 22-64)

Sec. 10-3-13 Riding upon motorcycles and place of operation of motorcycles or mopeds.

A person operating a motorcycle as defined in section 10-1-1 herein, but excluding four-wheeled and three-wheeled vehicles for the purpose of this subsection, shall ride only upon the permanent and regular seat attached to the motorcycle, and such operator shall not carry any other person, and no other person shall ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the seat for the operator. If such motorcycle is designed to carry more than one person, it shall also be equipped with a footrest for the use of such passenger. A person operating a motorcycle shall wear a face shield, safety glasses or goggles or have his motorcycle equipped with safety glass or a windshield at all times while operating said vehicle; and operators and passengers thereon, if any, shall wear protective helmets. Operators and passengers riding motorcycles with wheels of eight inches or less in diameter or in three-wheeled motorcycles which have nonremovable roof, windshield and enclosed body shall not be required to wear protective helmets.

No moped shall be driven on any highway or public vehicular area (i) faster than 30 miles per hour, or (ii) by any person under the age of 16 years. Every person driving a moped shall carry some form of identification that includes the person's name, address and date of birth. As used in this subsection, "highway or public vehicular area" means any public street, parking lot or parking structure, and any private street, parking lot or parking structure to which the general public is regularly afforded access by easement, invitation or license, but excluding sidewalks as defined in section 10-3-7.

(c) Every person operating a moped on a public street or highway shall wear a face shield, safety glasses or goggles of a type approved by the superintendent of state police, or have his moped equipped with safety glass or a windshield, at all times while operating such vehicle, and operators and all passengers thereon shall wear protective helmets of a type approved by the superintendent.

(d) No person shall operate any motorcycle or moped upon any public property in the city, except that this provision shall not apply to the operation of such vehicles upon the streets in compliance with applicable sections of this code and of the Code of Virginia (1950), as amended, nor shall this provision apply to the operation of publicly owned motorcycles, of emergency vehicles, or of implements including self-propelled mowers designed and used for mowing lawns. This provision shall be applicable only where there has been posted upon the property in question a sign or signs including that such operation is prohibited by the use of the words "motorcycle or moped riding prohibited" or words of similar import.

(e) Any person who violates subsection (a) or (d) shall be guilty of a class 3 misdemeanor and shall be punished as provided in section 1-1-8 of this code. Any person who knowingly violates subsection (b) or (c) shall be guilty of a traffic infraction and shall be subject to a fine of not more than $50. (Ord. No. 2931, 6/18/84, Sec. 1; Ord. No. 3417, 12/16/89, Sec. 1; Ord. No. 4410, 6/21/05, Sec. 2)

Sec. 10-3-14 Reimbursement of expenses incurred in responding to DUI incident.

(a) If a person is convicted of a violation of section 10-3-15 or section 10-3-266 of this code, or of section 18.2-51.4 or 18.2-266 of the Virginia Code, all of which relate to driving while intoxicated, and the person's operation of a motor vehicle while intoxicated is the proximate cause of an accident or incident resulting in an appropriate emergency response by the city, such person shall be liable to the city in a separate civil action for the expenses actually incurred in providing the emergency response; provided, that the amount of liability shall not exceed $1,000 for any one accident or incident.

(b) As used in this section, "appropriate emergency response" includes, but is not limited to, the provision of law-enforcement, fire-fighting, rescue and emergency medical services.

(c) The provisions of this section shall not preempt or limit any remedy available to the city to recover the reasonable expenses of an emergency response to an accident or incident not involving the impaired operation of a motor vehicle. (Ord. No. 3965, 11-15-97, Sec. 1)

Sec. 10-3-15 Maiming, etc., of another resulting from driving while intoxicated.

(a) Any person who, as a result of driving while intoxicated in violation of section 10-3-266 of this code, or section 18.2-266 of the Virginia

Code, and in a manner that shows a reckless disregard for human life, unintentionally causes the serious bodily injury of another person that results in permanent and significant physical impairment shall be guilty of a class 6 felony.

(b) In addition to the penalties otherwise prescribed, a judgment of conviction for a first offense under this section shall operate to deprive the person so convicted of the privilege to drive or operate any motor vehicle in the Commonwealth of Virginia for a period of one year from the date of such judgment. This suspension period shall be in addition to the suspension period provided under section 10-3-391.2 of this code and section 46.2-391.2 of the Virginia Code. However, upon conviction and after sentencing of any person for a first offense under this section, if the court finds that the person has not before entered an alcohol safety action program pursuant to section 10-3-271.1 of this code or section 18.2-271.1 of the Virginia Code, the court shall order, as a condition of probation or otherwise, that the person enter and successfully complete such a program.

(c) If a person is convicted of a violation of this section within 10 years of a prior offense (as defined below) that resulted in a conviction, such person's license or privilege to operate a motor vehicle shall be revoked for a period of three years from the date of the judgment of conviction. This revocation period shall be in addition to the suspension period provided under section 10-3-391.2 of this code or section 46.2-391.2 of the Virginia Code.

(d) If a person is convicted of a violation of this section within 10 years of two prior offenses that resulted in convictions, such person shall not be eligible for participation in an alcohol safety action program pursuant to section 10-3-271.1 of this code or section 18.2-271.1 of the Virginia Code, and shall have his license revoked indefinitely as provided in section 46.2-391(B) of the Virginia Code. The court trying such case shall order the surrender of the driver's license of the person so convicted, to be disposed of in accordance with section 46.2-398 of the Virginia Code, and shall notify the person that his license has been revoked indefinitely.

(e) Notwithstanding any other provision of this section, a period of license revocation or suspension imposed in any case pursuant to this section shall not begin to run until the person convicted has surrendered his license to the court or to the Virginia department of motor vehicles, and shall run consecutively to any period of suspension for failure to permit a blood or breath sample to be taken, as required by sections 10-3-268.1 through 10-3-268.11 or sections 10-3-341.26:1 through 10-3-341.26:11 of this code, or by sections 18.2-268.1 through 18.2-268.11 or sections 46.2-341.26:1 through 46.2-341.26:11 of the Virginia Code.

(f) The provisions of this section shall not apply to, and shall have no effect upon, the disqualification from operating a commercial motor vehicle imposed under the provisions of the Commercial Driver's License Act, sections 46.2-341.1 through 46.2-341.34 of the Virginia Code.

(g) For purposes of this section, a "prior offense" means a violation of (i) this section, section 10-3-266 of this code, or the provisions of section 18.2-51.4 (or former sections 18.1-54 or 18-75) or 18.2-266 of the Virginia Code, or the laws of any other state or of the United States which are substantially similar to this section or the provisions of section 18.2-51.4 or sections 18.2-266 through 18.2-269 of the Virginia Code, or (ii) the provisions of subsection (A) of section 46.2-341.24 of the Virginia Code or the substantially similar laws of any other state or of the United States. (Ord. No. 3965, 11-15-97, Sec. 1)

Sec. 10-3-16 Operation of motorcycles on city streets.

(1) No person shall ride or drive any motorcycle on any city street or public vehicular area unless such person is licensed in accordance with Title 46.2 of the Code of Virginia.

(2) No person shall ride or drive any motorcycle on any city street or public vehicular area unless such motorcycle is equipped with all safety equipment required by state law for a motorcycle and the motorcycle is licensed or registered by the Virginia Division of Motor Vehicles.

(3) As used in this section, "city street or public vehicular area" means any public street, parking lot or parking structure in the city, and any private street, parking lot or parking structure in the city, to which the general public is regularly afforded access by easement, invitation or license, but excluding sidewalks as defined in section 10-3-7. (Ord. No. 4410, 6/21/05, Sec. 3)

Sec. 10-3-17 Dedicated transitways.

(a) The city council, by resolution, may designate lanes designed and constructed for such purposes as full time transitways for the exclusive use of designated buses and other transit vehicles. No vehicles other than designated buses and other transit vehicles shall, for any purpose, enter or travel in a designated transitway, except

at the express direction of law enforcement or by emergency vehicles pursuant to a protocol to be established by the city.

(b) Transitways shall be at all times reserved for use in the manner set forth in section (a) above.

(c) Signs designating transitways shall be plainly posted along the entire route and at every possible ingress/egress point.

(d) Any person operating a vehicle in a transitway in violation of this section shall be guilty of a traffic infraction that is not a moving violation. Upon conviction, such infractions shall be punishable as follows:

(1) for a first offense, by a fine of $200;

(2) for a second offense within a period of five years from the first offense, by a fine of $500;

(3) for a third offense within a period of five years of the first offense, by a fine of $750; and

(4) for a fourth or subsequent offense within a period of five years of the first offense, by a fine of $1,000. (Ord. No. 4888, 6/14/14, Sec. 1)

Secs. 10-3-18 through 10-3-20 reserved.

ARTICLE B

Reckless Driving, Speeding, Etc.

Secs. 10-3-21 through 10-3-26 reserved.

Editorial Note: Section 3 of Ord. No. 2825, adopted June 28, 1983, repealed §§ 10-3-21—10-3-26, concerning: (1) reckless driving; (2) examples thereof; (3) racing on streets; (4) aiding races; (5) penalty; (6) improper driving. The repealed provisions derived from Code 1963, §§ 22-65—22-68.1, and from Ord. No. 2396, § 3, adopted Oct. 13, 1979.

Sec. 10-3-27 Police chief to be notified in advance of race to be held on private property.

It shall be unlawful for the owner of any driveway or premises of a church, school, recreational facility or business property open to the public in the city, or his agent, to authorize any race to be engaged in upon such property between two or more motor vehicles without first notifying the police chief, in writing, at least 48 hours prior to such race regarding the time and location of the race to be held. Any violation of this section shall be punished pursuant to section 10-1-19. (Code 1963, Sec. 22-68.2)

Sec. 10-3-28 reserved.

Editorial Note: Section 3 of Ord. No. 2825, adopted June 28, 1983, repealed § 10-3-28; concerning evidence of speeding, as derived from Code 1963, Sec. 22-69.2.

Sec. 10-3-29 reserved

Sec. 10-3-30 Authority to change speed limits.

(a) The city manager is authorized to increase or decrease the speed limits on city streets set forth in §§ 46.2-873 through 46.2-875 of the Code of Virginia, 1950, as amended, and incorporated by §§ 10-3-873 through 10-3-875 of this code, and to establish differential speeds for daytime and nighttime driving on such streets, provided that any such increase or decrease in speed limit, or differential speed limit, shall be based upon an engineering and traffic investigation by the director of transportation and environmental services.

(b) The director of transportation and environmental services is authorized to decrease, for a temporary period not to exceed 60 days, without such engineering and traffic investigation, the

speed limit on any city street on which work is being done or which is under construction or repair.

(c) Any increase or decrease in speed limits established under this section shall be indicated by signs as provided in section 10-2-26 of this code.

(d) Whenever the speed limit on any city street has been increased or decreased, or a differential speed limit established, and such speed limit is posted as required, there shall be a rebuttable presumption that the change in speed was properly established in accordance with the provisions of this section. (Ord. No. 4143, 6/17/00, Sec. 1)

Secs. 10-3-31 through 10-3-103 reserved.

Sec. 10-3-104 Signing and possession of registration cards; exhibiting of registration card and driver's etc., licenses; failure to carry license or registration card.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-104 of the Virginia Code, as amended, which relates to signing and possession of registration card, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 1; Ord. No. 3312, 6/18/88, Sec. 1; Ord. No. 3402, 9/16/89, Sec. 3)

Secs. 10-3-105 through 10-3-265 reserved.

Sec. 10-3-266 Driving motor vehicle, engine, etc., while intoxicated.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-266 of the Virginia Code, as amended, which relates to driving while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 41; Ord. No. 3344, 11/19/88, Sec. 1)

Sec. 10-3-266.1 Persons under age twenty-one driving after illegally consuming alcohol; penalty.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-266.1 of the Virginia Code, as amended, which relates to persons under the age of twenty-one driving after illegally consuming alcohol, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3764, 12/17/94, Sec. 1)

Sec. 10-3-267 Preliminary analysis of breath to determine alcoholic content of blood.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-267 of the Virginia Code, as amended, which relates to the ability of a person who is suspected of a violation of section 18.2-266 or section 18.2-266.1, to have his breath analyzed to determine the probable alcoholic content of his blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3764, 12/17/94, Sec. 2)

Sec. 10-3-268 Use of chemical test to determine alcoholic content of blood; procedure; qualifications and liability of person withdrawing blood; costs; evidence; suspension of license for refusal to submit to test; localities authorized to adopt parallel provisions.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268 of the Virginia Code, as amended, which relates use of a chemical test to determine the alcoholic content of blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 42; Ord. No. 3344, 11/19/88, Sec. 2)

Sec. 10-3-268.1 Chemical testing to determine alcohol or drug content of blood; definitions.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.1 of the Virginia Code, as amended, which sets out the definitions to be used in conjunction with chemical testing of motor vehicle operators to determine the alcohol or drug content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3764, 12/17/94, Sec. 3)

Sec. 10-3-268.2 Implied consent to post-arrest chemical test to determine drug or alcohol content of blood.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.2 of the Virginia Code, as amended, which relates to the implied consent of motor vehicle operators to submit to post-arrest chemical testing to determine the drug or alcohol content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3764, 12/17/94, Sec. 4)

Sec. 10-3-268.3 Refusal of tests; procedures.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.3 of the Virginia Code, as amended, which relates to the refusal of motor vehicle operators to submit to post-arrest chemical tests to determine the drug or alcohol content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3764, 12/17/94, Sec. 5)

Sec. 10-3-268.4 Appeal and trial; sanctions for refusal.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.4 of the Virginia Code,

as amended, which relates to the procedure for appeal and trial of the warrant or summons issued for a refusal to submit to post-arrest chemical tests and the sanctions for such refusal, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3764, 12/17/94, Sec. 6)

Sec. 10-3-268.5 Qualifications and liability of persons authorized to take blood sample; procedure for taking samples.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.5 of the Virginia Code, as amended, which relates to the qualifications and liability of persons authorized to take blood samples for the purpose of determining the blood's alcohol and/or drug content, and the procedures to be followed in taking such blood samples, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 2)

Sec. 10-3-268.6 Transmission of blood samples.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.6 of the Virginia Code, as amended, which relates to the procedures to be followed in the preservation and transmission of blood samples for analysis of the blood's alcohol and/or drug content, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 3)

Sec. 10-3-268.7 Transmission of blood test results; use as evidence.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.7 of the Virginia Code, as amended, which relates to transmission of blood test results and the admissibility of blood test results as evidence in court, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 4)

Sec. 10-3-268.8 Fees relating to blood samples.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.8 of the Virginia Code, as amended, which relates to the fees that may be charged for withdrawal and analysis of blood samples, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 5)

Sec. 10-3-268.9 Assurance of breath test validity; use of test results as evidence.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.9 of the Virginia Code, as amended, which relates to standards for the chemical analysis of a person's breath and the use of breath test results as evidence in court, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 6)

Sec. 10-3-268.10 Evidence of violation.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.10 of the Virginia Code, as amended, which relates to the admissibility of evidence at trial for violation of city code sections 10-3-266 or 10-3-266.1 and of comparable provisions of the Virginia Code, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 7)

Sec. 10-3-268.11 Substantial compliance.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.11 of the Virginia Code, as amended, which relates to compliance with the steps set forth in city code sections 10-3-268.2 through 10-3-268.9 and comparable Virginia Code sections relating to the taking, handling, identifying and disposing of blood or breath samples, is hereby adopted and incorporated in its entirety in to this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 8)

Sec. 10-3-269 Presumptions from alcohol content of blood.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-269 of the Virginia Code, as amended, which relates to presumptions aris-

ing from the alcohol content of blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 9)

Sec. 10-3-270 Penalty for driving while intoxicated; subsequent offense; prior conviction.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-270 of the Virginia Code, as amended, which relates to the penalties for driving while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 43)

Sec. 10-3-270.1 Ignition interlock systems; penalty.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-270.1 of the Virginia Code, as amended, which relates to ignition interlock systems and the penalty for tampering with or circumventing the operation of such a system, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 10)

Sec. 10-3-270.2 Ignition interlock system; certification by commission on VASAP; regulations; sale or lease; monitoring use; reports.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-270.2 of the Virginia Code, as amended, which relates to (i) certification of ignition interlock systems, (ii) regulation of the installation, maintenance and certification of such systems, and (iii) authorization to sell or lease such systems, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 11)

Sec. 10-3-271 Forfeiture of driver's license for driving while intoxicated.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-271 of the Virginia Code, as amended, which relates to the forfeiture of a driver's license for driving while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3764, 12/17/94, Sec. 7)

Sec. 10-3-271.1 Probation, education and rehabilitation of person convicted; person convicted under law of another state.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-271.1 of the Virginia Code, as amended, which relates to rehabilitation of a driver convicted of driving while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 44)

Sec. 10-3-272 Driving after forfeiture of license.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-272 of the Virginia Code, as amended, which relates to driving after forfeiture of a driver's license, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 12)

Secs. 10-3-273 through 10-3-299 reserved.

Sec. 10-3-300 Driving without license prohibited; penalties.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-300 of the Virginia Code, as amended, which relates to driving without a valid license, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 57; Ord. No. 3535, 9/14/91, Sec. 2)

Sec. 10-3-301 Driving while license, permit or privilege to drive is suspended or revoked.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-301 of the Virginia Code, as amended, which relates to driving while a license, permit or privilege to drive is suspended or revoked, is hereby adopted and incorporated in

its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 58; Ord. No. 3312, 6/18/88, Sec. 1; Ord. No. 3402, 9/16/89, Sec. 56; Ord. No. 3535, 9/14/91, Sec. 3)

Sec. 10-3-301.1 Administrative impoundment of motor vehicle for certain driving while license suspended or revoked offenses; judicial impoundment upon conviction; penalty for permitting violation with one's vehicle.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-301.1 of the Virginia Code, as amended, which relates to the administrative and judicial impoundment of motor vehicles for certain offenses, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3764, 12/17/94, Sec. 8)

Secs. 10-3-302 through 10-3-327 reserved.

Sec. 10-3-328 Department to issue licenses; endorsements authorizing operation of certain vehicles.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-328 of the Virginia Code, as amended, which relates to the issuance of licenses for the operation of certain vehicles, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 59; Ord. No. 3402, 9/16/89, Sec. 57)

Secs. 10-3-329 through 10-3-340.3 reserved.

Sec. 10-3-341.4 Definitions.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.4 of the Virginia Code, as amended, which sets out the definitions to be used in conjunction with statutes affecting holders of a commercial driver's license, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein, for use in conjunction with the following sections in this chapter which address the holders of commercial drivers licenses. (Ord. No. 3909, 1/25/97, Sec. 13)

Secs. 10-3-341.5 through 10-3-341.23 reserved.

Sec. 10-3-341.24 Driving a commercial motor vehicle while intoxicated, etc.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia, as amended, which relates to driving after forfeiture of a driver's license, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 14)

Secs. 10-3-341.25, 10-3-341.26 reserved.

Sec. 10-3-341.26:1 Use of chemical tests to determine alcohol or drug content of blood of commercial driver; definitions.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:1 of the Virginia Code, as amended, which sets out the definitions to be used in conjunction with chemical testing of commercial motor vehicle operators to determine the alcohol and/or drug content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 15)

Sec. 10-3-341.26:2 Implied consent to post arrest chemical test to determine alcohol or drug content of blood of commercial driver.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:2 of the Virginia Code, as amended, which relates to the implied consent of commercial motor vehicle operators to submit to post-arrest chemical testing to determine the drug or alcohol content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 16)

Sec. 10-3-341.26:3 Refusal of tests; issuance of out-of-service orders; disqualification.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:3 of the Virginia

Code, as amended, which relates to the refusal of commercial motor vehicle operators to submit to post-arrest chemical tests to determine the drug or alcohol content of their blood or breath, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 17)

Sec. 10-3-341.26:4 Appeal and trial; sanctions for refusal; procedures.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:4 of the Virginia Code, as amended, which relates to the procedure for appeal and trial of the warrant or summons issued for a refusal to submit to post-arrest chemical tests and the sanctions for such refusal, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 18)

Sec. 10-3-341.26:5 Qualifications and liability of persons authorized to take blood samples; procedure for taking samples.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:5 of the Virginia Code, as amended, which relates to the qualifications and liability of persons authorized to take blood samples for the purpose of determining the blood's alcohol and/or drug content, and the procedures to be followed in taking such blood samples, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 19)

Sec. 10-3-341.26:6 Transmission of blood samples.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:6 of the Virginia Code, as amended, which relates to the procedures to be followed in the preservation and transmission of blood samples for analysis of the blood's alcohol and/or drug content, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 20)

Sec. 10-3-341.26:7 Transmission of results.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:7 of the Virginia Code, as amended, which relates to transmission of blood test results and the admissibility of blood test results as evidence in court, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 21)

Sec. 10-3-341.26:8 Fees relating to blood samples.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:8 of the Virginia Code, as amended, which relates to the fees that may be charged for withdrawal and analysis of blood samples, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 22)

Sec. 10-3-341.26:9 Assurance of breath test validity; use of test results as evidence.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:9 of the Virginia Code, as amended, which relates to standards for the chemical analysis of a person's breath and the use of breath test results as evidence in court, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 23)

Sec. 10-3-341.26:10 Evidence.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:10 of the Virginia Code, as amended, which relates to the admissibility of evidence at trial for violation of city code section 10-3-341.24 and comparable Virginia Code sections, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 24)

Sec. 10-3-341.26:11 Substantial compliance.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as

amended, section 46.2-341.26:11 of the Virginia Code, as amended, which relates to compliance with the steps set forth in city code sections 10-3-341.26:2 through 10-3-341.26:9 relating to the taking, handling, identifying and disposing of blood or breath samples, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 25)

Sec. 10-3-341.27 Presumptions from alcohol content of blood.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.27 of the Virginia Code, as amended, which relates to presumptions arising from alcohol content of blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 26)

Sec. 10-3-341.28 Penalty for driving commercial motor vehicle while intoxicated; subsequent offense; prior conviction.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.28 of the Virginia Code, as amended, which relates to the penalty for operating a commercial motor vehicle while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 27)

Sec. 10-3-341.29 Penalty for driving commercial motor vehicle with blood alcohol content equal to or greater than 0.04.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.29 of the Virginia Code, as amended, which relates to the penalty for operating a commercial motor vehicle with a blood alcohol content equal to or greater than 0.04, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 28)

Sec. 10-3-341.30 reserved.

Sec. 10-3-341.31 Driving commercial motor vehicle with any alcohol in blood.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.31 of the Virginia Code, as amended, which relates to the penalty for operating a commercial motor vehicle with any alcohol in the operator's blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3909, 1/25/97, Sec. 29)

Secs. 10-3-342 through 10-3-370 reserved.

Sec. 10-3-371 Driver to give immediate notice of accidents.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-371 of the Code of Virginia, as amended, which relates to driver notification of accidents, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3659, 9/18/93, Sec. 1)

Secs. 10-3-372 through 10-3-603 reserved.

Sec. 10-3-605 Altering or forging certificate of title or registration card.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-605 of the Virginia Code, as amended, which relates to altering or forging a certificate of title or registration card, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 3; Ord. No. 3402, 9/16/89, Sec. 5)

Secs. 10-3-606 through 10-3-612 reserved.

Sec. 10-3-613 Offenses relating to registration, licensing and certificates of title; name and address of owner on "for-hire" vehicle; name on truck, etc.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-613 of the Virginia Code, as amended, which relates to vehicle registration, is hereby adopted and incorporated in its entirety

into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 2; Ord. No. 3402, 9/16/89, Sec. 4)

Secs. 10-3-614 through 10-3-706 reserved.

Sec. 10-3-707 Operating uninsured motor vehicle without payment of fee; furnishing certificate of insurance; false evidence of insurance.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-707 of the Virginia Code, as amended, which relates to operating an uninsured motor vehicle, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 8; Ord. No. 3402, 9/16/89, Sec. 10)

Secs. 10-3-708 through 10-3-714 reserved.

Sec. 10-3-715 Display of license plates.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-715 of the Virginia Code, as amended, which relates to the display of license plates, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 4; Ord. No. 3402, 9/16/89, Sec. 6)

Sec. 10-3-716 Attachment of license plates to vehicle.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-716 of the Virginia Code, as amended, which relates to how license plates are fastened to the vehicle, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 5; Ord. No. 3402, 9/16/89, Sec. 7)

Secs. 10-3-717 through 10-3-721 reserved.

Sec. 10-3-722 Altered or forged license plates or decals; use as evidence of knowledge.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-722 of the Virginia Code, as amended, which relates to altered or forged license plates or decals, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 6; Ord. No. 3402, 9/16/89, Sec. 8)

Secs. 10-3-723 through 10-3-801 reserved.

Sec. 10-3-802 Driving on right side of highway.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-802 of the Virginia Code, as amended, which relates to driving on the right side of roads, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 21; Ord. No. 3402, 9/16/89, Sec. 23)

Sec. 10-3-803 reserved.

Sec. 10-3-804 Special regulations applicable on highways laned for traffic.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-804 of the Virginia Code, as amended, which relates to special regulations on laned highways, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 23; Ord. No. 3402, 9/16/89, Sec. 25)

Sec. 10-3-805 reserved.

Sec. 10-3-806 One-way roadways and highways.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-806 of the Virginia Code, as amended, which relates to one-way roadways and highways, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 22; Ord. No. 3402, 9/16/89, Sec. 24)

Sec. 10-3-807 Rotary traffic islands.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-807 of the Virginia Code, as amended, which relates to rotary traffic is-

lands, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 58)

Secs. 10-3-808 through 10-3-815 reserved.

Sec. 10-3-816 Following too closely.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-816 of the Virginia Code, as amended, which relates to following too closely, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 27; Ord. No. 3402, 9/16/89, Sec. 29)

Sec. 10-3-817 Disregarding signal to stop by police officers; eluding police; penalties.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-817 of the Virginia Code, as amended, which relates to disregarding a signal to stop by police officers, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 16; Ord. No. 3312, 6/18/88, Sec. 1; Ord. No. 3402, 9/16/89, Sec. 18)

Secs. 10-3-818, 10-3-819 reserved.

Sec. 10-3-820 Right-of-way at uncontrolled intersections.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-820 of the Virginia Code, as amended, which relates to the failure to yield the right-of-way at uncontrolled intersections, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 33; Ord. No. 3402, 9/16/89, Sec. 35)

Sec. 10-3-821 Vehicles stopping or yielding right-of-way before entering certain highways.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-821 of the Virginia Code, as amended, which relates to merging onto certain highways, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 39; Ord. No. 3402, 9/16/89, Sec. 41)

Sec. 10-3-822 Right-of-way at traffic circles.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-822 of the Virginia Code, as amended, which relates to the right-of-way at traffic circles, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 59)

Sec. 10-3-823 Unlawful speed forfeits right-of-way.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-823 of the Virginia Code, as amended, which relates to forfeiture of the right-of-way by speeding, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 60)

Sec. 10-3-824 Right-of-way at uncontrolled "T" intersections.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-824 of the Virginia Code, as amended, which relates to the failure to yield the right-of-way at "T" intersections, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 34; Ord. No. 3402, 9/16/89, Sec. 36)

Sec. 10-3-825 Left-turn traffic to yield right-of-way.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-825 of the Virginia Code, as amended, which relates to the failure to yield the right-of-way at certain intersections when turning left, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 35; Ord. No. 3402, 9/16/89, Sec. 37)

Sec. 10-3-826 Stopping before entering public highway or sidewalk from private road; yielding right-of-way.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as

amended, section 46.2-826 of the Virginia Code, as amended, which relates to yielding the right-of-way to oncoming traffic, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 36; Ord. No. 3402, 9/16/89, Sec. 38)

Secs. 10-3-827, 10-3-828 reserved.

Sec. 10-3-829 Approach of police or firefighting vehicles, rescue vehicles or ambulances; violation as failure to yield right-of-way.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-829 of the Virginia Code, as amended, which relates to the failure to yield the right-of-way to emergency vehicles, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 37; Ord. No. 3402, 9/16/89, Sec. 39)

Sec. 10-3-830 Uniform marking and signing of highways; drivers to obey signs; enforcement of section.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-830 of the Virginia Code, as amended, which relates to marking and signing highways and compliance with such markings and signs, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 11; Ord. No. 3402, 9/16/89, Sec. 13)

Secs. 10-3-831, 10-3-832 reserved.

Sec. 10-3-833 Signals by lights or other traffic control devices.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-833 of the Virginia Code, as amended, which relates to signals by lights or other traffic control devices, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 13; Ord. No. 3402, 9/16/89, Sec. 15)

Sec. 10-3-833.01 Photo-monitoring of traffic light signals.

(a) It shall be unlawful for the operator of a motor vehicle to fail to stop or remain stopped when directed to do so by a steady red traffic light signal.

(b) For the purposes of this section, the following words shall have the meanings set out below:

(1) "System" means a traffic light signal violation-monitoring System that operates by means of a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time that the operator of the vehicle fails to stop or remain stopped at a steady red traffic light signal in violation of this section. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered the intersection.

(2) "Owner" means the registered owner of a vehicle on record with the department of motor vehicles.

(c) The city manager or the manager's designee may install and operate a System at no more than one intersection for every 10,000 residents within the city, for the purpose of imposing monetary liability on the operator of a motor vehicle for failure to stop or remain stopped at a steady red traffic light signal.

(d) Proof of violation; presumption.

(1) Proof of a violation of this section shall be evidenced by information obtained from the system. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement officer employed by the city, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by the system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate liability for a violation of this section.

(2) Prima facie evidence that the vehicle described in the summons issued pursuant to subsection (f) was operated in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee or renter of the vehicle, shall constitute in evidence a rebuttable presumption that the defendant was the person who committed the violation. This

presumption shall be rebutted (i) if the owner, lessee or renter of the vehicle either files an affidavit by regular mail with the clerk of the general district court, stating that he was not the operator of the vehicle at the time of the alleged violation, or testifies in open court under oath that he was not the operator of the vehicle at the time of alleged violation, or (ii) if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation, is filed with the clerk of general district court prior to the return date established on the summons issued pursuant to subsection (f).

(e) The operator of a vehicle shall be liable for a monetary penalty of up to $50 if the operator is found, as evidenced by information obtained from the system, to have failed to comply with a steady red traffic light signal. No monetary penalty imposed under this section shall include court costs. Imposition of a penalty under this section shall not be deemed a conviction as an operator, and shall not be made part of the operating record of the person upon whom such liability is imposed; nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

(f) A summons for a violation of this section may be executed pursuant to section 19.2-76.2 of the Code of Virginia (1950), as amended. Notwithstanding the provisions of section 19.2-76 of the Virginia Code, a summons for a violation of this section may be executed by mailing by first-class mail a copy of the summons to the address of the owner, lessee or renter of the vehicle as shown, in the case of vehicle owners, in the records of the department of motor vehicles or, in the case of vehicle lessees or renters, in the records of the vehicle lessor or rentor. Every such mailing shall include, in addition to the summons, a notice of:

(i) the summoned person(s ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection (d)(2), above; and

(ii) instructions for filing such an affidavit, including the address to which the affidavit is to be sent.

If the summoned person fails to appear on the date of return set out in the mailed summons, the summons shall be executed in the manner set out in section 19.2-76.3 of the Virginia Code. No proceedings for the contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 60 business days from the mailing of the summons to inspect information collected by the system in connection with the violation.

(g) Information collected by the System shall be limited exclusively to information that is necessary for the enforcement of traffic light violations. No private entity may obtain from the city or its system records regarding the registered owners of vehicles that fail to comply with traffic light signals. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images or other personal information collected by the System shall be used exclusively for enforcing traffic light violations, and shall not:

(i) be open to the public;

(ii) be sold or used for sales, solicitation or marketing purposes;

(iii) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation; or

(iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of section 46.2-833, section 46.2-835 or section 46.2-836 of the Virginia Code.

(h) Information collected by the System with regard to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If the city does not execute a summons for a violation of this section within ten business days of the occurrence of the violation, all information collected that pertains to said suspected violation shall be purged within 12 business days of the of the suspected violation.

(i) The city manager, or the city manager(s designee, shall annually certify compliance with section 15.2-968.1 of the Virginia Code, and shall make all records pertaining to the System available for inspection and audit by the Commonwealth Transportation Commissioner or the Commissioner of the Department of Motor Vehicles or his designee.

(j) Any person who discloses personal information in volation of the provisions of subsections (h) or (i) shall be subject to a civil penalty of $1,000.

(k) A private entity may enter into an agreement with the city to be compensated for providing the system or equipment, and all related support services, to include consulting, operations and administration. The city shall not enter into any such agreement in which compensation of the private entity is based upon the number of violations or monetary penalties imposed.

(l) When selecting potential intersections for installation of System equipment, the following factors shall be considered:

(i) the accident rate for the intersection;

(ii) the rate of red light violations occurring at the intersection, as measured by the number of violations per number of vehicles using the intersection;

(iii) the difficulty experienced by law-enforcement officers in patrol cars or on foot in apprehending violators;

(iv) the ability of law-enforcement officers to apprehend violators safely within a reasonable distance from the violations; and

(v) if applicable, the risk to pedestrians.

A list of intersections to be included in the system shall be submitted to the Virginia Department of Transportation for final approval.

(m) Before the implementation of a System at an intersection, the city shall complete an engineering safety analysis that addresses signal timing and other location-specific safety features. The length of the yellow phase shall be established based upon the recommended methodology of the Institute of Transportation Engineers. The system shall provide a minimum 0.5-second grace period between the time that the signal turns red and the time that the first violation is recorded. If recommended by the engineering safety analysis, the city shall make reasonable location-specific safety improvements, including signs and pavement markings.

(n) The city shall evaluate the System on a monthly basis, to ensure that all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.

(o) Conspicuous signs shall be placed within 500 feet of the intersection approach of any intersection at which the system is used. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the traffic light signal violation.

(p) Prior to, or coincident with, the implementation or expansion of the System, the city shall conduct a public awareness program, advising the public that the system is being implemented or expanded. (Ord. No. 3932, 6/14/97, Sec. 1; Ord. No. 4054, 6/12/99, Sec. 1; Ord. No. 4141, 6/17/00, Sec. 1; Ord. No. 4492, 6/16/07, Sec. 1)

Sec. 10-3-834 Signals by law enforcement officers and crossing guards.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-834 of the Virginia Code, as amended, which relates to signals by law enforcement officers and crossing guards, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 61)

Sec. 10-3-835 Right turn on steady red.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-835 of the Virginia Code, as amended, which relates to turning right on steady red, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 62)

Sec. 10-3-836 Left turn on steady red.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-836 of the Virginia Code, as amended, which relates to turning left on a steady red, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 63)

Secs. 10-3-837 through 10-3-840 reserved.

Sec. 10-3-841 When overtaking vehicle may pass on right.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-841 of the Virginia Code, as amended, which relates to when an overtaking vehicle may pass on the right, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 24; Ord. No. 3402, 9/16/89, Sec. 26)

Sec. 10-3-842 reserved.

Sec. 10-3-843 Limitations on overtaking and passing.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-843 of the Virginia Code, as amended, which relates to limitations on overtaking and passing, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 25; Ord. No. 3402, 9/16/89, Sec. 27)

Sec. 10-3-844 Passing stopped school buses; penalty.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-844 of the Virginia Code, as amended, which relates to passing stopped school buses, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 26; Ord. No. 3402, 9/16/89, Sec. 28)

Sec. 10-3-845 Limitation on U-turns.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-845 of the Virginia Code, as amended, which relates to unauthorized U-turns, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 28; Ord. No. 3402, 9/16/89, Sec. 30)

forth herein. (Ord. No. 3277, 2/27/88, Sec. 28; Ord. No. 3402, 9/16/89, Sec. 30)

Sec. 10-3-846 Required position and method of turning at intersections; local regulations.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-846 of the Virginia Code, as amended, which relates to the method of turning at intersections, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 29; Ord. No. 3402, 9/16/89, Sec. 31)

Sec. 10-3-847 reserved.

Sec. 10-3-848 Signals required on backing, stopping or turning.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-848 of the Virginia Code, as amended, which relates to signals required when backing, stopping or turning, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 30; Ord. No. 3402, 9/16/89, Sec. 32)

Sec. 10-3-849 How signals given.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-849 of the Virginia Code, as amended, which relates to how signals are given, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 31; Ord. No. 3402, 9/16/89, Sec. 33)

Sec. 10-3-850 reserved.

Sec. 10-3-851 Signals prior to moving standing vehicles into traffic.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-851 of the Virginia Code, as amended, which relates to signals prior to moving standing vehicles into traffic, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 32; Ord. No. 3402, 9/16/89, Sec. 34)

Sec. 10-3-852 Reckless driving—general rule.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-852 of the Virginia Code, as amended, which relates to reckless driving generally, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 14; Ord. No. 3402, 9/16/89, Sec. 16)

Sec. 10-3-853 Same—driving vehicle when not under control; faulty brakes.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-853 of the Virginia Code, as amended, which defines the driving of a vehicle when it is not under proper control or when it has faulty brakes as reckless driving, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 15; Ord. No. 3402, 9/16/89, Sec. 17)

Sec. 10-3-854 Same—passing when dangerous.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-854 of the Virginia Code, as amended, which defines dangerous passing as reckless driving, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 64)

Sec. 10-3-855 Same—driving with view obstructed or control impaired.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-855 of the Virginia Code, as amended, which defines driving with an obstructed view or impaired control as reckless driving, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 65)

Sec. 10-3-856 Same—passing two vehicles abreast.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-856 of the Virginia Code, as amended, which defines passing two vehicles abreast as reckless driving, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 66)

Sec. 10-3-857 Same—driving two abreast in a single lane.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-857 of the Virginia Code, as amended, which defines driving two abreast in a single lane as reckless driving, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 67)

Sec. 10-3-858 Same—passing at a railroad grade crossing.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-858 of the Virginia Code, as amended, which defines certain instances of passing at a railroad grade crossing as reckless driving, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 68)

Sec. 10-3-859 Same—passing a stopped school bus.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-859 of the Virginia Code, as amended, which defines passing a stopped school bus as reckless driving, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 69)

Sec. 10-3-860 Same—failing to give proper signals.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-860 of the Virginia Code, as amended, which defines the failure to give certain proper signals as reckless driving, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 70)

Sec. 10-3-861 Same—driving too fast for conditions.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-861 of the Virginia Code, as amended, which defines driving too fast for conditions as reckless driving, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 71)

Sec. 10-3-862 Same—exceeding speed limit.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-862 of the Virginia Code, as amended, which defines exceeding the speed limit by 20 or more miles per hour as reckless driving, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 72)

Sec. 10-3-863 Same—failure to yield right-of-way.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-863 of the Virginia Code, as amended, which defines the failure to yield the right-of-way as reckless driving, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 73)

Sec. 10-3-864 Same—dangerous driving on parking lot, etc.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-864 of the Virginia Code, as amended, which defines driving in a dangerous manner in certain off-street locations as reckless driving, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 74)

Secs. 10-3-865 through 10-3-869 reserved.

Sec. 10-3-870 Maximum speed limits generally.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-870 of the Virginia Code, as amended, which relates to maximum speed limits, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 17; Ord. No. 3402, 9/16/89, Sec. 19)

Sec. 10-3-871 Maximum speed limits—school buses.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-871 of the Virginia Code, as amended, which relates to maximum speed limits for school buses, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 75)

Sec. 10-3-872 Same—special permit vehicles.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-872 of the Virginia Code, as amended, which relates to maximum speed limits for vehicles operating under special permits, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 76)

Sec. 10-3-873 Same—school crossings.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-873 of the Virginia Code, as amended, which relates to maximum speed limits at school crossings, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 77)

Sec. 10-3-874 Same—city business and residence districts.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-874 of the Virginia Code, as amended, which relates to the maximum speed limit in city business and residence districts, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 78)

Sec. 10-3-875 Same—certain highways in the city.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-875 of the Virginia Code, as amended, which relates to the maximum speed limit for certain highways in the city, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 79)

Sec. 10-3-876 Same—when towing certain trailers.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-876 of the Virginia Code, as amended, which relates to the maximum speed limit when passenger vehicles are towing certain trailers under a specified weight, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 80)

Sec. 10-3-877 Minimum speed limits.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-877 of the Virginia Code, as amended, which relates to minimum speed limits, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 81)

§§ 10-3-878 through 10-3-878.10 reserved.

Sec. 10-3-878.11 Maximum speeds in highway work zones; penalty.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-878.1 of the Code of Virginia, as amended, which relates to maximum speeds in highway works zones, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 4502, 10/13/07, Sec. 1)

§§ 10-3-879 through 10-3-893 reserved.

Sec. 10-3-894 Duty of driver to stop, etc., in event of accident involving injury or death or damage to attended property.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-894 of the Virginia Code, as amended, which relates to the duties of the driver and of an occupant in the event of an accident, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 12; Ord. No. 3402, 9/16/89, Sec. 14)

Sec. 10-3-895 Duty of passengers to report accidents.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-895 of the Virginia Code, as amended, which relates to the duty of passengers to report vehicle accidents, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 82)

Sec. 10-3-896 Duty of driver to report an accident involving damage only to unattended property.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-896 of the Virginia Code, as amended, which relates to the duty of drivers to report an accident when damage only to unattended property occurs, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 83)

Sec. 10-3-897 Duty of passengers to report an accident involving damage only to unattended property.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-897 of the Virginia Code, as amended, which relates to the duty of passengers to report an accident when damage only to unattended property occurs, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 84)

Secs. 10-3-898 through 10-3-902 reserved.

Sec. 10-3-903 Riding or driving vehicles other than bicycles on sidewalks.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-903 of the Virginia Code, as amended, which relates to riding or driving vehicles other than bicycles on sidewalks, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 38; Ord. No. 3402, 9/16/89, Sec. 40) Secs. 10-3-904 through 10-3-908 reserved.

Sec. 10-3-909 Riding upon motorcycles.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-909 of the Virginia Code, as amended, which relates to riding upon motorcycles, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 9; Ord. No. 3402, 9/16/89, Sec. 11)

Sec. 10-3-910 Motorcycle helmets and other protective equipment to be worn.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-910 of the Virginia Code, as amended, which relates to helmets and other protective equipment to be worn when riding a motorcycle, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 85)

Sec. 10-3-911 Penalty for violation of motor cycle regulations.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-911 of the Virginia Code, as amended, which relates to the penalty for violation of sections 10-3-909 or 10-3-910, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 86)

Sec. 10-3-912 Operating motorcycle without headlight, horn or rearview mirror.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as

amended, section 46.2-912 of the Virginia Code, as amended, which relates to operating a motorcycle without proper equipment, is hereby adopted and incorporated in its entirety into this chapter

as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 10; Ord. No. 3402, 9/16/89, Sec. 12)

Secs. 10-3-913 through 10-3-923 reserved.

Sec. 10-3-924 Failure to yield right-of-way to pedestrians in specifically marked crosswalk.

(a) The director of transportation and environmental services is authorized to install and maintain signs at marked crosswalks specifically requiring operators of motor vehicles, at the locations where such signs are installed, to yield the right-of-way to pedestrians crossing or attempting to cross the street.

(b) Any operator of a motor vehicle who fails at such locations to yield the right-of-way to pedestrians as required by such signs shall be guilty of a traffic infraction punishable by a fine of no less that $100 or more than $500.

(c) The design, location and installation of such signs shall comply with criteria developed by the commonwealth transportation board.

(d) The provisions of this section shall be in addition to and supplementary to any other provisions of law, including without limitation the provisions of section 46.2-924 of the Virginia Code, requiring that the operator of a motor vehicle yield the right-of-way to pedestrians. (Ord. No. 4153, 9/16/00, Sec. 1)

Secs. 10-3-925 through 10-3-1048 reserved.

Sec. 10-3-1049 Exhaust system in good working order.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1049 of the Virginia Code, as amended, which relates to exhaust system in good working order, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 50; Ord. No. 3402, 9/16/89, Sec. 48)

Secs. 10-3-1050, 10-3-1051 reserved.

Sec. 10-3-1052 Signs, decals and stickers on windshields, etc.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1052 of the Virginia Code, as amended, which relates to signs, decals and stickers on windshields, etc., is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 48; Ord. No. 3312, 6/18/88, Sec. 1; Ord. No. 3402, 9/16/89, Sec. 46)

Secs. 10-3-1053 through 10-3-1056 reserved.

Sec. 10-3-1057 Windshields.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1057 of the Virginia Code, as amended, which relates to windshields, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 49; Ord. No. 3402, 9/16/89, Sec. 47)

Secs. 10-3-1058 through 10-3-1062 reserved.

Sec. 10-3-1063 Alteration of suspension system; bumper height limits.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1063 of the Virginia Code, as amended, which relates to alteration of suspension system, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 46; Ord. No. 3402, 9/16/89, Sec. 44)

Sec. 10-3-1064 Modification of front-end suspension by use of lift blocks.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1064 of the Virginia Code, as amended, which relates to modification of front-end suspension, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 47; Ord. No. 3402, 9/16/89, Sec. 45)

Sec. 10-3-1065 reserved.

Sec. 10-3-1066 Brakes.

Pursuant to the authority granted by section 46.2-1813 of the Code of Virginia (1950), as amended, section 46.2-1066 of the Virginia Code, as amended, which relates to brakes, is hereby adopted and incorporated in its entirety into this

chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 45; Ord. No. 3402, 9/16/89, Sec. 43)

Secs. 10-3-1067 through 10-3-1076 reserved.

Sec. 10-3-1077 Motor vehicles not to be equipped with television within view of operator of vehicle.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1077 of the Virginia Code, as amended, which relates to motor vehicles equipped with television, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 8277, 2/27/88, Sec. 19; Ord. No. 3402, 9/16/89, Sec. 21)

Sec. 10-3-1078 Unlawful to operate a motor vehicle, moped or bicycle while using earphones.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1078 of the Virginia Code, as amended, which prohibits operating a motor vehicle, moped or bicycle while using earphones, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 20; Ord. No. 3402, 9/16/89, Sec. 22)

Sec. 10-3-1079 Prohibiting use of devices on motor vehicles to detect presence of radar upon highways or operation of motor vehicles so equipped or sale of such devices.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1079 of the Virginia Code, as amended, which prohibits the use or sale of radar detection devices, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 18; Ord. No. 3402, 9/16/89, Sec. 20)

Secs. 10-3-1080 through 10-3-1093 reserved.

Sec. 10-3-1094 Mandatory safety belts to be worn in motor vehicle.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1094 of the Virginia Code, as amended, which relates to the mandatory use of safety belts in a motor vehicle, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 51; Ord. No. 3312, 6/18/88, Sec. 1; Ord. No. 3402, 9/16/89, Sec. 49)

Sec. 10-3-1095 Child restraint devices required.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1095 of the Virginia Code, as amended, which relates to child restraint devices, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 52; Ord. No. 3402, 9/16/89, Sec. 50)

Secs. 10-3-1096 through 10-3-1122 reserved.

Sec. 10-3-1123 Weight of vehicles and loads.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1123 of the Virginia Code, as amended, which relates to the weight of vehicles and loads, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 56; Ord. No. 3402, 9/16/89, Sec. 54)

Sec. 10-3-1124 Maximum single axle weight.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1124 of the Virginia Code, as amended, which relates to the maximum single axle weight of 20,000 pounds and 650 pounds per inch of tire width, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 87)

Sec. 10-3-1125 Maximum tandem axle weight.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1125 of the Virginia Code, as amended, which relates to the maximum tan-

dem axle weight of 34,000 pounds, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 88)

Sec. 10-3-1126 Maximum gross weight.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1126 of the Virginia Code, as amended, which relates to the maximum gross weight of a vehicle or combination of vehicles by the number of axles and the distance between them, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 89)

Sec. 10-3-1127 Weight limits on interstate highways.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1127 of the Virginia Code, as amended, which relates to weight limits on interstate highways, is hereby adopted and incorporated in its entirety into this chapter as if it was fully set forth herein. (Ord. No. 3402, 9/16/89, Sec. 90)

Secs. 10-3-1128 through 10-3-1156 reserved.

Sec. 10-3-1157 Requirement of inspection; well-drilling machinery, antique motor vehicle excepted.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1157 of the Virginia Code, as amended, which relates to the requirement for vehicle inspection, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 53; Ord. No. 3402, 9/16/89, Sec. 51)

Secs. 10-3-1158 through 10-3-1171 reserved.

Sec. 10-3-1172 Unauthorized taking, possession or use of inspection stickers, etc.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1172 of the Virginia Code, as amended, which relates to the unauthorized taking, possession or use of inspection stickers, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 54; Ord. No. 3402, 9/16/89, Sec. 52)

Sec. 10-3-1173 Imitation or counterfeit inspection stickers.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1173 of the Virginia Code, as amended, which relates to imitation or counterfeit inspection stickers, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 55; Ord. No. 3402, 9/16/89, Sec. 53)

Secs. 10-3-1174 through 10-3-1239 reserved.

Sec. 10-3-1240 Definitions.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1240 of the Virginia Code, as amended, which sets out the definitions to be used in conjunction with statutes and ordinances affecting parking for persons with disabilities, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3933, 6/14/97, Sec. 1)

Sec. 10-3-1241 reserved.

Sec. 10-3-1242 Parking in spaces reserved for persons with a disability.

(a) It shall be unlawful:

(1) for any person to park a vehicle that does not display disabled parking license plates, or an organizational, permanent or temporary removable windshield placard, issued by the department of motor vehicles, or by another state or country, for the purpose of identifying vehicles permitted to use parking spaces reserved for persons with a disability, in a parking space reserved for persons with a disability; or

(2) for any person who is not limited or impaired in his ability to walk to park a vehicle that displays disabled parking license plates, or an organizational, permanent or temporary removable windshield placard, issued by the department of motor vehicles, or by another state or country, for the purpose of identifying vehicles permitted to use parking spaces reserved for persons with a disability, in a parking space that

is reserved for persons with a disability, except when transporting a person with such a disability in the vehicle.

(b) In any prosecution charging a violation of this section, proof that the vehicle described in the parking ticket, citation or summons was parked in violation of the section, together with proof of the registered owner of the vehicle at the time of the violation, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

(c) The penalty for the violation of this section shall be a fine of $500.

(d) Parking spaces reserved for persons with a disability shall be identified by above-grade signs meeting the requirements of section 36-99.11 of the Code of Virginia (1950), as amended; provided, that no violation of this section shall be dismissed because of a property owner's failure to comply strictly with those requirements, so long as the parking space in question is clearly distinguishable as a space reserved for persons with a disability. (Ord. No. 3933, 6/14/97, Sec. 2; Ord. No. 4597, 6/13/09, Sec. 2)

Secs. 10-3-1243—10-3-1246 reserved.

Sec. 10-3-1247 Counterfeiting disabled parking license plates or placards.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1247 of the Virginia Code, as amended, which relates to the counterfeiting of disabled parking license plates or placards, is hereby adopted and incorporated in its entirety, including its penalty provision, into this chapter as if it were fully set forth herein. (Ord. No. 3933, 6/14/97, Sec. 3)

Sec. 10-3-1248 Use of counterfeit disabled parking license plates or placards.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1248 of the Virginia Code, as amended, which relates to use of counterfeit disabled parking license plates or placards, is hereby adopted and incorporated in its entirety, including its penalty provision, into this chapter as if it were fully set forth herein. (Ord. No. 3933, 6/14/97, Sec. 4)

Sec. 10-3-1249 Alteration of disabled parking license plates or placards.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1249 of the Virginia Code, as amended, which relates to the alteration of disabled parking license plates or placards, is hereby adopted and incorporated in its entirety, including its penalty provision, into this chapter as if it were fully set forth herein. (Ord. No. 3933, 6/14/97, Sec. 5)

Sec. 10-3-1250 Unauthorized use of disabled parking license plates or placards.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1250 of the Virginia Code, as amended, which relates to the unauthorized use of disabled parking license plates or placards, is hereby adopted and incorporated in its entirety, including its penalty provision, into this chapter as if it were fully set forth herein. (Ord. No. 3933, 6/14/97, Sec. 6)

Sec. 10-3-1251 Fraudulently obtaining disabled parking license plate or placard.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1251 of the Virginia Code, as amended, which relates to the making of a false statement to obtain, or assist a person in obtaining, a disabled parking license plate or placard, is hereby adopted and incorporated in its entirety, including its penalty provision, into this chapter as if it were fully set forth herein. (Ord. No. 3933, 6/14/97, Sec. 7)

Sec. 10-3-1252 Selling or exchanging a disabled parking license plate or placard.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1252 of the Virginia Code, as amended, which relates to the sale or exchange for consideration of a valid, altered or counterfeit disabled parking license plate or placard, is hereby adopted and incorporated in its entirety, including its penalty provision, into this chapter as if it were fully set forth herein. (Ord. No. 3933, 6/14/97, Sec. 8)

Sec. 10-3-1253 Providing a disabled parking license plate or placard.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1253 of the Virginia Code, as amended, which relates to knowingly providing to another person, without sale or exchange for consideration, a valid, altered or counterfeit disabled parking license plate or placard, is hereby adopted and incorporated in its entirety, including its penalty provision, into this chapter as if it were fully set forth herein. (Ord. No. 3933, 6/14/97, Sec. 9)

Secs. 10-3-1254—10-3-1560 reserved.

Sec. 10-3-1561 To whom temporary plates shall not be issued; dealer to forward application for current titling and registration; misstatements and false information.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-1561 of the Virginia Code, as amended, which relates to whom temporary plates shall not be issued, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein. (Ord. No. 3277, 2/27/88, Sec. 7; Ord. No. 3402, 9/16/89, Sec. 9)

ARTICLE C

Reserved

Editorial Note: Section 4 of Ord. No. 2825, adopted June 28, 1983, repealed §§ 10-3-41—10-3-44, comprising Art. C, "Rules of the Road," as derived from Code 1963, §§ 22-76, 22-81, 22-82 and 22-90.1, and from Ord. No. 2396, § 4, adopted Oct. 13, 1979.

CHAPTER 4

Stopping, Standing and Parking

State Law Reference: Local parking regulations, Code of Va., Sec. 46.1-252.

§ 10-4-1 Stopping contrary to directions of police officers.
§ 10-4-2 Permitting vehicle to remain parked contrary to the directions of official sign.
§ 10-4-3 Right to parking space.
§ 10-4-4 Stopping so as to obstruct traffic or on crossing.
§ 10-4-5 Double parking.
§ 10-4-6 Parking trucks or commercial vehicles in residential districts.
§ 10-4-7 Parking of vehicles by businesses on streets.
§ 10-4-8 Parking for more than 72 continuous hours.
§ 10-4-9 Parking trailers or recreational vehicles in residential districts.
§ 10-4-10 Parking on sidewalk.
§ 10-4-11 Parking in alleys or courts.
§ 10-4-12 Parking on private property.
§ 10-4-13 Stopping for purpose of repairs, etc.
§ 10-4-14 Use of bus stops.
§ 10-4-15 Stopping for loading or unloading passengers or cargo generally.
§ 10-4-16 Permit for parking truck beside railroad car on public right-of-way.
§ 10-4-17 Angle parking for loading and unloading.
§ 10-4-18 Use of loading zones.
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Sec. 10-4-1 Stopping contrary to directions of police officers.

It shall be unlawful for any person to stop, park or stand any vehicle in any place contrary to the directions of a police officer. (Code 1963, Sec. 22-98, as amended by Ord. No. 2456, 4/12/80)

Sec. 10-4-2 Permitting vehicle to remain parked contrary to the directions of official sign.

It shall be unlawful for the operator of any vehicle or any person in whose name a vehicle is registered to cause, allow, permit or suffer a vehicle to remain in a parking space contrary to the directions of an official sign. (Code 1963, Sec. 22-98.1, as amended by Ord. No. 2456, 4/12/80)

Sec. 10-4-3 Right to parking space.

Whenever a driver of a vehicle pulls up parallel with a parked vehicle for the purpose of backing into the parking space behind such parked vehicle, he shall have the first privilege of using such parking space, and no driver of any other vehicle shall drive his vehicle into such space or stop immediately behind the first vehicle in such a way as to block access to the parking space. (Code 1963, Sec. 22-100)

Sec. 10-4-4 Stopping so as to obstruct traffic or on crossing.

Vehicles shall not be stopped in such manner as to block and obstruct the orderly and lawful passage of other traffic, nor upon any crossing. (Code 1963, Sec. 22-101)

Cross Reference: Taxicabs or for-hire vehicles stopping at intersections to load or unload so as to interfere with traffic, Sec. 9-12-75.

Sec. 10-4-5 Double parking.

Double parking is prohibited on any streets of the city and, for the purposes of this section, parking a vehicle at such distances from the curb as to allow space for another vehicle between it and the curb shall be deemed double parking. (Code 1963, Sec. 22-104)

Sec. 10-4-6 Parking trucks or commercial vehicles in residential districts.

(a) Parking of trucks or commercial vehicles, including buses or vans, on the streets in a residential district of the city is prohibited; provided, that a truck or commercial vehicle may be parked on such a street for not more than eight hours within any 24-hour period while being loaded or unloaded or while its custodian is performing services for a residence or site abutting the street on which it is parked.

(b) Notwithstanding any other definition in this code, for purposes of this section the following words and phrases shall have the meanings respectively ascribed to them as follows:

(1) *Commercial vehicle.* Every motor vehicle, other than a passenger car, truck (which is covered by subsection (b)(2)), and recreational vehicle and trailer (which are regulated under section 10-4-9), which is designed or used to carry, deliver, handle or move goods, to transport one or more persons who perform services in commerce, industry or trade, or to transport more than eight persons of any age, including the driver, and which has painted or displayed upon it any sign identifying or advertising any business, commercial venture, school or passenger transport service of any kind, or is registered with the Virginia Department of Motor Vehicles, or leased by the registered owner, to a corporation, partnership, sole proprietor, other business or commercial entity or school.

(2) *Truck.* Every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds. (Code 1963, Sec. 22-105; Ord. No. 2531, 12/9/80; Ord. No. 8211, 5/18/87, Sec. 1; Ord. No. 4177, 12/16/00, Sec. 1)

Sec. 10-4-7 Parking of vehicles by businesses on streets.

(a) No person, who operates a business which services, repairs, stores or parks vehicles of other persons, or the employee or agent of any such person, shall park or cause to be parked any such vehicle upon any street.

(b) It shall be unlawful for any person who operates such a business knowingly to permit his employees or agents to park or cause to be parked such vehicles of other persons on any street in the course of their employment or agency.

(c) It shall be the duty of any person who operates such a business to inform his employees or agents that it is unlawful for them to park or cause to be parked such vehicles of other persons on any street in the course of their employment or agency. (Code 1963, Sec. 22-105.1)

Sec. 10-4-8 Parking for more than 72 continuous hours.

Unless otherwise controlled by an official sign, the parking of any vehicle in the same place on the streets of the city for more than 72 hours is prohibited; provided that this provision shall not apply to the parking of a vehicle in the same place on the streets of the city on Saturday, Sunday and holidays. (Code 1963, Sec. 22-106, as amended by Ord. No. 2406, 11/3/79, Sec. 1; Ord. No. 3080, 10/8/85, Sec. 1)

Sec. 10-4-9 Parking trailers or recreational vehicles in residential districts.

(a) Parking of trailers or recreational vehicles on the streets in a residential district of the city for more than one hour within any 24-hour period is prohibited; provided, that an unoccupied recreational vehicle may be parked on such a street from the hours of 8:00 p.m. to 6:00 a.m. on one occasion within any 48-hour period when the custodian of the vehicle is a resident of the street and is arriving or departing on a journey in the vehicle, and further provided that a recreational vehicle may be parked on such a street while loading or unloading for more than one hour but not more than six hours, which hours must be without interruption, within any 48-hour period.

(b) Notwithstanding any other definition in this code, for purposes of this section the following words and phrases shall have the meanings respectively ascribed to them as follows:

(1) *Trailer.* A residence, house car, camp car or any portable or mobile vehicle on wheels, which is used or may be used for residential, commercial, hauling or storage purposes, except any vehicle or structure which is classified as a recreational vehicle in subsection (2) of this section.

(2) *Recreational vehicle.* A transportation structure either self-propelled or capable of being towed by a passenger car, station wagon or small pickup truck, and primarily designed or constructed either to provide temporary, movable living quarters for recreational, camping or travel use or to carry equipment for such uses, but not for profit or commercial use. Recreational vehicles shall include the following and no other:

a. *Trailer, trailer coach and fifth-wheel trailer.* Vehicles constructed with integral wheels to make them mobile, that are intended to be towed by passenger cars, station wagons and/or light pickup trucks and similar motor vehicles, but not by truck tractors of any type.

b. *Camping trailer.* A type of trailer or trailer coach, the walls of which are so constructed as to be collapsible and made out of either canvas or similar cloth, or some form of rigid material such as fiberglass or plaster or metal. The walls are collapsed while the recreational vehicle is being towed, and are raised or unfolded when the vehicle becomes temporary living quarters and is not being moved.

c. *Pickup (slide-in) camper and truck cap.* Structures designed to be mounted temporarily or permanently in the beds of light trucks, with the trucks having either single or double rear wheels and with or without an assisting, extra tag axle and wheels mounted either on the camper chassis or the truck chassis behind the truck's rear wheels. These campers can be readily demounted from the truck bed.

d. *Chassis mount, motorhome and mini-motor home.* Recreational structures constructed integrally with a truck or motor van chassis and incapable of being separated therefrom. The truck or motor van chassis may have single or double rear wheels.

e. *Converted and chopped vans.* Structures which are created by permanently altering or changing an existing auto van to make it into a recreational vehicle meeting the requirements of the first paragraph of subsection (2).

f. *Boat, motorcycle, utility or snowmobile trailer.* A vehicle on which a boat, motorcycle, snowmobile or other recreational, camping or travel equipment may be transported and which is towable by a passenger car, station wagon, pickup truck or mobile recreational vehicle as defined in d. and e. above.

g. *Boat.* A transportation structure used or capable of being used as a means of transportation on water. A boat placed on a boat trailer shall constitute one recreational vehicle. (Code 1963, Sec. 22-106.1)

Sec. 10-4-10 Parking on sidewalk.

No motor vehicle shall be parked upon any portion of a street designated or used as a sidewalk or walkway area. (Code 1963, Sec. 22-107)

Sec. 10-4-11 Parking in alleys or courts.

Parking of any vehicle in any alley or court in the city is prohibited unless expressly permitted by and in accordance with an official sign. (Code 1963, Sec. 22-108)

Sec. 10-4-12 Parking on private property.

No person shall park a motor vehicle, trailer or semitrailer, or any part thereof, upon the private property of any other person without the express or implied consent of the owner of the property. Any person violating this section shall be guilty of a traffic infraction and shall be punished by a fine of not more than $100. (Ord. No. 3321, 9/24/88, Sec. 1)

Sec. 10-4-13 Stopping for purpose of repairs, etc.

(a) Except as necessitated by an emergency, no person shall perform any repair or maintenance work, including the removal or addition of any fluids, upon a motor vehicle that is stopped or parked on any street, whether public or private, or within any public park, wildlife sanctuary or city-owned parking lot.

(b) A person violating any provision of this section shall be guilty of a traffic infraction and shall be punished by a fine of not more than $100. (Code 1963, Sec. 22-109; Ord. No. 2965, 9/15/84, Sec. 1; Ord. No. 3765, 12/17/94, Sec. 1; Ord. No. 4931, 3/14/15, Sec. 1)

Sec. 10-4-14 Use of bus stops.

No person, except as hereinafter provided, shall stop, stand or park a vehicle other than a bus in a bus stop, when such bus stop has been officially designated and appropriately signed. The driver of a passenger vehicle may stop temporarily therein for the purpose of and while actually engaged in loading or unloading passengers. The driver of a taxicab may stop temporarily in a bus stop for the purpose of and while actually engaged in loading or unloading passengers, and not for the purpose of soliciting passengers. The driver of a United States mail truck may stop temporarily in a bus stop for the purpose of an while actually engaged in collecting mail from a mailbox placed adjacent to the bus stop; provided, that such collection is made according to the then current and official time schedule of the United States Postal Service. (Code 1963, Sec. 22-110)

Sec. 10-4-15 Stopping for loading or unloading passengers or cargo generally.

No truck or bus or part thereof, other than a school bus transporting school children, when discharging children who must cross the street, shall be stopped on the traveled portion of any street for the purpose to taking on or discharging passengers for cargo unless the operator cannot leave the traveled portion of the street with safety. A school bus stopping on the street shall be stopped at a point where it can be clearly seen from both directions. (Code 1963, Sec. 22-111)

Sec. 10-4-16 Permit for parking truck beside railroad car on public right-of-way.

It shall be unlawful to park any truck beside a railroad car parked on any pubic right-of-way without a special permit from the director of transportation and environmental services, which permit shall be issued only in cases of extreme hardship and physical necessity for the purpose of loading or unloading. (Code 1963, Sec. 22-112)

Sec. 10-4-17 Angle parking for loading and unloading.

All vehicles and other type of mobile equipment when loading and unloading shall park at an angle of 45 degrees or less from the curb line and when practical they shall park parallel to the curb. In cases of extreme hardship a special permit, which will allow parking at an angle exceeding 45 degrees at a specific location only, may be secured from the traffic and parking board. Such special permits shall be issued to the property owner affected and not to drivers and shall be displayed upon the request of any police officer. (Code 1963, Sec. 22-113)

Sec. 10-4-18 Use of loading zones.

No person shall stop or park a vehicle in a loading zone except for the immediate and continuous unloading and delivery or pickup and loading of materials from or to a truck or of passengers from or to a passenger vehicle during hours when such zones are restricted to parking for loading purposes. (Code 1963, Sec. 22-114)

Sec. 10-4-19 reserved.

Editorial Note: Ord. No. 4006, § 2, adopted June 13, 1998, repealed § 10-4-19, which pertained to parking in spaces reserved for handicapped persons. See the Ordinance Comparative Table.

Sec. 10-4-20 Presumption as to owner of illegally parked vehicle.

In any prosecution charging a violation of any regulation of the city governing the standing or

parking of a vehicle, proof that the particular vehicle involved in the stated offense was parked in violation of such regulation, together with proof that the defendant named in the summons or warrant was, at the time of such standing or parking, the registered owner of the vehicle, shall constitute, in evidence, a prima facie presumption that the registered owner of such vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred. (Code 1963, Sec. 22-115)

Sec. 10-4-21 Conditions precedent to issuance of warrant for violation of parking provisions.

Before any warrant shall issue for the prosecution of a violation under this chapter, the violator shall have first been notified by registered or certified mail at his last known address or at the address shown for the violator on the records of the division of motor vehicles, that he may pay the fine, provided by law for such violation, within five days of receipt of the notice, and the officer issuing the warrant shall be notified that the violator has failed to pay the fine within such time. The notice to the violator, required by the provisions of this section, shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped or printed on the face thereof in type at least one-half inch in height. (Code 1963, Sec. 22-115.1)

Sec. 10-4-22 How meter and space to be used; how pay station and space to be used.

(a) When any vehicle shall be parked in any metered space, in accordance with the provisions of this chapter, the operator of such vehicle shall, upon entering such parking space, immediately deposit or cause to be deposited the proper coin or coins of the United States in the parking meter, and when required by directions on a meter, the operator shall also set or cause to be set in operation the timing mechanism on the meter in accordance with directions, and the parking space may then be used by a vehicle during the parking period purchased by the proper coin or coins deposited in accordance with the provisions of this section and this chapter. Any person placing a vehicle in a parking space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin as long as his occupancy of such space does not exceed the indicated unused parking time.

(b) When any vehicle shall be parked in any pay station space, in accordance with the provisions of this chapter, the operator of such vehicle shall, upon entering such parking space, immediately deposit or cause to be deposited the proper coin or coins of the United States or other authorized payment in the parking pay station, the operator shall place the parking pay station receipt in the front window of the vehicle in an unobstructed location or in vehicles with no front window in another conspicuous location, and the parking space may then be used by a vehicle during the parking period purchased by the proper coin or coins or other authorized payment deposited in accordance with the provisions of this section and this chapter. (Code 1963, Sec. 22-128; Ord. No. 4772, 6/26/12, Sec. 3)

Cross Reference: Parking meters administered by department of transportation and environmental services, Sec. 5-8-91, et seq.

Sec. 10-4-23 Overtime parking.

It shall be unlawful for the operator of any vehicle or for any person in whose name a vehicle is registered to cause, allow, permit or suffer any such vehicle to be parked overtime in any parking meter or pay station space. (Code 1963, Sec. 22-129; Ord. No. 4772, 6/26/12, Sec. 4)

Sec. 10-4-24 Depositing coin or payment in meter or pay station for purpose of extending time.

It shall be unlawful for any person to deposit or cause to be deposited in a parking meter or parking pay station a coin or coins or other authorized payment for the purpose of extending the parking time beyond maximum limits specified in sections 5-8-93 and 5-8-116 of this code. (Code 1963, Sec. 22-130; Ord. No. 4772, 6/26/12, Sec. 5)

Sec. 10-4-25 Permitting vehicle to remain parked at meter after expiration of time limit; permitting vehicle to remain parked in block with pay station after expiration of time limit.

(a) It shall be unlawful for any person to permit a vehicle to remain or be placed in any parking space alongside of or next to which any

parking meter is placed while the meter is displaying a signal showing that the vehicle shall have been already parked beyond the time for which a coin has been deposited.

(b) It shall be unlawful for any person to permit a vehicle to remain or be placed in any parking space in the same block as any pay station while the pay station receipt indicates that the vehicle shall have been already parked beyond the time for which a coin or other authorized payment has been deposited.

(c) It shall be unlawful for any person to permit a vehicle to remain or be placed in any parking space with a meter or in the same block as any pay station where the payment has been made through a "pay by phone" or other technology-based parking payment system beyond the time for which authorized payment has been made. (Code 1963, Sec. 22-131; Ord. No. 4772, 6/26/12, Sec. 6; Ord. No. 4859, 2/22/14, Sec. 4)

Sec. 10-4-26 Use of slugs, etc., in meters or pay station.

It shall be unlawful for any person to deposit or cause to be deposited in any parking meter or pay station any slug, device or metallic substance, or any other substitute for a coin of the United States. Any person violating this section shall, upon conviction, be punished as provided in section 10-1-19 of this code. (Code 1963, Sec. 22-132; Ord. No. 4772, 6/26/12, Sec. 7)

State Law Reference: Fraudulent use of parking meters, Code of Va. Secs. 18.2-179, 18.2-180.

Sec. 10-4-27 Injuring or tampering with meters or pay stations.

It shall be unlawful for any person willfully to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter or pay station. Any person violating this section shall, upon conviction, be punished as provided in section 10-1-19 of this code. (Code 1963, Sec. 22-133; Ord. No. 4772, 6/26/12, Sec. 8)

Sec. 10-4-28 Parking across lines designating parking space.

It shall be unlawful for any person to park any vehicle across any line or marking designating a parking space. (Code 1963, Sec. 22-134)

Sec. 10-4-29 Deposit in meters and pay stations levied as police regulation and inspection fee.

The coins or other authorized payment required to be deposited as provided in this chapter are hereby levied as police regulation and inspection fees to cover the cost of inspection and regulation involved in the inspection, installation, operation, control and use of the parking spaces and parking meters and pay stations described in this chapter and involved in regulating the parking of vehicles in the parking meter zones and pay station zones and lots created by this code. (Code 1963, Sec. 22-135; Ord. No. 4772, 6/26/12, Sec. 9)

Cross Reference: Parking meter zones and lots established, Title 5, Ch. 8, Art. G.

Sec. 10-4-30 Interfering with enforcement of chapter.

(a) It shall be unlawful to erase, remove or cover up any chalk mark placed for identification purposes upon any vehicle by any parking enforcement officer enforcing the provisions of this chapter or title 5, chapter 8 without removing such vehicle from a parking space in such a manner that the space is completely vacated by that vehicle.

(b) It shall be unlawful for any person to remove or destroy any ticket or record of any violation of the sections of this chapter. (Code 1963, Sec. 22-136; Ord. No. 2672, 3/13/82, Sec. 1)

Editorial Note: Ord. No. 2672, § 1, adopted March 13, 1982, added § 22-115.2 to the 1963 Code, said section to be entitled "Interfering with enforcement of chapter." At the editor's discretion, said section has been codified as paragraph (a) of § 10-4-30. Paragraph (b) derives from § 22-136 of the 1963 Code.

Sec. 10-4-31 reserved.

Editorial Note: Section 3 of Ord. No. 2888, adopted Dec. 19, 1983, repealed § 10-4-31, concerning the penalty for violation of Ch. 4, as derived from Sec. 22-137 of Code 1963.

Sec. 10-4-32 reserved.

Editorial Note: Section 5 of Ord. No. 4859, adopted Feb. 22, 2014, repealed § 10-4-32, concerning tourist parking permits, as derived from Sec. 22-137.1 of Code 1963; and Ord. No. 3602, Sec. 4, adopted Nov. 14, 1992.

Sec. 10-4-33 Use of metered parking lots by vehicles other than private passenger automobiles.

It shall be unlawful for any vehicle other than a private passenger automobile to be parking or placed or in any parking space on a metered parking lot as provided in this chapter. (Code 1963, Sec. 22-149)

Sec. 10-4-34 Unlawful parking in permit parking district.

It shall be unlawful to park a vehicle in a permit parking district in violation of article F, chapter 8, title 5 of this code (section 5-8-71, et seq.). (Ord. No. 2692, 6/12/82, Sec. 1; Ord. No. 2888, 12/19/83, Sec. 2; Ord. No. 3574, 5/16/92, Sec. 5; Ord. No. 3600, 11/14/92, Sec. 3)

Sec. 10-4-35 Parking in two-hour parking zones in the central business district.

No person shall park a vehicle during the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, within any block for more than two consecutive hours in blocks which have two-hour parking limits designated by official signs posted on that block or a portion thereof within the central business district described in section 7-6-74 of this code. (Ord. No. 2791, 4/16/83, Sec. 1)

Sec. 10-4-36 Removal of chalk mark placed for enforcement purposes.

It shall be unlawful to erase, remove or cover up any chalk mark placed for identification purposes upon any vehicle by any parking enforcement officer enforcing the provisions of this chapter without removing such vehicle from a parking space in such a manner that the space is completely vacated by that vehicle from that side of the street within that same block. (Ord. No. 2791, 4/16/83, Sec. 2)

Sec. 10-4-37 Failure to procure and display city license plate, windshield tag or decal.

It shall be unlawful for any person required to procure and display a city license plate, windshield tag or decal upon a motor vehicle, trailer or semitrailer, as specified in article R, chapter 2, title 3 of this code, to operate or park said vehicle, trailer or semitrailer, or to permit or cause said vehicle, trailer or semitrailer to be operated or parked, at any location in the city, without having procured and displayed the required plate, tag or decal upon the vehicle, trailer or semitrailer. This section may be enforced through the issuance of citations, summonses, parking tickets or uniform traffic summonses. A violation of this section shall

not be discharged unless payment of the requisite fine is accompanied by satisfactory evidence that the required license plate, windshield tag or decal has been obtained. (Ord. No. 2967, 9/15/84, Sec. 1; Ord. No. 3679, 11/13/93, Sec. 1; Ord. No. 3721, 5/14/94, Sec. 1)

Sec. 10-4-37.1 Enforcement of the Northern Virginia Local Motor Vehicle License Compact.

Pursuant to section 46.2-752(K) of the Code of Virginia (1950), as amended, and the Northern Virginia Local Motor Vehicle License Compact entered into by the city and the counties of Fairfax, Arlington and Loudoun and the cities of Fairfax and Falls Church, and the town of Herndon ("Participating Jurisdictions"):

(a) It shall be unlawful for any person required by any Participating Jurisdiction to procure and display a local motor vehicle license to operate or park the unlicensed motor vehicle at any location in the city, without having procured the required license and displayed it upon the vehicle.

(b) Any vehicle exempt in all of the Participating Jurisdictions from imposition of the license tax under section 46.2-755(A) of the Code of Virginia (1950), as amended, is exempt from the provisions of this section.

(c) A violation of this subsection shall not be discharged unless payment of the requisite fine is accompanied by satisfactory evidence that the required license has been obtained. (Ord. No. 3871, 6/15/96, Sec. 7; Ord. No. 3954, 10/25/97, Sec. 3)

Sec. 10-4-38 Parking without display of current state inspection sticker or current state license plate.

It shall be unlawful for any person to park any motor vehicle, trailer or semitrailer controlled by him upon the streets of this city unless the motor vehicle is currently inspected and licensed in accordance with the provisions of the motor vehicle laws of the jurisdiction in which the vehicle is licensed. (Ord. No. 3080, 10/8/85, Sec. 2)

Sec. 10-4-39 Temporary parking prohibited.

(a) It shall be unlawful to park a vehicle on the streets of this city in violation of temporary no parking provisions. When parking is temporarily prohibited under this section, the director of transportation and environmental services shall direct to be posted temporary no-parking signs which shall be of such character as to inform a readily observant person of the existence of such temporary no-parking regulations.

(b) The city manager is hereby authorized and directed to promulgate regulations to control the posting of temporary no parking signs so as to avoid pedestrian or vehicular delays or disruption due to the use and operation of city streets, bridges, alleys, tracks, poles, wires, cables, pipes, conduits, subways, or vaults or other rights-of-way for any of the following purposes:

(1) construction;
(2) repairs and maintenance;
(3) funerals;
(4) parades;
(5) city-permitted neighborhood events; and
(6) other purposes required for the daily operation of city transportation and environmental services.

Such rules and regulation shall designate the types of activities for which such temporary no-parking signs shall apply and shall prescribe the time when such restrictions shall be in effect. (Ord. No. 3080, 10/8/85, Sec. 3)

Sec. 10-4-40 Location of parked vehicles.

No person shall park a motor vehicle on any street except close to and parallel to the right curb or the right edge of the roadway; provided, that a vehicle may be stopped close to and parallel to the left curb or left edge of the roadway on one-way streets and may be parked at an angle to a curb or roadway edge where permitted by proper authority and where the space is clearly marked for such parking. (Ord. No. 3402, 9/16/89, Sec. 91)

Sec. 10-4-41 Parking prohibited at certain locations.

No person shall park a motor vehicle or permit a motor vehicle to stand, whether attended or unattended, on a street in front of any part of a private driveway or, at any intersection of streets, within 20 feet from the intersection of curb lines or, if none, within 15 feet of the intersection of the surfaced portions of the streets. (Ord. No. 3402, 9/16/89, Sec. 92)

Sec. 10-4-42 Parking prohibited near fire hydrant, etc.

No person shall park a motor vehicle or permit a motor vehicle to stand, whether attended or unattended, in a fire lane or on a street within 15 feet of a fire hydrant or of an entrance to a fire

station or to a plainly designated building housing rescue squad equipment or an ambulance. For purposes of this section, the term "fire lane" refers to an area designated as such in accordance with section F-313.0 of the Virginia Statewide Fire Prevention Code. (Ord. No. 3402, 9/16/89, Sec. 93)

Sec. 10-4-43 reserved.

Editorial Note: Section 4 of Ord. No. 3600, adopted Nov. 14, 1992, repealed § 10-4-43, which pertained to unlawful parking in designated areas within a permit parking district. See the Ordinance Comparative Table.

Sec. 10-4-44 Parking prohibited in HOV lane.

(a) It shall be unlawful for the operator of any vehicle, or for any person in whose name a vehicle is registered, to cause, allow, permit or suffer a vehicle to park, stop or stand in a commuter lane designated for the exclusive use of buses and high occupancy vehicles pursuant to section 10-3-2 of this code, on the days and during the hours specified in section 10-3-2 or in the resolution designating the commuter lane, as the case may be, for the exclusive use of such lane by buses and high occupancy vehicles.

(b) The provisions of article S of chapter 2, title 3 of this code shall be applicable to the payment, contest and enforcement of parking citations issued for violation of this section; provided, however, that the penalty for the violation of this section, when the citation which was issued for the violation is uncontested, and payment is tendered to the director of finance within 30 calendar days from the date the citation was issued, shall be $200. (Ord. No. 4201, 5/12/01, Sec. 1; Ord. No. 4597, 6/13/09, Sec. 3)

CHAPTER 5

Protection of Pedestrians

State Law Reference: Code of Va., Sec. 46.1-230 et seq.

§ 10-5-1	Playing on streets and sidewalks—generally.
§ 10-5-2	Same—roller skating.
§ 10-5-3	reserved.
§ 10-5-4	Obedience to traffic signs.
§ 10-5-5	Pedestrian "walk-and-wait" signals; penalty for violation.

Sec. 10-5-1 Playing on streets and sidewalks—generally.

No person shall play on a street, other than upon the sidewalks thereof, within the city, or use in play thereon roller skates, coasters or any similar vehicle or toy or other article on wheels or runners, except bicycles, tricycles and motorcycles, except in such areas as may be especially designated for that purpose pursuant to section 10-2-29 of this code. (Code 1960, Sec. 22-158)

Sec. 10-5-2 Same—roller skating.

It shall be unlawful for any person over the age of 10 years to use any sidewalk within the city for the purpose of roller skating in any form. It shall be unlawful for any person to use any part of any street upon which there is now any electric or steam railway track or the sidewalks along such streets for the purpose of roller skating in any form. It shall be unlawful for any person upon roller skates to catch hold of or allow himself to be drawn along by any wagon, automobile or other vehicle of any kind on the streets of the city. It shall be unlawful for any person to skate backwards on any street, or for more than two persons to skate hand in hand or arm in arm or otherwise holding together, on any street in the city. (Code 1963, Sec. 22-159)

Sec. 10-5-3 reserved.

Editorial Note: Section 3 of Ord. No. 2888, adopted Dec. 19, 1983, repealed § 10-6-3, which specified a penalty for violation of §§ 10-5-1 and 10-5-2. Said section bore no history note.

Sec. 10-5-4 Obedience to traffic signs.

Pedestrians shall obey signs and signals erected on the streets and shall obey the orders of police officers engaged in directing travel and traffic on

such streets. Any person convicted of violating this section shall be fined not more than $5 for each separate offense. (Code 1963, Sec. 22-165)

Sec. 10-5-5 Pedestrian "walk-and-wait" signals; penalty for violation.

(a) Whenever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place, these signals shall indicate as follows:

(1) "*Walk*." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles, except authorized emergency vehicles.

(2) "*Wait*" or "*Don't Walk*." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "Walk" signal may proceed to a sidewalk or safety zone while the "Wait" or "Don't Walk" signal is showing.

(b) Any pedestrian convicted of violating this section shall be fined not more than $5. (Code 1963, Sec. 22-166)

CHAPTER 6

Maximum Size and Weight; Combinations of Vehicles

Cross References: Reduction of limits, Sec. 5-8-151; permits to exceed limits, Sec. 5-8-152.

§ 10-6-1	Width of vehicles.
§ 10-6-2	Height.
§ 10-6-3	Length of vehicles generally; special permits.
§ 10-6-4	Extension of loads beyond sides.
§ 10-6-5	Trailers and towed vehicles.
§ 10-6-6	Connections between vehicles—generally.
§ 10-6-7	Same—in case of breakdown.
§ 10-6-8	Weight of vehicles and loads.
§ 10-6-9	Crossing bridge or culvert by vehicle heavier than allowed thereon; where weight signs to be erected.
§ 10-6-10	Penalty for violation of two preceding sections.
§ 10-6-11	Liquidated damages for violation of rate limits; powers of enforcement officers; forfeiture of vehicle and cargo; charges additional to other liability.
§ 10-6-12	Weighing vehicles; procedure; unloading excess load.
§ 10-6-13	Size limitations inapplicable to farm machinery and fire-fighting equipment.

Sec. 10-6-1 Width of vehicles.

No vehicle, including any load thereon, but excluding the required mirror, shall exceed a total outside width as follows:

(1) farm tractor—108 inches,

(2) passenger bus—102 inches, and

(3) other vehicles—96 inches, except that school buses shall be 100 inches while in motion and 118 inches when stopped to pick up or discharge students. (Code 1963, Sec. 22-212, as amended by Ord. No. 2388, 6/26/79, Sec. 1)

Sec. 10-6-2 Height.

(a) No vehicle unladen or with load, shall exceed a height of 13 feet six (6) inches.

(b) Nothing contained in this section shall be construed to require either the public authorities or railroad companies to provide vertical clearances of overhead bridges or structures in excess of 12 feet six (6) inches, or to make any changes in the vertical clearances of existing overhead bridges or structures crossing streets. The operator or owner of vehicles operating on streets shall be held financially responsible for any damage to overhead bridges or structures that results from collisions therewith.

(c) The operator or owner of any vehicle colliding with an overhead bridge or structure shall notify immediately, either in person or by telephone, the public authority, or railroad company, owning or maintaining the overhead bridge or structure, or a police officer, of the fact of such

collision, and his name, address, operator's or chauffeur's license number, and the registration number of his vehicle. Failure to give such notice immediately, either in person or by telephone, shall constitute a misdemeanor.

(d) On any highway on which there is an overhead bridge or structure having a vertical clearance of less than 13 feet six (6) inches, the commissioner of the department of highways shall cause to be erected no less than two (2) signs setting forth the height of the bridge or structure, such signs to be located at least 1,500 feet ahead of such bridge or structure. (Code 1963, Sec. 22-213)

Sec. 10-6-3 Length of vehicles generally; special permits.

No motor vehicle exceeding a length of 40 feet shall be operated upon a street of this city. The actual length of any combination of vehicles coupled together including any load thereon shall not exceed a total of 55 feet, and no tolerance shall be allowed that exceeds 12 inches thereon; provided, however, that the state highway commission, when good cause is shown, may issue a special permit for combinations in excess of 55 feet including any load thereon, where the object of objects to be carried cannot be moved otherwise; and provided further that vehicles designed and used exclusively for the transportation of motor vehicles may have an additional load overhang not to exceed five (5) feet; provided further, that in an emergency as defined in section 10-6-8 the towing of disabled vehicles which cannot be separated for safety, physical or mechanical reasons and which exceed 55 feet in length shall be permissible for the purpose of towing any vehicle to the nearest facility which can make the necessary repairs but not more than 50 miles from the point the vehicle was disabled; and provided further, that passenger busses may exceed the 40 foot limitation when the excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. The safety bumper shall not cause the length of the bus to exceed the maximum legal limit by more than one (1) foot in the front and one (1) foot in the rear. "Safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated or manufactured so that it absorbs energy upon impact. (Code 1963, Sec. 22-214, as amended by Ord. No. 2388, 6/26/79, Sec. 2)

Sec. 10-6-4 Extension of loads beyond sides.

No vehicle shall carry any load extending more than six (6) inches beyond the line of the fender or body; provided, that the load shall not exceed a total outside width of 102 inches, except that it shall be lawful for watercraft carried on vehicles to extend more than six (6) inches beyond the body of a motor vehicle provided that the total width of watercraft and its carrier does not exceed 76 inches. (Code 1963, Sec. 22-216, as amended by Ord. No. 2388, 6/26/79, Sec. 3)

Sec. 10-6-5 Trailers and towed vehicles.

No motor vehicle shall be driven upon a street drawing or having attached thereto more than one (1) motor vehicle, trailer or semitrailer, unless the vehicle is being operated under a special permit from the state highway and transportation commission, but this limitation shall not apply between sunrise and sunset to such farm trailers or semitrailers being moved from one (1) farm to another farm owned or operated by the same person within a radius of 10 miles, provided that this limitation shall not apply to a combination of vehicles coupled together by a saddle mount device used to transport motor vehicles in a drive-away service from factory to dealer when not more than two (2) saddle mounts are used or when three (3) saddle mounts are used not exceeding 60 feet in length when the motor vehicle is being operated on the interstate system of highways or is en route from its point of departure to the interstate system of highways, and such use is in conformity with safety regulations adopted by the chief of police; and provided further, that, in an emergency as defined in section 10-6-8, the towing of disabled vehicles which cannot be separated for safety, physical or mechanical reasons and which exceed 55 feet in length shall be permissible for the purpose of towing any such vehicle to the nearest facility which can make the necessary repairs but not more than 50 miles from the point such vehicle became disabled. (Code 1963, Sec. 22-217, as amended by Ord. No. 2388, 6/26/79, Sec. 4)

Sec. 10-6-6 Connections between vehicles—generally.

The connection between any two (2) vehicles one of which is towing or drawing the other on a street shall consist of a fifth wheel, drawbar or other similar device not to exceed 10 feet in length from one (1) vehicle to the other and such two (2) vehicles shall in addition to the drawbar or other similar device be equipped at all times when so

operated on the street with an emergency chain. (Code 1963, Sec. 22-218)

Sec. 10-6-7 Same—in case of breakdown.

The provisions of the preceding section shall not apply in case of a bona fide emergency resulting from a mechanical breakdown or an accident when the vehicle is being towed to the nearest garage or repair shop which can furnish the required service. In such case the connection may consist solely of a chain, rope or cable of not over 15 feet in length between vehicles; provided that a licensed operator shall be at the controls of the towed vehicle to brake, steer and control the lights thereof and that there shall be displayed upon the center of the connection a red flag or cloth not less than 12 inches both in length and width or, if the emergency towing is being done at night, in lieu of a red flag or cloth there shall be displayed a lighted red lamp or lighted lantern. (Code 1963, Sec. 22-219, as amended by Ord. No. 2388, 6/26/79, Sec. 5)

Sec. 10-6-8 Weight of vehicles and loads.

(a) The maximum gross weight and axle weight to be permitted on the road surface of any highway shall be in accordance with the provisions of this section.

(b) For the purpose of this section, the following definitions will apply:

(1) *Single axle.* An assembly of two (2) or more wheels whose centers are in one (1) transverse vertical plane or may be included between two (2) parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

(2) *Tandem axle.* Any two (2) or more consecutive axles whose centers are more than 40 inches but not more than 84 inches apart, and are individually attached to and/or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles.

(3) *Single axle weight.* The total weight transmitted to the road by all wheels whose centers may be included between two (2) parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

(4) *Tandem axle weight.* The total weight transmitted to the road by two (2) or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more then 40 inches and not more than 84 inches apart, extending across the full width of the vehicle.

(5) *Group of axles.* All of the axles located under a vehicle or combination.

(c) The single axle weight of any vehicle or combination shall not exceed 20,000 pounds, nor shall it exceed 650 pounds per inch, width of tire, measured in contact with the surface of the highway. The tandem axle weight of any vehicle or combination shall not exceed 34,000 pounds, and no one (1) axle of such tandem unit shall exceed the weight permitted for a single axle. Furthermore, the weight imposed upon the highway by two (2) or more consecutive axles, individually attached to the vehicle and spaced not less than 40 inches nor more than 84 inches apart, shall not exceed 34,000 pounds and no one (1) axle of such unit shall exceed the weight permitted for a single axle.

(d) The gross weight imposed upon the streets of the city by a vehicle or combination shall not exceed the maximum weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet between the extremes of any groups of axles	Maximum weight in pounds on any group of axles			
	2 axles	3 axles	4 axles	5 axles
4	34,000			
5	34,000			
6	34,000			
7	34,000			
8	34,000	42,000		
9	39,000	42,500		
10	40,000	43,500		
11		44,000		
12		45,000	50,000	
13		45,000	50,500	
14		46,500	51,500	
15		47,000	52,000	
16		48,000	52,500	58,500
17		48,500	53,500	58,500
18		49,500	54,000	59,000
19		50,000	54,500	60,000
20		51,000	55,500	60,500
21		51,500	56,000	61,000
22		52,500	56,500	61,500
23		53,000	57,500	62,500
24		54,000	58,000	63,000
25		54,500	58,500	64,500
26		55,500	59,500	65,000
27		56,000	60,000	65,000
28		57,000	60,500	65,500
29		57,500	61,500	66,000
30		58,500	62,000	66,500
31		59,000	62,500	67,500
32		60,000	63,500	68,000
33			64,000	68,500
34			64,500	69,000
35			65,500	70,000
36			66,000	70,500
37			66,500	71,000
38			67,500	72,000
39			68,000	72,500
40			68,500	73,000
41			69,500	73,500

Distance in feet between the extremes of any groups of axles	Maximum weight in pounds on any group of axles 2 axles	3 axles	4 axles	5 axles
42			70,000	74,000
43			70,500	75,000
44			71,500	75,500
45			72,000	76,000

(e) Motor vehicles which are registered with the division of motor vehicles or state corporation commission prior to July 1, 1956, may be permitted to operate under:

(1) the preceding paragraphs of this section in conformity therewith; or

(2) under the provisions of the statutes of this state in force on January 1, 1956, but such operation shall only be permissible during the period in which the motor vehicle remains in operating condition. When such vehicle ceases to be operable the option to operate under this provision shall terminate. All vehicles, operation of which is desired under the provisions of subsection (2) of this paragraph, shall be registered with the state department of highways and obtain a permit, without cost, to do so.

(f) The provisions of this section shall not apply to a vehicle designed for towing a disabled vehicle, when towing such vehicle in an emergency in such manner that a part of the combined weight of the two (2) vehicles rests upon an axle or axles of the towing vehicle; provided, the towed and towing vehicles each are within the weight limits prescribed above, but the provisions of this paragraph shall not be construed to permit the violation of any lawfully established load limit on any bridge. For the purpose of this section, "emergency" shall include towing disabled inoperative vehicles to places designated by owners. (Code 1963, Sec. 22-220, as amended by Ord. No. 2388, 6/26/79, Sec. 6)

Sec. 10-6-9 Crossing bridge or culvert by vehicle heavier than allowed thereon; where weight signs to be erected.

(a) No vehicle shall cross any bridge or culvert within the city if the gross weight of such vehicle is greater than the amount posted for the bridge or culvert as its carrying capacity.

(b) Signs stating the carrying capacity shall be erected and maintained near each end of the bridge of culvert on the approaches to the bridge or culvert. Whenever the weight capacity of any structure on the interstate or primary system is reduced below the weight limit permitted on the road of which it is a part, a sign indicating that there is a restricted structure must be placed in advance of the last alternate route on the road upon which there is a restricted structure. Whenever the weight capacity of any structure is reduced below the weight limit permitted on the road of which it is a part, a sign indicating that there is a restricted structure must be placed in advance of the last alternate route on the road upon which there is a restricted structure. (Code 1963, Sec. 22-221)

Sec. 10-6-10 Penalty for violation of two preceding sections.

Any violation of any provision of the preceding two (2) sections shall constitute a traffic infraction and shall be punished as provided in section 10-1-19. (Code 1963, Sec. 22-222, as amended by Ord. No. 2388, 6/26/79, Sec. 7)

Sec. 10-6-11 Liquidated damages for violation of rate limits; powers of enforcement officers; forfeiture of vehicle and cargo; charges additional to other liability.

(a) Upon conviction of any person for violation of any weight limit as provided in this chapter or in any permit issued by the director of transportation pursuant to section 5-8-152 of this code the court may, after reasonable notice, assess the owner, operator or other person causing the operation of the overweight vehicle liquidated damages, for a first violation, in the amount of two cents ($0.02) per pound for each pound of excess weight over the prescribed limit in this chapter when the excess does not exceed 2,500 pounds; the court shall, upon such conviction and after reasonable notice, assess such person liquidated damages in the amount of two cents, ($0.02) per pound for each pound of subsequent overweight violation within any three (3) year period where such second or subsequent violation is for an excess weight which is less than 25,000 pounds or in every case when the excess is greater than 2,500 pounds and does not exceed 5,000 pounds, five cents ($0.05) per pound for each pound of excess weight over the prescribed limit in this chapter when such excess is more than 5,000 pounds, two cents ($0.02) per pound for each pound of excess axle weight over the prescribed limit in any permit issued pursuant to section 5-8-152 when the excess is 5,000 pounds or less, five cents ($0.05) per pound for each pound of excess weight

over the prescribed limit in any permit issued pursuant to section 5-8-152 when such excess is more than 5,000 pounds and ten cents ($0.10) per pound for each pound of excess gross weight over the prescribed limit in any permit issued pursuant to section 5-8-152, provided, however, whenever any vehicle does not exceed the gross weight permitted according to the table provided in section 10-6-8 and exceeds the axle weight in this chapter by 2,000 pounds or less, the court shall assess liquidated damages in the amount of one cent ($0.01) per pound for each pound of excess weight over the prescribed axle limit in this chapter. Such assessment shall be entered by the court as a judgment for the city, the entry of which shall constitute a lien upon the overweight vehicle.

(b) Any police officer authorized to make arrests and weigh vehicles under the provisions of this chapter may for a period of 24 hours without a court order and thereafter upon a written order of the court either before or after conviction hold the vehicle involved in the overweight violation, provided the same is not registered with the division of motor vehicles, until the amount assessed, if after conviction, or subject to be assessed, if before conviction, together with the cost of holding or storing of the vehicle, be paid, or until a bond by or on behalf of the offending person is given for payment as the court may direct of the amount assessed or to be assessed with surety approved by the court or its clerk.

(c) In the event the amount so assessed is not paid or no bond is given as provided hereinabove, the vehicle in the overweight violation shall be stored in a place of security, as may be designated by the owner or operator of the vehicle. If no place is designated, the officer making the arrest shall designate the place of storage. The owner or operator shall be afforded the right of unloading and removing the cargo from the vehicle. The risk and cost of storage shall be borne by the owner or operator of the vehicle.

(d) If within 60 days from the time of the conviction for the overweight violation, the offending party does not pay the assessment imposed by this section, together with the cost of storing the vehicle and cargo, or if the cargo is not removed as herein provided, the vehicle and cargo shall be forfeited to the city and sold to satisfy the assessment and cost of storage.

(e) Upon receipt of a copy of the judgment entered for such assessment and notification of the failure of such person to pay the amount assessed, together with the payment of cost of holding such vehicle under this section, the department of transportation or the police department may thereafter deny the offending person the right to operate a motor vehicle or vehicles upon the streets of the city until such assessment has been paid.

(f) The police department is vested with the same powers with respect to the enforcement of this section as it has with respect to the enforcement of the criminal laws of the city.

(g) The charge hereinabove specified shall be in addition to any other liability which may be legally fixed against such owner or operator for damage to a highway or bridge attributable to such weight violation. (Code 1963, Art. IX, Ch. 22, as amended by Ord. No. 2388, 6/26/79, Sec. 8)

Sec. 10-6-12 Weighing vehicles; procedure; unloading excess load.

(a) Any officer authorized to enforce the law under this chapter having reason to believe that the weight of a vehicle and load is unlawful, is authorized to weigh the same by the use of loadometers or other equipment of equal accuracy. Any operator who fails or refuses to drive his vehicle upon such loadometers or similar equipment upon the request and direction of the officer shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than two dollars ($2.00) nor more than $100 dollars, which penalty shall be in addition to any other penalties prescribed for exceeding the maximum weight permitted or for any other violation. Should the officer find that the weight of any vehicle and its load is greater than that permitted by this chapter or that the weight of the load carried in or on such vehicle is greater than that which the vehicle is licensed to carry under the provisions of this chapter, he may require the driver to unload, at the nearest place where the property unloaded may be stored or transferred to another vehicle, such portion of the load as may be necessary to decrease the gross weight of the vehicle to the maximum therefor permitted by this chapter. Any property so unloaded shall be stored or cared for by the owner or operator of the overweight vehicle at the risk of the owner or operator.

(b) In any court or legal proceedings in which any question arises as to the calibration or accuracy of any such scales at permanent weighing stations or loadometers, a certificate, executed and signed under oath by the inspector calibrating or testing such device as to its accuracy as well as to the accuracy of the test weights used in the test,

and stating the time of the test, type of test and results of testing, shall be admissible when attested by one inspector who executed and signed it as evidence of the facts therein stated and the results of such testing.

(c) If the driver of an overloaded vehicle is convicted, forfeits bail or purchases an increased license as a result of such weighing, the court, in addition to all other penalties, shall assess and collect a weighing fee of $2 from the owner or operator of the vehicle and shall forward such fee to the director of finance. Upon receipt of the fee, the director of finance shall allocate the same to the fund appropriated for the maintenance of the police department. (Code 1963, Sec. 22-225, as amended by Ord. No. 2388, 6/27/79, Sec. 11)

Sec. 10-6-13 Size limitations inapplicable to farm machinery and fire-fighting equipment.

The limitations upon size of vehicle prescribed in sections 10-6-1 through 10-6-12 of this chapter shall not apply to farm machinery, other than farm tractors, when such farm machinery is temporarily propelled, hauled, transported or moved upon the street by a farm machinery distributor or dealer or by a farmer in the ordinary course of business, not to fire-fighting equipment of any county, city, town or fire-fighting company or association. (Code 1963, Sec. 22-226)

CHAPTER 7

Bicycles

§ 10-7-1	reserved.
§ 10-7-2	reserved.
§ 10-7-3	reserved.
§ 10-7-4	Non-roadway bicycle routes; duties of riders.
§ 10-7-5	Definitions.
§ 10-7-6	Manner of operating on roadway.
§ 10-7-7	reserved.
§ 10-7-8	Passengers.
§ 10-7-9	Riding abreast.
§ 10-7-10	Parking.
§ 10-7-11	Safety equipment.
§ 10-7-12	Bicycle helmets.

Sec. 10-7-1 reserved.

Editorial Note: Ord. No. 4823, § 1, adopted June 25, 2013, repealed § 10-7-1 which pertained to registration and license tags and fees and derived from § 6-1 of the 1963 Code.

Sec. 10-7-2 reserved.

Editorial Note: Ord. No. 4823, § 1, adopted June 25, 2013, repealed § 10-7-2 which pertained to owner's report of change of ownership, etc., and derived from § 6-2 of the 1963 Code.

Sec. 10-7-3 reserved.

Editorial Note: Ord. No. 4835, § 1, adopted Oct. 19, 2013, repealed § 10-7-3 which pertained to reports required of bicycle dealers and derived from § 6-3 of the 1963 Code; and Ord. No. 4823, § 1, adopted June 25, 2013.

Sec. 10-7-4 Non-roadway bicycle routes; duties of riders.

Unless designated by signage prohibiting such conduct, persons may ride a bicycle upon any sidewalks located within the city, subject to the following conditions

(a) A person riding a bicycle on a sidewalk or shared-use path shall yield the right-of-way to any pedestrian and shall give an audible signal, either verbally or by the use of a bell or other device capable of giving a signal audible for a distance of 100 feet, before overtaking and passing any pedestrian.

(b) A person riding a bicycle on a sidewalk or shared-use path shall have all the rights and duties of a pedestrian under the same circumstances.

(c) The foregoing sections shall not apply to bicycles operated by police officers in the course of their law enforcement duties.

(d) Bicycling on the sidewalk shall be prohibited in King Street/Union Street Commercial Zone. This zone is on King Street, from West Street east to the Potomac River, and on Union Street, between Prince Street and Cameron Street.

(e) The designation of additional zones within which riding bicycles on the sidewalk is prohibited shall be determined by the director of transportation & environmental services after consultation with the chief of police and a public hearing before and recommendation from the traffic & parking board, pursuant to criteria to be promulgated by the director of transportation and environmental services. (Code 1963, Sec. 6-4; Ord. No. 3588, 6/13/92, Sec. 1; Ord. No. 4823, 6/25/13, Sec. 1)

Sec. 10-7-5 Definitions.

The following words, when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) *Bicycle.* A device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached hereto, having two or more wheels in tandem, including children's bicycles except a toy vehicle intended for use by young children. A bicycle is a vehicle when operated on the roadway.

(2) *Roadway.* That portion of a street or highway improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term "roadway" shall refer to any roadway separately but not to all roadways collectively.

(3) Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(4) *Shared-use path.* A bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the roadway right-of-way or within a separate right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chair conveyances, joggers, and other nonmotorized users.

(5) *Bike lane.* That portion of a street designed and used for bicycle travel. (Code 1963, Sec. 6-4.1; Ord. No. 4823, 6/25/13, Sec. 1)

Sec. 10-7-6 Manner of operating on roadway.

Every person riding a bicycle upon a roadway has all rights and is subject to all the duties applicable to the driver of a motor vehicle except those provisions which by their very nature can have no application or to the extent that different rights and restrictions are expressly imposed by this chapter or applicable state law. (Code 1963, Sec. 6-4.2; Ord. No. 4823, 6/25/13, Sec. 1)

Sec. 10-7-7 reserved.

Editorial Note: Ord. No. 4823, § 1, adopted June 25, 2013, repealed § 10-7-7 which pertained to brakes, lights, etc. as prerequisite to registration. etc., and derived from § 6-5 of the 1963 Code.

Sec. 10-7-8 Passengers.

No bicycle operated in the city shall be used to carry more persons at one time than the number of persons for which it is designed and equipped. (Code 1963, Sec. 6-6)

Sec. 10-7-9 Riding abreast.

Persons riding bicycles upon roadways, may ride two abreast so long as they do not impede traffic. Persons riding bicycles may not ride more than two abreast. (Code 1963, Sec. 6-7; Ord. No. 4823, 6/25/13, Sec. 1)

Sec. 10-7-10 Parking.

No person shall park a bicycle in the city in a manner that unreasonably impedes pedestrian or vehicular traffic on a public roadway, shared-use path or sidewalk. (Code 1963, Sec. 6-8; Ord. No. 4823, 6/25/13, Sec. 1)

Sec. 10-7-11 Safety equipment.

Front white light and red rear reflector lights are required on bicycles ridden between sunset and sunrise as required by state law. (Code 1963, Sec. 6-9; Ord. No. 4823, 6/25/13, Sec. 1)

Sec. 10-7-12 Bicycle helmets.

(a) *Requirement.* Every person 14 years of age or younger shall wear a protective helmet when riding or being carried on a bicycle on any roadway, sidewalk or public shared-use path within the city. For the purpose of this section, "protective helmet" shall refer to any helmet that meets the Consumer Product Safety Commission standard.

(b) *Civil penalty.* The parents of any person who violates this section shall be, jointly and severally, liable for a civil penalty. For each such violation, the parents of the violator shall be liable for a penalty of $25; provided, that such penalty shall be suspended (i) for any person's first violation and (ii) for any person's second or subsequent violation, if the person provides proof of ownership of, or of having purchased or acquired, subsequent to the violation but prior to the deadline for payment of the civil penalty, a helmet of the type required by this section.

(c) *Procedures.* If a violation of this section has occurred, the violator shall be given written notice of the violation. The notice shall state:

(1) that the parents of the violator shall be liable for the civil penalty set forth in subsection (b);

(2) the circumstances under which the civil penalty may be suspended, as provided in subsection (b); and

(3) the deadline by which the parents of the violator must appear, either in person or by mail, before the treasurer of the city and admit liability for or plead no contest to the violation, and pay the civil penalty established for the violation, or alternatively provide satisfactory proof of ownership, purchase or acquisition, within the time specified in subsection (b), of a helmet of the type required by subsection (a).

An admission of liability or a statement of no contest to a violation of this section shall not be deemed a criminal violation for any purpose. If the parents of a violator do not elect to admit liability or plead no contest, the violation shall be tried in the Alexandria General District Court upon the filing of a warrant in debt. (Ord. No. 3730, 6/18/94, Sec. 1; Ord. No. 4823, 6/25/13, Sec. 1)

CHAPTER 8

Motor Vehicle Alarms

§ 10-8-1 Definitions.
§ 10-8-2 Nuisance motor vehicle alarms prohibited.
§ 10-8-3 Abatement of nuisance alarms.

Sec. 10-8-1 Definitions.

The following terms, as used in this chapter, shall have the meanings set forth below:

(a) "Chief of police" shall mean the Chief of the Alexandria Police Department or his designee.

(b) "False alarm" shall mean the actuation of a motor vehicle alarm which is not in response to the actual or threatened unauthorized use, entry into, or removal of parts or contents from a motor vehicle, including the negligent, accidental or inadvertent actuation of an alarm, which is the result of faulty, malfunctioning or improperly installed or maintained equipment, or an actuation which is the result of unusual or severe weather conditions.

(c) "Motor vehicle alarm" shall mean any bell, horn, siren, voice simulation or other sound emitted from a motor vehicle, singly, sequentially or in combination, which is actuated with the design, purpose or intent of warning of or against, or discouraging, the unauthorized use of, entry into, or removal of parts or contents from a motor vehicle.

(d) "Motor vehicle" shall mean a motor vehicle as defined in section 46.2-100 of the Virginia Code, as such section may be amended from time to time.

(e) "Owner" shall mean the person or entity to whom a motor vehicle is registered by the appropriate state department of motor vehicles, or equivalent agency. (Ord. No. 3772, 1/21/95, Sec. 1)

Sec. 10-8-2 Nuisance motor vehicle alarms prohibited.

(a) A motor vehicle alarm actuated in violation of this section is declared to be a public nuisance, and is prohibited.

(b) No motor vehicle alarm, once actuated, shall continue to emit sound for a period of more than one hour.

(c) No motor vehicle alarm shall give off repeated false alarms. The actuation of a motor vehicle alarm, more frequently than twice in any one-hour period, or more frequently than four times in any 24-hour period, shall be presumed to violate this subsection, and the burden shall be on

the owner to prove that the repeated actuations of the alarm were not false alarms. (Ord. No. 3772, 1/21/95, Sec. 1)

Sec. 10-8-3 Abatement of nuisance alarms.

(a) The chief of police is hereby authorized to remove or cause to be removed any motor vehicle, the alarm of which is or has been actuated in violation of section 10-8-2, from public or private property, and to transport same to the city impoundment yard or another impoundment facility.

(b) Prior to the removal of a motor vehicle pursuant to subsection (a), the chief, utilizing such public records as may readily be available for the purpose, shall attempt to notify the owner of the motor vehicle of the violation of this chapter and of the anticipated removal of the vehicle, and shall, if such attempt is successful, afford the owner a reasonable opportunity, not to exceed one hour from the time the chief first determines that a violation has occurred, to abate the violation. No such attempt to notify and no such opportunity to abate shall be required in the case of a motor vehicle, the alarm of which is or has been actuated in violation of § 10-8-2 on three or more occasions in any 24-hour period.

(c) The actual cost of removal by the chief, and any accumulated storage and administrative charges as established by the department of transportation and environmental services, shall be paid to the city prior to the release of any motor vehicle removed to any impoundment facility under the authority of this chapter.

(d) Abatement of the nuisance as provided in this section shall be the sole remedy for the violation of this chapter. (Ord. No. 3772, 1/21/95, Sec. 1)

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TITLE 11

Health, Environmental and Sanitary Regulations

Charter Reference: Board of health, Sec. 15.13.
Cross References: Department of health, Sec. 2-3-1(3); cemeteries, Title 5, Ch. 10.

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Chapter 2	**Food and Food Establishments**
Chapter 3	**Reserved**
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CHAPTER 1

Air Pollution Control

State Law Reference: Authority of local governing body to adopt ordinances subject to approval of State Air Pollution Control Board, Code of Va., Sec. 10-17.30.
Historical Note: The provisions of this chapter are derived from Ord. No. 2586, adopted 6/12/81.

§ 11-1-1	Title.
§ 11-1-2	Director of department of transportation and environmental services to administer and enforce; duly authorized representative(s).
§ 11-1-3	Adoption of state regulations.
§ 11-1-4	Conflict with other laws.
§ 11-1-5	Emergency procedures.
§ 11-1-6	Penalties.
§ 11-1-7	Injunction.
§ 11-1-8	Judicial review.

Sec. 11-1-1 Title.

This chapter shall be known and may be cited as the Air Pollution Control Code of the City of Alexandria.

Sec. 11-1-2 Director of department of transportation and environmental services to administer and enforce; duly authorized representative(s).

The director of the department of transportation and environmental services shall administer and enforce the provisions of this chapter. Use of the title "director" in this chapter shall include the director of the department of transportation and environmental services and/or his or her duly authorized representative(s). (Ord. No. 4152, 9/16/00, Sec. 2)

Sec. 11-1-3 Adoption of state regulations.

Parts III, IV, V and VI of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution effective January 1, 1985, which prescribe air pollution standards, are hereby incorporated by reference. Those regulations shall have the same force and effect as the provisions of this chapter, and the penalty for violation of any provision of the regulations shall be the same as the penalty for a violation of a provision of this chapter. The director shall certify a true copy of the regulations and file them with the city man-

ager for public inspection at reasonable times. (Ord. No. 2675, 4/17/82, Sec. 1; Ord. No. 2821, 6/28/83, Sec. 1; Ord. No. 3038, 5/18/85, Sec. 1)

Sec. 11-1-4 Conflict with other laws.

In any case where a provision of this chapter is found to be in conflict or inconsistent with a provision of any other law of the city, the provision which establishes the higher standard for the promotion and protection of the health and safety the people shall prevail.

Sec. 11-1-5 Emergency procedures.

Notwithstanding the provisions of this chapter or any other provisions of law, if the director finds that any owner is causing or contributing to air pollution and that such causing or contributing to air pollution creates an emergency which requires immediate action to protect the public health or safety, the director shall order the owner to reduce or discontinue immediately the causing or contributing to air pollution and such order shall be complied with immediately. The order shall be deemed properly served if a copy thereof is delivered personally, or if the owner involved is not found by mailing a copy by certified mail to the owner involved at the premises involved and his business and residence address, if known, and by posting a copy in a conspicuous place in or about the premises affected.

Sec. 11-1-6 Penalties.

Any owner violating any provision of this chapter or failing, neglecting or refusing to comply with an order of the director shall, upon conviction, be punished by a fine of not less than $50 nor more than $500 for each violation, within the discretion of the court, and each day of continued violation after conviction shall constitute a separate offense.

Sec. 11-1-7 Injunction.

Notwithstanding, or in addition to any other provision of law, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the health, comfort, safety, welfare or environment of residents in the areas shall be deemed and hereby is declared to be a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

Sec. 11-1-8 Judicial review.

(a) Any person directly and either jointly or severally aggrieved by a final order or a final decision of the director is entitled to judicial review under this chapter in the Circuit Court of the City of Alexandria.

(b) Proceedings for review shall be instituted by filing a notice of appeal and a petition for review with the court within 30 days after the date of the final order or final decision and delivering a copy of the notice and the petition to the director. The filing of an appeal shall not act to stay the order or the effect of the decision from which the appeal is taken. Within five working days after receipt of the notice, the director shall file in the record of the suit a statement of the reason, including any findings of fact and/or conclusion of law, upon which the order or decision appealed from was based. Further proceedings shall be in accordance with equity jurisprudence and procedure. The court may render its judgment upon the record or it may hear any additional evidence as it deems proper.

(c) The court may affirm the final order or final decision from which an appeal has been taken or it may remand the matter for further proceedings; or it may reverse or modify the order or decision on appeal if the substantial rights of the appellant have been prejudiced because the order or decision of the director is:

(1) in violation of any constitutional provision;

(2) in excess of lawful authority or jurisdiction;

(3) made upon lawful procedure;

(4) affected by other error of law;

(5) unsupported by the evidence on the record considered as a whole; or

(6) arbitrary, capricious or an abuse of discretion.

CHAPTER 2

Food and Food Establishments

Editorial Note: Ord. No. 4889, § 1, adopted June 14, 2014, repealed Ch. 2 and enacted a new chapter as set out herein. The former Ch. 2, §§ 11-2-1—11-2-5, 11-2-11—11-2-14, 11-2-21—11-2-31, 11-2-41, 11-2-42 and 11-2-51, pertained to similar subject matter and derived from Ord. No. 3949, § 2, adopted Sept. 13, 1997; Ord. No. 4093, §§ 1, 2, adopted Nov. 13, 1999; Ord. No. 4476, §§ 1—5, adopted April, 14, 2007; Ord. No. 4591, §§ 1, 2, adopted May 16, 2009; Ord. No. 4627, §§ 1, 2, adopted Oct. 17, 2009; and Ord. No. 4668, § 1—4, adopted June 12, 2010.

Charter Reference: Power of city as to production, etc., of food for human consumption, Sec. 2.04(h).

Cross References: Serving food in nursery schools, Sec. 12-3-46; display of foodstuffs on sidewalks, Sec. 5-2-16.

State Law References: Sanitary requirements for food and food establishments, Code of Va., Secs. 3.1-365 to 3.1-385; restaurants and public eating places, Code of Va., title 35.1; Secs. 35.1-1 to 35.1-26.

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ARTICLE E

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§ 11-2-51 Submission of plans, specifications and other data; inspection prior to operation; fees.

ARTICLE A

General Provisions

Sec. 11-2-1 Title.

This chapter shall be known and may be cited as "The Food Safety Code of the City of Alexandria." (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-2 Purpose.

This chapter shall be liberally construed and applied by the DIRECTOR to promote its underlying purpose of safeguarding public health and ensuring that FOOD is safe, unadulterated and properly presented when offered to the CONSUMER. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-3 Incorporation of prevailing federal food code.

All chapters, appendices and annexes of the current and prevailing United States Food Code ("Food Code"), as adopted and promulgated by the Food and Drug Administration and Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services and the Food Safety and Inspection Service of the U.S. Department of Agriculture, including such chapters, appendices and annexes as may hereafter be added and/or amended from time to time, but excepting those sections of the FDA Food Code identified in section 11-2-5, are hereby adopted and incorporated in their entirety into this chapter as if fully set forth herein. In the event of conflict or inconsistency between this chapter and the Food Code, the provisions of this chapter shall prevail and control. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-4 Definitions.

Words appearing in CAPS are defined in this chapter or in the FDA Food Code. The following words and phrases, when used in this chapter, including in the incorporated FDA Food Code, shall have the meanings given below, unless the context clearly indicates a different intention or it is otherwise expressly provided:

(a) "Catering" means the preparation and/or service of FOOD by a FOOD ESTABLISHMENT at a location other than on the PREMISES of their FOOD ESTABLISHMENT.

"Catering" does not include:

1) Carry out service where a CONSUMER picks up FOOD from the FOOD ESTABLISHMENT's PREMISES;

2) Delivery of FOOD by a FOOD ESTABLISHMENT to a CONSUMER;

3) A private chef or cook who, as the employee of a CONSUMER, prepares FOOD solely in the CONSUMER's home; or

4) Vending to the general public except at temporary events or farmers markets unless the caterer is also licensed as a MOBILE FOOD ESTABLISHMENT.

(b) "Certificate" means the photo identification card issued by the DIRECTOR, or the comparable document issued by another jurisdiction or private vendor that is accepted by the DIRECTOR, which demonstrates that the individual identified on the CERTIFICATE has been determined to be a FOOD PROTECTION MANAGER.

(c) "Commissary" means a permitted FOOD ESTABLISHMENT where FOOD is stored, prepared, portioned, or packaged, or any combination of these, where such FOOD is intended for service at another FOOD ESTABLISHMENT. It is also the place which is used as the base of operations for one or more MOBILE FOOD ESTABLISHMENTs where such MOBILE FOOD ESTABLISHMENTs are serviced, cleaned, supplied, and maintained, and where the EQUIPMENT, UTENSILs and facilities are serviced, washed and sanitized.

(d) "Director" means the director of the Alexandria Health Department or his designee. In the City of Alexandria, the DIRECTOR is the REGULATORY AUTHORITY with jurisdiction over FOOD ESTABLISHMENTs.

(e) "Food protection manager" means a person who is certified by a food protection manager program that is evaluated and listed by a Conference of Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs.

(f) "Mobile food establishment" means a FOOD ESTABLISHMENT that is designed to be readily moveable and which operates from a COMMISSARY that is a FOOD ESTABLISHMENT holding a valid PERMIT from the REGULATORY AUTHORITY in the jurisdiction in which it is located. MOBILE FOOD ESTABLISHMENTs include food trucks, food push carts, food trailers, and similar mobile units where FOOD is prepared and/or served. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-5 Modifications to FDA Food Code.

(a) The portions of the FDA Food Code addressed in this subsection are not adopted by incorporation into this chapter. Rather, they are modified in the manner set out below, and their modified versions shall apply in the city:

(1) The definition of "permit" in Paragraph 1-201.10(B) is modified to read as follows:

"*Permit*" means the license issued by the DIRECTOR that authorizes a PERSON to operate a FOOD ESTABLISHMENT.

(2) The definition of "Person in charge" in Paragraph 1-201.10(B) is modified to read as follows:

"*Person in charge*" means the individual present in a FOOD ESTABLISHMENT who is responsible for the food service operation at the time of an inspection authorized by this chapter. If no single individual is responsible for the food service operation, then any business owner or EMPLOYEE present shall be deemed the "PERSON IN CHARGE."

(3) Section 6-402.11 of the FDA Food Code is modified to read as follows:

Public toilet rooms shall be provided for CONSUMERS whenever seating for CONSUMERS is provided on the PREMISES. CONSUMERS shall not be permitted to gain access to toilet rooms by passing through a kitchen, food preparation, food storage, or UTENSIL washing area. Toilet rooms shall be conveniently located and accessible to EMPLOYEEs during all hours of operation. Toilet rooms must be entirely separate and apart from any rooms or areas used for UTENSIL washing or for the manufacture, storage, and handling of FOOD products. Public and EMPLOYEE toilet facilities shall be installed according to and in the number required by the Virginia Uniform Statewide Building Code (VUSBC).

(4) Paragraph 8-304.10(A) of the FDA Food Code is modified to read as follows:

A copy of this chapter and the version of FDA Food Code adopted in Section 11-2-3 above shall be maintained for public inspection in the office of the Alexandria Health Department's Environmental Health Division. A link to this chapter and the full text of the version of FDA Food Code adopted in Section 11-2-3 above shall be placed on the Alexandria Health Department's website.

(5) Paragraph 8-902.10(A) of Annex 1 of the FDA Food Code is modified to read as follows:

If admission to the PREMISES of a FOOD ESTABLISHMENT is denied or other circumstances exist that would justify an inspection order under LAW, to make an inspection that includes the recordation of information by any means of audio-visual recordation including (but not limited to) photography, tape-recording and videotaping.

(b) Paragraph 2-102.11(B), Section 2-102.20, Section 8-911.10, and Section 8-913.10 of the FDA Food Code are not adopted or incorporated into this chapter and shall be of no effect in the city. (Ord. No. 4889, 6/14/14, Sec. 1)

Secs. 11-2-6 through 11-2-10 reserved.

ARTICLE B

Mobile Food Establishments

Sec. 11-2-11 General.

MOBILE FOOD ESTABLISHMENTs shall comply with the requirements of this chapter. All MOBILE FOOD ESTABLISHMENTs are to be clearly identified with the establishment trade name and contact phone number conspicuously displayed on both sides and the back of the unit. The PERMIT sticker issued under this chapter shall be posted on the left rear of the MOBILE FOOD ESTABLISHMENT so as to be clearly visible to the public. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-12 Sink requirements for mobile food establishments.

(a) A MOBILE FOOD ESTABLISHMENT shall be equipped with a hand sink and a three-compartment sink. However, the DIRECTOR may waive the requirement for a three-compartment sink if the menu items dispensed from the MOBILE FOOD ESTABLISHMENT do not require significant preparation and the MOBILE FOOD ESTABLISHMENT has access to a three-compartment sink at its COMMISSARY. The DIRECTOR may also waive the requirement for a hand sink if only prepackaged FOOD is dispensed, or if an alternate method to hand washing, approved by the DIRECTOR, is used. Such alternate methods may include, but are not limited to, use of disposable hand washing towelettes, disposable gloves, sanitizing solutions that meet the specifications of 21 C.F.R. 178.1010 or other techniques approved by the DIRECTOR. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-13 Single service utensils.

MOBILE FOOD ESTABLISHMENTs shall dispense only SINGLE-SERVICE ARTICLES for use by the CONSUMER. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-14 Commissary.

(a) MOBILE FOOD ESTABLISHMENTS shall operate from a COMMISSARY that possesses a FOOD ESTABLISHMENT PERMIT issued in accordance with this chapter. However, the DIRECTOR may allow a MOBILE FOOD ESTABLISHMENT to operate from a COMMISSARY located outside the City of Alexandria if the COMMISSARY is a permitted FOOD ESTABLISHMENT that has been inspected by that jurisdiction's REGULATORY AUTHORITY and has been determined by that REGULATORY AUTHORITY to have sufficient space, EQUIPMENT, and capacities to act as the COMMISSARY for the MOBILE FOOD ESTABLISHMENT. (Ord. No. 4889, 6/14/14, Sec. 1)

Secs. 11-2-15 through 11-2-20 reserved.

ARTICLE C

Compliance Procedures

Sec. 11-2-21 Permits for food establishments.

(a) No PERSON shall operate a FOOD ESTABLISHMENT unless that PERSON possesses a valid PERMIT issued by the DIRECTOR. Only a PERSON who complies with the requirements of this chapter shall be entitled to receive or retain such a PERMIT. PERMITS are not transferable. A valid PERMIT shall be posted in every FOOD ESTABLISHMENT in a conspicuous place. FOOD ESTABLISHMENT PERMITS are issued for a calendar year and expire on December 31 regardless of the month of issue.

(b) An initial application fee and an annual renewal application fee shall be assessed for each permitted FOOD ESTABLISHMENT including TEMPORARY FOOD ESTABLISHMENTs operating less than 14 days. These fees shall be in the amounts established by the General Assembly of the Commonwealth of Virginia and/or the Alexandria City Council. Such fees shall not be applicable to FOOD ESTABLISHMENTs operated by the Alexandria City Public Schools. The application fees shall be based on a calendar year and shall be due and payable on or before December 31 or upon initial application. The fees shall not be prorated. A late payment fee in an amount established by the Alexandria City Council shall be assessed to each FOOD ESTABLISHMENT owner who pays their renewal application fee more than 14 days after their PERMIT has expired.

(c) FOOD ESTABLISHMENTs failing to file the required application for renewal of the PERMIT will be operating without a valid PERMIT and will be subject to immediate closure in accordance with section 11-2-29 of this chapter.

(d) No PERSON shall provide CATERING services unless their application for a FOOD ESTABLISHMENT PERMIT indicated their intention to provide CATERING services and a plan review was conducted as specified in subsection 11-2-51(b) of this chapter. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-22 Exemption.

The DIRECTOR may exempt coffee and related beverage service and service areas and such one time events or affairs from such provisions or requirements of this chapter as the DIRECTOR may deem advisable upon determining that the operation of such service, service areas, events or affairs will not adversely affect the public health. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-23 Permits for vending machines.

(a) No PERSON shall operate a VENDING MACHINE which vends TIME/TEMPERATURE CONTROL FOR SAFETY FOOD without a valid PERMIT issued by the DIRECTOR. PERSONS who do not comply with the requirements of this chapter shall not be entitled to receive or retain such a PERMIT. VENDING MACHINE PERMITS are issued for a calendar year and expire on December 31 regardless of the month of issue. PERMITS are not transferable.

(b) An initial application fee and an annual renewal application fee shall be assessed for each permitted VENDING MACHINE. These fees shall be in the amounts established by the Alexandria City Council. The application fees shall be based on a calendar year and shall be due and payable on or before December 31 or upon initial application. The fees shall not be prorated. A late payment fee in an amount established by the Alexandria City Council shall be assessed to each vending machine operator who pays their renewal application fee more than 14 days after their PERMIT has expired.

(c) Operators of VENDING MACHINES failing to file the required application for renewal of the PERMIT shall be operating without a valid PERMIT and shall be subject to immediate closure in accordance with section 11-2-29 of this chapter.

(d) The operator's company name and service telephone number shall be displayed on each VENDING MACHINE or conspicuously adjacent to the VENDING MACHINE bank.

(e) All operators of VENDING MACHINES shall:

(1) comply with the requirements of this chapter;

(2) maintain at the operator's headquarters, or at some other designated location within the city, a list of all VENDING MACHINES operated by such operator within the city and the complete address of each machine location and of each COMMISSARY or other FOOD ESTABLISHMENT from which his machines are serviced, shall make this information available to the DIRECTOR upon request and shall keep it current;

(3) notify the DIRECTOR of each new VENDING MACHINE location at which machines vending TIME/TEMPERATURE CONTROL FOR SAFETY FOOD have been placed in operation; and

(4) notify the DIRECTOR of any change in operations involving new types of VENDING MACHINES or conversions of existing machines to dispense products other than those for which the machines were built. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-24 Food protection manager certificate.

It shall be unlawful to operate a FOOD ESTABLISHMENT unless it is under the immediate control of a PERSON with a valid CERTIFICATE identifying them as a FOOD PROTECTION MANAGER. This section does not apply to certain types of FOOD ESTABLISHMENTS deemed by the DIRECTOR to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of FOOD preparation. Specifically:

a) FOOD ESTABLISHMENTs that do not handle or prepare any FOOD and sell only commercially prepackaged FOOD in unopened packaging shall be exempt from this section if the FOOD ESTABLISHMENT measures the temperature of their refrigeration units at least twice a day and keeps a log of these measurements.

b) FOOD ESTABLISHMENTs not preparing TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be exempt from this section if the FOOD ESTABLISHMENT implements a documented EMPLOYEE training program that provides training to all EMPLOYEEs at least quarterly on hand washing, their Employee Health Policy, and the proper way to wash, rinse and sanitize UTENSILs and EQUIPMENT. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-25 Issuance of food protection manager certificate.

(a) Any PERSON desiring to obtain a CERTIFICATE required by section 11-2-24 shall apply in writing on forms provided or accepted by the DIRECTOR. Such application shall include the name and address of the applicant and the signature of the applicant. The DIRECTOR may designate a private vendor to issue, on the DIRECTOR's behalf, a CERTIFICATE to any PERSON who successfully complies with the provisions of this chapter.

(b) A CERTIFICATE shall be issued only to a PERSON who has passed a FOOD PROTECTION MANAGER certification examination from a FOOD PROTECTION MANAGER certification program that is evaluated and listed by a Conference for Food Protection recognized accrediting agency.

(c) A CERTIFICATE shall be issued in the name of an individual applicant only, shall not be assignable or transferable, shall bear a photograph of the CERTIFICATE holder, and shall be valid only for a period of five years from the date of notification of the successful completion of the approved exam.

(d) A CERTIFICATE shall remain the property of the issuing REGULATORY AUTHORITY.

(e) A CERTIFICATE shall be renewed for a five-year period upon passing a FOOD PROTECTION MANAGER certification examination from a FOOD PROTECTION MANAGER certification program that is evaluated and listed by a Conference for Food Protection recognized accrediting agency.

(f) If the applicant's CERTIFICATE has been revoked or suspended during the preceding five years, the applicant shall retake and pass the FOOD PROTECTION MANAGER certification examination from a FOOD PROTECTION MANAGER certification program that is evaluated and listed by a Conference for Food Protection recognized accrediting agency. The DIRECTOR may, at his discretion, designate a specific vendor to administer the examination. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-26 Suspension of permit or certificate in emergencies.

(a) If the DIRECTOR deems an emergency to exist, the DIRECTOR may without warning, notice or hearing, order the suspension of any PERMIT or CERTIFICATE issued under this chapter if the holder of the PERMIT or CERTIFICATE does not comply with the requirements of this chapter, or if the operation of the FOOD ESTABLISHMENT does not comply with the requirements of this chapter, or if the operation of the FOOD ESTABLISHMENT otherwise constitutes a substantial and IMMINENT HEALTH HAZARD. Suspension is effective upon service of the notice required by subsection (b) of this section. When a PERMIT is suspended, all food-handling operations at the FOOD ESTABLISHMENT shall immediately cease. If the reason for the suspen-

sion is eliminated prior to the suspension being sustained by the DIRECTOR, the suspension shall be terminated.

(b) Whenever a PERMIT or CERTIFICATE has been ordered suspended, the holder of the PERMIT or CERTIFICATE or the person in charge shall be notified in writing that the PERMIT or CERTIFICATE is suspended effective upon service of the notice and that an opportunity for a hearing will be provided if written request for a hearing is filed with the DIRECTOR by the holder of the PERMIT or CERTIFICATE within 10 days. The holder of the PERMIT or CERTIFICATE shall be afforded an opportunity for hearing within 20 days of receipt by the DIRECTOR of a request for a hearing from the holder. If no written request for a hearing is filed within 10 days, the suspension is sustained. The DIRECTOR may end a suspension at any time if the reason for suspension no longer exists.

(c) The DIRECTOR, in lieu of suspending a PERMIT, may suspend the applicability of the PERMIT to a specific area of the FOOD ESTABLISHMENT PREMISES or VENDING MACHINE, or to specific products. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-27 Revocation of permit or certificate.

(a) The DIRECTOR may, after providing the opportunity for a hearing, order the revocation of a PERMIT or CERTIFICATE issued under this chapter for serious or repeated violations of any of the requirements of this chapter or for interference with the DIRECTOR in the performance of his duty.

(b) Prior to ordering the revocation, the DIRECTOR shall notify, in writing, the holder of the PERMIT or CERTIFICATE or the PERSON IN CHARGE of the specific reasons for which the PERMIT or CERTIFICATE is to be revoked, and that the PERMIT or CERTIFICATE shall be revoked on the tenth day following service of the notice unless a written request for a hearing is filed with the DIRECTOR by the holder of the PERMIT or CERTIFICATE within such 10-day period. If no request for hearing is filed within the 10-day period, the PERMIT or CERTIFICATE shall be revoked by order of the DIRECTOR and the revocation shall be final. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-28 Service of notices.

A notice required by this chapter is properly served when it is delivered to the holder of the PERMIT or CERTIFICATE or to the PERSON IN CHARGE, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the PERMIT or CERTIFICATE. A copy of the notice shall be filed with the records of the Health Department. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-29 Closing of food establishments.

The DIRECTOR shall order the closure of (i) any FOOD ESTABLISHMENT which is operated without the PERMIT required by section 11-2-21, or (ii) any VENDING MACHINE operated without the PERMIT required by section 11-2-23. The closure order shall be in writing, shall specifically state the reason for the closure and shall clearly specify the compliance requirements necessary to have the order revoked. The sheriff of the city shall enforce the closure order until it is rescinded by the DIRECTOR in writing. Upon receipt of satisfactory proof of compliance with the written requirements set forth in the closure order, the DIRECTOR shall immediately issue a written rescission of the order. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-30 Hearings.

The hearings provided for in this chapter shall be conducted by the DIRECTOR at a time and place designated by the DIRECTOR. Any oral testimony given at a hearing shall be summarily reported or recorded. The DIRECTOR shall make a finding based upon the hearing record and shall issue, sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the PERMIT or CERTIFICATE by the DIRECTOR. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-31 Application after revocation.

Whenever a revocation of a PERMIT or CERTIFICATE has become final, the holder of the revoked PERMIT or CERTIFICATE may submit a written application for a new PERMIT or CERTIFICATE. (Ord. No. 4889, 6/14/14, Sec. 1)

Secs. 11-2-32 through 11-2-40 reserved.

ARTICLE D

Civil Penalty

Sec. 11-2-41 Penalties.

(a) It shall be unlawful for a PERSON to fail to comply with any provision of this chapter, including a provision of the FDA Food Code, that applies to the PERSON. It also shall be unlawful for any FOOD ESTABLISHMENT or MOBILE FOOD ESTABLISHMENT to fail to comply with any provision of this chapter that applies to it. A PERSON who fails to comply with any provision applicable to him shall be in violation of this chapter. The owner of any such FOOD ESTABLISHMENT or MOBILE FOOD ESTABLISHMENT which fails to comply with any applicable provision shall be in violation of this chapter. For each violation, the PERSON or owner shall be liable for a civil penalty. Each day that a violation exists or persists shall constitute a separate violation of this chapter.

(b) Operating a FOOD ESTABLISHMENT or a MOBILE FOOD ESTABLISHMENT after the PERMIT has been suspended or revoked shall be a class one civil violation as specified in section 1-1-11. Operating a FOOD ESTABLISHMENT or a MOBILE FOOD ESTABLISHMENT without obtaining an initial PERMIT shall be a class two civil violation as specified in section 1-1-11. Any other violation of this chapter or the FDA Food Code shall be a class four civil violation as specified in Section 1-1-11 of the Code of the City of Alexandria. (Ord. No. 4889, 6/14/14, Sec. 1)

Sec. 11-2-42 Procedures.

(a) Upon determining that one or more violations of this chapter have occurred, the DIRECTOR shall cause a written notice of the violation or violations to be delivered to the PERSON who is in violation of this chapter and, in the case of an owner of a FOOD ESTABLISHMENT or MOBILE FOOD ESTABLISHMENT who is in violation of this chapter, to the owner or to the PERSON IN CHARGE of the FOOD ESTABLISHMENT or MOBILE FOOD ESTABLISHMENT. The notice shall, with respect to each violation, contain the following information:

(1) a description of the violation, with a citation to the city code or FDA Food Code section that has been violated;

(2) a statement of the amount of the civil penalty to be assessed; and

(3) a statement that the PERSON or owner in violation may elect either (i) to make an appearance in person, or in writing by mail, to the treasurer of the city by a specific date, admit liability for or plead no contest to the violation, abate the violation, and pay the civil penalty established for the violation, or (ii) to contest the violation by filing with the DIRECTOR, within 10 days of receipt of the notice, a written notice of the election to contest the violation, in which case the PERSON or owner shall be entitled to an administrative hearing before the DIRECTOR.

(b) If, after an administrative hearing, the DIRECTOR finds that a violation of this chapter has occurred, the PERSON or owner found to be in violation shall, within 10 days of the finding, pay the civil penalty originally assessed.

(c) If a PERSON or owner charged with a violation of this chapter does not elect to admit liability or plead no contest and to pay the assessed penalty, or, following an administrative hearing which results in a finding that a violation has occurred, does not pay the assessed penalty, the violation shall be tried in the Alexandria General District Court upon a warrant in debt or a motion for judgment, with the same right of appeal as provided in civil actions at law.

(d) A plea of no contest to, and a finding or admission of liability for, a violation of this chapter shall not be deemed a criminal conviction.

(e) The remedies provided in this section are cumulative and not exclusive. The designation of a violation of this chapter 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 the chapter. (Ord. No. 4889, 6/14/14, Sec. 1)

Secs. 11-2-43 through 11-2-50 reserved.

ARTICLE E

Review of Plans and Specifications

Sec. 11-2-51 Submission of plans, specifications and other data; inspection prior to operation; fees.

(a) Whenever a FOOD ESTABLISHMENT is constructed or remodeled or whenever an existing structure is converted to use as a FOOD ESTABLISHMENT, plans and specifications for such construction, remodeling, or conversion shall be submitted to the DIRECTOR for his review prior to commencement of such construction, remodeling or conversion. The DIRECTOR shall approve the plans and specifications if they meet the requirements of this chapter and the FDA Food Code. The DIRECTOR's approval of any plans or specifications shall not be viewed to be a determination that said plans or specifications are free from error. The owner shall have final responsibility for the accuracy and completeness of the plans and specifications, as well as for subsequent construction and installation.

(b) Whenever an applicant for a FOOD ESTABLISHMENT PERMIT indicates their intention to offer CATERING services, a CATERING menu and plans and specifications shall be submitted to the DIRECTOR for his review and approval prior to commencement of such CATERING operation. The plans and specifications shall include the EQUIPMENT necessary to safely transport FOOD from the FOOD ESTABLISHMENT to a remote location and safely hold and serve it. The plans and specifications shall also include the EQUIPMENT necessary to safely prepare FOOD if some or all of the FOOD preparation will be done at the remote location.

(c) Whenever plans and specifications are required to be submitted and approved, the DIRECTOR shall inspect the FOOD ESTABLISHMENT prior to its beginning operation to determine compliance with the approved plans and specifications and with the requirements contained in this chapter.

(d) A plan review fee in an amount established by city council shall be paid to the DIRECTOR upon submission of FOOD ESTABLISHMENT plans. (Ord. No. 4889, 6/14/14, Sec. 1)

CHAPTER 3

RESERVED

Editorial Note: Section 1 of Ord. No. 3184, adopted Feb. 24, 1987, repealed former Ch. 3, "Housing Standards," in its entirety. See the Code Comparative Table for a detailed analysis.

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CHAPTER 4

Reserved

Editorial Note: Section 1 of Ord. No. 3111, adopted March 22, 1986, repealed Ch. 4, "Massage Parlors and Massage Technicians," consisting of §§ 11-4-1—11-4-22, as derived from Code 1963, §§ 20A-1—20A-13 and from Ord. No. 2505, adopted July 15, 1980, and Ord. No. 3067, adopted June 25, 1985.

CHAPTER 4.1

Reserved

Editorial Note: Ord. No. 4008, § 1, adopted June 13, 1998, repealed Chapter 4.1, in its entirety, which pertained to massage regulations. Section 2 of said ordinance enacted provisions designated as a new Chapter 4.2 pertaining to similar subject matter. See the Ordinance Comparative Table.

Chapter 4.2

MASSAGE REGULATIONS

Editorial Note: Ord. No. 4837, § 1, adopted Oct. 19, 2013, repealed the former §§ 11-4.2-3—11-4.2-10 and § 11-4.2013 of Ch. 4.2 and renumbered §§ 11-4.2-11 and 11-4.2-12 as §§ 11-4.2-3 and 11-4.2-4 as set out herein. The historical notation has been retained with the amended provisions for reference purposes. The repealed sections pertained to massage regulations and derived from Ord. No. 4516, § 1, adopted Jan. 12, 2008.

§ 11-4.2-1 Definitions.
§ 11-4.2-2 Provision of massages.
§ 11-4.2-3 Specific unlawful acts.
§ 11-4.2-4 Penalties.

Sec. 11-4.2-1 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning given below, except in those instances when the context clearly indicates a different meaning.

(1) *Massage.* The treatment of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissues of the human body.

(2) *Sexual or genital part.* The genitals, pubic area, anus or perineum of any person, or the vulva or breasts of a female. (Ord. No. 4516, 1/12/08, Sec. 1; Ord. No. 4837, 10/19/13, Sec. 1)

Sec. 11-4.2-2 Provision of massages.

(a) Except as provided in subsection (b), it shall be unlawful for any person to provide or administer a massage at any location in the city.

(b) Only the following persons may provide or administer a massage in the city:

(1) persons who are certified as a therapist by, and are in good standing with, the Virginia Board of Nursing:

(2) persons:

(i) at a hospital, nursing home or medical clinic, or at the office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath; or

(ii) at a barbershop or beauty salon; provided, that, at this location, the person may only provide a massage to the scalp, face, neck or shoulders of the massage recipient. (Ord. No. 4516, 1/12/08, Sec. 1; Ord. No. 4837, 10/19/13, Sec. 1)

Sec. 11-4.2-3 Specific unlawful acts.

(a) It shall be unlawful for any person to provide or administer a massage in the city for compensation except as specifically authorized by section 11-4.2-2(b).

(b) It shall be unlawful for any person who is providing or administering a massage for compensation to place his hand or hands upon, to touch with any part of his body, to fondle in any manner, or to massage sexual or genital part of another person.

(c) It shall be unlawful for any person to expose his or her sexual or genital parts, or any portion thereof, to any other person, for compensation. It shall also be unlawful for any person to expose the sexual or genital parts, or any portion thereof, of any other person for compensation. However, it shall not be unlawful for a certified massage therapist to massage the breasts of a woman, if such massage is medically indicated after the diagnosis of a medical condition by a physician and with the informed consent of the client.

(d) It shall be unlawful for any person, while in the presence of any other person who is providing or administering a massage for compensation to fail to conceal with a fully opaque covering the sexual or genital parts of his or her body. However, it shall not be unlawful for a certified massage therapist to massage the breasts of a woman, if such massage is medically indicated after the diagnosis of a medical condition by a physician and with the informed consent of the client.

(e) It shall be unlawful for any person owning, operating or managing a location or facility at which massages may be provided or administered knowingly to cause, allow or permit in or about the establishment, location or facility any agent, employee or other person under his control or supervision to perform any of the acts described above in subsection (a), (b), (c) or (d). (Ord. No. 4516, 1/12/08, Sec. 1; Ord. No. 4837, 10/19/13, Sec. 1)

Sec. 11-4.2-4 Penalties.

Any person violating any of the provisions of this chapter shall, upon conviction, be guilty of a class 1 misdemeanor and shall be punished by a fine not exceeding $2,500 or imprisonment not exceeding 12 months, or both. Violations of the provisions of this chapter may also be restrained, prohibited or enjoined by appropriate action or proceeding. Notwithstanding the above, no provision of this chapter shall apply to employees or

agents of the United States, the Commonwealth of Virginia or the city, or of any agency or department of these governmental units, including city police officers, while in the performance of official duties. (Ord. No. 4516, 1/12/08, Sec. 1; Ord. No. 4837, 10/19/13, Sec. 1)

CHAPTER 5

Noise Control

§ 11-5-1	Title.
§ 11-5-2	Definitions.
§ 11-5-3	Tests for unlawful noise.
§ 11-5-4	Noises prohibited—enumeration.
§ 11-5-4.1	Same—central business district.
§ 11-5-5	Same—decibel provisions.
§ 11-5-6	Exemptions.
§ 11-5-7	Application for special permit.
§ 11-5-8	Administration.
§ 11-5-9	Inspections.
§ 11-5-10	Enforcement procedure.
§ 11-5-11	Emergency procedure.
§ 11-5-12	Penalties.
§ 11-5-13	Additional remedy; injunction.
§ 11-5-14	Confidentiality of records.
§ 11-5-15	Application of chapter.
§ 11-5-16	Judicial review.

Sec. 11-5-1 Title.

This chapter shall be known and may be cited as the noise control code of the city. (Code 1963, Sec. 22A-1)

Sec. 11-5-2 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) *Aircraft.* Any device that is used or intended to be used for flight in the air, engaged in carrying persons or property.

(2) *Acoustics.* The science of sound including its generation, propagation, measurement and physiological and psychological effects.

(3) *Ambient noise.* The all encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

(4) *A-weighted sound level [dB(A)].* A quantity, in decibels read from a sound level meter, that is switched to the weighting network labeled "A." The A-weighted network shall be as specified under the most recent specifications of the American National Standards Institute, Inc., New York, N.Y. (ANSI).

(5) *Center frequency.* For acoustic measurement, the center frequency of an octave band which is the geometric mean of the upper and lower frequency limits of the band.

(6) *Commercial use area.* The area within 200 feet of all boundaries of any property producing noise or, where such property is a railroad, the area within 200 feet perpendicular to the centerline

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of the railroad track at the source of the noise, when the predominant use of the properties in that area is for commercial purposes.

(7) *Construction.* Any or all activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, railroads, premises, parks, utility lines including any lines in already constructed tunnels, or other property, including land clearing, grading, excavating and filling.

(8) *Construction device.* Any device designed and intended for use in construction including, but not limited to any air compressors, backhoes, concrete vibrators, cranes (derrick), cranes (mobile), dozers (track and wheel), generators, graders, loaders (track and wheel), mixers, pavement breakers, pavers, pile drivers, power hoists, rock drills, rock crushers, rollers, scrapers, and shovels.

(9) *Continuous noise.* Noise whose level remains essentially constant without interruption or break.

(10) *Decibel (dB).* A unit of sound magnitude equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure being measured to a reference sound pressure of 20 micronewtons per square meter or 0.0002 microbars, abbreviated "dB."

(11) *Director.* The director of the department transportation and environmental services of the City of Alexandria or his duly authorized representative.

(12) *Emergency signal device.* Any gong, bell, siren, whistle or any horn or any similar device the use of which is permitted on authorized vehicles or which are mounted on poles, buildings, towers or other supports.

(13) *Emergency work.* Work made necessary to restore property to a safe and working condition following a public calamity, or work required to protect persons or property from imminent danger.

(14) *Engineer.* The noise pollution specialist designated or appointed by the director.

(15) *Exhaust system.* A system which removes and transports air or gas from a device.

(16) *Hertz.* A unit of measurement of frequency numerically equal to cycles per second.

(17) *Impulsive noise.* A short burst of acoustical energy such as, but not limited to, that produced by weapon fire, punch press or drop hammer. A pressure time history of a single impulse includes a rapid rise to a maximum peak pressure followed by a somewhat slower decay, both occurring within one second.

(18) *Industrial use area.* The area within 200 feet of all boundaries of any property producing noise or, where such property is a railroad, the area within 200 feet perpendicular to the centerline of the railroad track at the source of the noise, when the predominant use of properties in that area is for industrial purposes.

(19) *Internal combustion engine.* A device for the production of energy by means of combustion under pressure.

(20) *Microbar.* Unit of pressure commonly used in acoustics and equal to one dyne per square centimeter or one-tenth (0.1) Newtons per square meter.

(21) *Motorcycle.* Every motor vehicle designed to travel on not more than three wheels in contact with the ground and any four wheeled vehicle weighing less than 500 pounds and equipped with an engine of less than six horsepower.

(22) *Motorized construction device.* Any construction device which is a motor vehicle.

(23) *Motor vehicle.* Every device in, upon or by which any person or thing is or may be transported or drawn upon a highway which is self-propelled or designed for self-propulsion, except devices used exclusively upon stationary rails or tracks.

(24) *Muffler.* An apparatus generally consisting of but not limited to a series of chambers or baffles for the purpose of transmitting gases while reducing sound level.

(25) *Newton.* A unit of pressure. The force required to accelerate one kilogram of mass at one meter per second squared.

(26) *Noise.* A steady-state or impulsive sound or sounds occurring on either a continuous or intermittent basis or any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

(27) *Noise level.* See sound pressure level.

(28) *Octave band.* An interval in the audible range of sound that has an upper frequency numerically exactly twice that of its lower frequency.

(29) *Owner.* Owner shall have no connotations other than that customarily assigned to the term "person," but shall include bodies politic and corporate, associations, partnerships, personal representatives, trustees and committees, as well as individuals.

(30) *Person.* Any individual, corporation, cooperative, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state or any legal successor, representative, agent or agency of the foregoing.

(31) *Power equipment.* Motorized or engine driven equipment such as, but not limited to, powered saws or chain saws and powered hand tools including hydraulic and pneumatic hand tools. Does not include air or surface transportation vehicles, construction devices, sound signaling devices or power lawn and garden equipment.

(32) *Power lawn and garden equipment.* Powered devices for care and maintenance of lawns and gardens, including but not limited to, edgers, garden tractors, hedge clippers, home tractors, lawn mowers, snow and leaf blowers, tillers, and trimmers.

(33) *Property.* The smallest area owned or leased by the same person or persons.

(34) *Rail rapid transit system.* A railroad used exclusively for local service in the transportation of passengers as a common carrier for hire together with the appurtenances, facilities and equipment thereof.

(35) *Railroad.* All the rights-of-way of any common carrier operating a railroad, whether owned or operated under contract, agreement or lease.

(36) *Residential use area.* The area within 200 feet of all boundaries of any property producing noise or, where such property is a railroad, the area within 200 feet perpendicular to the centerline of the railroad track at the source of noise, when the predominant use of properties in that area is for residential purposes.

(37) *Slow meter response.* The dynamic response of a sound level meter, as specified under the most recent specification of the American National Standards Institute, Inc., New York, N.Y. (ANSI) for sound level meters.

(38) *Sound.* An auditory sensation evoked by alternating compression and expansion of air, or other medium, accompanied by changes in pressure, particle velocity or displacement.

(39) *Sound level.* The weighted sound pressure level in decibels obtained by use of a sound level meter with a metering response (fast or slow) and A, B or C weighting networks as specified by the American National Standards Institute, Inc., New York, N.Y. (ANSI).

(40) *Sound level meter.* An instrument comprising a microphone, amplifier, and output meter, and frequency weighting networks, that is used for the measurement of sound levels in a manner specified by the American National Standards Institute, Inc., New York, N.Y. (ANSI), in its standards 1.4-1971 or latest revision.

(41) *Sound pressure.* The difference between the barometric or average pressure and the instantaneous pressure created at a given point by a source of sound: measured in Newtons per square meter.

(42) *Sound pressure level (in decibels).* 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound being measured to a reference sound pressure of 20 micronewtons/m2(0.0002 microbars).

(43) *Sound reproduction device.* A device intended primarily for the production or reproduction of sound including, but not limited to, any musical instrument, radio receiver, television, receiver, tape recorder, phonograph and sound amplifying system.

(44) *Sound signal device.* A device designed to produce a sound signal when operated, including but not limited to, any klaxon, air horn, whistle, bell, gong, siren, but not an emergency signal device.

(45) *Warning device.* Sound signal devices used to alert and warn people. The members of the environmental policy commission in office as of the effective date of this ordinance shall continue to serve the unexpired portion of their term of office. (Ord. No. 4152, 9/16/00, Sec. 3)

Sec. 11-5-3 Tests for unlawful noise.

The standards which shall be considered in determining whether a violation of this chapter exists may include, but shall not be limited to the following:

(1) level of noise;

(2) whether the nature of the noise is usual or unusual;

(3) whether the origin of the noise is natural or unnatural;

(4) proximity of noise to residential sleeping facilities;

(5) nature and zoning of the area within which the noise emanates;

(6) density of inhabitation of the area within which the noise emanates;

(7) time of day or night the noise occurs;

(8) duration of the noise;

(9) whether the noise is recurrent, intermittent or constant; and

(10) whether the noise is produced by a commercial or noncommercial activity.

Sec. 11-5-4 Noises prohibited—enumeration.

(a) It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which unreasonably annoys, disturbs, injures or endangers the comfort, health, safety, welfare, or environment of others, within the limits of the city.

(b) The following acts, among others, are declared to be unlawful, but this enumeration shall not be deemed to be exclusive, namely:

(1) Sound signaling device. The sounding of any sound signal device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as a warning of danger or as provided in subsection 11-5-6(b), so as to create any unreasonably loud or harsh sound, for any unnecessary and unreasonable period of time or when traffic is for any reason held up. The sounding of any sound signal device attached to a motor vehicle, wagon or manually propelled cart, from which food or any other items are sold, more frequently than once every two minutes in any one city block and with a duration of more than 10 seconds for any single emission.

(2) Sound reproduction device. The using or operating of any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound, or permitting the same to be played, used or operated in such manner as to disturb unreasonably the comfort, health, peace, safety, or welfare and environment of the neighboring inhabitants. The operation of any set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible across property boundaries at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section, except such operation by a public service company or the city to restore and maintain services provided by it.

(3) Sound reproduction device for advertising. The using or operating of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound, or permitting the same to be played, used or operated upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure, or commercial event.

(4) Noise in public places. The making by any person of unreasonably loud or unnecessary noise, including but not limited to that made by the human voice in public places, particularly between the hours of 11:00 p.m. and 7:00 a.m. so as to annoy or disturb unreasonably the comfort, health, welfare, and environment, peace or safety of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.

(5) Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise disturbs the health, comfort, safety, welfare or peace and environment of any person in the vicinity.

(6) Steam whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

(7) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling, backfiring or other noise.

(9) Loading, unloading, opening boxes. The creation of an unreasonably loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers, except as provided by section 11-5-7 of this chapter.

(10) Construction or repairing of buildings, streets, walks, railways, sewers, utility lines, etc. The erection (including excavation), demolition, alteration or repair, and any and all activity necessary or incidental thereto, of any building, except a dwelling house when the activity is being conducted by an owner or occupant or agent thereof and not for profit, any street, walk, railway, sewer, utility line or other construction other than between the hours listed in Table I except in case of urgent necessity in the interest of public health and safety or to restore and maintain public service and then only with a permit from the city manager, which permit may be granted for a period not to exceed six days while the necessity continues and which permit may be renewed for periods of six days while the necessity continues. If the city manager should determine that the public health and safety will not be impaired by any erection, demolition, alteration

or repair and if he shall further determine that failure to permit erection, demolition, alteration or repair during such hours would result in loss or inconvenience to any party in interest, he may after consultation with the director grant permission for the work to be done within the hours prohibited in Table I, upon application being made at

the time the permit for the work is awarded or during the progress of the work.

(11) Schools, courts, churches, hospitals, nursing homes, public libraries. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, public library or court while the same are in use, or adjacent to any hospital or nursing home which unreasonably interferes with the working of such institution or which disturbs or unduly annoys patients in the hospital or nursing home, provided conspicuous signs are displayed in such streets indicating that the same is a school, court, church, hospital, nursing home or public library.

(12) Hawkers, peddlers. The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

(13) Model aircraft. The using, running, operating or flying or the permitting to be used, run, operated or flown of any model aircraft or similar contrivance now known or hereinafter invented, used or designed for flight in the air, in such a manner that there is produced loud, harsh, intense or continuous noise which disturbs the peace, quiet, comfort or repose of any person, except in areas and at times designated by the director of recreation who is hereby authorized to designate areas and times where and when the model aircraft may be run or flown without annoyance to the persons in the vicinity.

(14) Metal rails, pillars and columns, transportation thereof. The transportation of rails, pillars or columns of iron, steel or other materials, over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause unreasonably loud noises or as unreasonably to disturb the peace and quiet of such streets or other public places.

(15) Construction devices and power equipment. The operation or permitting the operation during the hours prohibited in Table I of any construction device or power equipment which is attended by loud or unusual noise as determined by the director, unless permitted in accordance with section 11-5-7 of this chapter.

TABLE I

Day	Prohibited Hours Before	After
Monday through Friday	7:00 a.m.	6:00 p.m.
Saturday	9:00 a.m.	6:00 p.m.
Sunday	All Hours	
Holidays in Sec. 11-5-5(a)(5)a.		

(16) Power lawn and garden equipment. The operation or permitting the operation during the times listed in Table II of any power lawn or garden equipment.

TABLE II

Day	Prohibited Hours Before	After
Monday through Friday	7:00 a.m.	9:00 p.m.
Saturday, Sunday, Holidays as listed in Sec. 11-5-5 (a)(5)a.	9:00 a.m.	9:00 p.m.

(17) Ventilation and air conditioning. The operation or permitting the operation of ventilation systems and air conditioning systems whose components, air ducts and vent opening may be installed on the roof or ground, in windows or walls the use of which exceeds the noise levels in Table III.

(18) Trash collection. No person shall operate or permit the operation of any refuse collection motor vehicle for collection of solid waste except as permitted by title 5, chapter 1 of the city code.

(19) *Pile driving.* Notwithstanding any contrary provision of this chapter, no person shall operate, and no person shall permit the operation by any employee, independent contractor or other person of, any pile driving equipment, except between the hours of 9:00 a.m. to 6:00 p.m., Monday through Friday, and 10:00 a.m. to 4:00 p.m., Saturday. The city manager is authorized, in his discretion, to grant relief from the provisions of this section, under the procedures set forth in section 11-5-7. In deciding whether to grant such relief, the city manager shall consider (i) the location at which pile driving is proposed to be conducted, (ii) its proximity to residential areas, business districts, public parks, recreation facilities, historic areas and tourist destinations, (iii) the availability and cost of alternative methods of construction, (iv) the mitigation measures available or proposed, (v) the impact upon the construction project, and upon the public, and (vi) such additional factors as the manager determines may be relevant to avoid undue annoyance, disturbance, injury, or danger to the welfare of residents, business employees and patrons, park patrons, students, tourists and other visitors to the city. For purposes of this subsubsection, pile driving shall mean the driving of piles into the earth through the use of a gravity- or pneumatic-driven hammer or similar device or mechanism, and person shall include any state, or agency,

instrumentality or contractor of a state, in addition to the meaning defined in section 11-5-2(30). (Ord. No. 4116, 3/28/00, Sec. 1)

Sec. 11-5-4.1 Same—central business district.

(a) Notwithstanding any conflicting provision of this chapter or other law, it shall be unlawful for any person to engage in, or to suffer or permit on or with property under such person's control, any sound generation, as defined in this section, in or on any public or private street, sidewalk or alley, any public park, marina or open space, or any private outdoor property that is open to the public for commercial or recreational purposes, within the central business district established by section 8-300(A) of the City of Alexandria Zoning Ordinance, except as is permitted by this section.

(b) "Sound generation" shall mean any conduct, activity or operation, whether human, mechanical, electronic or other, and whether continuous, intermittent or sporadic, and whether stationary, ambulatory or from a vehicle, which produces or generates sound in excess of the volume levels, and for a duration of time greater than the duration, specified in this section.

(c) Between the hours of 7:00 a.m. and 11:00 p.m., Monday through Sunday, no sound generation shall result in sound having a volume of 75 db(A) or more, at a distance greater than 10 feet from the place at which the sound is being generated or produced, for an aggregate duration of time greater than 60 seconds in any one hour period. Any sound that is plainly audible above the background noise level to a person of normal hearing acuity at a distance greater than 50 feet from the place at which the sound is being generated or produced shall be presumed to exceed 75 db(A) at 10 feet of distance and thus violate this subsection, and the burden shall be on the person responsible for such sound generation to prove otherwise.

(d) Between the hours of 11:00 p.m. and 7:00 a.m., no sound generation shall exceed a volume of 65 db(A) at a distance greater than 10 feet from the place at which the sound is being generated or produced, for an aggregate duration of 60 seconds between such hours. Any sound that is plainly audible above the background noise level to a person of normal hearing acuity at a distance greater than 50 feet from the place at which the sound is being generated or produced shall be presumed to exceed 65 db(A) at 10 feet of distance and thus violate this subsection, and the burden shall be on the person responsible for such sound generation to prove otherwise.

(e) This section shall not apply to any sound generation which occurs:

(1) as part of a city-sponsored festival or event;

(2) at a designated performance area within a public park, marina or open space in conformity with regulations promulgated by the city manager or the director of parks, recreation and cultural activities;

(3) in conformity with regulations promulgated by the city manager for the use of market square;

(4) under a special permit, displayed at the place of sound generation, issued by the city manager pursuant to section 11-5-7; or

(5) on private property pursuant to a special use permit, displayed at the place of sound generation, approved by the city council under section 11-500 of the City of Alexandria Zoning Ordinance.

(g) This section shall be enforced by the director, the chief of police, the director of citizen assistance, the director of parks, recreation and cultural activities within any public park, marina or open space, and the director of general services within market square, and by their respective designees.

(h) As used in this section, "background noise level" means all sound sources impacting at the place of measurement, excluding the specific source that is suspected of violating this section.

(i) A violation under the section may be proved by either or both:

(1) Testimony or other evidence that the sound generation was plainly audible above the background noise level at the distance from the source, and for the duration of time, specified in subsections (c) or (d); or

(2) Testimony or other evidence that the sound generation equalled or exceeded the sound level, at the distance from the source, and for the duration of time, specified in subsections (c) or (d), as measured with a sound level meter, maintained in good working order, and having an accuracy specification of ± 2 dB at 114 dBSPL (sound pressure level) or better, and using the A weighting network of such meter. The measurement of sound level under this section, made with such meter, need not comply with the provisions of section 11-5-5. (Ord. No. 3726, 6/14/94, Sec. 1)

Sec. 11-5-5 Same—decibel provisions.

(a) Classification of use areas: residential, commercial, and industrial.

(1) Except as otherwise provided by this chapter, on or after July 1, 1977, it shall be unlawful to project a sound or noise beyond the boundaries of the property from which such noise emanates which exceeds any of the limiting noise spectra set forth in Table III of this subsection which are applicable to that property. For the purposes of this section, the limiting noise spectra set forth in Table III of this subsection for industrial use areas shall be deemed to be the limiting noise spectra applicable to any property which is not located in a residential, commercial or industrial use area.

(2) The measurement of sound or noise pursuant to this subsection shall be as follows:

a. The measurement of sound or noise shall be made with sound level meters type 1 or type 2 and meeting the standards prescribed by the American National Standards Institute, Inc., New York, New York. The instrument shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. A calibration shall be made of the system before and after the noise measurements. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Other than for instantaneous sound levels or for stated lengths of time, such as eight-hour or 24-hour averages, the following procedure will be used. With a continuous noise source in operation, a minimum of nine sound level readings will be taken at least 20 seconds apart excluding any readings taken it there is significant noise from extraneous sources. If the noise source is periodic or cyclical in nature, nine readings at least 20 seconds apart will be made only during those parts of the cycle when the source is operating, No readings will be made during the parts of the cycle when the source is not operating. The median of the valid readings will be used as the average sound level.

b. The slow meter response of the sound level meter shall be used to determine that the maximum permissible dB(A) readings or the octave band levels set forth in Table III below have not been exceeded.

c. Unless otherwise specified the measurement shall be made at the boundary of the property on which such noise is generated, or perceived, as appropriate not less than three and one-half (3½) feet above ground.

d. Compliance with the noise limits is to be maintained at any elevation at the boundary.

(3) The limits hereinabove referred to shall be in accordance with the following table:

TABLE III
MAXIMUM PERMISSIBLE SOUND LEVELS

Use Areas	Maximum dB(A)	Octave Band Center Frequency Hertz-(HZ)	Octave Band Levels dB
Residential	55	31.5	70
		63	69
		125	64
		250	59
		500	53
		1,000	47
		2,000	42
		4,000	38
		8,000	35
Commercial	60	31.5	75
		63	74
		125	69
		250	64
		500	58
		1,000	52
		2,000	47
		4,000	43
		8,000	40
Industrial	70	31.5	85
		63	84
		125	79
		250	74
		500	68
		1,000	62
		2,000	57
		4,000	53
		8,000	50

(4) The maximum permissible sound levels established in Table III for application to the boundaries of a property shall not applied to construction sites. Construction site noise shall be regulated by section 11-5-4(b)(10) and 11-5-4(b)(15) and other appropriate sections of this chapter.

(5) a. Days which shall have the same restrictions as Sundays are New Year's Day (the first day of January), Memorial Day (the last Monday in May). Independence Day (July 4), Labor Day

(the first Monday in September). Thanksgiving Day (the fourth Thursday in November), and Christmas Day (December 25).

b. The provisions of section 11-5-5(a)(5)a. of this chapter shall not be applicable to any noise which is emitted without interruption for 24 hours every day for at least seven consecutive days, when the noise varies in intensity by less than three decibels in a 24-hour period; provided, that a permit for the emission of such noise has been issued by the city manager. Any permit shall be issued pursuant to section 11-5-7 of this chapter. Any permit issued by the city manager pursuant to this section, shall be valid until such time as the city manager, after giving notice in writing, to the applicants for the permit at least 30 days in advance, shall modify or revoke the permit.

(b) Power equipment and power lawn and garden equipment. It shall be unlawful to operate in the city any equipment which creates a noise or sound that exceeds the noise level limits set out in Table IV below. This equipment shall not be used during hours prohibited by either section 11-5-4(b)(15) or section 11-5-4(b)(16), as applicable.

TABLE IV
LIMITING NOISE LEVELS FOR POWER LAWN OR GARDEN EQUIPMENT AND POWER EQUIPMENT

Maximum Permissible Noise Level	75 dB(A)
Location of Measurements	Property Line of Noise Source

Measurement Procedure	As stated in sec. 11-5-5(a)(2)a.

(c) Motorized vehicles and equipment. It shall be unlawful to operate a motor vehicle within the city which creates a noise or sound which exceeds the noise level limits set out in Table V below. The measurement of sound or noise shall be made with standards prescribed by the American National Standards Institute, Inc., New York, New York. A calibration shall be made of the sound level meter before and after any noise measurement. The slow meter response of the sound level meter shall be used. Measurement shall be approximately three and one-half feet above ground and a windscreen for the microphone shall be used when required.

TABLE V

LIMITING NOISE LEVELS FOR MOTOR VEHICLES

(a) Passenger cars: (Reserved for future use)

(b) Motorcycles, and motor-bicycles: (Reserved for future use)

(c) Motorized construction device:

90 dB(A) measured at 50 feet . . . Maximum allowable limit for equipment purchased prior to July 1, 1977.

85 dB(A) measured at 50 feet . . . Maximum allowable limit for equipment purchased after July 1, 1977.

(d) Refuse collection vehicle:

Arithmetic average of readings on four sides at a distance of seven meters at maximum engine speed for compacting with vehicle stationary shall not exceed 79 dB(A) after October 1, 1980, and 76 dB(A) after July 1, 1982.

(d) Places of entertainment. Noise levels and conditions of operation shall conform to title 9, chapter 7 of the city code.

(e) Noises—rail rapid transit systems.

(1) It shall be unlawful to operate or permit to be operated a rail rapid transit system including but not limited to its rolling stock, track and track beds, passenger stations, tunnels, elevated structures, yards, depots and garages in violation of any of the provisions of this subsection.

(2) It shall be unlawful to operate or permit to be operated in the city a rail rapid transit system train which emits maximum transient noise levels in excess of those set forth in Table VI, below. The measurement of sound or noise shall be made with sound level meters, type 1 or type 2 meeting the standards prescribed by the American National Standards Institute, Inc., New York, New York. A calibration shall be made of the sound level meter before and after any noise measurement. The slow meter response of the sound level meter shall be used. Measurement shall be not less than three and one-half feet above ground and a windscreen for the microphone shall be used when required. For purposes of this subsection, the limiting noise level set forth in part(c) of Table VI below shall be deemed to be the noise level applicable to transient noise which is emitted in an area that is not a residential, commercial or industrial use area.

TABLE VI

LIMITING NOISE LEVELS*
(Above ground trains)

(a) Residential	75 dB(A)
(b) Commercial	80 dB(A)
(c) Industrial	90 dB(A)

*At a point 100 feet from track center line, or the nearest nonindustrial property line, whichever is the greater distance from the track center line.

Sec. 11-5-6 Exemptions.

The following uses and activities shall be exempt from the provisions of this chapter:

(1) Noises of safety signals, warning devices, and emergency pressure relief valves.

(2) Noises resulting from any authorized police, fire or emergency vehicle, when responding to an emergency call or acting in time of emergency.

(3) Noises resulting from emergency work as defined in section 11-5-2.

(4) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the city in accordance with section 11-5-7.

(5) Any aircraft operated in conformity with, or pursuant to federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regu-

lations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations.

(6) Any railroad operated in conformity with, or pursuant to federal law or regulations.

(7) Work necessary to restore and maintain services provided by public service companies, the rail rapid transit system and the city.

(8) Noises resulting from the operation of rail rapid transit systems, provided the noise does not exceed the noise level set forth in subsection 11-5-5(e) of this chapter applicable on July 1, 1977 at the point at which the noise occurs.

(9) Interstate motor carriers, and medium and heavy trucks manufactured and operated in accordance with federal noise standards. Such vehicles may not be operated with a defective muffler or with tampered or missing noise control devices.

Sec. 11-5-7 Application for special permit.

(a) Applications for a permit for relief on the basis of undue hardship from a noise level or time limits designated in this chapter may be made to the city manager or his duly authorized representative. Any permit granted by the city manager hereunder shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The city manager, or his duly authorized representative, shall grant the relief as applied for if he finds:

(1) that additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter; or

(2) the activity, operation or noise source will be of temporary duration, or cannot be done in a manner that would comply with other subsections of this section, and that no other reasonable alternative is available to the applicant.

(b) The city manager, or his duly authorized representative, may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(c) Any permit issued pursuant to this chapter shall be valid no longer than three years from the date it is issued. Upon the expiration of any such permit no new permit may be issued except in compliance with all the provisions of this section. (Code 1963, Sec 22A-7)

Sec. 11-5-8 Administration.

(a) The director shall be charged with administering and enforcing the provisions of this chapter.

(b) The city manager shall, upon the request of the director, allocate such resources of the police department as the city manager shall deem necessary to assist the director in the administration and enforcement of the provisions of this chapter.

(b.1) The fire marshal, deputy fire marshals, new construction inspectors and existing structures inspectors within the code enforcement bureau shall have concurrent jurisdiction to enforce the provisions of this chapter relating to construction, construction devices and power equipment as defined in section 11-5-2 of this Code.

(c) The engineer and the director shall whenever possible coordinate their activities to the end that noise pollution in the city is regulated, prevented, abated and controlled.

(d) In addition to any other powers vested in him, the director may, subject to the availability of funds:

(1) conduct studies, investigations and research relating to noise pollution and its prevention, abatement and control;

(2) issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings;

(3) hold hearings relating to any aspect of or matter in the administration of this chapter;

(4) secure necessary scientific, technical, administrative and operational services,including laboratory facilities, by contract or otherwise;

(5) prepare and develop a comprehensive plan or plans for the prevention, abatement and control of noise pollution;

(6) advise, consult and cooperate with other local governmental units, agencies of the state, industries, interstate or interlocal agencies and the federal government, and with interested persons and groups;

(7) review those matters having a bearing upon noise pollution referred by other agencies(such as planning, zoning, building and fire departments) and make reports, including recommendations, to the referring agencies with respect thereto;

(8) collect and disseminate information and conduct educational and training programs relating to noise pollution;

(9) encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter;

(10) do any and all acts which may be necessary for the successful prosecution of the policy of this chapter and such other acts as may be specifically enumerated herein;

(11) prepare annually a report to the city council on progress in implementation and enforcement of the provisions of the noise control code and make recommendations to the council of any changes in the noise control code he deems desirable;

(12) may coordinate the noise control activities of all agencies and departments of the city government and advise, consult, cooperate and coordinate noise control activities with other local governmental units, state agencies, interstate and interlocal agencies, the federal government, and with interested persons and groups with respect to the provisions of this chapter;

(13) may make recommendations to the city council for changes to this chapter to make it consistent with all preemptive state and federal legislation.

(e) The city manager shall submit to the city council recommended noise design limits to be incorporated in city planning and zoning and the design and construction of buildings, streets and highways and in the routing and rerouting of motor vehicle and pedestrian traffic. (Code 1963, Sec. 22A-8; Ord. No. 4176, 12/16/00, Sec. 2)

Sec. 11-5-9 Inspections.

Any duly authorized officer, employee, or representative of the engineer or the director may, when granted permission by the owner, or some person with reasonably apparent authority to act for the owner, enter and inspect any property, premises or place at any reasonable time for the purpose of investigating or testing either an actual or suspected source of noise pollution, or of ascertaining the state of compliance with the chapter and regulations enforced pursuant thereto. (Code 1963, Sec. 22A-9)

Sec. 11-5-10 Enforcement procedure.

(a) Whenever the director has reason to believe that a violation of any provision of this chapter or a rule or regulation issued pursuant thereto has occurred, he may give notice of the violation to the owner failing to comply with this chapter, ordering him to take such corrective measures as are necessary within a reasonable time thereafter. The notice and order shall be in writing and shall be served personally upon the person to whom directed, or if he be not found, by mailing a copy thereof by certified mail to his usual place of abode and conspicuously posting, a copy at the premises affected by notice and order, if any.

(b) Nothing in this chapter shall prevent the director from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means. (Code 1963, Sec. 22A-10)

Sec. 11-5-11 Emergency procedure.

Notwithstanding the provisions of this chapter or any other provision of law, if the director finds that any owner is causing or contributing to noise pollution and that the causing or contributing to noise pollution creates an emergency which requires immediate action to protect the public health or safety, the director shall order the owner to reduce or discontinue immediately the causing or contributing to noise pollution and such order shall be complied with immediately. The order shall be deemed properly served if a copy thereof is delivered personally, or if the owner involved is not found, by mailing a copy thereof by certified mail to the owner involved at the premises involved or his business or residence address, if known, and by posting a copy thereof in a conspicuous place in or about the premises affected. (Code 1963, Sec. 22A-12)

Sec. 11-5-12 Penalties.

(a) Civil violation. Any person who commits, permits, assists in or attempts any violation of this chapter, whether by act or omission, shall be liable for a civil violation as follows:

(1) The first violation of this chapter by such person shall be punished by a civil penalty in the amount of $50.

(2) The second violation of this chapter committed by such person within seven days of the first violation shall be punished by a civil penalty in the amount of $100.

(3) The third and any subsequent violation of this chapter committed by such person within 14 days of the first violation shall be punished by a civil penalty in the amount of $500.

(b) *Criminal violation.* Any person who knowingly refuses or neglects to comply with any written order to cease or abate any violation of this chapter, issued by an authorized enforcement officer, shall be guilty of a class 2 misdemeanor.

(c) Each hour of a continued violation shall constitute a separate offense under this chapter.

(d) Procedures.

(1) If an authorized enforcement officer determines that a violation of this chapter has occurred, the officer may cause a notice of the violation to be served on any or all persons committing, permitting, assisting in or attempting such violation.

(2) The notice shall provide that the person charged with a violation may elect to make an appearance in person, or in writing by mail, to the treasurer of the city, and admit liability for or plead no contest to the violation, abate the violation, and pay the civil penalty established for the violation, all within the time period fixed in the notice.

(3) If a person charged with a violation does not elect to admit liability or plead no contest, and abate the violation, the violation shall be tried in the Alexandria General District Court upon a warrant in debt or motion for judgment, with the same right of appeal as provided for civil actions at law.

In the event the violation exceeds the jurisdictional limits of the General District Court, the violation shall be tried in the Alexandria Circuit Court.

(4) A finding of admission of liability or a plea of no contest to a civil violation shall not be deemed a criminal violation for any purpose.

(5) A notice of civil violation, or a summons or arrest for a criminal violation, as provided in this section, may be issued or had, notwithstanding that no prior notice of violation and ordering of corrective measures as provided in section 11-5-10 has been given.

(6) The provisions for judicial review contained in section 11-5-16 shall have no application to notices of violation, or summons or arrests, issued or made under the provisions of this section. (Code 1963, Sec. 22A-13; Ord. No. 3726, 6/14/93, Sec. 2)

Sec. 11-5-13 Additional remedy; injunction.

The operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the health, comfort, safety, welfare and environment of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction. (Code 1963, Sec. 22A-14)

Sec. 11-5-14 Confidentiality of records.

Any records or other information which relate to processes or production unique to the owner or operator or which would tend to affect adversely the competitive position of the owner or operator shall be only for the confidential use of the director, the engineer and other departments, agencies and officers of the city, and appropriate federal and Commonwealth of Virginia noise pollution control officials, unless the owner or operator shall expressly agree to their publication or availability to the general public. Nothing herein shall be construed to prevent the use of such records or information by any department, agency or officer of the city in compiling or publishing analyses or summaries relating the general condition of the outside area; provided, that such analyses or summaries do not reveal any information otherwise confidential under this section. (Code 1963, Sec. 22A-15)

Sec. 11-5-15 Application of chapter.

Nothing contained in this chapter shall be construed to supplant or take the place of other provisions of the city code, as amended, or any other applicable provisions of law. (Code 1963, Sec. 22A-16)

Sec. 11-5-16 Judicial review.

(a) Any person directly and either jointly or severally aggrieved by a final order or a final decision of the director is entitled to judicial review thereof under this chapter in the Circuit Court of the City of Alexandria.

(b) Proceedings for review shall be instituted by filing a notice of appeal and a petition for review with the court within 30 days after the date of the final order or final decision and delivering, a copy of the notice and the petition to the director. The filing of an appeal shall not act to stay the order or the effect of the decision from which the appeal is taken. Within five working days after receipt the notice, the director shall file in the record of the suit a statement of the reason, including any finding of fact and/or conclusion of law, upon which the order or decision appealed from was based. Further proceedings shall be in accordance with equity jurisprudence and procedure. The court may render its judgment upon the record or it may hear such additional evidence as it deems proper.

(c) The court may affirm the final order or final decision from which an appeal has been taken or it may remand the matter for further proceedings; or it may reverse or modify the order or decision on appeal if the substantial rights of the appellant have been prejudiced because the order or decision of the director is:

(1) in violation of any constitutional provision;

(2) in excess of lawful authority or jurisdiction;

(3) made upon unlawful procedure;

(4) affected by other error of law;

(5) unsupported by the evidence on the record considered as a whole; or

(6) arbitrary, capricious or an abuse of discretion.

CHAPTER 6

Rat Control

State Law Reference: State law as to rodenticides, Code of Va., Secs. 3-198 to 3-208.47.

Cross Reference: Requirement that nursery schools be free of rodents, Sec. 12-3-43; elimination of rodents in foodhandling establishments, Sec. 11-2-241, 11-2-242.

§ 11-6-1	Definitions.
§ 11-6-2	Buildings to be ratproof and free of rats; elimination of rat harborages.
§ 11-6-3	Inspections; notice of evidence of rat infestation, rat harborage or inadequate ratproofing.
§ 11-6-4	Compliance with notice to ratproof.
§ 11-6-5	Compliance with notice as to rat eradication.
§ 11-6-6	Compliance with notice as to rat harborage.
§ 11-6-7	Ratproofing when building is constructed, etc.
§ 11-6-8	Storage of food and feed.
§ 11-6-9	Feeding of birds.
§ 11-6-10	Containers for garbage, etc.; use of dumps.
§ 11-6-11	Accumulations of garbage, etc.
§ 11-6-12	Piles of lumber, bricks, etc.
§ 11-6-13	Ratguards at wharves, docks and slips.
§ 11-6-14	Procedure as to demolition, moving or removing of buildings.
§ 11-6-15	Emergency abatement of rat infestation.
§ 11-6-16	Rules and regulations.
§ 11-6-17	Enforcement of chapter.
§ 11-6-18	Compliance with chapter.

Sec. 11-6-1 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall for the purpose of this chapter, have the meanings indicated in this section:

(1) *Building.* Any structure or dwelling, whether public or private, which is devoted to or designed for occupancy of any kind, or for the transaction of business of any nature, for the rendering of professional service, for amusement, for the display, sale or storage of goods, wares or merchandise, or for the performance of work or labor, including hotels, apartment buildings, roominghouses, office buildings, public buildings, stores, theaters, markets, restaurants, warehouses, workshops, factories and all other houses, sheds, and other structures on premises used for business or dwelling purposes, whether they are occupied or not.

(2) *Occupant.* The person using or occupying any building or part thereof, whether owner or tenant. In the case of vacant buildings or vacant portions thereof, the owner, agent or custodian shall have the responsibility as occupant.

(3) *Owner.* The person who is the actual owner, agent or custodian of the building and also the lessee thereof when, under the terms of a lease the lessee is responsible for maintenance and repair.

(4) *Person.* The word "person" shall include one or more natural persons, associations, partnerships, corporations, syndicates, societies, clubs, lodges, trustees, fiduciaries or any group of the foregoing operating or doing business as a single organization.

(5) *Rat.* The word "rat" or any term including the word "rat" shall include mice.

(6) *Rat eradication.* The elimination or extermination of rats within and without buildings and from rat harborages of any kind by any or all of the accepted measures, such as baiting, fumigation, trapping, etc., so that the buildings and rat harborages are completely freed of rats and there is no evidence of rat infestation remaining.

(7) *Rat harborages.* Any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside of a building of any kind.

(8) *Ratproofing.* A form of construction preventing the ingress of rats into buildings from the exterior or from one building to another. It consists essentially of treating or closing all actual or potential openings in the exterior walls, ground or first floors, basements, roofs and foundations, that may be reached by rats from the ground by climbing or by burrowing, with material or equipment which is impervious to rat gnawing.

(9) *Code official.* The person designated to enforce chapter 34 of the Uniform Statewide Building Code which is incorporated into the city code by section 8-1-2. (Code 1963, Sec. 26-1; Ord. No. 3931, 6/14/97, Sec. 1)

Sec. 11-6-2 Buildings to be ratproof and free of rats; elimination of rat harborages.

(a) All buildings in the city shall be ratproofed, freed of rats, and maintained in a ratproof and rat-free condition. Rat harborages and conditions favoring the harborage of rats shall be eliminated.

(b) The owners of all ratproof buildings shall maintain the premises in a ratproof condition and repair all breaks or leaks that may occur in the ratproofing without a specific notice from the director of public health.

(c) It shall be unlawful for the owner, occupant, contractor, public utility company, plumber, any repairman, or any other person to remove and fail to restore in like condition the ratproofing from

any building for any purpose, or to make any new openings that are not closed or sealed against the entrance of rats. (Code 1963, Sec. 26-2)

Sec. 11-6-3 Inspections; notice of evidence of rat infestation, rat harborage or inadequate ratproofing.

(a) The code official is empowered to make inspections of the interior and exterior of buildings and other areas in order to ascertain whether there is evidence of rat infestation, rat harborage or inadequate ratproofing. When such conditions are found to exist, notice thereof shall be given as hereinafter provided.

(b) The code official is further empowered to make additional inspections from time to time to determine whether the conditions stated in any notice are being or have been remedied, and whether rat control measures are being continuously maintained in a satisfactory manner. (Code 1963, Sec. 26-3; Ord. No. 3931, 6/14/97, Sec. 1)

Sec. 11-6-4 Compliance with notice to ratproof.

Upon receipt of written notice from the code official to the effect that there appears to be inadequate ratproofing or no ratproofing, the owner of any building specified therein shall take immediate steps to ratproof the building. Unless the work and improvements necessary to ratproof the building shall be completed by the owner in time specified in the notice, which in no event shall be less than 15 days, or within the time to which a written extension may have been granted by the code official then the owner shall be punished as provided in section 1-1-7 of this code. (Code 1963, Sec. 26-4; Ord. No. 3931, 6/14/97, Sec. 1)

Sec. 11-6-5 Compliance with notice as to rat eradication.

Whenever the code official notifies in writing the occupant of any building or premises that there is evidence of rat infestation of the building, the occupant shall immediately institute rat eradication measures and shall continuously maintain such measures in a satisfactory manner until the building or premises is rat-free or the code official advises that there is no evidence of rat infestation. Unless such measures are taken within five days after receipt of the notice, the occupant shall be punished as provided in section 1-1-7 of this code. (Code 1963, Sec. 26-5; Ord. No. 3931, 6/14/97, Sec. 1)

Sec. 11-6-6 Compliance with notice as to rat harborage.

Whenever conditions in, under or outside any building provide harborage for rats, the code official is empowered to notify in writing the owner or occupant to remove, abate, suspend, alter or otherwise correct such rat harborage within the time specified in the notice, which in no event shall be less than 15 days, or within the time to which a written extension may have been granted. Failure to comply with this notice within the time specified shall be punished as provided in section 1-1-7 of this code. (Code 1963, Sec. 26-6; Ord. No. 3931, 6/14/97, Sec. 1)

Sec. 11-6-7 Ratproofing when building is constructed, etc.

It shall be unlawful for any person to construct, repair or remodel any building, or other structure whatsoever, unless the construction, repair, remodeling or installation shall render the building or other structure ratproof. The provisions of this section apply only to such construction, repair, remodeling or installation as affect the ratproof condition of any building or other structure. (Code 1963, Sec. 26-7)

Sec. 11-6-8 Storage of food and feed.

All food and feed within the city for feeding dogs, cats, birds and other animals shall be stored in rat-free and ratproof containers, compartments or rooms unless stored in a ratproof building. (Code 1963, Sec. 26-8, as amended by Ord. No. 2428, 1/8/80, Sec. 1; Ord. No. 3931, 6/14/97, Sec. 1)

Sec. 11-6-9 Feeding of birds.

When feeding birds the feed shall be placed on raised platforms or in some other manner so that it will not be accessible to rats. The feed shall not be spread upon the ground or any place or in any manner that would allow it to be accessible to rats. Bird feeders shall be elevated at least 18 inches above the ground and shall be inaccessible to rats. (Code 1963, Sec. 26-9, as amended by Ord. No. 2428, 1/8/80, Sec. 2; Ord. No. 3931, 6/14/97, Sec. 1)

Sec. 11-6-10 Containers for garbage, etc.; use of dumps.

Within the city, all garbage or refuse consisting of waste animal or vegetable matter upon which rats may feed, and all small dead animals, shall be placed and stored until collected in approved waste containers as provided in title 5, Chapter 1 of this code. No person shall dump on any premises, land or place, public or private, any dead animals, waste vegetable or animal matter of any kind, except on official city disposal sites or other places authorized by the code official. (Code 1963, Sec. 26-10, as amended by Ord. No. 2428, 1/8/80, Sec. 3; Ord. No. 3931, 6/14/97, Sec. 1)

Sec. 11-6-11 Accumulations of garbage, etc.

It shall be unlawful for any person to place, leave, dump or permit to accumulate any garbage, rubbish or trash in any building or on any premises, improved or vacant, or on any open lot or alley in the city so that the same shall or may afford food or harborage for rats. (Code 1963, Sec. 26-11)

Sec. 11-6-12 Piles of lumber, bricks, etc.

It shall be unlawful for any person to accumulate, or to permit the accumulation of any lumber, boxes, barrels, bottles, cans, bricks, stones, containers or similar materials that may be permitted to remain on any premises, improved or vacant, or on any open lot or alley in the city, unless it shall be evenly piled or stacked on open racks that are elevated a reasonable height above the ground, but in no case less than six inches. (Code 1963, Sec. 26-12)

Sec. 11-6-13 Ratguards at wharves, docks and slips.

All public and private docks and wharves in the city wherever located shall be protected so as to prevent rats from gaining entrance to such docks or wharves at either high or low tide from vessels anchored or moored alongside of the docks or wharves. Ratguards shall be immediately placed on all lines used to secure any vessel alongside any dock or wharf. This section shall not apply to any vessels authorized, under title 6, chapter 3 of the city code, to be docked at the City of Alexandria marina. (Code 1963, Sec. 26-13; Ord. No. 3122, 4/12/86, Sec. 1)

Sec. 11-6-14 Procedure as to demolition, moving or removing of buildings.

When any person desires to demolish, move or remove, in whole or in part, any building, he shall first obtain a certificate from the code official, stating that rat eradication measures have been taken and that the premises are free of rats before a permit to demolish, move, or remove the building will be issued by the building inspector. Upon completion of the demolition or removal of the building, it shall be the duty of the owner to eliminate all rat harborages from the premises and to maintain the premises in a rat-free condition. If the proposed demolition or removal of a building, or part thereof, is not commenced within 60 days after the issuance of the certificate by the code official, the certificate shall be deemed null and void, and before proceeding with the demolition or removal a new certificate shall be obtained. (Code 1963, Sec. 26-14; Ord. No. 3931, 6/14/97, Sec. 1)

Sec. 11-6-15 Emergency abatement of rat infestation.

Whenever the code official shall find that a public health emergency exists because of the infestation of a building, structure, dump or any premises by rats which is likely to cause plague, typhus fever, rat-bite fever or other disease to be spread to residents of the city, he may summarily abate such condition of infestation by rats without prior notice to owners or occupants. (Code 1963, Sec. 26-15; Ord. No. 3931, 6/14/97, Sec. 1)

Sec. 11-6-16 Rules and regulations.

The code official is empowered to adopt rules and regulations to aid in the construction and enforcement of this chapter which are not inconsistent with the terms and provisions hereof. It shall be unlawful for any person to fail to comply with such rules and regulations. (Code 1963, Sec. 26-16; Ord. No. 3931, 6/14/97, Sec. 1)

Sec. 11-6-17 Enforcement of chapter.

(a) The code official of the city or his authorized representative shall be responsible for the enforcement of the provisions of this chapter.

(b) The city manager may, upon the request of the code official, allocate such resources and personnel of the city as he may deem necessary to assist the code official in the enforcement of any provisions of this chapter as the city manager

shall specifically designate. (Code 1963, Sec. 26-16.1, as amended by Ord. No. 2428, 1/8/80, Sec. 4; Ord. No. 3931, 6/14/97, Sec. 1)

Sec. 11-6-18 Compliance with chapter.

It shall be unlawful for any person to fail, neglect or refuse to comply with the provisions of this chapter. Unless otherwise provided for in this chapter, any person violating any provision of this chapter shall, upon conviction thereof, be punished by a fine not to exceed $100. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Code 1963, Sec. 26-17, as amended by Ord. No. 2428, 1/8/80, Sec. 5)

CHAPTER 7

Reserved

Editorial Note: Ord. No. 4828, § 1, adopted Sept. 21, 2013, repealed ch. 7, §§ 11-7-1—11-7-25, which pertained to personal grooming establishments and derived from Ord. No. 2670, § 1, adopted March 13, 1982; Ord. No. 2820, §§ 1—7, adopted June 28, 1983; and Ord. No. 3022, § 1, adopted March 16, 1985.

CHAPTER 8

Reserved

Editorial Note: Ord. No. 2925, § 1, adopted May 12, 1984, repealed ch. 8, §§ 11-8-21—11-8-38, and 11-8-51 and 11-8-52, which pertained to swimming pools and derived from Code 1963, § 35-1—35-19 and from Ord. No. 2501, adopted June 25, 1980. Provisions concerning swimming pools and health spas may now be found in ch. 11.

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CHAPTER 9

Miscellaneous Health Regulations

§ 11-9-1 Administrative procedures for control of contaminated land.

Sec. 11-9-1 Administrative procedures for control of contaminated land.

The "Administrative Procedures for Control of Contaminated Land, Alexandria, Virginia," dated October 20, 1976, promulgated by the city manager and adopted by the city council on November 23, 1976, by Ordinance No. 2145, are the city's policy concerning the use of land found to be contaminated by toxic substances and hazardous to the public health, safety and welfare. Said administrative procedures may be amended or revised from time to time by the city manager with the approval of the city council by motion.

CHAPTER 10

Smoking Prohibitions

§ 11-10-1 Short title.
§ 11-10-2 Definitions.
§ 11-10-3 Smoking prohibited in certain areas.
§ 11-10-3.1 Designated no-smoking areas in restaurants.
§ 11-10-4 Exceptions.
§ 11-10-5 Designated smoking area.
§ 11-10-6 Posting of signs.
§ 11-10-7 Enforcement.
§ 11-10-8 Penalty.

Sec. 11-10-1 Short title.

This chapter shall be known and may be cited as the "Smoking Prohibitions Code of the City of Alexandria, Virginia." (Ord. No. 2907, 3/17/84, Sec. 1)

Sec. 11-10-2 Definitions.

(a) *Food store.* Any supermarket, grocery store or other retail food store which is designed and arranged to display and sell food products to the general public for consumption off the premises, or which derives a substantial proportion of its income therefrom.

(b) *Health care facility.* Any office or institution providing individual care or the treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions including but not limited to hospitals, clinics, nursing homes, homes for the aging or chronically ill, laboratories, offices of any physician, dentist, psychologist, psychiatrist, physiologist, podiatrist, optometrist or optician.

(c) *Person.* Any person, firm, partnership, association, corporation, company or organization of any kind.

(d) *Public meeting.* Any meeting or assembly held in a public building or building leased for a public purpose which is open to the public for the conduct of the affairs of, and the transaction of business by, any legislative or administrative body or agency of the City of Alexandria, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds.

(e) *Restaurant.* Any establishment, or place within an establishment, offering food and beverages for consumption on the premises, including lunchrooms, cafeterias, coffee shops, cafes, taverns, delicatessens, lunchstands and lunch counters, but excluding bars and lounges which do not regularly offer

food and open food counters and the like in sport facilities such as football, soccer and basketball stadia and bowling alleys.

(f) *Retail store.* Any establishment whose primary purpose is to sell or offer for sale to consumers, not for resale, any goods, wares, merchandise, articles or other things and all activities, operations and services connected therewith or incidental thereto. The term "retail store" shall not include food stores, hotels, motels, restaurants and those restaurant facilities which are an integral part of a retail store, bar, lounge, catering establishment and other facility. For purposes of this chapter, banks and savings and loan institutions shall be considered "retail stores."

(g) *Smoking or to smoke.* The act of smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind, or lighting a cigar, cigarette or pipe of any kind.

(h) *Theater.* Any indoor facility, open to the public, which is primarily used for or designed for the purpose of exhibiting any motion picture, stage drama, musical recital, dance, lecture or other similar performance. (Ord. No. 2907, 3/17/84, Sec. 1; Ord. No. 3270, 1/26/88, Sec. 1)

Sec. 11-10-3 Smoking prohibited in certain areas.

It shall be unlawful for any person to smoke in any of the following areas:

(a) In an elevator, regardless of capacity, except in those elevators in single-family dwellings;

(b) In any retail store in which more than eight (8) persons are regularly employed at any one time;

(c) In any food store in which more than eight (8) persons are regularly employed at any one time;

(d) In any health care facility, regardless of capacity;

(e) In any public meeting attended by more than eight (8) persons;

(f) In any theater, except smoking by performers as part of the production; or

(g) In any art gallery, library, museum, or similar cultural facility, supported in whole or in part by public funds.

(h) In a designated no-smoking area of any restaurant, as set forth in section 11-10-3.1. (Ord. No. 2907, 3/17/84, Sec. 1; Ord. No. 3270, 1/26/88, Sec. 2)

Cross Reference: Smoking on buses prohibited, § 13-1-37.

Sec. 11-10-3.1 Designated no-smoking areas in restaurants.

(a) Every restaurant with a seating capacity of greater than 40 seats shall have one (1) or more indoor designated no-smoking areas in which smoking shall be prohibited. Such no-smoking area or areas shall consist of at least 25 percent of the indoor seating capacity of the restaurant; provided, that no single no-smoking area shall consist of fewer than 10 seats or six percent (6%) of the indoor restaurant seating capacity, whichever is larger.

(b) Every restaurant with a seating capacity of 40 or fewer seats shall have a single indoor designated no-smoking area in which smoking shall be prohibited. Such no-smoking area shall consist of at least 25 percent of the indoor seating capacity of the restaurant.

(c) Notwithstanding the provisions of subsections (a) and (b), every restaurant for which a special use permit is approved pursuant to title 7, chapter 6 of this code after April 22, 1988, shall have one (1) or more indoor designated no-smoking areas in which smoking shall be prohibited. Such no-smoking area or areas shall consist of at least 50 percent of the indoor seating capacity of the restaurant; provided, that no single no-smoking area shall consist of fewer than 10 seats or 12 percent of the restaurant indoor seating capacity, whichever is larger; provided further, that the no-smoking area or areas of a restaurant subject to this subsection which meets the indoor air quality standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers shall be required only to consist of at least 25 percent of the restaurant indoor seating capacity in which case the provisions in subsection (a) regarding the minimum size of no-smoking areas shall apply.

(d) Any restaurant with outdoor seating shall have one (1) or more designated outdoor no-smoking areas in which smoking shall be prohibited. Such no-smoking area or areas shall consist of at least 25 percent of the outdoor seating capacity of the restaurant; provided, that no single no-smoking area shall consist of fewer than 10 seats or 10 percent of the outdoor seating capacity of the restaurant, whichever is larger.

(e) Every restaurant shall make a good faith effort to designate one (1) or more no-smoking areas in patron waiting areas.

(f) Any restaurant required by this section to designate one (1) or more no-smoking areas shall post conspicuous signs which inform all patrons of the existence of the no-smoking areas, and shall in-

form its patrons of the boundaries of the no-smoking areas by such posted signs, by signs placed on individual dining tables or verbally by restaurant personnel.

(g) For purposes of this section, neither the indoor seating capacity nor the outdoor seating capacity of a restaurant shall include any bar or lounge area, and such areas shall not be required to contain any designated no-smoking area. (Ord. No. 3270, 1/26/88, Sec. 3)

Sec. 11-10-4 Exceptions.

The prohibitions of this chapter shall not apply to the following:

(a) In lawfully designated smoking areas;

(b) In those areas of enclosed shopping centers or malls that are external to the retail stores and are used by customers as a route of travel from one store to another and that consist primarily of walkways and seating arrangements;

(c) In an area of a theater commonly referred to as a lobby if physically separated from the spectator area;

(d) In the offices or work areas of public buildings not entered by the public in the normal course of business or use of the premises;

(e) During the hours in which the particular business or institution is not open to the public;

(f) In any tobacco shop or store primarily concerned with selling tobacco and smoking implements;

(g) In the in-patient sleeping quarters of any health care facility, except hospitals. Each such facility shall make a reasonable effort to assign patients to sleeping rooms according to the patient's individual nonsmoking or smoking preference;

(h) The sleeping quarters of nonambulatory hospital patients, when the physician writes an order in the patient's record allowing that patient to smoke;

(i) Restaurants when engaged in the business of catering to banquets or other private parties at which guests occupy seats for meal service; provided, however, that restaurants shall advise in writing any person who contracts for a banquet or other private party that the City of Alexandria strongly encourages that banquet and private party guests be given the opportunity to choose to sit at tables set aside for smokers or nonsmokers and that seating for at least 25 percent of the guests be provided at contiguous tables set aside for nonsmokers. (Ord. No. 2907, 3/17/84, Sec. 1; Ord. No. 3270, 1/26/88, Sec. 4)

Sec. 11-10-5. Designated smoking area.

The owner or person in charge of any building, structure, space, place or area in which smoking is prohibited may designate separate rooms or areas in which smoking is permitted, provided that:

(a) Designation of such rooms or areas shall be reasonably separate from those rooms or areas entered by the public in the normal course of use of the particular business or institution; and

(b) In designated smoking areas, existing physical barriers and ventilation systems shall be used when possible to minimize the toxic effect of smoke in adjacent nonsmoking areas. (Ord. No. 2907, 3/17/84, Sec. 1)

Sec. 11-10-6 Posting of signs.

Any person who owns, manages or otherwise controls any building, facility, room, area or place in which smoking is prohibited, is required to post or cause to be posted conspicuously, signs at least five (5) inches in height, which read:

NO SMOKING
City Code
Prohibits the Carrying
of Lighted Tobacco
Products of Any Kind
$25.00 Fine

The letters in the words "No Smoking" shall be at least one and one-half (1½) inches in height. Restaurants for which sign requirements are required by section 11-10-3.1 are excluded from the requirements of this section. (Ord. No. 2907, 3/17/84, Sec. 1; Ord. No. 3270, 1/26/88, Sec. 5)

Sec. 11-10-7 Enforcement.

The provisions of this chapter shall be enforced by the city manager or his duly authorized representative. Nothing in this chapter shall be construed as permitting smoking where other federal, state, or local laws prohibit it. (Ord. No. 2907, 3/17/84, Sec. 1; Ord. No. 3270, 1/26/88, Sec. 6)

Sec. 11-10-8 Penalty.

Any person violating any of the provisions of this chapter shall be fined up to $25. Each day a violation of this chapter shall continue constitutes a separate violation. (Ord. No. 2907, 3/17/84, Sec. 1)

CHAPTER 11

Swimming Pools, Spa Pools and Health Clubs

Editorial Note: Section 1 of Ord. No. 4649, adopted March 13, 2010, repealed Ch. 11 and enacted a new chapter as set out herein. The former Ch. 11, §§ 11-11-1—11-11-3, pertained to similar subject matter and derived from Ord. No. 3619, § 2, adopted March 20, 1993. See the Code Comparative Table for further information.

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ARTICLE A

General Provisions

Sec. 11-11-1 Title.

This chapter shall be known and may be cited as the City of Alexandria Aquatic Health Ordinance. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-2 Purpose.

The purpose of this chapter is to:

(a) ensure that all aquatic facilities are constructed, operated, and maintained in a manner which does not adversely affect the public health or safety;

(b) set forth the requirements necessary to secure a permit for construction, ownership and operation of an aquatic facility. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-3 Administration and enforcement.

The director of the Alexandria Health Department shall administer and enforce this chapter. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-4 Scope.

This chapter shall apply to all aquatic facilities intended for recreational use as indicated and herein defined. Facilities constructed for competitive swimming or competitive diving shall meet the requirements set forth by this chapter and/or the applicable FINA Facility Rules (www.fina.org). This chapter does not apply to residential pools serving a single family residence or duplex residence except in those cases when a residence is used as a bed and breakfast or child care facility. Whenever any provision of any state law, city code or any other applicable law or regulation imposes a greater requirement or a higher standard than is required under this chapter, compliance with the provision of the stricter standard shall be required. Nothing in this chapter shall be held to preclude compliance with the applicable provisions of any other code, standard, regulation or specification. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-5 Definitions.

For the purposes of this chapter, the following words and terms shall have the following meaning, unless the context clearly indicates otherwise.

Above-ground pool means any pool having the pool tank above ground level.

Activity pool means a pool which features recreational water activities which may include, but is not limited to, one or more of the following: climbable bars, ropes, chutes, bubblers, fountains, anchored floating play components or other similar devices.

ANSI means American National Standards Institute.

Aquatic facility means a facility for water recreation or water therapy including, but not limited to, a public pool facility, spa pool facility, a waterpark facility, a limited access pool, or an interactive water feature facility.

ASME means American Society of Mechanical Engineers.

ASTM means American Society for Testing and Materials.

Attendant means a person at a waterpark facility trained to operate an attraction and control the patrons in a safe and orderly manner.

Attraction or *ride* means any of the specific types of features at waterpark facilities involving partial or total immersion of the patron.

Backwashing means the process of thoroughly cleaning the filter media or elements by reversing flow, dislodging the filter aid, and/or removing accumulated debris and discharging it to waste.

Bathhouse facility means the enclosed structure and related areas, used by patrons of an aquatic facility prior to entering the pool(s), which contain the dressing rooms, showers, toilets, lavatories, saunas, and steamrooms.

Bed and Breakfast is a transient lodging facility permitted by the director as defined by the City of Alexandria Zoning Ordinance.

Breakpoint chlorination means the addition of a sufficient amount of chlorine to water to destroy the combined chlorine present. Breakpoint chlorination is approximated by the addition of chlorine sufficient to obtain a total chlorine residual 10 times the original combined chlorine residual.

Center line means the path defined by geometric midpoints of a component or structure, generally used for consideration of the slide path in flume rides and the separation of diving boards or platforms in a diving area.

Child care facility means any child care home, day care center, or nursery school, as defined by the City of Alexandria Zoning Ordinance.

Children's activity pool means an activity pool, designed primarily for the use of children, having a maximum depth of 24 inches.

Chute means a structure which contains and directs the path of travel and rate of descent of a patron. A chute may be tubular, trough-like, curved or flat-bottomed. A chute generally uses water only as a lubricant.

Combined residual disinfectant means the amount of halogen or other approved disinfectant which has chemically combined with organic nitrogen compounds (e.g., combined chlorine).

Competitive diving board means any diving board recommended by the manufacturer for diving competition.

Control fence means a woven steel wire, chain link, picket, solid board type fence, wall or equivalent barrier capable of directing bathers through the appropriate entry onto the pool deck or to a specific location within the pool facility's perimeter fence.

Cross-ventilation means the movement of air from an outside source into and out of a filter/chemical storage room, sufficient to prevent the accumulation of chemical vapors or dust. The cross-ventilation shall be provided by a mechanical exhaust fan.

CT value means the concentration in ppm of a disinfectant (C) multiplied by time in minutes (T) needed for inactivation of a particular contaminant. The concentration and time are inversely proportional, therefore, the higher the concentration of a disinfectant, the shorter the contact time required for inactivation. The CT value can vary with pH or temperature change so these values must also be supplied.

Deck means the smooth, impervious, non-slip walking surface located within the perimeter enclosure and around the aquatic facility.

Diaper changing station means an easily cleanable unit that meets the requirements of the Consumer Safety Performance Specifications for Diaper Changing Tables for Commercial Use including Americans with Disabilities Act (ADA) Standards and Product Safety Signs and Labels.

Director means the health director of the Alexandria Health Department or his/her designee.

Disinfectant means an agent that disinfects by destroying, neutralizing, or inhibiting the growth of harmful organisms.

Diving area means the minimum dimensions of an area within the pool necessary to provide safe entry from a diving board or platform.

Diving board means the mechanism used for entering a swimming pool, consisting of a semi-rigid board, that derives its elasticity through the use of a fulcrum mounted below the board, and the stand that supports the semi-rigid board.

Diving platform means the raised rigid stage used for diving.

Drop slide means a sloped chute or flume exiting the user above the pool operating water level into a receiving pool.

Fence means a closed-type vertical barrier which completely encloses and secures the pool area and prevents unauthorized entry.

Filter means a device that separates solid particles from water by circulating water through a porous substance, the filter media or element.

FINA means the Federation Internationale de Natation Amateur.

Flume means a trough-like or tubular structure which uses a significant volume of water to transport the user.

Free available residual disinfectant means the amount of disinfectant which is available to inactivate microorganisms and oxidize organic matter (e.g. free chlorine), and which has not reacted with organic nitrogen compounds or any other material in pool water.

Foothold means areas that are greater than one and three-quarter inches wide as measured horizontally that expose horizontal surfaces whose top planes are separated by a vertical distance that is less than 45 inches.

GFCI means ground fault circuit interrupter.

Handhold means the same as foothold.

Hard-wired telephone means a telephone that has a direct wire handset and connection to the main telephone system.

Hydrotherapy jet means a fitting which blends air and water creating a high velocity, turbulent stream of air enriched water.

Hydrostatic pressure relief valve means any valve which, when properly installed, will relieve underground water pressure caused by high water tables under and/or around the pool shell.

Industry standards mean the American National Standards Institute (ANSI), or similar national standards, as approved by the director.

In-ground pool means any pool constructed with the pool tank below ground level.

Injury or illness report means the written record of all facts regarding any death, near drowning, injury or illness associated with any regulated aquatic facility.

Inner-tube ride means an attraction where users ride inner tube-like floatation devices through a series of chutes, channels, flumes, and/or pools.

Interactive water feature facility (IWFF) means a structure or area designed to allow contact with water, but having standing water less than or equal to one inch, including but not limited to water sprays, dancing water jets, waterfalls, and dumping buckets. An IWFF is not an aquatic facility provided there is both:

(i) A visible barrier, at least 15 inches in height, surrounding the entire feature, and

(ii) Signage facing approaches to the IWFF, with letters at least one inch in height, stating "Do Not Enter - Untreated Water."

Internal communication system means any combination of devices permitting the immediate passage or exchange of messages between the personnel within the aquatic facility.

Lazy River means a circuitous stream of pool water, moved by booster pumps or other means, providing a continuous current in which patrons are transported by flotation devices or other means.

Lifeguard means an individual, 15 years of age or older, who is trained and certified in lifeguarding, first aid, and cardio-pulmonary resuscitation (CPR).

Lifeguard stand means an elevated lifeguard station, which complies with OSHA standards for elevated platforms, and includes a seat and platform. An umbrella emplacement sleeve or alternative shade producing structure is required for outdoor stands. The stand may be portable, and shall be located to allow full visual coverage of the lifeguard's assigned area of responsibility.

Lifeguard station means a lifeguard stand or other designated work station of a lifeguard.

Light color means any color which has a Munsell Value (V) notation of 6.5 or greater and a Munsell Chroma (C) notation of 7.0 or less.

Limited access pool means a pool that does not serve an apartment complex and (i) serves 65 or fewer members of a homeowners association or condominium association, (ii) only allows access to their facility to association members, their guests, families and/or owners' lessees, (iii) does not allow access by the general public, and (iv) determines annually, by a majority of voting members of the association, to be designated as a limited access pool for that year.

MSDS means material safety data sheets.

Make-up water means potable water which is added to a pool to bring the water level up to the waterline.

Maximum facility load means the maximum number of patrons permitted in any aquatic facility at any one time. The maximum facility load is limited by the sum total of the maximum individual swimming pool and individual spa pool bather loads, bathhouse plumbing fixture restrictions, or other restrictions imposed by the director.

Maximum individual swimming pool bather load means the maximum number of patrons permitted within the water of an individual pool at any one time.

Maximum individual spa pool bather load means the maximum number of patrons permitted within the water of an individual spa pool at any one time.

NSF means National Sanitation Foundation.

ORP means Oxidation Reduction Potential.

OSHA means the Occupational Safety and Health Administration.

Overflow trough or gutter means the surface water collection system designed to remove surface water through pool overflow.

Owner means any person, or legally authorized representative of any person, who owns or leases an aquatic facility and in whose name the owner's annual or seasonal permit is issued. The person in charge of the aquatic facility shall be deemed to be the designee of the owner.

Perimeter means the distance around the swimming pool, spa, wading pool or other body of water measured where the normal water surface under operating conditions meets the sidewall of the facility shell.

Person means any and all entities, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or public or private corporations organized under the laws of this Commonwealth or any other state or country.

Pinch hazard means any configuration of components that could pinch or entrap the fingers, toes or any other part of the human body.

Plummet means a line that is perpendicular to the water surface and extends vertically through a point located at the front edge of a diving board and on the centerline.

Pool means any man-made structure, basin, chamber or tank located either indoors, outdoors,

or both, containing a body of water with sufficient depth for complete or partial immersion of the body.

Pool area means a pool and all decks, grounds, and other areas located within the perimeter enclosure.

Pool facility means any pool(s), together with the buildings, equipment and appurtenances pertaining to such a body of water including, but not limited to, all areas located within the perimeter enclosure.

Pool management company means any person, firm, corporation or association contracting to manage or operate an aquatic facility.

Pool operator means a person, 16 years of age or older, trained to conduct the operation of an aquatic facility.

Pool operator's certificate means the document issued to a person who has successfully passed a pool operator's exam recognized by the director and administered by an exam proctor that is approved by the director.

ppm means parts per million.

psi means pounds per square inch.

Public pool means any pool, other than a residential pool serving a single family dwelling or duplex residence that is not a bed and breakfast, a child care facility, or a limited access pool which is intended to be used collectively by a number of persons for swimming, recreation, fitness, relaxation, or therapeutic purposes. Man-made structures such as plastic and/or inflatable wading pools designed for the temporary impoundment of uncirculated and/or undisinfected water will not be permitted as a public pool.

Radius of curvature means the radius arc which denotes the curved surface from the point of departure from the vertical sidewall (springline) of the pool to the pool bottom (e.g. coving).

Receiving pool means a pool located at the end of a water slide or drop slide that is designed to safely receive the rider of an attraction.

Recessed stairs means a step or series of steps that do not protrude beyond the pool wall. Recessed stairs extend down from the deck with the riser of the bottom step terminating at the pool wall and bottom.

Recreational diving board means any diving board that is not recommended by the manufacturer for diving competition.

Remodel means to change, rearrange, or modify an aquatic facility's structure, circulation system and/or appurtenances, such that the design, configuration and/or operating characteristics are different from the original design, configuration, and/or operating characteristics. The term "remodel" does not include normal maintenance and repair.

Repair means the replacement of existing construction with equivalent materials for the purpose of maintenance and the replacement of a previously approved piece of equipment with an equivalent unit having the same specifications, operating characteristics, and certifications.

Skimmer means a mechanical device connected to the pool water recirculation piping which is used to drain the pool water surface and is equipped with a weir, a flow adjustment device, and a removable and cleanable basket designed to trap small solids.

Slide means a drop slide or waterslide as defined herein.

Spa pool means any pool intended to be used for recreational or therapeutic use which may include a water jet and/or aeration system, may be heated or cooled, and is not drained, cleaned or refilled after each individual use. The term includes, but is not limited to, units designed for hydrotherapy jet recirculation, hot water, cold water, mineral bath, air induction bubbles, or any combination thereof. Common terminology for a spa pool includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, and hot tub. The term spa pool excludes spa pools used by or under the direct supervision and control of licensed medical personnel located in a medical facility and spa pools serving a single family dwelling or duplex residence that is not a bed and breakfast or a child care facility.

Springline means the point from which the pool wall breaks from vertical and begins its arc in the radius of curvature to the pool bottom.

Superchlorinate means to achieve a rapid increase in the chlorine residual within the pool water to oxidize organic impurities, destroy algae and/or achieve breakpoint chlorination.

Swimming pool means any pool intended to be used for public recreational swimming and/or public recreational diving, and means the same as public pool.

Total residual disinfectant means the arithmetic sum of free available residual disinfectant and combined residual disinfectant.

Turnover time or period means the time required to recirculate the equivalent of the total volume of pool water through the filter system.

UL means Underwriters Laboratory.

VUSBC means the Virginia Uniform Statewide Building Code.

Wading pool means a swimming pool designed primarily for use by small children which is separate from any other swimming pool within a pool area. A wading pool shall have a depth greater than one inch but not exceeding 18 inches.

Waterline means the midpoint of the operating range of the skimmers when there are no users in the pool. For overflow systems, the waterline is defined as the top of the overflow rim.

Waterpark facility means a water contact facility with design and operational features which provide recreational activities that are different from those associated with a conventional swimming pool and purposefully involve the immersion of the body either partially or totally in the water. Such recreational activities include, but are not limited to: water chutes, water flumes, slow rivers, activity pools, receiving pools, sprinklers, fountains, decorative showers, and wave pools.

Water slide means a chute or flume that discharges the user at or below the pool operating water level.

Wave pool means a pool producing waves which usually begin at the deep end and proceed toward and dissipate at the shallow end. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 4956, 6/13/15, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-6 Permits for construction, remodeling, resurfacing, modifications, and other changes; plan review and construction and pre-operational inspections.

(a) Building and other applicable permits shall be obtained before any aquatic facility regulated under this chapter may be constructed. A building permit or other applicable permits may be required from the appropriate official(s) before the remodeling of an aquatic facility regulated under this chapter. Plans and specifications shall have been approved by the director prior to the issuance of such permits.

(b) If a building permit is not required, plans and specifications for the remodeling of an aquatic facility regulated under this chapter shall be submitted to the director for review and approval. Duplicate copies of the plans and specifications shall be submitted to the director.

(c) The approval of any plans or specifications shall not be viewed to be a determination that the said plans or specifications are free from error. The owner shall have final responsibility for the accuracy and completeness of the plans and specifications, as well as for subsequent construction and installation.

(d) A plan review fee shall be paid. The fees for the review of plans and associated construction inspections are as established in section 11-11-25

(e) The requirements of this chapter are in addition to the requirements of all other applicable ordinances and codes, including but not limited to, plumbing, building, electrical, mechanical, zoning, and fire prevention.

(f) Prior to being put into service for the public, the construction of each aquatic facility shall be inspected for compliance with this chapter and approved by the director.

(g) A pre-operational inspection shall be conducted annually on each seasonal aquatic facility. Where more than one annual pre-operational inspection is required for a facility before it can be approved for operation, the director shall assess a reinspection fee for each additional inspection after the initial inspection. The fees for pre-operational reinspections are as established in section 11-11-25 and shall be set by the city council. Reinspection fees shall be paid before a reinspection is conducted.

(h) The director or their designee shall be notified in writing of any proposed changes to the pool, pool equipment, or deck are that are not like for like at least 10 days prior to commencement of work. The notification shall include an itemized list of all proposed work that is to be performed, including a statement that all work will comply with the requirements stated in this code. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-7 Owner's permit required; fee for same.

(a) No owner shall allow an aquatic facility to be operated unless the owner has secured an annual or seasonal permit(s) from the director. The permit(s) shall be posted in a location conspicuous to the public on the premises of the facility. Prior to issuing the permit(s), the director shall determine that the aquatic facility is in compliance with the requirements of this chapter, that all required application fees in section 11-11-25 have been paid, and that the aquatic facility has been approved by the building official. The permit shall be issued in the name of the owner for the calendar year, or if a seasonal pool,

for the period during the calendar year the facility will be in operation. A permit(s) may not be transferred from one person or owner to another person or owner. In the event the owner is operating a facility without the required annual or seasonal permit(s), the director shall order the immediate closure of the facility. An order of closure shall be effective upon delivery of a written notice to the owner or person in charge of the facility and shall remain in effect until such time as the owner secures the annual or seasonal permit(s).

(b) The fees for the permit(s) required by section 11-11-7 (A) are as established in section 11-11-25 of this chapter.

(c) The owner and the pool management company, if applicable, of any aquatic facility are responsible for the facility being operated, maintained, and managed in accordance with the requirements of this chapter. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-8 Facility closure and suspension of the owner's permit.

(a) The director shall order the immediate closure and permit suspension of any aquatic facility upon finding that a substantial hazard exists to the health or safety of those who utilize the facility. No person shall operate any aquatic facility subject to an order of facility closure and permit suspension.

(b) An order of facility closure and permit suspension shall be effective upon delivery of a written notice to the permit holder or his/her designee or to the person in charge of the aquatic facility at the time the substantial hazard is discovered. The order shall remain in effect until such time as the director, or his designee, by written determination, finds that the facility meets the requirements of this chapter, including a determination that the hazard no longer exists.

(c) The holder of a permit for a facility subject to an order of facility closure and permit suspension may appeal such determination by requesting a hearing as described in section 11-11-15. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-9 Revocation of an owner's permit.

The director may revoke an owner's permit(s) upon the finding of serious, repeated, or flagrant violations of any of the requirements of this chapter or interference with the performance of the director's duties. No person shall operate any aquatic facility subject to an order of permit revocation. An owner's permit(s) may not be revoked unless the permit holder has been served with written notice of the director's intent to revoke the permit(s) at least 30 calendar days prior to the date of proposed revocation, stating the reason the permit(s) is subject to revocation and informing the permit holder of the opportunity for a hearing before the director. The holder of an owner's permit subject to an order of permit revocation may appeal such determination by requesting a hearing as described in section 11-11-15. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-10 Pool operator requirements.

(a) It shall be unlawful to operate a swimming pool or waterpark facility unless it is under the immediate control of a person trained in the basics of swimming pool operation. Such pool operator shall possess a valid pool operator's certificate accepted by the director, have immediately available for inspection a valid photo identification and be on the premises during operation of the swimming pool or waterpark facility.

(b) A spa pool or interactive water feature facility shall not be in violation of this subsection if it is under the control of a person who possesses a valid pool operator's certificate accepted by the director, and have immediately available for inspection a valid photo identification. That person need not be on the premises during the operation of the spa/interative water feature provided that he is available on-call, the on-call telephone number is posted in view of the patrons, and the operator can return to the facility within 30 minutes.

(c) The pool operator shall have the original pool operator's certificate, and valid photo identification available for inspection during the operation of the aquatic facility.

(d) A pool operator shall be at least 16 years of age and shall have successfully passed a pool operator's examination approved by the director and administered by an exam proctor that is approved by the director within 30 days of the time application for the pool operator's certificate. Reasonable fees may be charged for the proctoring of a pool operator's exam and issuance of a pool operator's certificate by the director or a third party approved by the director.

(e) A pool operator's certificate shall be issued only to a person who has passed the pool operator's examination, shall not be assignable or transferable, and shall be valid only for a period not to exceed three years from the date of issuance. Expired certificates must be reissued in accordance with section 11-11-10(d).

(f) Swimming pools or waterpark facilities operating without a trained pool operator, holding a valid pool operator's certificate, on the premises, with an operator unable to satisfactorily demonstrate basic knowledge of swimming pool operation, or in a manner that adversely impacts the public health and safety are subject to immediate closure and permit suspension. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-11 Issuance of a license to pool management companies.

(a) Any person or company that contracts to operate any aquatic facility owned by another person must obtain a license from the director to operate a pool management company. A copy of the license shall be posted in a location conspicuous to the public on the premises of each pool facility managed by the pool management company. It shall be the responsibility of the pool management company to notify the director when the aquatic facility changes pool management companies.

(b) The application fee for the license required in section 11-11-11(a) are as established in section 11-11-25.

(c) The owner and the pool management company of any aquatic facility are responsible for the facility being operated, maintained, and managed in accordance with the requirements of this chapter.

(d) In the event a pool management company is operating an aquatic facility without the required annual license, the director, or his designee, shall order the immediate closure of the facility. An order of closure shall be effective upon delivery of a written notice to the owner of the facility or his/her designee and shall remain in effect until the director, or his designee, by written determination, finds that the facility meets the requirements of this chapter, including either that the pool management company secures the required annual pool management company license or the aquatic facility owner employs a properly licensed pool management company or assumes full and active managerial control of the facility. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-12 Requirements for pool management companies.

(a) Any person desiring to obtain a pool management company license as required by section 11-11-11(a) shall apply in writing on an application approved by the director.

(b) A pool management company license shall only be issued to a company that employs at least one person who has a pool operator's certificate approved by the director and who can provide proof of at least five years of experience as a certified pool operator within the previous seven years.

(c) The fee required in section 11-11-11(b) shall be paid to the director upon application for a pool management company license.

(d) A pool management company license shall be valid for a period of three years from the date of issuance. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-13 Revocation of a pool management company license.

(a) The director may order the revocation of a pool management company license issued under this chapter for serious, flagrant and repeated violations of any of the requirements of this chapter, or for interference with the director in the performance of his duty.

(b) The director shall notify the pool management company in writing, at least 60 calendar days prior to the date of proposed revocation, of the specific reasons for which the license is to be revoked and the procedure for requesting an appeals hearing as described in section 11-11-15. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-14 Delivery of notices.

A notice of owner's permit or pool management company license suspension or revocation required by this chapter is properly delivered when it is hand-delivered to the owner, owner's agent, or pool management company, posted at the facility, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the owner or pool management company. A copy of the notice shall also be filed with the records of the health department. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-15 Hearings.

Any owner or pool management company who has been denied an owner's permit or pool management company license, or any holder of an owner's permit or pool management company license who has received an order of suspension or revocation, may request a hearing by filing a written request in the office of the director, within 10 business days of the delivery of the order of permit/license denial, suspension or revocation. The director shall conduct a hearing within 10 business days of receipt of a hearing request and render a decision in writing to the appellant with five business days after the hearing is held. If a written request for a hearing is not filed within the time permitted, the permit denial or order is sustained. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-16 Variances.

(a) The director may grant a variance to the requirements of this chapter.

(b) Any owner who seeks a variance shall apply in writing to the director by completing an application that shall include:

(1) a citation of the ordinance section to which the variance is requested;

(2) a statement as to why the applicant is unable to comply with the ordinance section to which the variance is requested;

(3) the nature and duration of the variance requested;

(4) a statement of the reason(s) why public health or safety would not be jeopardized if the variance was granted,

(5) a full description of any policies, procedures or equipment that the applicant proposes to use to ameliorate any potential increase in health or safety risk(s) created by granting the variance, and

(6) the hardship to the applicant that would result if the variance were denied.

(c) The director shall complete review a variance application and act on it within 20 business days from the receipt of the written application. If variance application is incomplete or the director requests additional information from the applicant, the director shall act on the variance application within 20 business days after the complete application or requested additional information is submitted. In evaluating the variance application, the director shall consider the following factors:

(1) information contained in the application;

(2) unusual circumstances unique to the applicant's facility;

(3) the effects that such a variance would have on the health and safety of the public at the aquatic facility;

(4) other health or safety factors as determined by the director.

(d) Disposition of a variance request.

(1) If the director or his/her agent approves a variance request, the applicant shall be notified in writing of the decision. Such notice shall identify the aquatic facility and its location, the nature of the variance, and shall specify the period of time for which the variance will be effective and any conditions attached to the variance. Failure to comply with the specified conditions will result in the immediate revocation of the variance. The effective date of the variance shall be the date of the director's determination or another designated date acceptable to the applicant and the director.

(2) The director or his designated agent may deny any application for a variance by delivering a written variance denial notice to the applicant. The applicant may petition the director for a hearing within 10 business days, from receipt of the variance denial notice, to challenge the variance denial.

(3) No permit holder or applicant may challenge the terms or conditions set forth in the variance after 10 business days have elapsed from the date of issuance.

(4) Each variance shall be posted in a conspicuous place for the public to view. Each variance is revoked when the permit attached to it is revoked. A variance is not transferable unless otherwise provided in writing at the time the variance is granted. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-17 Condition of equipment and premises.

All equipment shall be maintained in satisfactory condition during the operation of any aquatic facility. In addition, the premises, including the pool(s) and deck(s), of any aquatic facility shall be maintained in a clean and sanitary condition and shall be kept in good repair. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-18 Animals.

(a) No animal shall be permitted within any aquatic facility except as provided herein; provided, however, this section shall not apply to

support animals that provide assistance to the physically challenged. Support animals that provide such assistance shall not enter the pool water.

(b) Dogs may be allowed to enter swimming pools on the final day of the season provided that humans may not swim during or after the time that the dogs swim, and provided that the pool is drained, cleaned and refilled before humans use the pool again. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-19 Bathing attire.

(a) Bathers shall not be permitted to wear street clothing in a pool, spa or waterpark facility.

(b) Clothing that may restrict a person's ability to swim shall not be allowed. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-20 Water supply.

A public water supply shall be used at all aquatic facilities unless other sources of water are approved by the director. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-21 Sewage disposal.

All sewage generated from the plumbing fixtures within an aquatic facility shall be discharged into an approved sewage treatment works. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-22 Inspections.

Upon presentation of the appropriate credentials, the director, or his designee, shall have the power to enter, at reasonable times, any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-23 Emergency order.

If an emergency exists, the director may issue an emergency order necessary for the preservation of public health and safety or for the protection of patrons and personnel using any aquatic facility. The emergency order shall state the reasons and precise factual basis upon which it is issued, the actions which an owner, pool operator and/or pool management company are required to take, and the time period for which it is effective. A copy of the emergency order shall be delivered to the owner of the facility or his/her designee and may be publicized in any manner deemed appropriate by the director. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-24 Grandfather clause.

(a) Except as provided in this section, the requirements of this chapter governing design or construction of permanent physical facilities shall not apply to any aquatic facility that was constructed prior to the effective date of this chapter in accordance with the requirements of the ordinance in effect at the time construction was completed (hereinafter referred to as an "existing facility") and that continues to meet those requirements.

(b) The design and construction requirements of this chapter, shall apply to the remodeling of an existing facility unless the director determines, in writing, that alternate requirements, including, but not limited to, the design and construction requirements in effect at the time of construction shall apply to the remodeling of the existing facility.

(c) Each separate body of water at an aquatic facility shall have a separate circulation, filtration and disinfection system.

(d) Swimming pools constructed prior to the effective date of this chapter shall have a main drain outlet system that incorporates a method that prevents suction outlet body entrapment and injury that is approved under this code or by the director.

(e) The director shall order modifications to the design or construction of an existing facility if he/she finds that any condition exists that endangers the health or safety of the facility's patrons or personnel. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-25 Fee schedule.

The following fees shall be assessed by the director and the amount of these fees shall be set by the city council:

(1) Owner's permit application fee required by section 11-11-7(a). This fee shall be paid to the director (i) annually by December 31st for facilities operating 12 months a year, or (ii) prior to the issuance of the owner's permit for facilities operating on a seasonal schedule,

(2) Plan review and construction inspection fee required by section 11-11-6(d),

(3) Management company license application fee required by section 11-11-11(b),

(4) Pre-operational reinspection fee required by 11-11-6(g),

(5) Pool operator's certificate proctoring fee as provided for in 11-11-10(e), if the pool operator's exam is proctored by the director, and

(6) Pool operator's certificate issuance fee as provided for in 11-11-10(e), if the pool operator's certificate is issued by the director. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-26 Civil penalties for violations.

(a) It shall be unlawful for any person to fail to comply with any of the regulations promulgated pursuant to this chapter. Any person who fails to comply with any such regulation shall be in violation of this chapter and, for each such violation, shall be liable for a civil penalty. Each day, or any part thereof, during which a violation of this chapter exists or persists shall constitute a separate violation of this chapter.

(b) Falsifying or presenting to the health department a falsified pool operator's certificate, CPR certificate, lifeguard certificate or electrical inspection shall be a class one civil violation as specified in section 1-1-11. Violation of section 11-11-7(a) or section 11-11-11(a) of this chapter shall be a class two civil violation as specified in section 1-1-11. Any other violation of this chapter shall be a class four civil violation as specified in section 1-1-11.

(1) The civil penalty for a class one civil violation shall be issued to the pool management company.

(2) In the event that the facility is self-managed by the owner, or the owner submits the electrical inspection, the civil penalty for a class one civil violation shall be issued to the owner.

(c) Upon determining that one or more violations of this chapter exists, the director, or his/her delegate, shall cause a written notice of the violation or violations to be delivered to the owner or operator of the aquatic facility that is in violation of this chapter, or to the person in charge of the aquatic facility. The notice shall, with respect to each violation, contain the following information:

(1) a description of the violation, with a citation to the regulation that has been violated;

(2) a statement of the amount of the civil penalty to be assessed;

(3) a statement that the person in violation may elect to make an appearance in person, or in writing by mail, to the treasurer of the city, and admit liability for or plead no contest to the violation, abate the violation, and pay the civil penalty established for the violation, and a statement of the date by which such penalty shall be paid; and

(4) a statement that, in the alternative, the person in violation may elect to contest the violation by filing with the director, within 10 days of receipt of the notice of violation, a written notice of the person's election to appeal the violation, and further that, in the event the person elects to contest the violation, the person shall be entitled to an administrative hearing on the violation before the director, or a designee of the director.

(d) If, after a hearing held pursuant to subsection 11-11-26(c)(4), the director or the designee of the director finds that a violation of this chapter has occurred, the person found to be in violation shall, within 10 days of the finding, pay the civil penalty originally assessed.

(e) If a person charged with a violation of this chapter does not elect to admit liability or plead no contest and to pay the assessed penalty, or, following a hearing under subsection 11-11-26(c)(4) which results in a finding that the person has violated the chapter, does not pay the assessed penalty, the violation shall be tried in the Alexandria General District Court upon a warrant in debt, with the same right of appeal as provided in civil actions at law.

(f) A plea of no contest to, or a finding or admission of liability to, a violation of this chapter shall not be deemed a criminal conviction.

(g) The remedies provided in this section are cumulative and not exclusive. The designation of a violation of this chapter as a civil violation shall not be construed as prohibiting city officials from initiating appropriate administrative, criminal civil procedures to prevent, correct, restrain or abate violations of the chapter. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

ARTICLE B

Swimming Pools; Design and Construction

Sec. 11-11-27 Location.

The location of a swimming pool shall in no way hinder the operations for which it is designed nor adversely affect patron safety or water quality. Public pools shall not be located in areas subject to flooding or inundation by ground water drainage. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-28 Access.

(a) *Outdoor pools.* Direct and unobstructed access to any swimming pool area shall be provided for the admission of emergency and service vehicles, equipment and personnel. An emergency access lane providing direct access for emergency vehicles shall terminate at each pool facility's emergency gate required in section 11-11-50. Emergency access lanes shall be kept clear and unobstructed.

(b) *Indoor pools.* Emergency access to indoor or elevated swimming pools shall be provided at the entrance nearest the pool or the elevator or stairway leading to the pool. Permanent and conspicuous signs shall be posted indicating the most direct route to an indoor or elevated pool. An emergency access lane providing direct access for emergency vehicles shall terminate at the entrance nearest the indoor or elevated swimming pool, or the elevator or stairway leading to the indoor or elevated swimming pool. Emergency access lanes shall be kept clear and unobstructed. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-29 Construction materials and components.

Swimming pools shall be constructed of materials which are rigid, inert, impervious, and nontoxic to humans. The materials for components and accessories to be used in and around swimming pools shall be such that the operational strength of the assembly shall not be adversely affected by the exposure to external conditions or normal temperature extremes; and shall be chemically compatible with the materials used in the operation and maintenance of the swimming pool. In addition, construction materials shall provide a tight tank to which a smooth, easily cleanable surface can be applied. The swimming pool surface shall be composed of an impervious material which will retain a smooth, slip resistant, easily cleanable finish without surface cracks or open joints, and shall be finished in a white or light color. Sand or earth bottoms shall not be permitted. If used, lines on the bottom of the pool used to designate swimming lanes should be constructed in a color and of a width that allows for quick and easy identification of a swimmer in distress. Materials other than those described in this section may be approved by the director. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-30 Design.

Swimming pools may be of any dimension or shape provided that the satisfactory recirculation of pool water can be obtained and no undue hazards to patrons are created by the dimensions or shape of the pool. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-31 Hydrostatic pressure relief valve.

In all in-ground swimming pools with water depths exceeding 18 inches, one or more hydrostatic pressure relief valve(s), or other hydrostatic relief system as approved by the director, shall be installed. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-32 Slope of bottom.

In water depths of less than five feet, the maximum slope of any swimming pool, shall not exceed one to 12. In depths greater than five feet, the slope shall not exceed one to three. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-33 Vertical walls and coving.

(a) All corners formed by the intersection of pool walls, floors, or other pool walls shall be coved.

(b) Vertical walls shall not be greater than 11 degrees from plumb. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-34 Diving area, diving boards, and diving platforms; minimum requirements.

(a) Diving boards and diving platforms may be installed in a diving area, alone or in combination, provided that the minimum requirements set forth in this section are met.

(b) Side rails, including safety netting or other safety restraints may be required by the director for diving boards one meter in height or greater.

(c) At least 16 feet and five inches of free and unobstructed head room shall be provided above every diving board and diving platform.

(d) When a recreational diving board is installed in a diving area, the minimum dimensions and water depths within the diving area shall meet the requirements specified in Table I and Table II. Diving board height measurements falling in between two categories of Table I and Table II shall comply with the more stringent requirement.

(e) When a diving platform or competitive diving board is installed in a diving area, the minimum dimensions and water depths in the diving area shall meet the applicable FINA standards and/or the standards required by the director.

(f) When a diving board is installed in combination with a diving platform, the minimum distance between the center line of the diving board or edge of the diving platform and the center line of an adjacent diving board, the edge of an adjacent diving platform, and/or the pool sidewall edge shall meet the applicable FINA Standards or the requirements specified in Table I, whichever is more stringent.

Table I.
Diving Board Height and Separation Distance Requirements

Height of Diving Board Above the Water Line	*Minimum Distance of Board Center Line to Adjacent Board Center Line of Equal or Lesser Height*	*Minimum Distance of Board Center Line to Sidewall*
0 to 0.61 meter	10'	10'
0.62 to 0.77 meter	11'	11'
0.78 to 1.00 meters	11'	11'
1.01 to 2.0 meters	12'	12'
2.01 to 3.0 meters	12'	12'
>3.0 meters	*	*

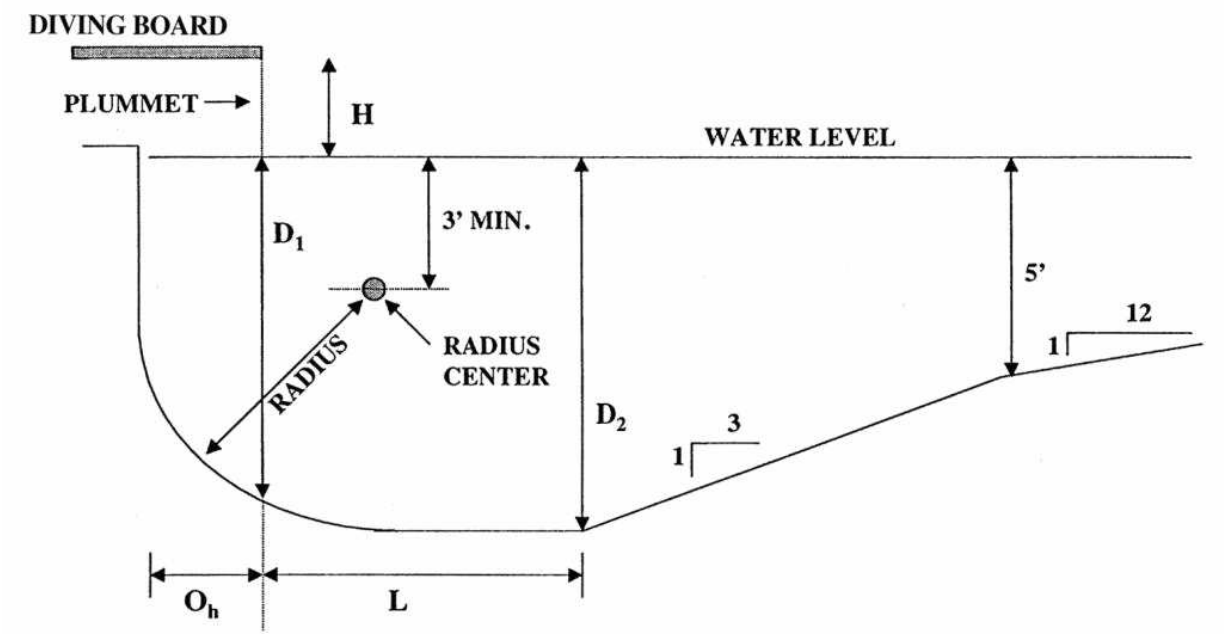
*As required by the director and/or the applicable FINA standard.

Table II.
Minimum Dimensions and Depths Relative to Board Height

Height of Diving Board Above the Water Line	*Minimum Depth of Water at Plummet*	*Minimum Distance Ahead of Plummet*	*Minimum Depth of Water at Distance L From Plummet*	*Minimum Overhang of Diving Board Beyond Pool Edge*
H	D 1	L	D 2	O h
0 to 0.61 meter	8'6"	11'	8'6"	3'
0.62 to 0.77 meter	9'	11'6"	8'10"	4'
0.78 to 1.00 meter	11'	12'	10'9"	5'
1.01 to 2.00 meters	12'	16'5"	11'10"	6'1"
2.01 to 3.00 meters	12'6"	19'9"	12'2"	6'1"
>3.00 meters	*	*	*	*

*As required by the applicable FINA standards or the director.

Figure 1.
Cross-Sectional Diagram of Swimming Pool Illustrating Distances Referenced in Table II.



(Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-35 Handholds.

Swimming pools shall be provided with suitable handholds around their perimeter. Handholds may consist of any one or a combination of the following:

- coping, gutter ledges or flanges, or decks which have a top edge that provides a suitable slip resistant handhold located not more than 12 inches above the water level;
- adders, steps, or hand rails; and/or,
- other methods approved by the director.

(Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-36 Stairs, steps, ladders, and bench seats.

(a) Egress. A minimum of two means of egress shall be provided for swimming pools with a perimeter of 100 feet or less. One additional means of egress shall be provided for each additional 200 feet of pool perimeter, or fraction thereof. Additional means of egress may be required as determined by the director. The location of the means of egress shall be consistent with the design of the swimming pool. A means of egress shall be provided at both sides of the diving area.

(b) The design and construction of swimming pool stairs, ladders, and bench seats shall conform to the following:

(1) The treads of all stairs, ladders, and step holes shall be of non-slip construction.

(2) When stairs or bench seats are constructed, they shall be recessed into the pool deck, and shall conform to the VUSBC.

(3) The top and leading edge of all stair treads and bench seats shall be marked by a permanent, non-slip band of contrasting color tile that is a minimum of two inches in width and is located within one inch of the step or bench edge.

(4) Recessed step holes shall not protrude into the pool. The recessed step shall have a minimum tread width of six inches, a minimum tread length of 12 inches, a minimum height of five inches, and shall drain into the pool to prevent the accumulation of dirt. Each set of recessed step holes shall be provided with handrails on both sides of recessed step holes to fully service all treads and risers.

(5) Below the water level, there shall be a clearance of not more than six inches nor less than three inches between any ladder tread edge, measured from the pool wall side of the tread, and the pool wall.

(6) The top surface of the uppermost stair tread shall be located not more than 12 inches below the pool coping or deck.

(7) The upper railing surface of ladder handrails shall extend a minimum of 28 inches above the pool coping or deck a minimum of 28 inches. Ladder bottom braces shall have end caps or bumpers that rest firmly against the pool wall. The top rung of the ladder shall not be more than 12 inches below the pool deck. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-37 Recirculation system.

(a) All swimming pools shall be equipped with a recirculation system which, at a minimum, consists of a pump, a filter, connecting piping, fittings, valves, disinfecting equipment, necessary pipe connections to the inlets and outlets, a skimmer and/or overflow gutter and main drains. A separate recirculation system shall be provided for each swimming pool.

(b) The recirculation system shall be designed to accommodate the following required maximum turnover time:

(1) Wading pool, two hours;

(2) Any other swimming pool, six hours.

(c) Adequate provisions shall be made for backwashing and/or cleaning of all filters. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-38 Filter room.

(a) Swimming pool facilities shall have a room(s) or structure which encloses the filtration equipment, pumps, electrical equipment, chemical feed equipment, and other recirculation and filtration system appurtenances. The room(s) or structure shall provide working area and access above and around all equipment no less than that specified by the manufacturer and sufficient to permit routine maintenance. The room(s) or structure shall be provided with a lockable door(s) of sufficient width to permit the removal of equipment. The entrance to the filter room(s) shall be easily accessible from the deck so the pool operator can enter the room(s) without having to exit the enclosed pool area. The room(s) or structure shall be impervious to water and resistant to the chemicals necessary for the operation of the facility.

(b) The floor of the filter room(s) or structure shall be designed to provide adequate drainage with a minimum floor slope of one to 48 and a maximum floor slope of one to 24 to a floor drain and shall be kept dry at all times, particularly in the vicinity of electrical panels. Discharging filter backwash water onto the floor is prohibited.

(c) The filter room and chemical shall be equipped with mechanical cross-ventilation that provides one air change per minute.

(d) Illumination of at least 30 foot-candles, measured 24 inches above the floor, shall be provided above equipment and working areas. A minimum of two light fixtures shall be installed, and all light fixtures shall be shielded. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-39 Filters and gauges.

(a) The recirculation system shall be equipped with a filtration system that is NSF listed, or the equivalent, and will filter the entire water volume of the swimming pool within the required turnover time specified in section 11-11-37(b). Filtration equipment shall be operated continuously, 24 hours per day. Valves shall be provided at appropriate locations to allow the isolation and maintenance of equipment. Filter components which require servicing shall be accessible for inspection and repair and installed according to the manufacturer's specifications and recommendations. All pressure systems shall be provided with a manual or automatic means to permit the release of air which may accumulate within the filter tank. Design criteria for the indicated type of filters shall be as follows:

(1) High-rate filter. A filter utilizing a media capable of filtration at a high rate of flow. The rate of flow shall not be less than five gallons per minute per square foot of filter surface area, nor greater than 20 gallons per minute per square foot of filter surface area. The backwash rate of flow shall be at the rate specified by the manufacturer.

(2) Diatomaceous earth filter. A filter utilizing diatomaceous earth as a filter media.

a. Pressure or vacuum type. A diatomaceous earth filter through which the rate of flow does not exceed two gallons per minute per square foot of filter surface area.

b. Pressure or vacuum with slurry feeder. A filter that is equipped with a feeder that continuously feeds a diatomaceous earth suspension and has a rate of flow not exceeding three gallons per minute per square foot of filter surface area.

c. Separation tanks or a sump pit with a stand pipe shall be installed to collect spent diatomaceous earth so that it can be collected and disposed of in an approved manner. Alterna-

tive methods for diatomaceous earth collection may be approved by the director. When using diatomaceous earth filters with separation tanks, the separation tank shall be provided with a means of release or a lid which provides a slow and safe release of pressure and shall have a readily visible precautionary statement affixed that warns the user that the air release must be opened before opening the separation tank.

d. Piping and valves shall be provided for all diatomaceous earth filters to allow for a pre-coat cycle that re-circulates water directly from the outlet to the inlet of the filter without returning to the swimming pool.

(3) Rapid sand filters. A filter utilizing sand as the filter media, with a filtration flow rate not exceeding three gallons per minute per square foot of filter area. The backwash rate of flow shall be four times the filtration rate.

(4) Other filtration systems whose performance equals or exceeds those described above may be used in a pool recirculation system with the approval of the director.

(5) Filter cartridges. The flow rate through a filter cartridge shall not exceed the design rate or a maximum of 0.375 gallon per minute per square foot of filter surface area. Cleaning of filter cartridges must be in accordance with the manufacturer's recommendations. One complete extra set of filter cartridges shall be available at all times to facilitate cleaning.

(b) Gauges and flow meters. The filter system shall be provided with a minimum of one influent pressure gauge for each filter and one effluent pressure gauge following the filter system. Recirculation system pumps shall be fitted with a vacuum and pressure gauge installed as near as practical to the pump suction and discharge pipe connections. All pressure gauges shall measure pressure directly in pounds per square inch (psi). Vacuum gauges shall measure in inches of mercury. The system shall have a flow meter on the return line to measure the flow of filtered water being returned to the swimming pool. The flow meter shall be of fixed calibration, shall measure in gallons per minute, and shall be properly sized to indicate the design rate of flow at approximately mid-scale. Gauges and flow meters shall be readily accessible and clearly visible, shall be in good repair, and shall be located and installed according to the manufacturer's specifications and recommendations. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-40 Pumps and strainers.

(a) *Pump.* A removable and reinstallable pump(s) shall be installed with adequate capacity for the required turnover time specified in section 11-11-37(b). Whenever possible, the pump(s) shall be so located as to eliminate the need for priming. If the pump(s) or suction piping is located above the overflow level of the swimming pool, the pump(s) shall be self-priming. The pump(s) shall be capable of providing a flow adequate for the backwashing of filters. Pumps shall be securely supported.

(b) H*air and lint strainer.* All pump systems shall have a hair and lint strainer. The hair and lint strainer baskets shall be corrosion resistant with openings not exceeding one-eighth inch in size, which provide a free flow area of at least four times the area of the pump suction line at the strainer connection, and shall be accessible for frequent cleaning. An extra hair and lint strainer basket shall be provided for each hair and lint strainer. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-41 Piping system.

(a) The piping system for swimming pools shall be composed of NSF listed materials or their equivalent designed for the following operations:

(1) filling the swimming pool;

(2) re-circulating the pool water through the treatment equipment;

(3) backwashing or washing each filter to waste;

(4) operating a suction cleaner (if provided);

(5) emptying the pool; and

(6) draining the system.

In addition, the piping system of any swimming pool containing a hydro-jet system or water conditioning system shall be composed of NSF listed materials, or equivalent, which are capable of supporting such systems.

(b) There shall be no direct connections between the swimming pool recirculation system and the sewer or potable water supply. Fill spouts, when installed, shall be located under diving boards, under guard chairs, adjacent to pool ladder handrails, or otherwise protected to preclude a tripping hazard and shall be properly supported if not inherently self-supporting. Fill spouts shall not project into the space above the pool water surface by more than two inches beyond the edge of the pool. Other means of filling the pool shall comply with the VUSBC and be approved by the director. Cross-connec-

tions shall be prevented by providing an air gap between the highest possible flood level of the pool and the pool fill spout. The air gap shall not be less than two fill spout pipe diameters or less than six inches. An approved backflow prevention device may substitute for the air gap.

(c) The system shall have a means of discharging filter backwash or other pool water to waste as follows:

(1) Waste from backwashing or draining of a pool shall be discharged in a manner approved by the director. When only a sanitary sewer is available to a swimming pool, the rate of discharge is subject to the approval of the appropriate authority for sanitary sewers and treatment facilities.

(2) An air gap to prevent a cross-connection between waste discharge piping and recirculation piping shall be provided.

(3) Discharge receptor and piping of sufficient size to accept backwash water and prevent backflooding.

(4) A sight glass in the backwash discharge line in a readily observable location.

(5) In the event the backwash waste pipe will not accommodate the backwash flow, the design and installation of a holding tank shall be required. The holding tank shall be sized to contain 110 percent of the volume of water required to adequately clean the filter(s) at the backwash flow rate and length of time specified by the filter manufacturer.

(d) The piping system shall be securely anchored, supported or braced, unless inherently self-supporting. Visible piping shall be marked with permanent tags, labels or markings to clearly identify the direction of flow and shall be color coded as follows:

(1) Freshwater blue (to check valve).

(2) Backwash black.

(3) Influent yellow.

(4) Effluent white.

(5) Suction cleaner orange (to control valve).

(6) Recirculation green (auxiliary recirculation not part of the filtration system; such as, but not limited to, water features, jets, fountains, water falls, aeration systems or similar features).

(7) Heater piping red (to nearest isolation valves).

(e) All piping shall be designed to minimize friction losses and to carry the required quantity of water at a velocity not to exceed eight feet per second for copper discharge piping, and 10 feet per second for discharge piping other than copper. Suction velocity for all piping shall not exceed six feet per second. Pipe suction velocity may also be limited by the maximum flow rate specified by the manufacturer of the suction outlet covers installed in the swimming pool.

(f) All piping and appurtenances included in the recirculation and filtration system shall be inspected and approved by the director prior to covering. All plastic pipe connections and fittings shall be joined using the type primer and cement recommended by the pipe manufacturer. The primer and cement shall be of different colors so that they can be easily identified by visual inspection. All piping shall be tested at the time of inspection to at least 25 psi of pressure. All subsurface pool piping shall be imbedded in and covered with sand or an approved equivalent.

(g) All valves shall be clearly identified with permanent markings or tags which are referenced by a pool water recirculation system operation manual and/or placard. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-42 Main drain outlets.

(a) Swimming pools that employ a main drain outlet system must comply with (1), (2) or (3) of this section. In addition, pools designed without a main drain must install additional inlets and skimmers to ensure adequate circulation. The number of inlets and skimmers may be in excess of that stated in section 11-11-43 and section 11-1145 depending on the design of the system.

(1) A minimum of two interconnected main drain outlets, that cannot be isolated by valves or other means, for each recirculation pump system. Main drain outlets shall be located in the deepest part of the pool. All piping associated with the main drain outlets shall be of equal diameter and each main drain shall be of equal size. Main drain outlets and associated piping shall be hydraulically designed to provide equal flow though each main drain outlet. A main drain outlet shall be no less than three feet and no more than 20 feet from another main drain outlet, and no more than 15 feet from a pool side wall;

(2) One unblockable main drain outlet for each recirculation pump system that meets the requirements of ANSI/APSP-16 2011.

(3) Other main drainage system as approved by the health director or their designee.

(b) A main drain outlet opening and other suction outlet openings shall be covered with a protective grate or anti-vortex cover which is not

hazardous to patrons, is anchored in accordance with the manufacturer's specifications and recommendations, and is designed to prevent body entrapment or injury. Main drain grates or covers shall be secured so that their removal requires the use of tools. Main drain covers shall be manufactured and installed according to the specifications set forth by the ASME[APSP]/ANSI and NSF International standards for suction fittings. The cover, frame, and all components shall be corrosion resistant and shall be designed to withstand the maximum anticipated forces generated by active use.

(c) The design of a main drain outlet or outlets, and the components of main drains outlets shall comply with ANSI/ASME A112.19.8.2007.

(d) The water velocity through a main drain outlet shall not exceed the maximum water velocity specified by the manufacturer. The maximum flow rate possible at the manufacturer's specified velocity shall meet or exceed the total system flow. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-43 Inlets.

All inlets located in pool walls shall be spaced not more than 20 feet on center around the pool perimeter. When inlets are located in the pool bottom, the number of inlets and their location shall be designed to ensure the proper distribution of filtered water. The minimum number of bottom inlets shall be determined by dividing the perimeter of the pool, in feet, by 20. All wall inlets, except makeup water inlets and wading pool inlets shall be at least 15 inches below the operating water level of the pool, except for prefabricated gutters with 45 degree angle inlets in the bottom. Each inlet shall be provided with a means of adjusting flow, through a range of at least 50 percent of its design capacity. Inlet flow controls shall be readily accessible. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-44 Pool suction cleaner.

A suction cleaner shall be provided. Where a suction cleaner is operated by the re-circulating pump, a device or devices shall be provided for regulating the flow(s) from the pool outlets. The suction cleaner line shall be connected through a hair and lint strainer. Portable electric suction cleaners shall be UL rated and connected to a GFCI protected electrical outlet. Waste from a portable suction cleaner shall be disposed of as solid waste. Hydraulic jet-type suction cleaners shall be permitted in lieu of other suction cleaners if the fresh water pressure is 30 psi or greater and the water service line is provided with an approved backflow preventer. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-45 Overflow gutters and skimmers.

Overflow gutters or skimmers shall be provided on the vertical wall(s) of all swimming pools, and designed to adequately skim the pool surface. The overflow gutter or skimming system shall be capable of continuously removing 80 percent or more of the re-circulated water and returning it to the filter.

(a) Where overflow gutters are used, they shall extend completely around the swimming pool except at steps, recessed ladders, ramps, and stairs. The overflow gutter shall be designed to serve as a handhold. Overflow gutters having a surge capacity less than one cubic foot per linear foot of pool perimeter shall be indirectly connected to the recirculating system through a properly sized and designed surge tank/balancing tank with a minimum surge capacity of one gallon per square foot of water surface area. Overflow gutters having a surge capacity of one cubic foot, or greater, per linear foot of pool perimeter shall be connected to a properly sized and designed balancing tank. The gutter, drains and piping draining to the surge tank/balancing tank shall be designed to rapidly remove overflow water caused by recirculation, displacement, wave action or other causes produced during the maximum swimming pool load. The opening into the gutter beneath the coping shall not be less than four inches and the interior width of the gutter shall not be less than three inches. Where gutters are used, they shall be designed to prevent patron entrapment or injury. The overflow edge or lip shall be rounded and not greater than 2½ inches thick for the top two inches. The overflow outlets shall be provided with outlet pipes at least two inches in diameter. The outlet fittings shall have a clear opening in the grating at least equal to 1½ times the cross-sectional area of the outlet pipe.

(b) Where skimmers are used they shall be provided at the rate of one skimmer per 40 feet of pool perimeter or fraction thereof, or one per 400 square feet of pool water surface area or fraction

thereof, whichever is greater. They shall be spaced so as to provide maximum skimming action of the pool surface.

(1) Skimmer throats shall be no greater than the width required for 10-inch weirs.

(2) Skimmer weirs shall be automatically adjustable to variations in water level over a minimum range of four inches.

(3) A removable basket or screen to entrap large matter shall be provided in each skimmer.

(4) The flow rate through the skimmer shall not be less than 20 gallons per minute, nor greater than 35 gallons per minute. Each skimmer shall be provided with a means of adjusting the flow through the skimmer.

(5) Skimmer systems shall be designed so that all skimmers are interconnected.

(6) Skimmer lids shall be securely in place at all times. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-46 Decks.

(a) All swimming pools shall have a continuous deck at least five feet wide, including the width of the coping, extending around the entire perimeter of the pool. In addition, there shall be at least three feet of clear, unobstructed deck behind any diving stand, guard stand, or other deck mounted equipment. All decks shall be constructed of continuous poured concrete or other approved smooth, impervious material which shall have a smooth, non-slip finish. All decks shall have a slope of not less than one to 48 or more than one to 24 and shall be designed to conduct drainage away from the swimming pool in a manner that will not create a slip hazard or contribute to the ponding of water. All decks shall be properly supported and any fill under the decks shall be properly compacted to prevent decks from settling. Roof run-off or other drainage shall not be wasted onto the deck. All areas surrounding the deck shall have surface drainage directed away from the pool deck area or be served by a drainage system approved by the director.

(b) Deck risers and steps shall comply with the VUSBC. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-47 Lighting.

(a) An indoor swimming pool or an outdoor swimming pool used after dark shall be equipped with lighting fixtures to light all parts of the pool, the pool water, and the swimming pool area. A sufficient number of light fixtures shall be installed to supply a minimum of 10 foot candles for the pool surface area and 30 foot-candles for the pool deck area measured six inches above the pool deck and water surface. The lighting fixtures shall be designed and installed so that the lifeguard(s) and patrons can clearly see every part of the swimming pool, including decks, diving boards, and other appurtenances, without interference from glare. Lighting fixtures shall be installed in a manner which creates no hazard to patrons or employees. All lighting fixtures shall be prohibited directly above the water surface area or within three feet horizontally of the pool rim except as permitted by the VUSBC. All light fixtures shall be shielded.

(b) Underwater pool lighting, when installed, shall provide at least one watt per square foot of water surface area, or the equivalent, and shall be equipped with GFCI(s) as required by the VUSBC.

(c) When using LED lighting for outdoor pools, the minimum intensity shall be not less than 108 lux or 10 lumens per square foot, at the water surface (measured horizontally). For indoor pools maintained illumination shall be not less than 323 lux or 30 lumens per square foot, at the water surface (measured horizontally). Deck area lighting for both indoor and outdoor pools shall provide maintained illumination of not less than 108 lux or 10 lumens per square foot, at the walking surface of the deck (measured horizontally). Underwater lighting shall provide no less than 86 lux or 8 lumens per square foot, at the water surface area (measured horizontally). (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-48 Safety requirements.

(a) Swimming pools equipped with pool water heaters shall have a fixed thermometer installed in the main return line. The thermometer shall be located sufficiently downstream from where the water heater effluent pipe connects to the main return line to allow the mixing of the heated and unheated water. The thermometer shall be designed and located so that it may be easily read. A thermometer shall also be provided in a skimmer, or another easily accessible location.

(b) A separate room or designated area shall be provided for the care and isolation of victims of injury, illness, or accident which is directly accessible from the pool deck. The room shall be well lighted and ventilated, and shall be large enough to permit unrestricted movement of both

the victim and first-aid providers. The room shall be located so a clear and unobstructed view of the pool(s) is provided.

(c) A direct dial, hard-wired telephone that is fully operational shall be provided within the swimming pool area. The phone shall be immediately accessible from the pool deck. The phone shall be located so a clear and unobstructed view of the pool(s) is provided. Emergency telephone numbers and the facility's name and address shall be posted by the telephone.

(d) Permanent depth markings shall be installed in a minimum four inch high number and be of contrasting color of the pool walls and deck. The full or abbreviated words "feet", "FT", or "inches", "IN" shall be a minimum of one inch high and may be located on the same surface as the depth number. The depth of water in swimming pools shall be marked at every one foot increment of depth and at least every twenty feet of swimming pool perimeter on both the horizontal surface of the deck and the vertical surface of the pool wall. Horizontal depth markings shall be positioned to be read while standing on the deck facing the water. Depth markings on deck surfaces shall be non-slip. Depth markings are not required for wading pools.

(e) Fixed, floating, or moveable platforms in swimming pools shall be constructed with an air space of at least 18 inches between the water surface and the underside of the platform or be provided with a barrier system at the perimeter of the device to prevent access under the device.

(f) There shall be a minimum of one lifeguard stand provided for every 2,000 square feet of water surface area of the pool. Additional lifeguard stands may be required where, due to the configuration of the pool, full visibility is not provided from the installed lifeguard stand. Facilities with less than 2,000 square feet of water surface area shall not be required to provide a fixed or installed elevated lifeguard stand unless the health director or designee deems it necessary due to the configuration of the pool.

(g) A transition line shall be provided in all pools that are deeper than five feet. The line shall be on the bottom of the pool and continue up to the waterline of the pool at the five-foot water depth between the shallow and deep portions of the swimming pool. The transition line shall be constructed of tile that is of a dark and high contrasting color. Tile located on the pool floor shall be non-slip. The life line shall be located within six inches of the shallow side of the break in slope to water greater than five feet in depth. The life line shall have clearly visible floats set at not greater than five-foot intervals. The transition line shall be a minimum of two inches wide. The life line shall be securely fastened to wall anchors of corrosion resistant materials which shall be recessed and shall have no projections into the pool. The line shall be of sufficient size and strength to offer a good handhold and support loads normally imposed by swimmers. The floating lifeline may be temporarily removed from the pool to facilitate lap swimming if:

(1) there are no children in the pool not swimming laps,

(2) there are no more than five adults in the pool not swimming laps and each has been informed by the lifeguard that the floating lifeline has been removed, and

(3) the floating lifeline is immediately put back in place when lap swimming concludes.

(h) There shall be no protrusions, extensions, means of entanglement, or obstructions which can cause entrapment or injury. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-49 Disinfection equipment.

(a) All swimming pools shall be provided with approved mechanically operated, positive displacement disinfectant feeding equipment, or other disinfection equipment approved by the director, which:

(1) shall be in good working order and shall be capable of providing a continuous and effective residual of disinfectant within the swimming pool water 24 hours per day;

(2) shall have a design feed rate which will provide effective disinfection levels when the swimming pool is in peak demand conditions;

(3) shall be capable of applying a dose the equivalent to maintain a concentration of at least one ppm free chlorine throughout the swimming pool at all times of operation.

(4) chlorine generation equipment will only be approved as secondary disinfection unless the chlorine generation equipment is sized to provide a minimum of 2 ppm free chlorine, or enough free chlorine to meet peak demands. Electrolytic generators shall have a TDS or salt (NaCl) readout and a low salt indicator. The feed rate shall be adjustable from zero to full range. The generation unit shall be listed and labeled to UL 1081 by an ANSI-accredited certification organization and shall be interlocked with an automatic

means to be disabled. The generator unit(s) shall be installed according to the manufacturer's instructions.

(b) The use of chlorine gas as a disinfectant is prohibited.

(c) When the pool water recirculation system is equipped with an automatic chemical control mechanism that continuously analyzes the pool water and automatically activates chemical feeding, a water flow sensing device shall be provided that automatically deactivates all associated chemical feeders when the water flow in the recirculation system ceases.

(d) When bromine is used as the disinfectant, the following shall be followed:

(1) Bromine shall be fed on a continuous basis;

(2) A concentration of at least 4.0—6.0 ppm bromine residual shall be maintained throughout the pool water at all times. A maximum of 10 ppm bromine residual shall be permitted in any swimming pool during use.

(3) Solid stick or tablet type bromine shall be used with NSF certified commercial feed equipment.

(4) Erosion feeders shall be equipped with a flow meter. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-50 Fencing and barriers.

(a) All outdoor pool areas shall be completely enclosed with a perimeter fence, or equivalent barrier, at least six feet in height, measured from the highest ground elevation within three feet adjacent to the outside of the barrier. If horizontal surfaces are used, top planes must be separated by a vertical distance that is no less than 45 inches and shall prohibit the passage of a sphere larger than 1.75 inches in diameter through any opening in the fence or barrier. The fence or barrier shall be non-climbable from the outside of the enclosure. Non-climbable shall mean no handholds, footholds, horizontal members, or other features that are available, which would aid in climbing the fence from outside of the barrier. There shall be no objects within a six-foot arc from the top of the perimeter fence or barrier and no closer than three feet to any part of the fence or barrier. The material used to construct the fence or barrier shall be approved by the director. If the fence or barrier does not have horizontal surfaces, it shall be constructed so as to prohibit the passage of a sphere larger than four inches in diameter through any opening in or under the fence or barrier. Access gates installed in the perimeter fence or barrier shall have latches and locks at least 48 inches above the deck or ground surface. Emergency gate(s) having a minimum horizontal opening of four feet shall be provided for outdoor pools.

(b) Where grassed areas are provided for patrons within the pool enclosure, they shall be separated from the pool deck by a three-foot high control fence or equivalent barrier except where the pool deck is at least 15 feet wide.

(c) Pools may be permitted to use the space adjacent to the pool when the pool is closed and not under the control of a lifeguard, provided that a barrier, approved by the health director or designee, is installed and used. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-51 Spectator areas.

Spectators at swimming or diving meets and other special events shall not have access to and shall be separated from the portions of the pool area used by swimmers or divers. Spectator balconies shall not overhang within five feet of any portion of the pool water surface. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-52 Drinking fountains.

Each swimming facility shall have at least one source of cold (less than 75°F) potable water readily accessible to all patrons within the pool facility. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-53 Wading pools.

Wading pools shall meet all applicable requirements of this chapter, and the following additional requirements:

(a) the slope of the bottom of any wading pool shall be no greater than one to 12 nor less than one to 40.

(b) Wading pools shall be separated from any other swimming pool or spa pool by a fence approved by the director. The fence shall be at least three feet in height with a self-latching, self-closing, three foot high gate that opens outward or away from the wading pool. The gate width and maneuverability area shall comply with ADA requirements.

(c) a separate recirculation system shall be provided exclusively for the wading pool.

(d) wading pool skimmers and main drain outlets shall be interconnected with equal diameter piping.

(e) the distance from the deck to the water level shall be six inches or less. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-54 Slides, sprinklers, fountains, activity pools and other pool equipment.

(a) Slides, sprinklers, fountains, activity pools, and other pool equipment for which design standards are not contained in this article shall meet the design standards in Article F of this chapter or shall meet design standards approved by the director.

(b) The construction of filter room shall meet the requirements of section 11-11-38. The collector tank or reservoir shall be installed in accordance to manufacturer's specifications.

(c) The disinfectant residual, pH, total alkalinity, and calcium hardness shall be continuously maintained within the minimum and maximum ranges specified in the table in 11-11-69(c)(1). (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-55 Ventilation in indoor swimming facilities.

Indoor swimming facilities shall be equipped with mechanical ventilation that provides for 0.5 cfm of outdoor air per square feet of pool and deck area. (Ord. No. 4649, 3/13/10, Sec. 1)

ARTICLE C

Swimming Pools; Operation and Maintenance

Sec. 11-11-56 General operation and maintenance.

Swimming pool facilities shall be operated and maintained in a manner which will not create a nuisance or hazard to the public's safety or health. The pool shall be adequately secured to prevent unauthorized entry when not in use. Water in the pool and that standing on or in pool covers or other pool equipment shall at all times be treated in a manner to prevent the growth of algae and the breeding of mosquitoes or other insects. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-57 Water operating levels.

The water level shall be maintained within the operating range of the skimmers or at the top of the overflow rim of a gutter system at all times the swimming pool is open for use. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-58 Monitoring, reporting, and record keeping.

The following information shall be recorded and maintained by the owner for a minimum of one year from the date of the recording, occurrence, or incident; and shall be available for inspection at all times while the swimming pool is in operation:

(a) Water quality parameters and maintenance.

(1) The disinfectant residual and pH shall be tested and the results recorded at least once every two hours while the pool is in use. ORP readings, if applicable, shall also be recorded every two hours while the pool is in use. The water temperature, for heated pools, and the total chlorine residual, for pools utilizing chlorine, shall be tested and recorded a minimum of once a day.

(2) Influent and effluent pressure gauge readings and the flow rate shall be observed every two hours and be recorded at least two times per day; at least once prior to opening to the public and during the last hour of operation. The date and time of each backwash or filter cleaning shall be recorded.

(3) Total alkalinity and calcium hardness tests shall be performed and recorded weekly, or more often as necessary to provide proper chemical

balance of the pool water. Cyanuric acid tests shall be performed and recorded weekly at all pools utilizing cyanuric acid or chlorinated cyanurates.

(4) The date, time, type, and amount of any chemicals added to the pool water shall be recorded. However, for chemicals added continuously with a chemical feeder, only the type of chemical shall be documented.

(b) Other records.

(1) The owner shall immediately notify the director of all drownings, near drownings, injuries, water- related illness or deaths which have occurred. Notification of minor injuries, such as minor abrasions or superficial cuts, shall not be required. Owners shall submit a complete written drowning and injury report, containing all relevant facts and information related to the incident, to the director within seven days of an incident. The following information must be included in the report of all drownings, near drownings, injuries, water-related illnesses, or deaths which have occurred:

a. name, address and phone number of pool operator on duty at time of incident;

b. date, time and exact location of incident;

c. name, age, certifications, address and phone number of persons responding during the incident;

d. name address and phone number for all lifeguards on duty at time of incident;

e. exact locations of all lifeguards on duty at the time of the incident;

f. pool and/or spa water clarity at the time of the incident;

g. number of bathers in the pool at the time of the incident;

h. number of patrons in the facility at the time of the incident;

i. police case number (if available);

j. injury description;

k. names, addresses and phone numbers of witnesses; and

l. detailed description of incident.

(2) Owners and/or the pool management company shall have available at the aquatic facility proof of the credentials, training, and/or certifications required for personnel as detailed in section 11-11-10 and section 11-11-63.

(3) Material safety data sheets (MSDS) for all chemicals used at a swimming pool facility shall be provided in a location readily accessible to all employees. MSDS shall not be located in the filter room and/or other rooms where chemicals are stored and/or used. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-59 Placards.

(a) The water test results specified in section 11-11-58(a)(1) shall be legibly and conspicuously posted on a permanent, water-proof, and durable placard in a location where it is readily observable by the patrons. The most recent required water quality test results, including the date and time of day tested, shall be posted. The minimum and maximum standards for these parameters, as specified in section 11-11-69 Table III, shall be included on the placard. Water temperature shall also be posted for heated pools.

(b) A conspicuously posted placard shall include the following statement: "This facility is inspected regularly by the Environmental Health Division of the Alexandria Health Department. They may be contacted at (703) 746-4910 or at www.alexhealth.com".

(c) Areas restricted to operating personnel only shall be prominently identified with a permanent, legible placard stating "Authorized Personnel Only" including, but not limited to, the filter and chemical storage rooms. The placards shall be conspicuously located on the exterior of the doors to the restricted areas.

(d) A permanent, legible, placard(s) specifying facility rules and regulations regarding personal health and safety shall be posted in plain view of patrons within the facility.

(e) A permanent, legible, engraved plastic or laminated paper specification placard shall be conspicuously displayed within the filter room(s) and shall be adequately lighted. The following information shall be included on the placard:

(1) name and address of the facility;

(2) volume in gallons of each pool or spa or water park feature;

(3) water surface area in square feet of each pool or spa or water park feature;

(4) minimum turnover time in hours of each pool or spa or water park feature;

(5) minimum rate of flow in gallons per minute to provide the required turnover time of each pool or spa or water park feature; and

(6) maximum facility load, and maximum pool load(s) of each pool or spa or water park feature.

(f) Legible placards shall be posted in an appropriate location within the filter room(s) to describe the following pool operating procedures:

(1) instructions on the proper operation of pumps and filters including the valve line-ups for filtration; and

(2) instructions on proper backwashing or cleaning procedures and valve positions for backwashing.

(g) A separate, permanent, legible placard clearly indicating the maximum facility load and individual swimming pool load(s) shall be conspicuously posted at the main entrance to the swimming pool facility. The letters and numbers indicating the load(s) shall be a minimum of two inches in height. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-60 Precautions relative to communicable disease.

Any person having an obvious skin disease, nasal or ear discharge, inflamed eye, or any communicable disease with symptoms of diarrhea or vomiting shall be excluded from the facility. Any person with a chronic disease that may pose a hazard to other swimmers may be excluded from the facility by the director. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-61 Food service.

(a) No area or physical facility for the preparation, service, or consumption of food and/or drinks may be located less than 10 feet from the rim of a swimming pool.

(b) Any area or physical facility for the preparation, service, or consumption of food or drinks shall be enclosed by a suitable fence or barrier.

(c) A physical facility for the preparation, service, or consumption of food and/or drinks at a pool owned by a condominium association does not have to meet the requirements of subsections (a) and (b) above if said facility is located at least 20 feet from the rim of the condominium swimming pool.

(d) Any person engaged in eating or drinking shall remain in the area designated for the consumption of food and drink. However, at a condominium swimming pool, food and drink may be consumed up to the pool rim, but not in the swimming pool if the rules and regulations adopted by the condominium association allow it.

(e) Water in an unbreakable plastic container is exempt from the requirements contained in subsection (d) above.

(f) Glass containers are not permitted in the pool area. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-62 Boisterous and rough play.

Boisterous and/or rough play and running is prohibited at any swimming pool facility. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-63 Lifeguards and pool operators.

(a) There shall be at least one lifeguard at all pool facilities. A minimum of one lifeguard shall be required pool-side for every 25 patrons or fraction thereof in the pool enclosure. Additional lifeguards may be required by the director when deemed necessary for complete visual coverage of the pool or when conditions exist that may compromise the health or safety of pool patrons. Waterparks shall be required to position lifeguards based on the recommendation of a national waterpark lifeguard accrediting institution, to include a system of zone management based on recognition time and response times. Additional lifeguards may be required by the director when deemed necessary for complete visual coverage of the pool or when conditions exist that may compromise the health or safety of pool patrons. Lifeguards shall wear distinguishing emblems on their clothing clearly identifying them as lifeguards while on-duty.

(b) Lifeguards shall be at least 15 years of age and shall be properly trained and certified in accordance with nationally recognized standards equivalent to or exceeding those set by the American Red Cross. Lifeguards shall also be trained and currently certified in cardiopulmonary resuscitation in accordance with national standards equivalent to or exceeding those set by the American Red Cross. It is the responsibility of each training organization that issues lifeguard and/or CPR certifications to insure that the course standards are equivalent to or exceed those set by the American Red Cross. Waterpark lifeguards shall be required to attend a minimum of four hours of in-service training per month covering such specific operational aspects as guest service, scanning & vigilance techniques, safe water entry/exit, incident recognition, and rescue procedures, plus physical conditioning drills. Waterpark lifeguards will also be subject to performance audits from their accrediting institution and participate in emergency simulations, including periodic practice with local first-response authorities. Lifeguards shall have their original document of current certification and valid photo identification at the pool facility during operation of the pool facility.

(c) In order to maintain the level of alertness and vigilance necessary for lifeguarding, lifeguards shall be required to take a continuous 10 minute break after every 50 minutes of continuous lifeguarding and a continuous 30-minute break after four hours of lifeguarding. While the lifeguard is not stationed poolside during this break period, all patrons shall remain out of the pool and wading pool.

(d) Lifeguards shall not be subject to, or engage in, duties that would distract their attention from the proper observation of patrons in the pool area or that would prevent immediate assistance to patrons in distress.

(e) The director, or his designee, may require lifeguards to demonstrate skills through verbal questioning, written questions, and/or active demonstration. These skills include, but are not limited to, the following:

(1) ability to swim two pool lengths;

(2) knowledge of basic lifesaving skills as taught in Red Cross lifeguarding courses;

(3) knowledge of CPR; and

(4) knowledge of how and when to report accidents, injuries, near drownings, and deaths.

(f) The director, or his designee, may require pool operators to demonstrate skills through verbal questioning, written questions, and/or active demonstration. These skills include, but are not limited to, the following:

(1) knowledge of how to handle a fecal contamination incident;

(2) ability to conduct water quality tests of the pool as required in section 11-11-58;

(3) knowledge of how and when to backwash or clean the filters;

(4) knowledge of what the required water chemistry parameters are contained in section 11-11-69;

(5) knowledge of how to adjust the disinfectant and pH levels of the pool; and

(6) knowledge of what health or safety conditions should cause a swimming pool to be immediately closed to the public. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-64 Safety and rescue equipment; other safety features.

(a) Every swimming pool facility shall be equipped with the following readily accessible safety and rescue aids:

(1) A minimum of one rescue tube shall be provided immediately adjacent to each lifeguard stationed poolside. The rescue tube shall measure at least 45 inches in length and shall provide adequate buoyancy to keep two persons afloat in the water.

(2) A first aid kit shall be readily available. The first aid kit shall contain, at a minimum, all items stipulated by the health department.

(3) A full-length backboard with straps shall be provided. The backboard shall be buoyant, and capable of supporting a minimum of 350 pounds, center loaded, with minimal deflection. The backboard shall have an impervious surface and be provided with runners, numerous hand/strap holes, and a minimum of three backboard straps.

(4) Provide one or more light, but strong, non-telescopic poles with blunted ends not less than 12 feet in length including a body hook.

(5) A blood-borne pathogen kit which meets OSHA 29 CFR 1910.1030(d)(3)(i) standards shall be provided.

(6) Each lifeguard shall be equipped with a CPR pocket mask.

(b) Other safety features.

(1) The room designated for emergency care of casualties shall, at a minimum, be equipped with an approved first aid kit, a cot, and two blankets. Filter or chemical storage rooms shall not be used as emergency care rooms.

(2) All chemicals associated with the facility shall be stored and utilized in a safe and approved manner in accordance with manufacturer's recommendations. Incompatible chemicals shall not be stored in close proximity to each other. Cleaning chemicals and supplies shall be stored in a safe manner, separate from swimming pool chemicals. Chemicals shall be stored in properly labeled containers which shall be kept covered at all times.

(3) Chemical vats shall be covered with proper lids and shall be provided with an approved means of secondary containment such as an outer spill control container or a spill pallet adequate in size and capacity to contain spills and leaks.

(4) Protective equipment, including but not limited to goggles or full face shields; neoprene rubber gloves; and rubber aprons shall be provided and used by personnel handling hazardous chemical compounds.

(5) Plugs or caps shall be installed at all pool suction cleaner outlet ports when the suction cleaner is not in use. The main valve controlling the water flow from the pool suction cleaner outlet ports shall be closed when the pool suction cleaner is not in use.

(6) All safety equipment and features required in this chapter shall be maintained in good condition and repair.

(7) Pool water temperature shall not exceed 104 degrees Fahrenheit.

(8) Safety signs shall be displayed in a prominent location warning against diving into water less than five feet deep without specific supervision. The letterings of the safety signs must be a minimum of five inches in height.

(9) Outdoor swimming pool facilities shall close immediately during thunder or lightning, and remain closed for 30 minutes following the end of the thunder or lightning.

(10) Indoor swimming pool facilities within buildings that do not have appropriate electrical protection shall close immediately during thunder or lightning, and remain closed for 30 minutes following the end of the thunder or lightning. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-65 Laundering.

Bathing suits, towels and other reusable materials furnished by a swimming pool facility shall be properly cleaned or laundered and disinfected before being issued to patrons. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-66 Water contamination.

(a) The following information shall be posted at the entrance of every pool:

(1) If you have or have had diarrhea in the past two weeks, please do not use the pool.

(2) Shower your child and yourself before entering the pool or after using the toilet.

(3) Bathers who are not toilet trained or who are incontinent must wear a swim diaper.

(4) Do not drink pool water.

(b) The introduction of body waste including sputum or vomitus, into a pool is prohibited. Patrons wearing cloth or disposable diapers are prohibited from entering the pool water. A pool contaminated by human feces or vomit shall be cleared immediately. The following actions shall be taken prior to reopening the pool:

(1) In the event of well-formed stool or vomitus contamination:

a. Clear the pool of all patrons;

b. Remove as much of the contaminating material as possible using a net or scoop. Vacuuming is not permitted unless it discharges directly to waste;

c. Raise the pool chlorine level to a minimum of 3.0 ppm for at least 20 minutes;

d. Adjust the pH of the pool water to a level of 7.5 or less; and

e. Prohibit patrons from entering the pool for at least 20 minutes after the chlorine level reaches 3.0 ppm.

(2) In the event of diarrheal contamination:

a. Clear the pool of all patrons;

b. Remove as much contaminating material as possible from the water using a net or scoop. Vacuuming is not permitted unless it discharges directly to waste;

c. Raise the pool chlorine level to a minimum of 40 ppm for 6.5 hours or 20 ppm for 13.0 hours.

d. Adjust the pH of the pool water to a level of 7.5 or less;

e. Prohibit patrons from entering the pool during the time period specified in (c); and

f. Achieve acceptable disinfectant residuals and chemical balance as specified in section 11-11-69 Table III. Chemical Water Quality Standards for Swimming Pools prior to allowing patrons to enter the pool.

(3) Pools using stabilizer should follow these steps in the event of diarrheal contamination:

a. Clear the pool of all patrons;

b. Remove as much of the contaminating material as possible from the pool water. Vacuuming is not permitted unless it discharges directly to waste;

c. Raise pool disinfectant level to a minimum of 40 ppm and adjust pH to a level of 6.5 or less for 48 hours;

d. Patrons are prohibited from entering the pool during this time period; and

e. Achieve acceptable disinfectant residuals and chemical balance as specified in section 11-11-69 Table III. Chemical Water Quality Standards for Swimming Pools prior to allowing patrons to enter the pool.

(4) The director shall be notified within one hour if the pool is contaminated with feces and/or vomit.

(5) The instructions in subsection 11-11-66(b) shall be maintained on site in a location that is easily accessible to the pool operator.

(6) In the event that CDC recommends a longer contact time, the CDC recommendation should be followed. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-67 Deck contamination.

(a) In the event that body fluids such as blood, vomit, or feces contaminate the deck, the following procedures shall be followed:

(1) Block off the area of the spill from patrons until clean-up and disinfection is complete.

(2) Put on disposable latex gloves to prevent contamination of hands.

(3) Wipe up the spill using paper towels or absorbent material and place in a plastic garbage bag.

(4) Gently pour bleach solution (5,000 ppm) onto all contaminated areas of the surface.

(5) Let the bleach solution remain on the contaminated area for 20 minutes.

(6) Wipe up the remaining bleach solution.

(7) All non-disposable cleaning materials used such as mops and scrub brushes should be disinfected by saturating with bleach solution and air dried.

(8) Remove gloves and place in plastic garbage bag with all soiled cleaning materials.

(9) Double-bag and securely tie-up plastic garbage bags and discard.

(10) Thoroughly wash hands with soap and water.

(b) In the event that vomitus or fecal contamination contaminating the deck enters the pool, the pool operator shall follow the procedures in section 11-11-66(b). (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-68 Water clarity.

When a swimming pool is open for use, the water shall be considered sufficiently clear when the main drain grates are clearly visible. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-69 Water treatment and test equipment.

(a) The following chemicals may be used to treat swimming pool water: aluminum sulfate, calcium chloride, calcium hypochlorite, carbon dioxide, cyanuric acid, lime, muriatic acid, polyaluminum chloride, sodium bicarbonate, sodium bisulfate, sodium carbonate, sodium hypochlorite, sodium thiosulphate, approved algaecides, approved bromine compounds, and approved chelating, sequestering, and clarifying agents. No other chemicals shall be used to treat swimming pool water without prior written authorization from the director.

(b) Aluminum sulfate and polyaluminum chloride shall not be fed continuously into a recirculation system using rapid sand filters. Formation of the floc shall be achieved separately and applied directly to the filter influent during the rewash and continuing into the early part of the filter cycle.

(c) Chemical water quality standards for swimming pools, except for pools that use cyanuric acid or chlorinated cyanurates, shall be as follows:

(1) Except as noted below, disinfectant residual, pH, total alkalinity, and calcium hardness shall be continuously maintained within the minimum and maximum ranges specified in Table III. If the swimming pool is equipped with automatic chemical controllers utilizing ORP measurements, ORP shall be maintained within the ranges specified in Table III. Disinfectant residual limits specified in Table III may be exceeded in pools with automatic chemical controllers, which utilize ORP measurements and continually analyze and automatically control pH and the disinfectant residual, only if necessary to maintain the ORP specified in Table III. However, the disinfectant residual shall not exceed five ppm in such pools. The use of ORP sensing equipment does not eliminate the requirement for routine water testing specified in section 11-11-58. Disinfectant residual limits specified in Table III may be exceeded when superchlorinating a swimming pool provided that no patrons are present in the swimming pool water and that the disinfectant level is returned to the acceptable range prior to allowing patrons to enter the swimming pool water.

Table III.
Chemical Water Quality Standards for Swimming Pools

Parameter	*Minimum*	*Ideal*	*Maximum*
Outdoor Pool Free Chlorine Residual (ppm)	1.0	4.0	10.0
Indoor Pool Free Chlorine Residual (ppm)	1.0	3.0	5.0
Combined Chlorine Residual (ppm)	0.0	0.0	0.4
Bromine Residual (ppm)	2.0	4.0—6.0	10.0
Oxidation Reduction Potential (ORP) (millivolts)	650	750—900	N/A

Parameter	*Minimum*	*Ideal*	*Maximum*
pH	7.2	7.4—7.6	7.8
Total Alkalinity (ppm)	60	80—120	180
Calcium Hardness (ppm)	150	200—400	1000
Total Dissolved Solids	0		1600

(2) Except as noted in section 11-11-69(c)(1) and (d), disinfectant residuals shall be maintained within the ranges specified in Table III, 24 hours per day, through the use of automatic disinfection equipment specified in section 11-11-49. For swimming pools that backwash/clean filters to storm drains, streams, lakes or other bodies of water, disinfectant levels may be temporarily reduced immediately prior to the backwashing/cleaning of filters, provided the swimming pool facility is not open for patron use.

(d) If cyanuric acid or chlorinated cyanurates is used in an outdoor swimming pool, the cyanuric acid levels and disinfectant residuals shall be maintained within the following ranges:

(1) A minimum free chlorine residual of at least 2 ppm shall be maintained in pools using cyanuric acid.

(2) The concentration of cyanuric acid shall not exceed 50 ppm.

(3) The use of cyanuric acid or other chlorine stabilizers is prohibited in indoor swimming pools and in wading pools.

(e) An approved water quality test kit for determining free and total chlorine or total bromine residuals, pH, total alkalinity, and calcium hardness shall be provided and maintained. Provisions shall be made for checking superchlorination levels. Diethyl-p-phenylene diamine (DPD), or other testing reagent approved by the director, is required for determining free halogen residual. If another disinfectant has been approved by the director for use at a swimming pool, an appropriate test kit approved by the director shall be provided and maintained. A test kit for measuring the concentration of cyanuric acid, accurate within five ppm, shall be provided at each swimming pool using cyanuric acid or chlorinated cyanurates.

(f) Hand-feeding of chemicals shall not be permitted during hours of operation or within 30 minutes prior to opening.

(g) Chemical water quality standards for wading pools shall comply with Sec. 11-11-103 Table IV. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-70 Design load.

The maximum individual swimming pool bather load shall be determined by dividing the total water surface area in square feet of each swimming pool within the swimming pool facility by 27 square feet. The designated maximum individual swimming pool bather load and the maximum facility load shall not be exceeded. The pool operator shall be responsible for enforcing the maximum individual swimming pool bather load and the maximum facility load. The maximum facility load may be temporarily exceeded to allow for spectators of special events, such as recreational swimming meets or other water sport activities, provided that the spectators shall not have access to and shall be separated from the pool(s) both during and after the event. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-71 Spectators.

No person in street shoes shall be allowed on the deck of a swimming pool within five feet of the pool edge. Exceptions may be made for participants and spectators of swimming meets or other water sport activities, operating personnel, personnel engaged in repair work or the director. (Ord. No. 4649, 3/13/10, Sec. 1)

ARTICLE D

Spa Pools; Design and Construction

Sec. 11-11-72 Location.

The location of a spa pool shall in no way hinder the operations for which it is designed, nor adversely affect patron safety or water quality. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-73 Access.

Direct and unobstructed access to any spa pool area shall be provided as specified in section 11-11-28(a). Emergency access to indoor or elevated spa pools shall be provided as specified in section 11-11-28(b). (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-74 Construction materials.

Spa pools shall be constructed of materials specified in section 11-11-29. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-75 Design.

Subject to the provisions below, a spa pool may be of any dimension or shape, provided that satisfactory recirculation of water can be obtained and that no undue hazards to patrons are created. The dimension or shape shall comply with the following specifications:

(a) The maximum water depth shall be four feet measured from the water line.

(b) The maximum depth of any seat or sitting bench shall not be more than 24 inches below the water line.

(c) All corners shall be coved as specified in section 11-11-33.

(d) The slope of the floor shall not exceed a ratio of one to 12. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-76 Hydrostatic pressure relief valve.

Hydrostatic pressure relief valves shall be installed as specified in section 11-11-31 unless it can be demonstrated that the spa pool will not be displaced by hydrostatic pressure. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-77 Handholds.

Spa pools shall be provided with suitable handholds as specified in section 11-11-35. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-78 Stairs and Bench Seats.

(a) Spa pool stairs shall be provided where water depths are greater than 24 inches.

(b) The design and construction of spa pool stairs and bench seats shall conform to the following specifications:

(1) Step treads shall have a minimum unobstructed horizontal depth of 10 inches and a minimum continuous width of 24 inches.

(2) Riser heights shall not be less than seven inches nor greater than 12 inches. The bottom tread shall not serve as a bench or seat.

(3) Each set of stairs shall be provided with a minimum of one handrail to fully service all treads and risers.

(4) The top and leading edge of all stair treads shall be marked on the horizontal surface as specified in section 11-11-36(b)(3).

(5) The step treads of all stairs shall be of non-slip construction.

(6) A minimum of one means of egress shall be provided for spa pools with a perimeter of 50 feet or less. One additional means of egress shall be provided for each additional 50 feet of spa pool perimeter, or fraction thereof. Additional means of egress may be required as determined by the director. The location of the means of egress shall be determined by the design of the spa pool. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-79 Decks.

All spa pools shall have a continuous deck, at least five feet in width, extending around at least 50 percent of the spa pool. Except as provided above, decks shall comply with the requirements specified in section 11-11-46. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-80 Lighting.

Lighting shall be provided according to all applicable specifications of section 11-11-47. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-81 Safety Requirements.

(a) Spa pool depth markings shall comply with the requirements specified in section 11-11-48(d).

(b) There shall be no protrusions, extensions, means of entanglement or obstructions which can cause entrapment or injury.

(c) A timer switch that automatically shuts off the hydrotherapy jets and air blowers shall be provided. The timer switch shall be readily accessible to patrons and be located directly adjacent to the spa pool and shall have a maximum setting which does not exceed 15 minutes. The timer switch shall not be accessible from within the spa pool.

(d) A prominently identified and conspicuously located spa pool emergency pump cut-off switch shall be provided at each spa pool to be used strictly in the event of an emergency. The emergency switch shall deactivate all spa pool pumps. An "EMERGENCY PUMP CUT-OFF SWITCH" sign shall be posted at the switch, and shall have letters at least two inches in height which are color contrasted with the background color of the sign. The emergency pump cut-off switch shall not be capable of activating the spa pool pumps.

(1) The switch shall be located no more than 25 feet from the edge of the spa pool and shall be located in the same room or enclosure.

(e) A telephone shall be provided as specified in section 11-11-48(c). The facility's name, address, and the emergency numbers, including the phone number for the pool operator, shall be posted by the telephone.

(f) No spa patron shall be permitted in the spa pool area alone. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-82 Fencing and barriers.

Fencing and barriers shall be provided as specified in section 11-11-50. In addition, for indoor spa pool facilities, locked doors or an equivalent barrier acceptable to the director shall be provided to prevent the entry of unauthorized individuals. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-83 Drinking fountains.

Each spa pool facility shall have at least one source of cold (less than 75°F) potable water readily accessible to all patrons. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-84 Inlets, outlets, piping, drains, and skimmers.

(a) Spa pool inlets and outlets shall be provided and arranged to maintain a uniform circulation of water and disinfectant residual.

(b) All spa pool piping shall comply with the requirements specified in section 11-11-41, except only subsurface spa pool piping which is not integrally included in the manufacture of the spa pool shall be embedded in and covered with sand or an approved equivalent.

(c) All spa pools shall be provided with a minimum of one skimmer. Spa pool skimmers shall comply with the requirements specified in section 11-11-45(b).

(d) Spa pool suction outlets shall be designed so that each pumping system in the spa pool provides one of the following alternatives:

(1) Two or more interconnected suction outlets. The system shall be designed so that none of the outlets can be isolated from the suction line by a valve or by any other means. All piping associated with the suction outlets shall be of equal diameter and each suction outlet shall be of equal size. Suction outlets and associated piping shall be hydraulically designed to provide equal flow through each suction outlet. The open area of the suction outlets shall be covered with suitable protective grates or covers that are anchored using manufacturer supplied parts in strict accordance with the manufacturer's specifications and recommendations and shall be designed to prevent body entrapment or injury. The suction outlet covers shall be secured so that their removal requires the use of tools. Suction outlet covers shall be manufactured and installed according to the latest specifications set forth by the ANSI/APSP-16 2011 and NSF standards for suction fittings. The cover, frame and all components shall be corrosion resistant and shall be designed to withstand the maximum anticipated forces generated by active use. If the suction outlets are main drain outlets, they shall have anti-vortex covers or grates, shall be located in the deepest part of the spa pool, and shall be capable of draining the pool. The total water velocity through suction outlets, with the exception of skimmers, shall not exceed one foot per second and shall not exceed the maximum flow rate specified by the manufacturer of the suction outlet cover.

(2) Other methods that prevent suction outlet body entrapment or injury may be approved by the director.

(3) The design of a main drain outlet or outlets, and the components of main drains outlets shall comply with ANSI/APSP-16 2011.

(4) The water velocity through a main drain outlet shall not exceed the maximum water velocity specified by the manufacturer. The

maximum flow rate possible at the manufacturer's specified velocity shall meet or exceed the total system flow.

(e) If fill spouts are used at spa pools, they shall be installed according to applicable requirements specified in section 11-11-41(b). (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-85 Recirculation system.

(a) All spa pools shall be equipped with a recirculation system consisting of at least a pump, connecting piping, fittings, valves, a filter, disinfecting equipment, necessary pipe connections to the inlets and outlets, skimmer(s) and main drains.

(b) The recirculation system shall be designed for maximum turnover time of 15 minutes.

(c) Adequate provision shall be made for backwashing or cleaning the filters.

(d) A separate recirculation system shall be provided for each spa pool. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-86 Filters and gauges.

(a) The recirculation system of a spa pool shall be equipped with a filtration system that will filter the entire volume of the spa pool at the rate specified in section 11-11-85(b).

(b) Only high-rate sand, diatomaceous earth or replaceable cartridge filters shall be used for spa pools. Other filtration systems may be used with the approval of the director. Except as provided above, filters and associated piping and valves shall comply with the requirements specified in section 11-11-39(a).

(c) Pressure gauges and flow meters shall be installed as specified in section 11-11-39(b).

(d) When cartridge filters are used, an extra set of cartridge filters shall be on-site. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-87 Pumps and strainers.

A pump(s) shall be provided with adequate capacity to recirculate the spa pool water at the rate specified section 11-11-85(b). Pump(s) and strainer(s) shall meet the requirements specified in section 11-11-40(a) and (b), except the turnover time specified in section 11-11-85(b) shall be achieved. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-88 Filter room.

A filter room(s) shall be provided which meets the requirements specified in section 11-11-38. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-89 Air induction systems.

(a) An air induction system, when provided, shall prevent water back-up that could cause electrical shock hazards.

(b) Air intake sources shall be positioned to minimize introduction of contaminants, such as deck water and dirt, into the spa pool.

(c) Integral air passages shall be pressure tested at 1½ times the intended working pressure during the time of installation to ensure airtight integrity. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-90 Disinfection equipment.

(a) All spa pools shall be provided with disinfection equipment meeting the requirements specified in section 11-11-49(a) and (c).

(b) Chlorine gas shall not be used as a disinfectant in spa pools.

(c) Stabilized chlorine products shall not be used as disinfectants in spa pools. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-91 Ventilation in indoor spa facilities.

Indoor spa facilities shall be equipped with mechanical ventilation that provides for 0.5 cfm of outdoor air per square feet of spa pool and deck area. (Ord. No. 4649, 3/13/10, Sec. 1)

ARTICLE E

Spa Pools; Operation and Maintenance

Sec. 11-11-92 General operation and maintenance.

Spa pool facilities shall be operated and maintained as specified in section 11-11-56. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-93 Water operating levels.

The water level shall be maintained within the operating range of the skimmer or at the top of the overflow rim of a gutter system at all times. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-94 Monitoring, reporting, and record keeping.

Spa pool water testing shall be performed as specified in section 11-11-58. In addition, the dates and times the spa pool is drained and cleaned shall be recorded. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-95 Placards.

Placards shall be provided as specified in section 11-11-59. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-96 Precautions relative to communicable disease.

Precautions relative to communicable disease specified in section 11-11-60 shall be enforced. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-97 Food service.

Food service shall be limited as specified in section 11-11-61. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-98 Boisterous and rough play.

Boisterous and/or rough play and running at any spa pool facility is prohibited. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-99 Temperature requirements.

Spa pool water temperature shall not exceed 104 degrees Fahrenheit. A thermostat shall be provided for the control of the spa pool water temperature. Spa pools shall have a fixed thermometer installed in the main return line. The thermometer shall be located downstream from where the heater effluent pipe connects to the main return line to allow mixing of the heated and unheated water. The thermometer shall be located so that it may be easily read. An accurate, impact resistant spa pool thermometer shall be kept in each spa pool skimmer, or another easily accessible location for measuring water temperature. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-100 Safety and rescue equipment; other safety features.

(a) Every spa pool facility shall be equipped with the following readily accessible safety and rescue aids:

(1) A first aid kit shall be provided as specified by the health department.

(2) A full-length backboard shall be provided as specified in section 11-11-64(a)(3).

(3) A working clock shall be provided which is clearly visible from within the spa pool.

(4) A blood-borne pathogen kit which meets OSHA 29 CFR 1910.1030(D)(3)(i) standards.

(b) Other safety features:

(1) The following recommendations for safe use of the spa shall be posted at the entrance of every spa pool:

a. Do not use spa alone.

b. Pregnant women, elderly persons and persons suffering from heart disease, diabetes or abnormal blood pressure or other at-risk persons should not enter the spa pool without consulting a physician.

c. Do not use the spa pool while under the influence of alcohol, tranquilizers, or other drugs which may cause drowsiness, alter blood pressure or put the patron at risk.

d. Do not use at water temperatures above 104 degrees Fahrenheit.

e. Unsupervised use by children is prohibited.

f. Enter and exit slowly.

g. Limit your use of the spa pool to a maximum of 15 minutes at one time.

h. Cool down before revisiting.

i. Long exposure may result in nausea, dehydration, dizziness, fainting or death.

j. The use of oils, body lotions and mineral bath salts is prohibited.

k. Patrons with symptoms of a communicable disease are prohibited from entering the spa pool.

l. Failure to comply with these regulations constitutes grounds for exclusion from the premises or management action as necessary.

(2) All chemicals associated with spa pools shall be stored and utilized in a safe and approved manner as specified in section 11-11-64(b)(2).

(3) Protective equipment shall be provided for handling hazardous chemicals as specified in section 11-11-64(b)(4).

(4) Filter and chemical storage rooms shall be locked at all times when authorized personnel are not present.

(5) Outdoor spa pool facilities and indoor spa pool facilities with windows overlooking the pool shall close for 30 minutes following thunder or lightning. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-101 Laundering.

Bathing suits, towels and other reusable materials furnished by a spa pool facility shall be properly cleaned or laundered and disinfected before being issued to patrons. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-102 Water clarity.

When a spa pool is open for use, the water shall be considered sufficiently clear when the main drain grates are clearly visible when jets are off. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-103 Water treatment and test equipment.

(a) No chemicals other than those specified in section 11-11-69(a) shall be used to treat spa pool water without written authorization from the director.

(b) Except as noted below and in section 11-11-103(c), disinfectant residual, pH, total alkalinity, and calcium hardness shall be continuously maintained within the minimum and maximum ranges specified in Table IV. If the spa pool is equipped with automatic chemical controllers utilizing ORP measurements, ORP shall be maintained within the ranges specified in Table IV. Disinfectant residual limits specified in Table IV may be exceeded in pools with automatic chemical controllers, which utilize ORP measurements and continually analyze and automatically control pH and the disinfectant residual, only if necessary to maintain the ORP specified in Table IV. However, the disinfectant residual shall not exceed 10 ppm in such spa pools. The use of ORP sensing equipment does not eliminate the requirement for routine water testing specified in section 11-11-94. Disinfectant residual limits specified in Table IV may be exceeded when superchlorinating a spa pool provided that no patrons are present in the spa pool water and that the disinfectant level is returned to the acceptable range prior to allowing patrons to enter the spa pool water.

Table IV.
Chemical Water Quality Standards for Spa Pools

Parameter	*Minimum*	*Ideal*	*Maximum*
Free Chlorine Residual (ppm)	2.0	3.0—4.0	10.0
Combined Chlorine Residual (ppm)	0.0	0.0	0.4
Bromine Residual (ppm)	3.0	4.0—6.0	10.0
Oxidation Reduction Potential (ORP) (millivolts)	650	750—900	N/A
pH	7.2	7.4—7.6	7.8
Total Alkalinity (ppm)	60	80—120	180
Calcium Hardness (ppm)	150	200—400	1000
Total Dissolved Solids (ppm)	0		1600

(c) An approved water quality test kit shall be provided as specified in section 11-11-69(e).

(d) Hand-feeding of chemicals shall not be permitted while the spa pool is open or accessible to patrons and within 30 minutes of opening. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-104 Water contamination.

The introduction of body wastes, including sputum or vomitus, into a spa pool is prohibited. A spa pool contaminated by human feces or vomit shall be closed immediately and the following additional actions shall be taken by the spa pool operator:

(a) Remove the contaminating material from the pool water.

(b) Backwash the filters or change the filter cartridge(s).

(c) Drain the spa pool.

(d) Clean and disinfect the bottom and sidewalls of the spa pool and skimmers.

(e) Refill with potable water.

(f) Sanitize contaminated filter cartridge(s) by soaking in a bleach solution of a minimum 20 ppm chlorine for 13.75 hours OR a CT value of 15,300. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-105 Deck contamination.

(a) In the event that body fluids such as blood, vomit, or feces contaminate the deck, follow the procedures indicated in section 11-11-67(A).

(b) In the event that vomitus or fecal contaminating the deck enters the pool, the operator shall follow the procedures indicated in section 11-11-66(b). (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-106 Posting of water quality test results and water quality standards.

The water tests indicated in section 11-11-94 shall be conducted and the results posted as specified in section 11-11-59(a). (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-107 Design load.

The maximum individual spa pool bather load shall be calculated by dividing the total water surface area in square feet of each spa within the spa pool facility by 10 square feet or shall be determined by the director at the time of construction. The designated maximum individual spa pool bather load and the maximum facility load shall not be exceeded. The pool operator shall be responsible for enforcing the maximum individual spa pool bather load and the maximum facility load. (Ord. No. 4649, 3/13/10, Sec. 1)

ARTICLE F

Waterpark Facilities; Design, Construction, Operation, and Maintenance

Sec. 11-11-108 Scope.

This article addresses the special design, construction, operation and maintenance considerations unique to waterpark facilities. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-109 Design.

(a) Waterpark facilities shall meet or exceed the following design and construction standards in effect at the time of construction, including but not limited to:

(1) Specifications contained in this chapter.

(2) ASTM F-24 "Standards on Amusement Rides and Devices."

(3) "Virginia Amusement Device Regulations."

(4) Industry standards and manufacturer's specifications and recommendations.

(b) The proposed design shall be reviewed and approved by a licensed engineer.

(c) Waterpark facilities shall be designed to provide for the safety of the patron and proper recirculation of the waterpark facility's water. The design shall include, but not be limited to the following:

(1) Absence of protrusions, pinch hazards, extensions, means of entanglement, or other obstructions which can cause entrapment or injury.

(2) Construction tolerances conforming with ANSI public pool standards.

(d) A report, prepared by a licensed engineer, that certifies the design of the waterpark facility is consistent with accepted safety engineering practices, industry standards, manufacturer's specifications and recommendations, and this chapter, shall be included with the original plans and specifications submitted to the director for review.

(1) The report shall address issues related to safety design, including the ergonomic aspects of biomechanics for waterpark facilities.

(2) The report shall substantiate that a comprehensive risk analysis was made of the waterpark, including a risk analysis of each separate component and of the components interaction with other elements of the water park.

(3) The report shall demonstrate that the waterpark design protects the patron, under foreseeable conditions and normal usage and behavior, from exposure to injury. Elements to be considered include, but are not limited to, the following:

a. the activity shall contain the patron.

b. the activity shall provide clear and smooth passage of the patron.

c. the activity shall maintain designed patron speeds.

d. the activity shall provide smooth transitions in speed and direction.

e. the activity shall provide for safe landing and/or disembarkation of the patron.

f. the activity shall accommodate continuous patron surveillance by lifeguards and attendants, except for an enclosed, tubular chute or flume where the patron shall be monitored at the points of entry and exit by qualified operation personnel.

(4) The report shall specify the maximum pool loads and the maximum facility load.

(5) The report shall be accompanied by a facility operation and maintenance manual which includes manufacturer's specifications and recommendations for each attraction regarding operation and maintenance of the attraction to include, but not be limited to, the following:

a. appropriate construction drawings.

b. maintenance instructions.

c. operation instructions.

d. staffing requirements and procedures.

e. instructional and warning signage.

(6) Upon completion of the waterpark facility and prior to issuance of the owner's seasonal or annual permit, an addendum to the report, prepared by a licensed engineer, shall be submitted to the director. The report addendum shall certify that each attraction has been tested under normal operating conditions and found to perform satisfactorily. The director may require that the testing procedure be witnessed by one or more designees of the director. The addendum shall also certify that the waterpark facility was constructed as detailed in the plans and specifications approved by the director and consistent with accepted safety engineering practices, industry standards, manufacturer's specifications and recommendations, the report described in section 11-11-109(d) and this chapter.

(g) The following specific types of waterpark facility attractions shall comply with the requirements indicated:

(1) Water chutes or flumes and inner-tube rides shall be provided with:

a. Control of unauthorized patron access at entry and exit areas, and points along the attraction not designed for entry or exit.

b. Handrails and non-slip walking surfaces at attraction entry and exit areas.

c. Attendant stations for patron control that have direct line of sight between the entry and exit area of each attraction except as provided in section 11-11-109(d)(3)f. Additional attendant stations may be required by the director to provide complete visual coverage of the attraction.

d. An effective internal communication system that allows direct communication between the attendants stationed at the entry areas, exit areas, and/or additional locations along the attraction as necessary.

e. All structure supported attractions shall be designed to prevent water leaks, discharge, and splashout to minimize or eliminate structural deterioration, under structure erosion, loss of structural support or other safety hazards.

f. Instruments shall be provided to measure the flow of water through each attraction.

g. Any tethered attractions shall not pose a pinch, puncture, or any other safety hazard.

(2) Receiving pools shall have the minimum clearances detailed in Figure II for flume or chute entrances into pools. Sufficient distance shall be provided between the flumes or chutes to prevent collision. Receiving pools shall also meet the following requirements:

a. The flume or chute sliding surface of waterslides shall end at or below the pool operating water level.

b. The flume or chute shall be perpendicular to the wall of entry for a minimum of 10 feet.

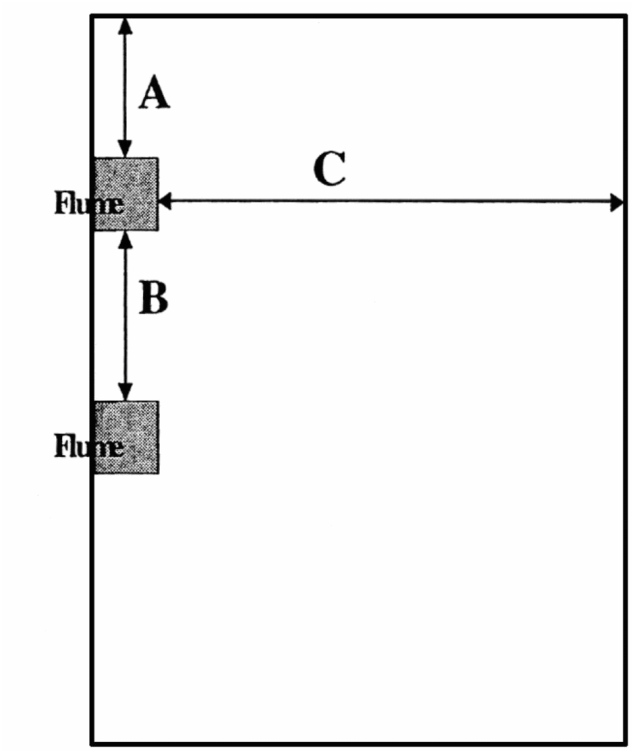
c. Receiving pools for drop slides shall comply with the manufacturer's specifications and recommendations.

Figure II.
Minimum Clearances for Flume or Chute Entry to Receiving Pools

Value	*Minimum Distance*	*Description*
A	5 Feet	Minimum distance from edge of flume to side of pool

Value	*Minimum Distance*	*Description*
B	6 Feet	Minimum distance between edges of parallel flumes
C	20 Feet	Minimum distance from where flume terminates to opposite side of pool

Minimum Clearances for Flume or Chute Entry to Receiving Pools



(3) Children's activity pools shall comply with the specifications listed in section 11-11-53 except as specified in this article, including compliance with the following specifications:

a. A maximum depth of 24 inches.

b. Children's activity pools which are part of a larger pool shall be protected from areas with water depths greater than 24 inches by providing:

1. A dark, nonslip tile transition line on the bottom of the pool along the entire two-foot water depth contour. The transition line shall be a minimum of two inches wide. The transition line shall be of high contrasting color.

2. A transition zone with a maximum floor slope not exceeding one to 12.

c. Where "climb-on" toys and attractions are provided, impact absorption materials shall be provided in areas where ejection or falls can reasonably be expected to occur.

(4) Wave pools shall comply with the following specifications:

a. Walls of wave pools shall be vertical with a minimum six-inch radius of curvature between the wall and pool bottom.

b. Decks shall have a minimum width of 10 feet along the shallow end.

c. A chain link fence, or similar restrictive barrier acceptable to the director, shall be installed to direct patrons to access the wave pool from the shallow area. The fence shall be a minimum of 36 inches in height and at least four feet out from the edge of the coping or pool/deck juncture, and shall be provided adjacent to water depths 24 inches or greater. The fence shall be exclusive of the perimeter fence or barrier. Emergency exit openings in the fence or barrier shall be provided at a minimum of one per 50 feet of pool sidewall and shall be a minimum of four feet in width.

d. Prominently identified and conspicuously located wave pool emergency cut-off switch(es) that terminate wave action shall be provided at

each wave pool. One emergency cut-off switch shall be provided for every 100 feet of pool perimeter or fraction thereof. Cut-off switches shall be immediately accessible to each lifeguard. Cut-off switches are to be used strictly in the event of an emergency. An "EMERGENCY WAVE CUT-OFF SWITCH" sign shall be posted at the switch, and shall have letters at least four inches in height which are color contrasted with the background color of the sign. The emergency cut-off switch shall not be capable of activating the wave action.

e. A public address system shall be provided for use by authorized personnel, which is clearly audible to all areas of the wave pool.

f. Pool depths shall be measured without wave action.

g. A warning horn and flashing light shall be provided that automatically signals prior to the initiation of wave action. Sufficient time shall be allowed between the warning horn/flashing light and the initiation of wave action to allow patrons the option of leaving the wave pool.

(5) Slow river attractions shall have a maximum current speed of three miles per hour.

(6) For activity pools in which climb-on toys and attractions are provided in water depths less than 36 inches, impact absorption materials shall be provided in areas where ejection or falls can reasonably be expected to occur. Impact absorption materials may also be required in other areas of the facility as determined by the director. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-110 Location.

The location of a waterpark facility shall in no way hinder the operations for which it is designed nor adversely affect patron safety or water quality. Pools within the waterpark facility shall be greater than 15 feet from any structure, object, or land formation from which a patron could jump into a pool unless, at the discretion of the director, other measures have been taken that are sufficient to prevent patrons from jumping from the structure, object, or land formation. The director has the discretion to determine that the minimum 15-foot distance requirement does not apply to certain segments of attractions or to barriers provided to prevent unauthorized access to pools. The director may impose additional access restrictions. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-111 Access.

Additional emergency access gates and lanes, in excess of those required by section 11-11-28, may be required as determined by the director to allow immediate access to all areas within the waterpark facility. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-112 Slope of bottom.

The slope of waterpark facility pools shall comply with the requirements specified in section 11-11-32 with the exception of the waterpark facility pools listed below:

(a) *Receiving or exiting pools.* The maximum slope shall not exceed one to seven where total water depth is less than 48 inches.

(b) *Activity pools.* The maximum slope shall not exceed one to 12 up to a water depth of five feet in activity pools where users enter and participate in extended activities.

(c) *Wave pools.* The maximum slope shall not exceed one to 12 where water depths range from zero to 3.5 feet and shall not exceed one to 9 where water depths exceed 3.5 feet. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-113 Handholds and handrails.

All pools at waterpark facilities shall be provided with suitable handholds around their perimeter. One handrail for every seven feet, or fraction thereof, of exit area width or perimeter shall be provided at exit steps from receiving pools.

(a) Handholds may consist of any one or a combination of the following:

1. Coping, gutter ledges or flanges, or decks which have a top edge that provides a suitable slip resistant handhold located not more than 12 inches above the water line.

2. Ladders, steps or handrails.

3. Other methods approved by the director. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-114 Stairs, steps and ladders.

Stairs, steps, and ladders shall be constructed as detailed in section 11-11-36 except for the circumstances outlined below.

(a) The stairs, ramps, and platforms associated with structure supported attractions shall be designed to provide for the safety of the intended users and shall take into account the following:

(1) heavy patron loads.

(2) slip hazards.

(3) properly located and sized handrails.

(b) Wave pools shall be provided with recessed ladders or step holes with vertical grab bars at water depths greater than 3½ feet, for emergency exit only, spaced at intervals of not greater than 50 feet.

(c) Stairs and steps shall be recessed into the pool wall or deck.

(d) Handrails shall extend over the coping or edge of the deck.

(e) Ladders or footholds shall be provided to allow patron exit from pools greater than four feet in water depth, except in receiving pools which bring the user toward a shallow water depth area after entering the water.

(f) A minimum of one exit shall be provided for every 50 feet or fraction thereof of pool perimeter for pools whose water depth is greater than four feet. At least two means of egress/ingress shall be provided for each diving area or drop slide receiving pool. The exits shall be arranged to prevent exit paths from crossing slide discharge paths.

(g) Lazy river attractions shall be provided with properly sized recessed stairwells or rampways with handrails. Entry and exit points shall be sufficiently wide to easily accommodate patrons boarding on or disembarking from flotation devices.

(h) Additional handrails at entry and exit areas may be required as determined by the director. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-115 Recirculation systems.

The recirculation system shall meet all of the requirements specified in section 11-11-37 except as specified below:

(a) The recirculation system for all pools at a waterpark facility, other than those specified in section 11-11-37(b), shall be designed to accommodate the following required maximum turnover time:

(1) Children's activity pool, one hour.

(2) Wave pool, two hours.

(3) Receiving pool that is completely separate from the main body of the pool, has no more than two attractions, and has a volume of 20,000 gallons or less shall be provided with a turnover time of one hour. The turnover time may be increased by one hour for every additional 20,000 gallons of pool volume up to a maximum of four hours per turnover.

(4) All other pools, maximum of four hours. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-116 Pumps.

Pumps shall meet the specifications outlined in section 11-11-40(a). Pumps which drive the water current in slow river attractions shall be designed to produce minimal cross currents at their suction and discharge points. Propulsion pump water intake pipes shall be installed in a manner to prevent patron entrapment. The propulsion pump water discharge shall be uniform and located in a manner to cause minimal effect on the patron. Booster pumps shall be sized to provide a continuous river-like flow rate no greater than three mph. The number and size of suction outlets serving the booster pump shall be designed so that the water flow through each suction outlet does not exceed a velocity of half foot per second. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-117 Overflow gutters and skimmers.

Overflow gutters and skimmers shall be provided as specified in section 11-11-45 except that skimmers shall not be used in slow river attractions or any other waterpark facility pools having currents, moving water, or turbulence created by mechanical means or gravity that would prevent efficient skimming action by the skimmers. Alternative means of removing floating debris, which are approved by the director, shall be provided for such attractions. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-118 Fencing and barriers.

At intermediate pools, which are pools between the entry and exit pools in attractions using a series of pools, barriers shall be designed and constructed to prevent unauthorized entry or access from one attraction to another attraction. Fencing or barriers shall also be provided to prevent unauthorized access to a pool(s) or attraction which has designated entry/exit points. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-119 Operation and maintenance.

(a) Waterparks shall be operated and maintained in accordance with the most restrictive applicable operational standards specified in the following documents:

(1) Specifications contained in this chapter.

(2) ASTM F-24 "Standards on Amusement Rides and Devices."

(3) Virginia Amusement Device Regulations."

(4) Industry standards and manufacturer's specifications and recommendations.

(b) Personnel.

(1) Pool operators shall comply with the requirements specified in section 11-11-10.

(2) Lifeguards shall meet the requirements specified in section 11-11-63 and receive training specific to the waterpark facility environment.

(3) Attendants shall be trained to operate an attraction and control the patrons in a safe and orderly manner.

Attendants not certified as lifeguards shall not substitute for lifeguards at any waterpark pool or feature.

(c) Safety.

(1) For all attractions with flumes or chutes, clearing of the receiving pool entry area prior to allowing another patron to enter is required.

(2) Use of certain waterpark facility pools may be limited by an individual's swimming ability. Other restrictions may be imposed as necessary.

(3) Attendant and lifeguard stations shall be manned at all times that an attraction is in use.

(4) U.S. Coast Guard approved personal floatation devices shall be readily available and accessible for those patrons that choose to use them.

(5) Outdoor waterpark facilities and indoor waterpark facilities with windows overlooking the facility shall close for 30 minutes following thunder or lightning.

(d) Design load. Individual pool loads and the maximum facility load shall be determined by the director, with consideration of section 11-11-109(d)(4). At no time shall the designated maximum pool load or the maximum facility load be exceeded. The maximum facility load and the maximum pool loads shall be posted at the main entrance to the waterpark facility. The waterpark facility pool operator shall be responsible for enforcing the maximum facility load and maximum pool loads.

(1) The maximum pool loads and the maximum facility loads may be additionally restricted due to the following conditions:

a. A congested grouping of patrons, tubes or floatation devices or any other grouping that obstructs the lifeguard's view of the pool bottom.

b. Other conditions which may compromise the health or safety of the patrons.

(e) Additional operational procedures.

(1) Pool operators shall monitor the water flow rates through flume and attractions to insure that a constant water flow is maintained at rates in accordance with manufacturer's specifications and recommendations.

(2) The facility operation and maintenance manual specified in section 11-11-109(d)(5), shall be maintained at the waterpark facility and be available for inspection at all times.

(3) No chemical other than those specified in section 11-11-69 (a) shall be used to treat the water without written authorization from the director.

(4) Chemical water quality standards shall comply with section 11-11-103 Table IV. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-120 Ventilation in indoor waterpark facilities.

Indoor waterpark facilities shall be equipped with mechanical ventilation that provides for 0.5 cfm of outdoor air per square feet of pool and deck area. The director may require additional ventilation for indoor waterpark facilities with features that tend to create water aerosols. (Ord. No. 4649, 3/13/10, Sec. 1)

Sec. 11-11-121 Secondary disinfection.

The director may require facilities with features that tend to create water mist or spray to employ a secondary disinfection method. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-122 Water contamination.

The introduction of body wastes, including sputum or vomitus, into a waterpark is prohibited. A waterpark facility contaminated by human feces or vomit shall be closed immediately and procedures for clean-up in section 11-11-66 (B) followed. (Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-123 Deck contamination.

(a) In the event that body fluids such as blood, vomit, or feces contaminate the deck, follow the procedures indicated in section 11-11-67(A).

(b) In the event that vomitus or fecal contaminating the deck enters the pool, the operator shall follow the procedures indicated in section 11-11-66(B). (Ord. No. 5010, 5/14/16, Sec. 1)

ARTICLE G

Interactive Water Feature Facilities

Sec. 11-11-124 Water depth.

The depth of water in an interactive water feature facility shall not exceed one inch at any point accessible to the public. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Editor's Note: Ord. No. 5010, § 1, adopted May 14, 2016, renumbered former §§ 11-11-122—11-11-130 as §§ 11-11-124—11-11-132. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 11-11-125 Walking surfaces.

(a) The walking surfaces of an interactive water feature facility shall be constructed of a non-porous, non-slip material.

(b) The walking surfaces of an interactive water feature facility shall be constructed so as to eliminate trip and fall hazards.

(c) The walking surfaces of an interactive water feature facility shall be maintained so as to prevent the accumulation of algae or any other slippery substance.

(d) Any time the temperature of the walking surface(s) of an interactive water feature facility is predicted to drop below 40°F, the pumps circulating water to the facility shall be shut off and the walking surface allowed to dry.

(e) Should ice or frost form on the walking surface(s) of an interactive water feature facility, barriers shall be erected to prevent the public from entering the area of the facility. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Editor's Note: See the editor's note to § 11-11-124.

Sec. 11-11-126 Recirculation system.

(a) Water from the interactive water feature facilities shall be collected by gravity below grade in a collector tank or sump. The water shall then be filtered, disinfected, and then pumped to the feature discharge points. All interactive water feature facilities shall be equipped with a recirculation system which, at a minimum, consists of a pump, a filter, connecting piping, fittings, valves, disinfecting equipment, necessary pipe connections to the inlets and outlets, and drains.

(b) The water in an interactive water feature facility shall be re-circulated, filtered, and treated at least once every 30 minutes. The water disinfection equipment requirements contained in section 11-11-49 and the water treatment and testing equipment requirements contained in section 11-11-69 shall be met.

(c) Adequate provisions shall be made for backwashing and/or cleaning of all filters.

(d) If a pool operator will not be on-site at all times the facility is in operation, the water feature recirculation system shall be designed with a turn-off system that will shut off the water feature if the water quality parameters are outside the requirements in section 11-11-69. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Editor's Note: See the editor's note to § 11-11-124.

Sec. 11-11-127 Filter room.

The filter room for an interactive water feature facility shall meet the requirements contained in section 11-11-38. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Editor's Note: See the editor's note to § 11-11-124.

Sec. 11-11-128 Filters and gauges.

The recirculation system for an interactive water feature facility shall meet the requirements contained in section 11-11-39. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Editor's Note: See the editor's note to § 11-11-124.

Sec. 11-11-129 Pumps and strainers.

(a) *Pump.* A removable and reinstallable pump(s) shall be installed with adequate capacity for the required turnover time. Whenever possible, the pump(s) shall be so located as to eliminate the need for priming. If the pump(s) or suction piping is located above the level of the interactive water feature's surface, the pump(s) shall be self-priming. The pump(s) shall be capable of providing a flow adequate for the backwashing of filters. Pumps shall be securely supported.

(b) *Strainer.* All pressure filter systems shall have a strainer. The strainer baskets shall be corrosion resistant with openings not exceeding one-eighth inch in size, which provide a free flow area of at least four times the area of the pump suction line at the strainer connection, and shall be accessible for frequent cleaning. An extra strainer basket shall be provided for each strainer. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Editor's Note: See the editor's note to § 11-11-124.

Sec. 11-11-130 Piping system.

(a) The piping system for interactive water feature facilities shall be composed of NSF listed materials or their equivalent designed for the following operations:

(1) circulating water to the interactive water feature;

(2) collecting and re-circulating the water through the treatment equipment;

(3) backwashing or washing each filter to waste; and

(4) draining the system.

(b) There shall be no direct connections between the recirculation system and the sewer or potable water supply.

(c) The system shall have a means of discharging filter backwash or other water to waste as follows:

(1) Waste from backwashing or draining shall be discharged in a manner approved by the director. When only a sanitary sewer is available, the rate of discharge is subject to the approval of the appropriate authority for sanitary sewers and treatment facilities.

(2) An air gap to prevent a cross-connection between waste discharge piping and recirculation piping shall be provided.

(3) Discharge receptor and piping of sufficient size to accept backwash water and prevent backflooding.

(4) A sight glass in the backwash discharge line in a readily observable location.

(5) In the event the backwash waste pipe will not accommodate the backwash flow, the design and installation of a holding tank shall be required. The holding tank shall be sized to contain 110 percent of the volume of water required to adequately clean the filter(s) at the backwash flow rate and length of time specified by the filter manufacturer.

(d) The piping system shall be securely anchored, supported or braced, unless inherently self-supporting. Visible piping shall be marked with permanent tags, labels or markings to clearly identify the direction of flow and shall be color coded as follows:

(1) freshwater blue (to check valve).

(2) backwash black.

(3) influent yellow.

(4) effluent white.

(e) All piping shall be designed to minimize friction losses and to carry the required quantity of water at a velocity not to exceed eight feet per second for copper discharge piping, and 10 feet per second for discharge piping other than copper. Suction velocity for all piping shall not exceed six feet per second. Pipe suction velocity may also be limited by the maximum flow rate specified by the manufacturer of the suction outlet covers installed.

(f) All piping and appurtenances included in the recirculation and filtration system shall be inspected and approved by the director prior to covering. All piping shall be tested at the time of inspection to at least 25 psi of pressure. All subsurface piping shall be imbedded in and covered with sand or an approved equivalent.

(g) All valves shall be clearly identified with permanent markings or tags which are referenced by a water recirculation system operation manual and/or placard. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Editor's Note: See the editor's note to § 11-11-124.

Sec. 11-11-131 Drains.

Any drains or suction outlets shall comply with section 11-11-42(a) and shall be covered with a protective grate or anti-vortex cover which is not hazardous to patrons, is anchored in accordance with the manufacturer's specifications and recommendations, and is designed to prevent body entrapment or injury. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Editor's Note: See the editor's note to § 11-11-124.

Sec. 11-11-132 Pool operator.

All interactive water feature facilities must be operated under the immediate control of a pool operator holding a valid pool operators certificate. An operator is not required by this section to be present at the interactive water feature facility at all times, but must be immediately available to the facility in case of emergency. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Editor's Note: See the editor's note to § 11-11-124.

Sec. 11-11-133 Water treatment and test equipment.

The director may require facilities with features that create mist or spray to employ a secondary disinfection method. No chemical other than those specified in section 11-11-69 (a) shall be used to treat the water without written authorization from the director. Chemical water quality standards shall comply with section 11-11-103 Table IV. (Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-134 Water contamination.

The introduction of body wastes, including sputum or vomitus, into a waterpark is prohibited. A waterpark facility contaminated by human feces or vomit shall be closed immediately and procedures for clean-up in section 11-11-66 (B) followed. (Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-135 Deck contamination.

(a) In the event that body fluids such as blood, vomit, or feces contaminate the deck, follow the procedures indicated in section 11-11-67(A).

(b) In the event that vomitus or fecal contaminating the deck enters the pool, the operator shall follow the procedures indicated in section 11-11-66(B). (Ord. No. 5010, 5/14/16, Sec. 1)

ARTICLE H

Bathhouse Facilities; Design, Construction, and Maintenance*

Sec. 11-11-136 Establishments required to provide bathhouse facilities.

All aquatic facilities, except interactive water feature facilities, shall provide bathhouse facilities. Motels and other similar establishments which restrict the use of all pools to occupant guests are not required to provide bathhouse facilities. Interactive water feature facilities are required to comply with sections 11-11-140(B); 11-11-141(B); 11-11-142(B); 11-11-143(B). (Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-137 Design and location.

The bathhouse shall be designed so that patrons pass through the rooms containing the dressing areas, showers and toilet fixtures prior to accessing the pool. It shall be provided with an entrance and a separate exit opening directly to the swimming pool, spa pool, or waterpark facility deck; provided, however, the exit shall not be near the deep portion of a swimming pool when the pool depth is greater than five feet. (Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-138 Floors.

Floors for all showers, toilets and lavatories in a bathhouse shall have a minimum slope of one to 48 to the drains with no low spots which will allow water to pond. Such floors shall have a smooth but non-slip, non-absorbent, finish and shall not be carpeted and shall be maintained in a clean and sanitary condition. The room shall be mechanically ventilated. (Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-139 Dressing rooms.

Separate dressing rooms shall be provided for each sex. Dressing rooms shall be maintained in a clean and sanitary condition. Clothing hooks shall not present a puncture hazard to patrons. (Ord. No. 5010, 5/14/16, Sec. 1)

***Editor's Note:** Ord. No. 5010, § 1, adopted May 14, 2016, amended article H in its entirety to read as set out herein. The former article H, §§ 11-11-131—11-11-140, pertained to similar subject matter and derived from Ord. No. 4649, § 1, adopted March 13, 2010.

Sec. 11-11-140 Showers.

(a) Showers shall be provided in the proportion of one per each forty persons or fraction thereof at each swimming pool, spa pool, or waterpark facility based upon the maximum facility load. Each shower shall supply an adequate quantity of heated water through a device that will prevent scalding. The device that prevents scalding shall be adjusted to provide a maximum hot water temperature at the nozzle head of 110 degrees Fahrenheit, and a minimum hot water temperature at the nozzle head of at least 90 degrees Fahrenheit. Water from each shower shall drain separately or each shower shall be located and have the floor sloped so that waste from one shower shall not flow over the floor serving another. Each shower fixture shall be provided with a liquid soap dispenser and an adequate supply of liquid soap. Showers shall be maintained in a clean and sanitary condition.

(b) Interactive water feature facilities are required to provide a foot shower within 30 feet of the spray pad. The foot shower shall be maintained in a clean and sanitary condition. (Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-141 Diaper changing facilities.

(a) Diaper changing facilities shall be provided in each restroom that opens onto the pool deck (pool restrooms). For facilities that do not have restrooms that open onto the pool deck, the diaper changing facilities shall be provided in each men's, ladies and unisex restroom located closest to the pool.

(b) Interactive water features facilities shall provide at least one diaper changing facility in each toilet facility provided. (Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-142 Toilets and urinals.

(a) Toilet facilities shall be provided in the numbers required by the VUSBC at the time of maximum facility usage. Computations shall be based on the premise that at the time of maximum load half of the patrons will be male and half female unless the facility is exclusively to be used by patrons of one sex. An adequate supply of dispensed toilet paper shall be provided to each water closet. Toilets and urinals shall be maintained in a clean and sanitary condition.

(b) Interactive water features shall provide at least one toilet facility within 500 feet of the feature. This facility may be temporary or seasonal in nature, or of permanent construction. An adequate supply of dispensed toilet paper shall be provided to each water closet. Toilets and urinals shall be maintained in a clean and sanitary condition. (Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-143 Lavatories.

(a) Lavatories shall be provided in the numbers required by the VUSBC at the time of maximum facility usage. Each lavatory shall be provided with a liquid soap dispenser and an adequate supply of liquid soap. Each lavatory shall be provided with an adequate supply of dispensed paper towels and/or a mechanical means of hand drying. Lavatories shall be maintained in a clean and sanitary condition.

(b) Interactive water features shall provide at least one lavatory adjacent to or within each toilet facility provided. Each lavatory shall be provided with a liquid soap dispenser and an adequate supply of liquid soap. Each lavatory shall be provided with an adequate supply of dispensed paper towels and/or a mechanical means of hand drying. Lavatories shall be maintained in a clean and sanitary condition. (Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-144 Hose bibs and cleaning equipment.

Hose bibs with vacuum breakers or approved backflow preventers shall be provided at convenient locations. A minimum of one hose bib shall be provided in both the female and male sections of the bathhouse. Hoses, brushes and other cleaning equipment as needed to maintain the bathhouse facility shall be kept stored in the bathhouse facility. (Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-145 Lighting.

All areas within the bathhouse facility shall be illuminated at a minimum of 30 foot-candles measured 24 inches above the floor. All light fixtures shall be shielded. (Ord. No. 5010, 5/14/16, Sec. 1)

Sec. 11-11-146 Saunas and steam rooms.

A sauna, steam room, or similar device in which the patron's body is exposed to water, steam, moist or dry heat, that is provided in conjunction with a regulated swimming pool or spa pool facility, shall be installed in accordance

with the requirements of the VUSBC, and shall be maintained in a clean and sanitary condition; and shall comply with the following requirements:

(a) Shielded, vapor-proof lighting fixtures shall be provided.

(b) Adequate mechanical ventilation shall be provided.

(c) The doors to all steam rooms and sauna rooms shall have viewing ports fitted with shatterproof glass or plastic, and shall not be capable of being blocked or otherwise secured against opening by pushing from the inside. The door to the sauna or steam room shall open outward.

(d) A timer switch that automatically shuts off the heat or steam source. The timer switch shall be readily accessible to patrons and be located directly adjacent to the sauna or steam room and shall have a maximum setting which does not exceed 15 minutes.

(e) A suitable barrier shall be provided to prevent patron injury from the heating element or unit.

(f) Bench surfaces shall be of a smooth finish and free of protrusions that could cause injury to patrons.

(g) A sign shall be posted stating that users must shower prior to entering the pool. (Ord. No. 5010, 5/14/16, Sec. 1)

ARTICLE I

Exemptions and Alternate Provisions to the Aquatic Health Ordinance

Sec. 11-11-147 Bed and breakfast exemption.

Bed and breakfast facilities permitted by the director may choose to operate an aquatic facility without an aquatic facility permit as required in section 11-11-7 and shall be exempt from the provisions of this chapter provided that:

(a) The bed and breakfast notifies the director annually in writing that they wish to be exempt from the provisions of this chapter; and

(b) The bed and breakfast posts a clearly legible sign of a durable, waterproof material at the aquatic facility so that it will be clearly visible to patrons using the facility that says, "This aquatic facility is not permitted or inspected by the Alexandria Health Department. No lifeguard on duty. Swim at your own risk." (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Editor's Note: Ord. No. 5010, § 1, adopted May 14, 2016, renumbered former §§ 11-11-141—11-11-143 as §§ 11-11-147—11-11-149. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 11-11-148 Exemption for residences where a child care facility is located.

A swimming pool or spa pool located at a single family home or duplex where a child care facility is located may be operated without an aquatic facility permit as required in 11-11-7 and shall be exempt from the provisions of this chapter provided that the pool facility is secured against entry during the hours of operation of the child care facility by one of the following methods:

(a) a locked cover; or

(b) a fence that complies with 11-11-50; or

(c) another method approved by the director. (Ord. No. 4649, 3/13/10, Sec. 1; Ord. No. 5010, 5/14/16, Sec. 1)

Editor's Note See the editor's note to § 11-11-147.

Sec. 11-11-149 Exemption for limited access pools.

A limited access pool shall be exempt from sections 11-11-10 (pool operator requirements)

and 11-11-63 (lifeguards and pool operators) of this chapter provided that the limited access pool:

(a) Notifies the health director annually in writing that they wish to be exempt from sections 11-11-10 and 11-11-63, providing documentation of their valid existence as a homeowners or condominium association, and of their annual vote to be deemed a limited access pool. The eligible homeowner's or condominium association shall notify the health director of the days and hours of operation of the pool in order to enable efficient health department inspections;

(b) Posts a clearly legible sign of a durable, waterproof material at the aquatic facility so that it will be clearly visible to patrons using the facility that says, with a minimum of two-inch lettering, "No lifeguard on duty. Swim at your own risk. No persons under age 18 are allowed to swim without responsible adult supervision. No one should swim alone."; and

(c) Owners of a limited access pool shall (i) require a pool operator to follow the monitoring, reporting and record keeping requirements of section 11-11-58, with the exception that monitoring and recording shall be performed no less than twice daily, if the pool is open, and maintain records of all tests associated with such twice daily inspection at the site of the pool, to be provided to the director or his designee upon demand; (ii) provide signage, in durable, waterproof material, stating the name and on-call phone number of the pool operator such that it is clearly visible to patrons; (iii) assure that the pool operator shall possess a valid pool operator's certificate accepted by the Director; (iv) assure that the pool operator shall be available on-call, and the pool operator be present at the facility within 30 minutes of being called; and (iv) provide the director with the name, address and on-call phone number of the pool operator at the time of their application under section 11-11-7. (Ord. No. 4956, 6/13/15, Sec. 2; Ord. No. 5010, 5/14/16, Sec. 1)

Editor's Note See the editor's note to § 11-11-147.

CHAPTER 12

Graffiti Abatement

§ 11-12-1	Definitions.
§ 11-12-2	Graffiti nuisance prohibited.
§ 11-12-3	Abatement of graffiti nuisance.
§ 11-12-4	Materials.
§ 11-12-5	Penalties.
§ 11-12-6	Restitution or community service.
§ 11-12-7	Exemptions.

Sec. 11-12-1 Definitions.

The following terms, as used in this chapter, shall have the meanings set forth below:

(a) *City manager* shall mean the Alexandria City Manager, or his designee.

(b) *Graffiti* shall mean writings, drawings, inscriptions, figures or marks of paint, ink, chisel, chalk, dye and other similar substance, or flyers, bills and similar materials, which have been placed on public or private property without the permission of the owner, manager or occupant of the property.

(c) *Placement of graffiti* shall include any form or act of drawing, painting, scrawling, writing, marking, inscribing, scratching, gluing, posting or otherwise affixing graffiti to public or private property.

(d) *Public or private property* shall mean the exterior surface of any building, or any street, alley, sidewalk, or other vehicular or pedestrian right-of-way, or any article of street furniture, utility or public service equipment, or other personal property located outdoors, whether owned by a public entity or by a private person or entity, and visible from any public right-of-way. (Ord. No. 3794, 5/9/95, Sec. 1; Ord. No. 3823, 10/14/95, Sec. 1; Ord. No. 4409, 6/21/05, Sec. 1)

Sec. 11-12-2 Graffiti nuisance prohibited.

(a) The placement of graffiti on any public or private property is declared to be a public nuisance and is prohibited.

(b) The failure of any property owner, manager or occupant of public or private property to remove or effectively obscure graffiti which has been placed upon property under such person's ownership or control, within 10 days after the service of notice as provided in this chapter, is declared to be a public nuisance and is prohibited. (Ord. No. 3794, 5/9/95, Sec. 1; Ord. No. 3823, 10/14/95, Sec. 1; Ord. No. 4409, 6/21/05, Sec. 1)

Sec. 11-12-3 Abatement of graffiti nuisance.

(a) *Notice and opportunity to abate.* Whenever the city manager becomes aware of the existence of graffiti on any public or private property, the city manager shall give, or cause to be given, written notice to remove or effectively obscure such graffiti to the owner, manager, and lessee or occupant of the property. Such notice may be served by personal service or certified mail, and shall be complete upon delivery or mailing. Such notice shall direct the recipient to remove or effectively obscure such graffiti within 15 days of the date of the notice, or to grant the city written permission to enter upon the property and remove or effectively obscure such graffiti, and shall inform the recipient that, in the event of failure to comply, the city may enter upon the property and remove or effectively obscure such graffiti, in the manner provided in this chapter. Prior to the issuance of a notice under this section, the city manager shall contact the owner, manager, and lessee or occupant of the affected property and attempt to obtain the commitment of such person to remove the graffiti within a reasonable period of time. Only in the event no such commitment is made or, if made, the commitment is not honored may the city manager proceed to issue a notice under this subsection.

(b) *Abatement by city.* If the owner, manager, or lessee or occupant of the property upon which graffiti has been placed fails to remove or effectively obscure the graffiti, or to grant the city written permission to enter upon the property and remove or effectively obscure such graffiti, within 15 days from service of the notice described in subsection (a), the city manager may enter upon the property and remove or effectively obscure the graffiti.

(c) *Waiver of liability.* The failure of the recipient of a notice given pursuant to subsection (a) to comply with the notice by removing or effectively obscuring such graffiti within 15 days shall be deemed a waiver of any claim by or on behalf of the notice recipient or, if different, the owner of the property, against the City of Alexandria for damage to the property arising out of the work of removing or obscuring the graffiti. (Ord. No. 3794, 5/9/95, Sec. 1; Ord. No. 3823, 10/14/95, Sec. 1; Ord. No. 3935, 6/14/97, Sec. 1; Ord. No. 4409, 6/21/05, Sec. 1)

Sec. 11-12-4 Materials.

In no case shall the city be required to clean, paint or repair any more extensive area than

where the graffiti is located. Nor shall the city be required to restore the area to its original condition (e.g., color, texture). (Ord. No. 3794, 5/9/95, Sec. 1; Ord. No. 3823, 10/14/95, Sec. 1; Ord. No. 4409, 6/21/05, Sec. 1)

Sec. 11-12-5 Penalties.

(a) Any person who commits a violation of section 11-12-2(a) shall be punished as provided in section 13-1-19.1 of this code; provided, however, that the punishment for any violation in which the defacement is more than 20 feet off the ground, on a railroad or highway overpass, or committed for the benefit of, or at the direction of, or in association with any criminal street gang as defined in section 18.2-46.1 of the Code of Virginia, shall include a mandatory minimum fine of $500.

(b) Abatement of the nuisance by the city as provided in section 11-12-3 shall be the sole remedy for the violation of section 11-12-2(b). (Ord. No. 3794, 5/9/95, Sec. 1; Ord. No. 3823, 10/14/95, Sec. 1; Ord. No. 3935, 6/14/97, Sec. 2; Ord. No. 4409, 6/21/05, Sec. 1)

Sec. 11-12-6 Restitution or community service.

Restitution or community service, or both, by a person who has been found guilty of a violation of section 11-12-2(a) shall be ordered as provided in section 13-1-19.1 of this code or section 19.2-305.1 of the Code of Virginia, 1950, as amended. In the event the City has abated the nuisance pursuant to section 11-12-3(b), restitution shall be made to the City. (Ord. No. 3794, 5/9/95, Sec. 1; Ord. No. 3823, 10/14/95, Sec. 1; Ord. No. 3935, 6/14/97, Sec. 3; Ord. No. 4409, 6/21/05, Sec. 1)

Sec. 11-12-7 Exemptions.

This chapter shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings on streets, sidewalks or other paved surfaces which are used in connection with traditional children's activities, such as drawings or bases for kickball, handball, hopscotch and the like, or to prohibit markings placed on public or private property by the authorized representative of the city or a public utility to indicate the location of service lines and facilities. (Ord. No. 3794, 5/9/95, Sec. 1; Ord. No. 3823, 10/14/95, Sec. 1; Ord. No. 4409, 6/21/05, Sec. 1)

CHAPTER 13

Environmental Offenses

§ 11-13-1	Definitions.
§ 11-13-2	Illegal dumping prohibited.
§ 11-13-3	Unlawful storage and accumulation of waste.
§ 11-13-4	Failure to keep property clean and free of accumulations of waste.
§ 11-13-5	Removal of certain substances thrown, dropped or deposited on highway at scene of motor vehicle accident.
§ 11-13-6	Proof of proper disposal required.
§ 11-13-7	Enforcement.
§ 11-13-8	Violations.

Sec. 11-13-1 Definitions.

The following terms, as used in this chapter, shall have the meanings set forth below:

(a) "Bulk waste" shall mean solid, tangible objects that are subject to disposal. Bulk waste shall include, but is not limited to, appliances, furniture, bedding material, motor vehicle parts and tires, mechanical equipment, mechanical parts and carpets.

(b) "Commercial waste" shall mean all waste from any retail, wholesale or commercial establishment that has been, or is in the process of being, dumped.

(c) "Dump" shall mean to discharge, deposit, inject, dispose of, spill, leak or place any waste into or on any land or water so that such waste, or any constituent of such waste, may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

(d) "Hazardous waste" shall mean a solid waste or combination of solid wastes that has been, or is in the process of being, dumped and which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

(1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or

(2) pose a substantial present or potential danger to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. Hazardous wastes shall include, but are not limited to, insecticides, poisons, corrosives, combustibles, caustics, acids, infectious materials, explosives, compressed gases, biological and chemical materials, radioactive materials, flammable materials and petroleum products.

(e) "Household hazardous waste" shall mean any solid waste derived from households (including single and multiple residences, hotels, motels, crew quarters, campgrounds, picnic grounds and recreation areas) that has been or is in the process of being dumped and which, except for the fact that it is derived from a household, would be classified as a hazardous waste, including but not limited to, nickel, cadmium, mercuric oxide, manganese, zinc-carbon or lead batteries; solvent-based paint, paint thinner, paint strippers or other paint solvents; toxic art supplies; used motor oil and unusable gasoline or kerosene; fluorescent or high-intensity light bulbs; ammunition and fireworks; banned pesticides and restricted-use pesticides, as defined in the Virginia Code and applicable regulations. All empty household product containers and any household products in legal distribution, storage or use shall not be considered household hazardous waste.

(f) "Industrial waste" shall mean all materials or substances related to manufacturing, processing or production that have been, or are in the process of being, dumped.

(g) "Permit" shall mean a valid written document issued by a federal, state or local entity authorizing the work or activity described in the document.

(h) "Person" shall mean any individual, firm, owner, sole proprietorship, partnership, corporation, unincorporated association, governmental body, municipal corporation, executor, administrator, trustee, guardian, agent, occupant or other legal entity.

(i) "Solid waste" shall mean any garbage, refuse, sludge and other discarded material that has been, or is in the process of being, dumped. Solid waste includes any solid, liquid, semisolid or contained gaseous material that results from industrial, commercial or community activities but does not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the Virginia Water Control Board, or (iii) source, special nuclear or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

(j) "Sanitary sewer" shall mean pipelines or conduits, pumping stations and force mains, and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal.

(k) "Stormwater system" shall mean all man-made facilities, structures and natural watercourses used for collecting and conveying stormwater to, through and from drainage areas to the points of final outlet, including but not limited to streets, curbs and gutters, inlets, conduits and appurtenant features, canals, creeks, channels, catch basins, ditches, drains, sewers, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, flood walls, levees, pumping stations and wetlands.

(l) "Structural waste" shall mean all building materials resulting from erecting, removing, repairing, remodeling or razing buildings or other structures that have been, or are in the process of being, dumped.

(m) "Waste" shall mean any commercial, hazardous, household hazardous, industrial, solid, structural or yard waste as defined in this section.

(n) "Waters" shall mean any waters adjacent to or within the city or owned by the city, including, but not limited to, rivers, lakes, bays, tributaries or ponds.

(o) "Yard waste" shall mean decomposable waste materials generated by yard and lawn care that have been, or are in the process of being, dumped. Yard waste includes all materials derived from trees, shrubbery, leaves, fallen branches, lawn trimmings and other woody waste. (Ord. No. 4211, 6/16/01, Sec. 1)

Sec. 11-13-2 Illegal dumping prohibited.

(a) It shall be unlawful for any person to dump any waste on any property, in any waters or in any sanitary sewer or stormwater system, except as authorized by law or by applicable permit. It shall be the burden of the alleged violator to show proof of any applicable permits.

(b) In the event waste is dumped from a motor vehicle or water craft in violation of this section, the owner of such motor vehicle or water craft shall be presumed to be the person ejecting such waste, and such owner shall have the burden of coming forward with evidence to rebut the presumption. (Ord. No. 4211, 6/16/01, Sec. 1)

Sec. 11-13-3 Unlawful storage and accumulation of waste.

It shall be unlawful for any person to accumulate, store, leave, place or deposit, or allow to be accumulated, stored, left, placed or deposited, any waste on any property within the city except as authorized by law or by applicable permit. It shall

be the burden of the alleged violator to show proof of an applicable permit. (Ord. No. 4211, 6/16/01, Sec. 1)

Sec. 11-13-4 Failure to keep property clean and free of accumulations of waste.

It shall be unlawful for any person to fail to keep property within the city clean and free of accumulations or deposits of waste. (Ord. No. 4211, 6/16/01, Sec. 1)

Sec. 11-13-5 Removal of certain substances thrown, dropped or deposited on highway at scene of motor vehicle accident.

Any person removing a wrecked or damaged motor vehicle from a street or highway in the city shall remove any glass, metal, plastic, liquid, hazardous or solid waste, or any other injurious substance dropped, thrown or deposited upon the street or highway from such vehicle. Failure to remove such materials prior to leaving or departing from the location from which the vehicle is removed shall constitute an offense under this chapter. (Ord. No. 4211, 6/16/01, Sec. 1)

Sec. 11-13-6 Proof of proper disposal required.

(a) Any person required to remove any waste from any property, waters, sanitary sewer or stormwater system, as required by this chapter, shall provide proof that the waste that was removed was disposed of in accordance with all applicable local, state and federal regulations.

(b) A disposal receipt showing proper disposal shall be submitted to the enforcement officer who originated the charge or complaint. The receipt shall indicate on its face the date, time and place of disposal. It shall also, to the extent practicable, state the identifiable quantity or volume of waste that was removed.

(c) Failure to dispose of waste in accordance with all applicable city, state and federal regulations or to submit the required disposal receipt shall constitute an offense under this chapter. (Ord. No. 4211, 6/16/01, Sec. 1)

Sec. 11-13-7 Enforcement.

Any city law enforcement officer, duly designated sworn special police officer, the director of transportation and environmental services or his designee, the director of public health or his designee, the director of code enforcement or his designee, or the chief fire marshal or any of his deputies, is authorized and shall have authority to enforce all provisions of this chapter. (Ord. No. 4211, 6/16/01, Sec. 1)

Sec. 11-13-8 Violations.

(a) A person who violates any provision of this chapter shall be guilty of a Class 1 misdemeanor. Each day of violation shall constitute a separate offense.

(b) In addition to any penalty imposed for each violation of this chapter, a judge hearing the case may direct the person responsible for the violation to correct the violation and remedy any damage to the property where the spill or dump occurred. Each day's default in the performance of such correction or remediation shall constitute a violation of, and a separate offense under, this chapter. A person convicted of a violation of this chapter may also be ordered by the court to perform public service relating to the correction or remediation of an area polluted by solid waste. (Ord. No. 4211, 6/16/01, Sec. 1)

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TITLE 12

Education, Social Services and Welfare

Chapter 1	**School District and School Board**
Chapter 2	**Alexandria Community Services Board**
Chapter 3	**Child Care**
Chapter 4	**Human Rights**
Chapter 5	**Landlord-Tenant Relations Board**
Chapter 6	**Commission for Women**
Chapter 7	**Consumer Affairs**
Chapter 8	**Social Services Advisory Board**
Chapter 9	**Aging**
Chapter 10	**Children, Youth and Families Collaborative Commission**
Chapter 11	**Alexandria Commission on Disabled Persons**
Chapter 12	**Alexandria Community Policy and Management Team**
Chapter 13	**Reserved**

CHAPTER 1

School District and School Board

Editorial Note: Ord. No. 3693, § 1, adopted Dec. 16, 1993, amended Ch. 1, in its entirety, to read as herein set out. See the Ordinance Comparative Table.

Charter Reference: School district and school board, Sec. 15.10.

§ 12-1-1	City as single school division.
§ 12-1-2	Members of school board.
§ 12-1-3	Continuing body.
§ 12-1-4	Election of school board members; date and manner of election.
§ 12-1-5	Term of office.

Sec. 12-1-1 City as single school division.

The city shall constitute a single school division. (Ord. No. 3693, 12/16/93, Sec. 1)

Sec. 12-1-2 Members of school board.

The school board of the city shall consist of nine members to be elected by the qualified voters of the city in accordance with the provisions of this chapter and title 22.4 of the Code of Virginia (1950), as amended. (Ord. No. 3693, 12/16/93, Sec. 1)

Sec. 12-1-3 Continuing body.

The school board shall be a continuing body. No measure pending before it shall abate or be discontinued solely because of the expiration of the term of office of, or the removal from office of, one or more members of the board. (Ord. No. 3693, 12/16/93, Sec. 1)

Sec. 12-1-4 Election of school board members; date and manner of election.

(a) The election of all nine school board members shall be held on the first Tuesday in May, beginning in May 1994, and on the first Tuesday in May every third year thereafter.

(b) The nine members of the school board shall be elected, in accordance with subsection (c), by the qualified voters residing in the school board election districts. To be eligible to be a candidate for election from a school board election district, an individual must be a resident of the district.

(c) The city shall be divided into three school board election districts, District A, District B and District C. Three school board members shall be elected from and shall represent each

such district. The three districts shall be composed of the following precincts (or, as identified in title 2 of this code, "election districts") located within the city, the boundaries of which are described in section 2-2-10.

(i) District A shall be composed of the Lyles Crouch School, City Hall, Ladrey Senior Building, Jefferson Houston School, Fire Department Headquarters, Lee Center, George Washington School, Cora Kelly Center and Mt. Vernon Recreation Center precincts;

(ii) District B shall be composed of the Maury School, George Mason School, Agudas Achim Congregation, Blessed Sacrament Church, Second Presbyterian Church, Minnie Howard School, Temple Beth El, Northern Virginia Community College Arts Center and James K. Polk School precincts; and

(iii) District C shall be composed of the Patrick Henry School, Samuel Tucker School, Charles E. Beatley, Jr., Central Library, John Adams School, William Ramsey Recreation Center and South Port precincts.

(d) The boundaries between District A, District B and District C established by the precincts as constituted on June 25, 2002 shall not be changed or amended by subsequent changes or amendments to the precincts, unless expressly provided in the ordinance adopting such changes or amendments to the precincts. (Ord. No. 3693, 12/16/93, Sec. 1; Ord. No. 3796, 5/13/95, Sec. 1; Ord. No. 4263, 6/25/02, Sec. 1)

Sec. 12-1-5 Term of office.

Each member of the school board shall serve for a term of three years commencing on July 1 following the member's election or until a successor shall have been elected and taken office. (Ord. No. 3693, 12/16/93, Sec. 1)

CHAPTER 2

Alexandria Community Services Board

§ 12-2-1	Establishment; composition; appointment; term of office; removal.
§ 12-2-2	Chairperson; meetings; rules of procedure.
§ 12-2-3	Powers and duties.

Sec. 12-2-1 Establishment; composition; appointment; term of office; removal.

(a) There is hereby established a board to be known as the Alexandria Community Services Board, herein referred to as the board. The board shall be an "administrative policy community services board," as that term is defined in section 37.2-100 of the Code of Virginia (1950), as amended.

(b) The board shall consist of 12 members, each of whom shall reside in the city while serving and shall have resided in the city for at least one year next preceding his appointment. The members, except the sheriff who is a member by virtue of his office, shall be appointed by city council. One member shall be the sheriff, or the sheriff's designee, who shall be a permanent member. The sheriff's designation, if any, shall be in writing and must be approved by the mayor, with the advice and consent of the city council. One-third of the appointments to the board shall be identified consumers or family members of consumers, at least one of whom shall be a consumer receiving services. No employee or board member of an organization that receives funding from any community services board shall be appointed as a member of the board. The board shall not be composed of a majority of elected or appointed officials of the city; nor shall the city be represented on the board by more than two elected or appointed officials.

(c) Appointed members shall be appointed for terms of three years each except that, in the event that the terms of more than five members shall expire at one time, new appointments shall be staggered between one-, two- and three-year appointments to allow for no more than five terms to expire each year. The term of every member appointed shall run from July 1 of the year of appointment. No person shall be eligible to serve more than three terms; provided, that persons appointed to an initial term of less than three years may serve three additional terms. Vacancies shall be filled for the balance of the

unexpired terms in the same manner as original appointments. Members shall serve without compensation but may receive such reimbursement for expenses as council may allow. Any member of the board may be removed by the appointing authority for cause after being given a written statement of the cause and an opportunity to be heard thereon. (Code 1963, Sec. 2-139; Ord. No. 2802, 5/14/83, Sec. 1; Ord. No. 3981, 3/14/98, Sec. 1; Ord. No. 4010, 6/13/98, Sec. 1; Ord. No. 4993, 5/14/16, Sec. 1)

Sec. 12-2-2 Chairperson; meetings; rules of procedure.

The board shall elect a chairperson from the membership who shall serve as chairperson for a period of one year. All members of the board shall be entitled to vote and the decisions of the board shall be determined by a majority vote of the members present. A quorum of six members present is required before the board may take official action. A member present but not voting shall be considered in counting a quorum. When voting on any question the determination may be made by secret ballot but not proxy shall be allowed at any time. In matters concerning the procedure for meetings not covered by this chapter, the board may establish its own rules; provided they are not contrary to the mandate or spirit of this chapter or sections 37.1-194 through 37.1-200 of the Code of Virginia (1950), as amended. (Code 1963, Sec. 2-140)

Sec. 12-2-3 Powers and duties.

The board shall, subject to availability of funds, have the following powers and duties:

(1) those provided for in section 37.1-197(B) and section 37.1-197.1 of the Code of Virginia (1950), as amended; and

(2) such other powers and duties as the city council may from time to time assign. (Code 1963, Sec. 2-141; Ord. No. 4010, 6/13/98, Sec. 2)

CHAPTER 3

Child Care

ARTICLE A

General Provisions

§ 12-3-1 Definitions.
§ 12-3-2 Zoning.
§ 12-3-3 Performance of duties imposed by chapter.
§ 12-3-4 Child care home regulations.
§§ 12-3-5 through 12-3-60 reserved.

ARTICLE B

Child Care Homes

§ 12-3-61 Purpose of article.
§ 12-3-62 Registration required.
§ 12-3-63 Application for registration.
§ 12-3-64 Processing of application.
§ 12-3-65 Action on registration.
§ 12-3-66 Display of registration; provision of child care information.
§ 12-3-67 Change in operator, address or personnel; amendments to registration.
§ 12-3-68 Inspection of child care home.
§ 12-3-69 Revocation of registration.
§ 12-3-70 Penalties.
§ 12-3-71 Business license not required.

ARTICLE A

General Provisions

Editorial Note: Ord. No. 3493, § 1, adopted Jan. 12, 1991, repealed Tit. 12, Ch. 3, Art. A, §§ 12-3-1—12-3-3, which pertained to general provisions relative to child care and derived from the 1963 Code, §§ 8-1—8-3; Ord. No. 2416, § 1, adopted Dec. 11, 1979; and Ord. No. 2453, §§ 1—3, adopted April 8, 1979; and Ord. No. 3045, §§ 1—4, adopted May 18, 1985. Section 2 of said Ord. No. 3493 added new provisions designated as Tit. 12, Ch. 3, Art. A, §§ 12-3-1—12-3-4 to read as herein set out. See the Code Comparative Table for a detailed analysis of inclusion of Ord. No. 3493.

Sec. 12-3-1 Definitions.

For purposes of this chapter, the following terms shall have the meanings provided below:

(1) "Adult" means any natural person of at least 18 years of age.

(2) "Child" means any natural person under 18 years of age.

(3) "Child care services" means the regular provision, of care, protection and guidance to at least one, and up to and including four children for compensation, while such children are separated from their parents, guardians or legal custodians, in a dwelling not the residence of one or more of the children, during a part of the day for at least four days of a calendar week. The provision of such care, protection and guidance by a grandparent solely to his or her grandchildren shall not constitute child-care services for the purposes of this chapter. Providers caring for five or more children shall be licensed by the Virginia Department of Social Services. However, no provider shall care for more than four children under the age of two unless the provider is licensed by the Virginia Department of Social Services or is voluntarily registered with the Virginia Department of Social Services. This exception does not apply to the City of Alexandria's locally registered child care homes.

(4) "Department of Community & Human Services" or "department" is the city department responsible for administering the provisions of article B of this chapter.

(5) "Child care home" means any residential building, or portion thereof, which is used to provide child care services. (Ord. No. 3493, 1/12/91, Sec. 2; Ord. No. 3670, 10/16/93, Sec. 1; Ord. No. 3888, 10/19/96, Sec. 1; Ord. No. 3916, 3/15/97, Sec. 1; Ord. No. 4559, 9/13/08, Sec. 1; Ord. No. 5022, 6/18/16, Sec. 1)

Sec. 12-3-2 Zoning.

No child care home shall be registered under this chapter unless the land upon which the child care home is to be operated, or is operated, is zoned to permit such use. (Ord. No. 3493, 1/12/91, Sec. 2; Ord. No. 3670, 10/16/93, Sec. 2; Ord. No. 4559, 9/13/08, Sec. 1)

Sec. 12-3-3 Performance of duties imposed by chapter.

It shall be unlawful for any person to fail, refuse or neglect to perform any duty imposed upon such person by this chapter. (Ord. No. 3493, 1/12/91, Sec. 2; Ord. No. 4559, 9/13/08, Sec. 1)

Sec. 12-3-4 Child care home regulations.

The department of community & human services shall issue regulations for child care homes which shall be designed to ensure that such homes are operated in a manner conducive to the health, safety and welfare of the children who receive their services; provided, that such regulations shall not be more extensive in scope than state regulations applicable to family day homes, as defined in section 63.2-100 of the Virginia Code (1950), as amended. (Ord. No. 3493, 1/12/91, Sec. 2; Ord. No. 4559, 9/13/08, Sec. 1; Ord. No. 5022, 6/18/16, Sec. 2)

Secs. 12-3-5 through 12-3-60 reserved.

ARTICLE B

Child Care Homes

Editorial Note: Ord. No. 3493, § 3, adopted Jan. 12, 1991, repealed Tit. 12, Ch. 3, Art. C, §§ 12-3-61—12-3-70, which pertained to day nurseries and children's homes and derived from the 1963 Code, §§ 8-32—8-41, and Art. D, §§ 12-3-81—12-3-91, which pertained to child care homes and derived from Ord. No. 3045, § 6, adopted May 18, 1985. Section 4 of said Ord. No. 3493 added new provisions designated as Tit. 12, Ch. 3, Art. C, §§ 12-3-61—12-3-71 to read as herein set out. See the Code Comparative Table for a detailed analysis of inclusion of Ord. No. 3493. Subsequently, Ord. No. 3670, § 3, adopted Oct. 16, 1993, repealed Art. B, §§ 12-3-11—12-3-20, 12-3-31—12-3-48, which pertained to nursery schools. Section 4 of said ordinance renumbered Art. C as Art. B. See the Code Comparative Table. Section 2 of Ord. No. 4559, adopted Sept. 13, 2008, changed the title of Article B from "Day Care Homes" to "Child Care Homes."

Sec. 12-3-61 Purpose of article.

The purpose of this article is to ensure that child care services provided in child care homes in the city are safe and of good quality. (Ord. No. 3493, 1/12/91, Sec. 4; Ord. No. 4559, 9/13/08, Sec. 2)

Sec. 12-3-62 Registration required.

It shall be unlawful for any person to operate a child care home in the city without a registration issued by the department of community & human services pursuant to this article or in a manner not expressly authorized by such registration. (Ord. No. 3493, 1/12/91, Sec. 4; Ord. No. 4559, 9/13/08, Sec. 2; Ord. No. 5022, 6/18/16, Sec. 3)

Sec. 12-3-63 Application for registration.

(a) Any person desiring to operate a child care home shall apply for registration to the department of community & human services. In applying for registration, the applicant shall provide:

(1) the applicant's name, birth date, address and phone number;

(2) the name, birth date and address of every person who will provide or assist the applicant in the provision of child care services in the proposed child care home;

(3) the name, birth date and relationship to the applicant (e.g., spouse, child) of every person living in the residence where the child care services are to be provided;

(4) certification of a national criminal record check for the applicant, for all persons who will provide or assist in the provision of child care

services in the proposed child care home and for all adults who live in the proposed child care home establishing that such persons have never been convicted of any barrier crime or offense as defined in section 63.2-1719 of the Virginia Code (1950), as amended.

(5) certification from the Virginia Department of Social Services for the applicant, for all persons who will provide or assist in the provision of child care services in the proposed child care home and for all persons, age 14 and older, who live in the proposed child care home establishing that such persons have never been the subject of a founded complaint of child abuse or neglect;

(6) a completed self-certification form provided by the department of community & human services attesting that the proposed child care home complies with the regulations issued pursuant to section 12-3-4;

(7) such additional information required by the department of community & human services to enable it to determine whether the proposed child care home will comply with all requirements imposed by the regulations issued pursuant to section 12-3-4; and

(8) a registration fee of $5. (Ord. No. 3493, 1/12/91, Sec. 4; Ord. No. 4559, 9/13/08, Sec. 2; Ord. No. 5022, 6/18/16, Sec. 4)

Sec. 12-3-64 Processing of application.

After receipt of an application for registration, the department of community & human services shall examine the information provided therein and seek clarification or explanation if necessary, and the city shall inspect the proposed child care home to ensure that it complies with fire and building code regulations. The department may also inspect and investigate the proposed child care home to determine whether it will comply with the regulations issued pursuant to section 12-3-4 and will adequately provide for the health, safety and welfare of the children for whom child care services will be provided. (Ord. No. 3493, 1/12/91, Sec. 4; Ord. No. 4559, 9/13/08, Sec. 2; Ord. No. 5022, 6/18/16, Sec. 5)

Sec. 12-3-65 Action on registration.

(a) An application for registration under section 12-3-63 shall be denied if the department of community & human services finds that the applicant, any person who will provide or assist in the provision of child care services or any adult who lives in the proposed child care home has been convicted of any barrier crime or any of the offenses described in section 63.2-1719 of the Virginia Code (1950) as amended or has been the subject of a founded case of child abuse or neglect. An application for registration under section 12-3-63 shall also be denied if the Department determines that the proposed child care home fails to comply with all requirements proposed by the regulations issued pursuant to section 12-3-4, or determines that the applicant will not adequately provide for the health, safety and welfare of the children for whom child care services are to be provided. If an application for registration is denied under this subsection because of any adverse information appearing on a record obtained by the department of community & human services from the Central Criminal Records Exchange or the Virginia Department of Social Services, the department shall provide the applicant a copy of the information upon which the denial was based.

(b) An application for registration under section 12-3-63 shall be granted if the department of community & human services makes no finding under subsection (a), determines that the proposed child care home complies with all requirements imposed by the regulations issued pursuant to section 12-3-4 and determines that the applicant will adequately provide for the health, safety and welfare of the children for whom child care services are to be provided. A registration issued under this section shall, at a minimum, contain the name of the applicant-operator of the registered child care home, the address of the home, the names of all persons authorized to provide or assist in the provision of child care services at the home, the names of all persons who live in the home, and the maximum number of children to be served at any one time at the home. (Ord. No. 3493, 1/12/91, Sec. 4; Ord. No. 4559, 9/13/08, Sec. 2; Ord. No. 5022, 6/18/16, Sec. 6)

Sec. 12-3-66 Display of registration; provision of child care information.

Any child care home registered under this chapter shall display its registration conspicuously. In addition, any such child care home shall provide to the parent, guardian or legal custodian of each child for whom child care services is provided a pamphlet on child care evaluation and standards prepared and provided by the department of community & human

services. (Ord. No. 3493, 1/12/91, Sec. 4; Ord. No. 4559, 9/13/08, Sec. 2; Ord. No. 5022, 6/18/16, Sec. 7)

Sec. 12-3-67 Change in operator, address or personnel; amendments to registration.

(a) No change in the operator or address of a registered child care home may occur without the approval of the department of community & human services. If, following the registration of a child care home, the person identified as the applicant-operator in the home's registration proposes to be replaced with another operator, or proposes to move the care home from the address stated in the home's registration, the original applicant-operator shall immediately notify the department of community & human services of the proposal in writing on a form provided by the department. With respect to the proposed new operator, the original operator shall provide the information described in subsections (4), (5) and, if applicable, (7) of section 12-3-63. If the proposed new operator has not been convicted of any barrier crime or any of the offenses described in section 12-3-63(4) and has not been the subject of a founded case of child abuse or neglect, and the department determines that the child care home will continue under the proposed new operator to provide child care services consistent with the health, safety and welfare of the children it is serving, the department shall approve the proposed new operator and shall amend the registration of the home accordingly. With respect to the proposed new address, if the department determines that the new address meets the requirement of section 12-3-2, it shall approve the change in address and shall amend the registration of the home accordingly and issue a new certificate.

(b) An operator of a registered child care home may not, without the approval of the department of community & human services, continue to provide child care services if a person not identified in the registration of the child care home provides or assists in the provision of child care services at the home, or if a person, age 14 and older, not identified in the registration lives in the home. If an operator proposes that one or more persons not identified in the registration provide or assist in the provision of child care services at a registered home, or that one or more persons, age 14 and older, not identified in the registration live in the home, the operator of the home shall immediately notify the department of community & human services in writing on a form provided by the department. With respect to each such person, the operator shall provide the information described in subsections (4), (5) and, if applicable, (7) of section 12-3-63. If such persons have not been convicted of any barrier crime or any of the offenses described in section 12-3-63(4) and have not been the subject of a founded case of child abuse or neglect, and the department determines that, with such persons, the child care home will continue to provide child care services consistent with the health, safety and welfare of the children it is serving, the division shall approve the continued operation of the child care home and shall amend the registration of the home accordingly. (Ord. No. 3493, 1/12/91, Sec. 4; Ord. No. 4559, 9/13/08, Sec. 2; Ord. No. 5022, 6/18/16, Sec. 8)

Sec. 12-3-68 Inspection of child care home.

The city may inspect any child care home registered under this article at any time child care services are scheduled to be provided. (Ord. No. 3493, 1/12/91, Sec. 4; Ord. No. 4559, 9/13/08, Sec. 2)

Sec. 12-3-69 Revocation of registration.

(a) The registration of a child care home may be revoked by the department of community & human services if it is determined that the home is in violation of applicable fire or building codes, that any person providing or assisting in the provision of child care services or an adult living in the home has been convicted of a barrier crime or offense described in section 63.2-1719 of the Virginia Code (1950) as amended, or any person living in the home, age 14 or older, has been the subject of a founded case of child abuse or neglect, that the home has served more children than the maximum number listed in its registration, that permission to inspect the home during any time the home is scheduled to provide child care has been denied, that the home has represented its registration as constituting official city approval of the child care services it is providing, that the applicant has misrepresented or provided false information on or in conjunction with the application for the home, that the home is not complying with all requirements imposed by the regulations issued pursuant to section 12-3-4, or that the home is not being operated in a manner consistent with the health, safety and welfare of the children it is serving.

(b) No registration may be revoked without 10 days written notice to the operator, at the address listed on the registration, which shall contain a statement of the reasons why the registration is being revoked. Unless the health, safety and welfare of the children being served by the home is immediately threatened, the notice shall inform the applicant-operator that he or she has 10 days within which to remove the reasons for the revocation or to establish that such reasons either do not exist or do not warrant the revocation of the registration. The notice shall also inform the applicant-operator that, prior to the expiration of this 10-day period, he or she may meet with the director of the department of community & human services, or a designee, in order to present reasons why the registration should not be revoked. In the event that the reasons for the revocation have not been removed or negated within the 10-day period, the department shall revoke the registration. (Ord. No. 3493, 1/12/91, Sec. 4; Ord. No. 4559, 9/13/08, Sec. 2; Ord. No. 5022, 6/18/16, Sec. 9)

Sec. 12-3-70 Penalties.

Any person who violates section 12-3-62 shall be guilty of a class 4 misdemeanor. For purposes of this article, each day a person operates a child care home without a registration or in a manner not authorized by a registration shall constitute a separate offense. (Ord. No. 3493, 1/12/91, Sec. 4; Ord. No. 4559, 9/13/08, Sec. 2)

Sec. 12-3-71 Business license not required.

Persons operating a child care home under a registration issued pursuant to this article shall not come within the provisions of article C, chapter 1, title 9 of this code. (Ord. No. 3493, 1/12/91, Sec. 4; Ord. No. 4559, 9/13/08, Sec. 2)

CHAPTER 4

Human Rights

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Sec. 12-4-1 Short title.

This chapter shall be known and may be cited as the "Human Rights Code of the City of Alexandria, Virginia." (Code 1963, Sec. 18A-1)

Sec. 12-4-2 Findings of fact and declaration of policy.

(a) *Findings.* The City Council of the City of Alexandria, Virginia, having conducted public hearings finds:

(1) The population of the City of Alexandria consists of people of different races, colors, sexes, religions, ancestries, national origins, marital statuses, familial statuses, ages, sexual orientations and disabilities, many of whom, because of their race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability, in some instances have been unjustly discriminated against with respect to housing, employment, public accommodations, health and social services, education, credit or city contracts.

(2) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability with respect to housing causes, at least in part, circumscribed and segregated areas within the city and deprives many persons of the opportunity to live in the city or the opportunity to live in decent housing.

(3) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability with respect to employment denies job opportunities to many citizens of Alexandria and causes depressed living conditions.

(4) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability in places of public accommodation causes embarrassment and inconvenience to citizens and visitors of the city and is detrimental to the welfare of the city.

(5) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability with respect to credit, credit-related services or credit ratings arbitrarily denies financial opportunities and purchasing power to many citizens.

(6) Discrimination because of race, color, sex, religion, ancestry, national origin, sexual orientation or disability with respect to education denies appropriate role models and career and athletic opportunities to the students, teachers and administrative staff.

(7) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability with respect to health and social services is detrimental to the health of many citizens and deprives many needy and unfortunate citizens of the bare essentials of life.

(8) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age or disability with respect to city contract employment denies job opportunities to many citizens and causes depressed living conditions.

(9) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age or disability is contrary to the law of the United States of America and the spirit of the Constitution of Virginia.

(10) It is in the public interest and in furtherance of the welfare and well being of all citizens of Alexandria, Virginia, to assure that each citizen is treated fairly, provided equal protection of the law and afforded full and equal opportunity to enjoy life, liberty, property and the pursuit of happiness.

(11) The conditions set forth in subsections (1) through (9) above have caused or are capable of causing or encouraging crime, riots, disturbances, disorders, delinquency, breach of peace, fires, poverty, slums, blighted areas, overcrowding, unhealthy and unsanitary conditions, disease, increased mortality, unstable family life, increased cost of government, excessive public assistance problems, unemployment, loss of manpower, loss of womanpower, loss of tax revenue, and loss of trade, commerce, business and productivity.

(b) *Policy.* The City Council of the City of Alexandria, Virginia, hereby declares:

(1) That it is contrary to the policy of the city to permit the conditions mentioned in this section to exist or to arise.

(2) That it is the duty and policy of the city to exercise all available means and every power it possesses to protect the city and its citizens from such conditions and from the undesirable results that have been or may be caused or encouraged by the existence of such conditions.

(3) That, except as hereinafter provided, it is and shall be the policy of the city, in the exercise of its police power and all other powers it may possess, to protect the safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants, to assure all persons the opportunity to obtain housing, public accommodations, employment, health and social services, credit, education and city contracts without regard to race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.

(4) That to carry out these goals and policies it is and shall be the policy of the city generally, except as hereinafter provided, to prohibit discrimination because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability with respect to housing, public accommodations, employment, health and social services, credit, education and city contracts. (Code 1963, Sec. 18A-2; Ord. No. 2517, 10/14/80, Sec. 1; Ord. No. 3328, 10/15/88, Sec. 1; Ord. No. 3498, 2/23/91, Sec. 1; Ord. No. 3850, 3/23/96, Sec. 1; Ord. No. 4549, 6/14/08, Sec. 1)

Sec. 12-4-3 Definitions.

(a) *Affirmative action employment program.* A positive program designed to ensure that a good faith effort will be made to employ applicants without regard to race, color, sex or disability. Such program, to be developed by the commission and approved by city council, shall include, where applicable, but shall not be limited to, the following: recruitment and recruitment advertising, selection and selection criteria, upgrading, promotion, demotion or transfer, lay-off or termination, rates of pay or other forms of compensation, other terms or conditions of employment and selection for training, including apprenticeship, and shall include realistic and attainable goals, methodology and timetable for implementation of the program.

(b) *Age.* Unless stated or the context clearly indicates otherwise, the word "age" as used in this chapter shall refer exclusively to persons who are 18 years of age or older.

(c) *Commercial real estate.* Land or any improvement thereon, or both, or an interest in land or any improvement thereon, that is offered for sale or lease and that is being utilized, or may be utilized, by a commercial or industrial use under the City of Alexandria Zoning Ordinance, whether such use is a permitted or special use. The fact that some alterations to land or improvements, or both, must be made after the sale or lease is completed, or that permits, licenses or other approvals are necessary after the sale or lease to put the land or improvements into an actual commercial or industrial use shall not preclude the land or improvements from constituting commercial real estate.

(d) *Commission.* The human rights commission created by section 12-4-15 of this chapter.

(e) *Complainant.* Any person filing a complaint or on whose behalf a complaint is filed by the human rights director pursuant to this chapter.

(f) *Credit.* The right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(g) *Disability.* A physical or mental impairment which substantially limits one or more major life activities. "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive;

genitourinary; hemic or lymphatic; skin and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(h) *Discriminate, discrimination, discriminatory practice.* Any arbitrary difference in treatment based on membership in a protected class not permitted by this chapter, including harassment.

(i) *Educational institution.* Any nursery, day care center, kindergarten, elementary or secondary school, academy, college, university, extension course or nursing, secretarial, business, vocational, technical, trade or professional school or joint apprenticeship program.

(j) *Employer.* Any person who employs four or more employees for wages, salaries or commission within the city, exclusive of parents, spouse or children, and excluding any bona fide religious, fraternal or sectarian organization not supported in whole or in part by governmental appropriations.

(k) *Employment agency.* Any person regularly undertaking with or without compensation to advertise for or otherwise procure opportunities to work or to procure, recruit, refer or place employees.

(l) *Familial status.* One or more individuals who have not attained the age of 18 years and who are domiciled with:

(1) parent or another person having legal custody of such individual or individuals; or

(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The term "familial status" shall also apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. The provisions regarding familial status do not apply with respect to housing for older persons.

(m) *Family.* One or more individuals living together on the premises as a single housekeeping unit.

(n) *Harassment.* Any verbal or physical conduct that denigrates or shows hostility toward an individual because of his or her race, color, religion, gender, national origin, age, disability, marital status or sexual orientation.

(o) *Health* or *social service agency.* Any person rendering health or social services. The term includes but is not limited to any hospital, clinic, dispensary, nursing home, convalescent home, rehabilitation center, social work agency, community service center, group work-recreation center, counseling and guidance services agency, day camp or resident camp, protective service organization or facility; but except for a hospital, clinic or dispensary, this term shall not include any health or social service agency operated, supervised or controlled by or in conjunction with a religious organization, association or society exclusively or primarily for members of its own faith.

(p) *Housing.* Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(q) *Human rights director.* That person appointed pursuant to section 12-4-14 of this chapter.

(r) *Labor organization.* Any organization which exists for the purpose in whole or in part of collective bargaining or of dealing with employers on behalf of employees concerning grievances, terms or conditions of employment, or of other mutual aid or protection in relation to employment.

(s) *Lending institution.* Any person, including but not limited to a bank, insurance company or savings and loan association, regularly engaged in the business of lending money, guaranteeing loans or furnishing consumer credit or other credit-related services.

(t) *Owner.* Any person, including but not limited to a lessee, sublessee, assignee, manager or agent, and also including the city and its departments, boards, commissions, authorities, committees and agencies, having the right of ownership or possession or the authority to sell or rent any dwelling.

(u) *Pattern* or *practice of discrimination.* Any event, course of conduct or way of doing business with respect to housing, employment, public accommodations, credit, health and social services or city contracts which happens on several occasions and which actually or predictably results in different treatment which is discriminatory on the basis of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.

(v) *Person with a disability.* Any person who has a disability, as defined above, or has a record of such impairment, or is regarded as having such an impairment. "Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. "Is regarded as having such an impairment" means: (i) has a physical or mental impairment that does not substantially limit major life activities but is treated by a respondent as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (iii) has none of the impairments defined under "disability" above but is treated as having such an impairment by any person within the jurisdiction of this chapter. Notwithstanding any contrary provision in this chapter, the term "person with a disability" shall not include any person who engages in the current, illegal use of a controlled substance, as defined in Virginia or federal law.

(w) *Public accommodation.* Includes every business, professional or commercial enterprise, refreshment, entertainment, sports, recreation or transportation facility in the city, whether licensed or not, public or private, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available in any manner to the general public. Public accommodation does not include a bona fide private club or other establishment not in fact open to the general public.

(x) *Public funds.* Any funds derived from any governmental body or agency.

(y) *Qualified person with a disability.* (i) With respect to employment, a person with a disability, who with reasonable accommodation, can perform the essential functions of the job in question; and (ii) with respect to other services, a person with a disability who meets the essential eligibility requirements for the receipt of such services.

(z) *Real estate broker.* Any person, who for a fee or other valuable consideration, manages, sells, purchases, exchanges, rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange or rental of the real property of another, or holds himself or herself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, including real estate salespersons, agents or any other persons employed by a real estate broker to perform or to assist in the performance of his or her business.

(aa) *Respondent.* Any person against whom a complaint is filed pursuant to this chapter.

(bb) *Restrictive covenant.* For purposes of this chapter, this is a provision written into a deed, lease, mortgage, deed of trust or contract that bars any person from owning or occupying housing on the basis of race, color, sex, religion, ancestry, national origin, familial status, age, sexual orientation or disability.

(cc) *Sexual orientation.* Having a preference for heterosexuality, homosexuality or bisexuality, having a history of such a preference or being identified with such a preference.

(dd) *To rent.* Includes to lease, to sublease, to let or otherwise to grant for a consideration the right to occupy premises not owned by the occupant. (Code 1963, Sec. 18A-3; Ord. No. 2517, 10/14/80, Sec. 2; Ord. No. 3328, 10/15/88, Sec. 2; Ord. No. 3498, 2/23/91, Sec. 2; Ord. No. 3729, 6/18/94, Sec. 1; Ord. No. 3850, 3/23/96, Sec. 2; Ord. No. 4549, 6/14/08, Sec. 2)

Sec. 12-4-4 Unlawful housing practices.

(a) *Unlawful housing practices—sale or rental.* Except as provided in subsection (e) of this section, it shall be unlawful for any person:

(1) to refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny housing to any person, because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.

(2) to discriminate against any person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection therewith, because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.

(3) to make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of housing, that indicates any preference, limitation or discrimination based on race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability, or an intention to make any such preference, limitation or discrimination.

(4) to represent to any person because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation

or disability, that any housing is not available for inspection, sale or rental, when the housing is in fact so available.

(5) for profit, to induce or attempt to induce any person to sell or not sell, or to rent or not rent any housing by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.

(6) except in connection with a written affirmative action plan, to make an oral inquiry or to use a written inquiry or form of application or photograph, as a condition of the transaction in connection with the sale or rental of housing that elicits or attempts to elicit information concerning race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.

(7) to discriminate in the sale or rental of, or to otherwise make unavailable or deny, housing to any buyer or renter because of a disability of the buyer or renter, of a person residing in or intending to reside in the housing after it is sold, rented or made available, or of any person associated with the buyer or renter.

(8) to discriminate against any person in the terms, conditions, or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of the person, of a person residing in or intending to reside in the housing after it is sold, rented or made available, or of any person associated with the person.

(9) for purposes of sub-subsections (7) and (8), discrimination shall include:

a. a refusal to permit, at the expense of a person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications are necessary to afford such person full enjoyment of the premises;

b. a refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy housing; or

c. in connection with the design and construction of covered multifamily housing, as defined in Virginia or federal law, for initial occupancy after April 1, 1991, a failure to design and construct the housing in such a manner that:

(i) the public use and common use portions of the housing are readily accessible to and usable by persons with disabilities;

(ii) all the doors designed to allow passage into and within all premises within the housing are sufficiently wide to allow passage by persons with disabilities in wheelchairs; and

(iii) all premises within the housing contain an accessible route into and through the housing, light switches, electrical outlets, thermostats and other environmental controls in accessible locations, reinforcements in bathroom walls to allow later installation of grab bars and usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(10) Nothing in subsections (7), (8) and (9) requires that housing be made available to an individual whose tenancy would constitute a direct threat to the health or safety of others or would result in substantial physical damage to the property of others.

(11) For purposes of this subsection, discrimination because of or on the basis of age shall mean discrimination against a person who is 55 years of age or older because of or on the basis of that person's age.

(b) *Unlawful housing practices—financing.*

(1) a. It shall be unlawful for any lending institution to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining housing, or to discriminate against him or her in the fixing of the amount, interest rate, duration or other terms or conditions of the loan or other financial assistance because of the race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability of such person.

b. It shall also be unlawful for any lending institution to deny a loan or other financial assistance because of the race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability of the present or prospective owners, lessees, tenants or occupants of the housing in relation to which the loan or other financial assistance is to be made or given.

c. It shall also be unlawful for any lending institution to deny such a loan or other financial assistance to any person because of the race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability of any person associated with such person in connection with the loan or other financial assistance or the purposes of the loan or other financial assistance.

(2) It shall also be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to discriminate against any person applying for a loan or other financial assistance, the proceeds of which are to be used for the purchase, construction, improvement, repair or maintenance of housing by:

a. denying a loan or other financial assistance because of the race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability of the residents of the neighborhood in which the housing is located; or

b. discriminating in fixing of the amount, interest rate, duration or other terms or conditions of a loan or other financial assistance, because of the race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability of the residents of the neighborhood in which the housing is located.

c. *Unlawful housing practices—brokerage services.*

(1) It shall be unlawful for any person to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing, or to discriminate against any person in the terms or conditions of such access, membership or participation, on account of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability of such persons.

(2) It shall be unlawful for any real estate broker or salesperson or other person in the business of selling or renting housing to solicit the sale or rental of housing or discourage the purchase or rental of housing by representations regarding the existing or potential proximity to real property owned, used or occupied by a person or persons of a particular race, color, sex, ancestry, national origin, marital status, familial status, age, sexual orientation or disability.

(d) *Unlawful housing practices—restrictive covenants, as defined.*

(1) It shall be unlawful for any person who prepares or supervises the preparation of any deed, mortgage, deed of trust, lease or contract affecting title to or any interest in land or housing in the city willfully and knowingly to include therein any restrictive covenant that discriminates on the basis of race, color, sex, religion, ancestry, national origin, familial status, age, sexual orientation or disability, except that nothing in this subsection shall be construed to prohibit any person from conveying, or preparing any legal document for any conveyance of housing or land to a religious organization for use only by members of such religious organization.

(2) It shall be unlawful for any person who prepares or supervises the preparation of any deed, mortgage, deed of trust, lease or contract affecting title to or any interest in land or housing in the city, wherein any restrictive covenant prohibited by subsection (1) above is incorporated by reference to another document or instrument, to fail to include therein a statement that such restrictive covenant is invalid and unenforceable.

(3) The Clerk of the Circuit Court for the City of Alexandria, Virginia, is hereby authorized and directed:

a. to post in a conspicuous location in the clerk's office and in the land record room the following notice printed in 14-point type:

> "It is a violation of the Human Rights Code of the City of Alexandria, Virginia, for any person to include any provision in a deed, mortgage, deed of trust, lease or contract affecting title or any interest in land which purports to restrict or affect on the basis of race, color, sex, religion, ancestry, national origin, familial status, age, sexual orientation or disability the holding, occupancy or transfer of any interest in land, and any such provisions are invalid and unenforceable."

b. when a copy of any deed, mortgage, deed of trust, lease or contract affecting title or interest in land or housing recorded in the clerk's office is requested, to affix to such copy a statement that any provision contained in such legal instrument which purports to restrict or affect the holding, occupancy, ownership, rental, lease or transfer of any interest on the basis of race, color, sex, religion, ancestry, national origin, familial status, age, sexual orientation or disability is invalid or unenforceable.

(e) *Exemptions and exceptions.*

(1) Nothing in section 12-4-4 shall prohibit a religious organization, association or society, or any nonprofit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting or from advertising the sale, rental or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such per-

sons. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(2) Nothing in section 12-4-4 other than subsection (3) of subsection (a) shall apply to:

a. any single-family house sold or rented by an owner; provided, that the private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any rights to all or a portion of the proceeds from the sale or rental of more than three single-family houses at any one time; provided further, that the owner sells or rents the following:

1. without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or sales person, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson or person, and

2. without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection (3) of subsection (a) of this section; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title, or

b. rooms or units in housing containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his or her residence, provided that the owner sells or rents the rooms or units:

1. without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson or person, and

2. without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection (3) of subsection (a) of this section, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other professional assistance as necessary to perfect or transfer the title.

For the purposes of this subsection (e)(2), a person shall be deemed to be in the business of selling or renting housing if:

a. he or she has, within the preceding 12 months, participated as principal, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in three or more transactions involving the sale or rental of any housing or any interest therein;

b. he or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing the sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any housing or any interest therein; or

c. he or she is the owner of any housing designed or intended for occupancy by, or occupied by, five or more families.

(3) Nothing in section 12-4-4 shall be construed to:

a. bar any person from restricting sales, rentals, leases or occupancy, or from giving preference, to persons of a given age for bona fide housing intended solely for the elderly or bona fide housing intended solely for minors;

b. make it an unlawful act to require that a person have legal capacity to enter into a contract or lease;

c. prohibit any private, state-owned or state-supported educational institution, hospital, nursing home, or religious or correctional institution from requiring that persons of both sexes not occupy any single-family residence or any room or unit in dwellings or other buildings which it owns or operates or that persons of both sexes not utilize any rest room in said room or unit in dwellings or other buildings which it owns or operates;

d. bar any person from refusing a loan or other financial assistance to any person whose life expectancy, according to generally accepted mortality tables, is less than the term for which the loan is requested;

e. forbid distinctions based on the inability to fulfill the terms or conditions including financial obligations of any such lease, contract of sale, deed or mortgage.

(4) a. Nothing in section 12-4-4 regarding unlawful discrimination because of familial status shall apply to housing for older persons.

b. As used in this section, "housing for older persons" means housing:

(i) provided under any state or federal program that is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or

(ii) intended for, and solely occupied by, persons 62 years of age or older; or

(iii) intended and operated for occupancy by at least one person 55 years of age or older per unit.

c. The following factors will be considered in determining whether housing qualifies as "housing for older persons@;

(i) the housing contains significant facilities and services specifically designed to meet the physical or social needs of older persons or, if the provision of such facilities and services is not practicable, the housing is necessary to provide important housing opportunities for older persons; and

(ii) 80 percent or more of the units are occupied by at least one person 55 years of age or older; and

(iii) the publication of and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing primarily for persons 55 years of age or older.

d. Housing shall not fail to constitute "housing for older persons" by reason of:

(i) persons residing in the housing as of February 23, 1991, who do not meet the age requirements of subsections (4)a(ii) or (iii); provided, that new occupants of such housing meet these age requirements; or

(ii) unoccupied units; provided, that such units are reserved for occupancy by persons who meet these age requirements.

5. Nothing in section 12-4-4 prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance. (Code 1963, Sec. 18A-4; Ord. No. 2517, 10/14/80, Sec. 3; Ord. No. 3174, 1/24/87, Sec. 2; Ord. No. 3231, 6/24/87, Sec. 1; Ord. No. 3328, 10/15/88, Sec. 3; Ord. No. 3498, 2/23/91, Sec. 3; Ord. No. 3850, 3/23/96, Sec. 3; Ord. No. 4549, 6/14/08, Sec. 3)

Sec. 12-4-4.1 Unlawful commercial real estate practices.

It shall be unlawful for any person, on the basis of race, color, sex, sexual orientation, age, marital status, religion, disability or national origin, to:

(a) refuse to sell or rent commercial real estate after the making of a bona fide offer, to refuse to negotiate for the sale or rental of such real estate, or to otherwise make unavailable or deny such real estate to any person;

(b) discriminate against a person in the terms or conditions of a sale or rental of commercial real estate, or in the provision of services or facilities in connection with or following a sale or rental of such real estate;

(c) make, print or publish, or cause to be made, printed or published, any notice, advertisement or other statement with respect to the sale or rental of commercial real estate that indicates any preference, limitation or discrimination on the basis of any of the factors identified above in this section;

(d) represent to a person that commercial real estate is not available for inspection, sale or rental when such commercial real estate is, in fact, available;

(e) interfere with, interrupt or terminate a person's ownership, rental, possession or occupancy of commercial real estate;

(f) include in the terms or conditions of any sale or rental of commercial real estate a provision that prohibits or discourages, or purports or attempts to prohibit or discourage, the ownership, rental, possession, occupancy or use of such real estate by any person on the basis of any of the factors identified above in this section; and

(g) discriminate in lending money, guaranteeing loans, accepting mortgages or otherwise making available money for the purchase, construction, alteration, repair or maintenance of commercial real estate, or to discriminate in the fixing of the rates, terms or conditions of any such financing, or in the extension of service in connection therewith;

provided, that nothing in this section shall be construed as prohibiting a person from refusing to sell or rent commercial real estate to, or otherwise to deal in connection with commercial real estate with, another person where the latter person

lacks the capacity to contract; and provided further, that for purposes of this section, discrimination because of or on the basis of age shall mean discrimination against a person who is 55 years of age or older because of or on the basis of that person's age. (Ord. No. 3850, 3/23/96, Sec. 4)

Sec. 12-4-5 Unlawful employment practices.

(a) Except as provided in subsection (b) of this section, it shall be unlawful:

(1) for any employer to fail or refuse to hire or to discharge any person or otherwise to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability, when such person is a qualified person with a disability;

(2) for any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting the employment, membership or apprenticeship opportunities of any person on the basis of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability, when such person is a qualified person with a disability;

(3) for any employer, labor organization, employment agency or any joint labor management committee controlling apprentice training programs to deny to or withhold from any person the right to be admitted to or to participate in a guidance program, an apprenticeship training program, an on-the-job training program or any other occupational training program because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability, when such person is a qualified person with a disability;

(4) for any employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated with intent to circumvent the spirit and purpose of this section, any notice or advertisement relating to employment or membership which indicates any preference, limitation or discrimination based on race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability, when such person is a qualified person with a disability, or an intention to make any such preference, limitation or discrimination;

(5) for any employment agency to fail or refuse to accept, register, classify properly or refer for employment or otherwise to discriminate against any person because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability, when such person is a qualified person with a disability;

(6) for any labor organization to discriminate against any person in any way which would deprive or limit his or her employment opportunities or otherwise adversely affect his or her status as an applicant for employment or as an employee with respect to hiring, seniority, tenure, referral, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability, when such person is a qualified person with a disability;

(7) for any employer, employment agency or labor organization to discriminate against any person because he or she has opposed any practice forbidden by this section or because he or she has made a complaint or testified or assisted in any manner in any investigation or proceeding under this chapter relating to the provisions of this section;

(8) for any employer to deny any employment opportunity to a qualified person with a disability who is an employee or applicant if the basis for the denial is the need to make reasonable accommodations to the physical or mental limitations of the employee or applicant.

(9) for purposes of subsections (a)(1) through (a)(6), discrimination because of or on the basis of age shall mean discrimination against a person who is 40 years of age or older because of or on the basis of that person's age.

(b) exceptions. Nothing in subsection (a) of this section shall apply to:

(1) any type of employment, occupation, or position where the job involves a bona fide occupational qualification requiring the employment of a person or persons of a particular religion, sex, ancestry, national origin, marital status, age, sexual orientation or physical or mental capabilities, where the qualification is reasonably necessary to the normal operation of that business or enterprise;

(2) any employment practice based upon applicable laws or regulations established by the United States or any agency thereof, the Commonwealth

of Virginia, or any political subdivision of the commonwealth having jurisdiction in the City of Alexandria;

(3) the observance of the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension or insurance plan, which is not a subterfuge to evade the purposes of this section, except that no such employee benefit plan shall excuse the failure to hire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual who is at least 40 years of age or older because of the age of such individual;

(4) agreements or contracts concerning contribution rates for employer or employee for group insurance, when the contribution rate may be affected by marital status or number of dependents;

(5) any employment agency providing services only to elderly persons or to minors; provided, however, that no employment agency may discriminate on the basis of race, color, sex, religion, ancestry, national origin, marital status, sexual orientation or disability; and

(6) notwithstanding any other provisions of this section, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability, nor shall it be an unlawful employment practice for any employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability

(c) Affirmative action employment program. The city manager shall establish an affirmative action employment program for the city and shall report to the city council regarding the status of same annually. (Code 1963, Sec. 18A-5; Ord. No. 2517, 10/14/80, Sec. 4; Ord. No. 3128, 5/17/86, Sec. 1; Ord. No. 3328, 10/15/88, Sec. 4; Ord. No. 3498, 2/23/91, Sec. 4; Ord. No. 3729, 6/18/94, Sec. 2; Ord. No. 3850, 3/23/96, Sec. 5; Ord. No. 4549, 6/14/08, Sec. 4)

Sec. 12-4-6 City contracts.

(a) Any contract of over $10,000, except any contract for the sale, purchase or rental of land, to which the city is a party shall include substantially the following provisions:

"Employment Opportunity. The contractor hereby agrees:

"(1) Not to discriminate against any employee or applicant for employment on account of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, disability, when such person is a qualified person with a disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

"(2) To implement an affirmative action employment program as defined in section 12-4-3 of this chapter to ensure nondiscrimination in employment under guidelines to be developed by the Commission and approved by the City Council.

"(3) To include in all solicitations or advertisements for employees placed by or on behalf of the contractor the words "Equal Opportunity Employer" or a symbol, approved by the Commission, meaning same.

"(4) To notify each labor organization or representative of employees with which said contractor is bound by a collective bargaining agreement or other contract of the contractor's obligations pursuant to this equal employment opportunity clause.

"(5) To submit to the City Manager and the City's Human Rights Director, upon request, no more frequently than annually, regular equal employment opportunity reports on a form to be prescribed by the City's Human Rights Director with the approval of the City Manager, except that the Director may request more frequent special reports of particular employers provided the Commission has found such employers to have violated any provision of this chapter.

"(6) Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this subsection.

"(7) To make reasonable accommodation to the known physical or mental limitations of an otherwise qualified person with a disability who is an applicant or employee unless the contractor can demonstrate that the accommodation would impose an undue hardship on the operation of its business.

"(8) That for the purpose of this section reasonable accommodation may include (i) making facilities used by employees readily accessible to and usable by persons with a disability and (ii) job restructuring, part-time or modified work schedules, acquisitions or modification of equipment or devices, the provision of readers or interpreters and other similar actions.

"(9) That in determining whether an accommodation would impose an undue hardship on the operation of the contractor's business, factors to be considered include but are not limited to the following:

"a. the overall size of the contractor's business with respect to the number of employees, the number and type of facilities and size of budget;

"b. the type of the contractor's operation, including the composition and structure of the contractor's work force; and

"c. the nature and cost of the accommodation needed.

"(10) That it may not deny any employment opportunity to a qualified person with a disability who is an employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

"(11) To include the provisions in subsections (1) through (10) of this clause in every subcontract so that such provisions will be binding upon each subcontractor.

"(12) That in the event of the contractor's noncompliance with any provision of this equal employment opportunity clause, upon a finding of such noncompliance by the City's Human Rights Commission and certification of such finding by the City Manager, the City Council may terminate or suspend or not renew, in whole or in part, this contract."

(b) The director is hereby authorized to:

(1) review the performance of any contractor who has a contract with the city with respect to the provisions of subsection (a) above;

(2) request equal employment opportunity reports, including but not limited to statistical data, from any contractor pursuant to subsection (a)(5) above; and

(3) upon a finding of probable cause to believe a violation of any provision of subsection (a) above has occurred, file a complaint with the commission pursuant to section 12-4-16 of this chapter.

(c) The commission is hereby authorized to:

(1) review any complaint filed by the director pursuant to subsection (b) above in accordance with procedures set forth in this chapter; and

(2) upon a finding of the commission that any contractor is in noncompliance with the provisions of subsection (a) above, the commission shall report the findings to the city manager.

(d) The city manager. If the city manager certifies the finding to the city council the city manager shall, unless city council directs otherwise, terminate or suspend or not renew, in whole or in part, as appropriate, the contractual relationship with the contractor; provided, however, that the city manager may defer temporarily a suspension or termination if he or she finds that the suspension or termination may disrupt or curtail a vital public service, or would otherwise not be in the best interests of the city, in which case the city manager shall report his or her action to the city council and indicate a date certain when the relationship will be suspended or terminated, or when the practice complained about will be remedied. (Code 1963, Sec. 18A-6; Ord. No. 2517, 10/14/80, Sec. 5; Ord. No. 2758, 1/22/83, Sec. 1; Ord. No. 3128, 5/17/86, Sec. 2; Ord. No. 3498, 2/23/91, Sec. 5; Ord. No. 4138, 6/17/00, Sec. 12; Ord. No. 4232, 1/26/02, Sec. 7; Ord. No. 4549, 6/14/08, Sec. 5)

Sec. 12-4-7 Health and social service practices.

(a) *Private health and social services practices.* It shall be unlawful for any private health or social service agency:

(1) to discriminate against any person by refusing, denying or withholding from him or her any of the services, programs, benefits, facilities or privileges of any health and social program or service, or to discriminate in the quality of services offered through such programs because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability;

(2) to discriminate against any person, in the setting of rates or charges for any of the services, programs, benefits, facilities or privileges of any agency because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability; or

(3) to discriminate against any person by communicating, publishing, advertising or representing that any of the services, programs, benefits, facilities or privileges of any health or social service agency are withheld from or denied to any person because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability.

(b) *Exceptions.* Nothing in subsection (a) of this section shall apply to any health or social service or practice:

(1) that reasonably relates only to a particular sex, religion, national origin, marital status, age, sexual orientation or disability;

(2) with respect to which sex, religion, national origin, marital status, age, sexual orientation or disability is usually and normally considered an essential qualification or requirement for such service.

(c) *Public health and social services practices.* The commission is hereby authorized to conduct studies, hold hearings and review the policies and practices of any public health and social service agency with respect to the provisions in subsection (a) of this section. The commission shall report its findings to the city council and city manager and may, at its discretion, enter into negotiations with any such agency, other than a city agency, to rectify any discriminatory policies or practices that may exist. In the case of a city agency, the commission may, at its discretion, develop with the city manager a plan to rectify any discriminatory policies or practices that may exist.

(d) *Public health or social service agencies.*

(1) No qualified person with a disability shall, because a public health or social service agency has facilities which are inaccessible to or unusable by persons with a disability, be denied the benefits of, be excluded from participation in or otherwise be subjected to discrimination under any program or activity provided by such public health and social service agencies.

(2) Any existing public health or social service facility shall be made accessible to persons with a disability by making structural changes or by other means such as redesign of equipment, reassignment of services to accessible buildings or alternate sites, assignment of aides to persons with a disability, providing home visits or other appropriate methods. (Code 1963, Sec. 18A-7; Ord. No. 2517, 10/14/80, Sec. 6; Ord. No. 3128, 5/17/86, Sec. 3; Ord. No. 3328, 10/15/88, Sec. 5; Ord. No. 3498, 2/23/91, Sec. 6; Ord. No. 4549, 6/14/08, Sec. 6)

Sec. 12-4-8 Public accommodations.

(a) It shall be unlawful for any public accommodations to discriminate against any person on the basis of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability with respect to the access, use of, benefit of or enjoyment of goods, services, facilities, privileges or any other advantages of any public accommodation, or to make or publish any statement evidencing an intent to do so.

(b) Nothing in subsection (a) of this section shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting its offerings of goods, services, facilities and accommodations to persons of the same religion or from giving preference to these persons; provided, that the offerings above-mentioned are not, in fact, offered for commercial purposes. Nor shall anything in this section prohibit a nonprofit private club, in fact not open to the public, which, incident to its primary purpose provides certain public accommodations herein defined, for other than commercial purposes, from limiting the accommodations to its members, or giving preference to its members and guests of its members. Nor shall anything in this section make unlawful any program, service or benefit, relating to any public accommodation, established and intended solely for elderly persons or minors.

(c) Nothing in this chapter shall prohibit any licensee or permittee of the alcoholic beverage control commission from refusing to sell or dispense alcoholic beverages to persons under 21 years of age, if such licensee or permittee:

(1) posts in a public and conspicuous place its policy with respect to serving persons under the age 21; and

(2) adopts and enforces a uniform nondiscriminatory policy with respect to all such persons under the age of 21. (Code 1963, Sec. 18A-8; Ord. No. 2517, 10/14/70, Sec. 7; Ord. No. 2558, 4/28/81, Sec. 3; Ord. No. 3328, 10/15/88, Sec. 6; Ord. No. 3498, 2/23/91, Sec. 7)

Sec. 12-4-9 Credit.

It shall be unlawful for any lending institution on the basis of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability to:

(a) discriminate against any person in the furnishing of credit or other credit-related services; or

(b) deny or terminate credit or credit-related services or affect adversely a person's credit rating or standing.

Provided that the person is otherwise qualified for the credit or credit-related service; and provided further that nothing in this section shall be construed to bar any lending institution from discriminating against any person in the furnishing of credit or credit-related service or denying or terminating credit or credit-related service to any person whose life expectancy, according to generally accepted mortality tables, is less than the term for which the credit or credit-related service is requested. (Code 1963, Sec. 18A-9; Ord. No. 2517, 10/14/80, Sec. 8; Ord. No. 3328, 10/15/88, Sec. 7; Ord. No. 3498, 2/23/91, Sec. 8)

Sec. 12-4-10 Education.

(a) Private education. It shall be unlawful for any private educational institution, or its agents, employees or officers, on the basis of race, color, sex, ancestry, national origin, sexual orientation or disability;

(1) to discriminate against any person with respect to the terms, conditions, accommodations, advantages, facilities, benefits, privileges or services of that institution;

(2) to make or use a written or oral inquiry or form of application for admission to an educational institution that elicits or attempts to elicit information concerning race, color or disability, except as required to obtain grants or other funds from a public or private institution or agency;

(3) except in connection with a written affirmative action plan, to require, or cause to be required, that a photograph of an applicant for admission to an educational institution be submitted with any form of application for admission;

(4) to establish, make or follow a policy of denial or limitation of educational opportunities;

(5) to permit potential employers to recruit students on its premises or to permit the employers to use its placement facilities for referral of students for employment or permit the employers to participate in any job-training or work-study program operated by or in conjunction with the educational institution unless the potential employer has submitted to the educational institution a statement certifying that the employer is an equal opportunity employer;

(6) to deny to any member of its student body educational services or facilities that are generally available to members of the opposite sex;

(7) to fail to provide services to persons with a disability which are provided to persons without a disability;

(8) to fail to provide services to a person with a disability who meets the academic and technical standards requisite to admission or participation in a postsecondary and vocational education program or activity; or

(9) to subject any member of its faculty or staff to a discriminatory practice stated as unlawful under subsections (1) through (8) of this subsection.

(b) Nothing in subsection (a) of this section shall be construed to make unlawful any private institution established exclusively for either all males or females or to interfere with the exercise of genuinely held religious beliefs by educational institutions organized for the primary purpose of preparing men and women for the ordained ministry.

(c) Public education. The commission is hereby authorized to conduct studies, hold hearings and review the policies and practices of any public educational institution with respect to race, color, sex, religion, ancestry, national origin, religion, sexual orientation or disability. The commission shall report its findings to the appropriate policy-making body and chief administrator of the public educational institution (for instance the school board and superintendent of public schools in the city or to the president of the Northern Virginia Community College and the community college board or to the policy-making body and chief administrator of any other public educational program) and may, at its discretion, enter into negotiations with said policy-making body and chief director to rectify and any discriminatory policies or practices that may exist. (Code 1963, Sec. 18A-10; Ord. No. 2517, 10/14/80, Sec. 9; Ord. No. 3328, 10/15/88, Sec. 8; Ord. No. 3498, 2/23/91, Sec. 9; Ord. No. 4549, 6/14/08, Sec. 7)

Sec. 12-4-11 Obstruction of practices unlawful under chapter.

It shall be unlawful for any person:

(1) directly or indirectly to cause or coerce, or attempt to cause or coerce, any person to do any act declared to be an unlawful act under this chapter;

(2) directly or indirectly to engage in economic reprisal or intimidation, or to harm or threaten harm to any person, or to retaliate against or to interfere with any person because the person has opposed any practice made unlawful by this chapter, or has complied or encouraged others to comply with any provision in this chapter or has filed a complaint or has testified, assisted or participated in any manner in any investigation, proceeding or hearing under this chapter or has exercised or attempted to exercise any right conferred in this chapter; or

(3) directly or indirectly to cause or coerce or attempt to cause or coerce another person to engage in economic reprisal or intimidation or to harm or threaten harm to any person, or to retaliate against or to interfere with any person because the person has opposed any practice made unlawful by this chapter, or has complied or encouraged others to comply with any provision in this chapter, or has filed a complaint or has testified, assisted or participated in any manner in any investigation, proceeding or hearing under this chapter or has exercised or attempted to exercise any right conferred in this chapter. (Code 1963, Sec. 18A-11)

Sec. 12-4-12 Human rights commission—creation; composition.

For the purpose of making effective the provisions of this chapter, there is hereby created a commission of the City of Alexandria, Virginia, to be known as the "Human Rights Commission," herein referred to as the commission, which shall consist of 14 members, each of whom shall reside in the city at the time of appointment to the commission and while serving on it. They also shall be as broadly representative of residents of the city as is practicable. Of the 14 members, nine shall be citizens at large and one each shall be members of the economic opportunities commission, the commission for women, the landlord-tenant relations board, the commission for persons with disabilities and the commission on aging. All the members shall be appointed by city council. The members representing the aforementioned city boards and commissions shall be nominated by the board or commission each represents. Of the at-large members first appointed, as decided by lot, three shall be appointed for a term of one year, three for a term of two years and three for a term of three years. Thereafter, at-large members shall be appointed for terms of three years each. Any vacancy shall be filled by the city council for the unexpired portion of a term. Each member representing a board or commission shall serve coextensive with his or her term on the parent body, or until such time as the parent body shall nominate and the city council shall appoint a replacement from among the members of the parent body, but under no circumstances shall any member serve on the commission beyond his or her term on the parent body. Members shall serve without compensation but may receive reimbursement for expenses, subject to availability of funds. On the request of any board, commission or committee of the city, the commission may invite a designated representative from such board, commission or committee to act as a participating observer at any meeting of the commission other than a hearing under sections 12-4-18 or 12-4-21 of this chapter. Also on request, the commission may provide agendas and minutes of any meeting and any other official document, except for conciliation agreements, to any other public agency, board, commission, committee or the general public. (Code 1963, Sec. 18A-12; Ord. No. 2517, 10/14/80, Sec. 10; Ord. No. 3446, 4/21/90, Sec. 1; Ord. No. 3850, 3/23/96, Sec. 6; Ord. No. 4549, 6/14/08, Sec. 8)

Sec. 12-4-13 Organization, meetings, secretary and chairperson of the human rights commission.

(a) All meetings of the commission shall be open to the public to the extent required by state law and a full and impartial hearing shall be granted on all matters. The commission shall hold at least 10 monthly meetings during the calendar year. Insofar as reasonably possible, all hearings shall be informal.

(b) The city council shall designate a convener and the commission shall elect one of its members as chairperson, another of its members as vice-chairperson and such other officers as the commission may deem necessary. The commission shall designate a secretary among its members or staff as it sees fit. The secretary to the commission shall cause minutes of its proceedings to be kept and all findings and decisions to be reduced to writing and entered as a matter of public record in the office of the director.

(c) All meetings of the commission shall be held in facilities which are accessible to persons with a disability and, where a person with a disability attends a meeting and so requests in

advance, the commission shall make reading or interpretive services available for the blind or deaf, as appropriate.

(d) In matters concerning the procedure for meetings not covered by this chapter, the commission may establish its own rules; provided these are not contrary to the mandate or spirit of this chapter. The commission shall annually prepare and submit a budget to the city manager. (Code 1963, Sec. 18A-13; Ord. No. 2517, 10/14/80, Sec. 11; Ord. No. 3498, 2/23/91, Sec. 10; Ord. No. 4549, 6/14/08, Sec. 9)

Sec. 12-4-14 Human rights director.

(a) There is hereby established the position of human rights director. the city manager shall appoint a person to the position of human rights director, who shall be a member of the city manager's staff, upon consideration of the recommendations of the commission with respect to the appointment. The human rights director shall report to the city manager and may be removed for cause by the city manager.

(b) The human rights director shall be responsible for carrying out the policies of the commission and performing the duties assigned to him or her by this chapter, negotiating contracts or worksharing agreements with the Equal Employment Opportunity Commission, the Department of Housing and Urban Development or other appropriate federal or state agencies and performing the duties assigned by these contracts and work sharing agreements. The director shall have the power and duty to make investigations of unlawful discriminatory practices under this chapter, and to file complaints with the commission when he or she has probable cause to believe that an unlawful discriminatory practice has occurred. The director shall further have the power and duty to attempt to conciliate any complaint of alleged unlawful discrimination under this chapter where there is probable cause for the complaint. (Code 1963, Sec. 18A-14; Ord. No. 3128, 5/17/86, Sec. 4; Ord. No. 3850, 3/23/96, Sec. 7; Ord. No. 4549, 6/14/08, Sec. 10)

Sec. 12-4-15 Powers and duties of the human rights commission.

(a) *Powers and duties.* The commission shall administer the provisions of this chapter as stated above and shall have the following powers and duties:

(1) Receive complaints alleging actions or conduct that are unlawful under this chapter, as well as grievances alleging other actions or conduct that constitute discrimination where the complainant is only seeking the commission's good offices to conciliate.

(2) Utilize methods of persuasion, conciliation and mediation or informal grievances; hold public hearings; and, in the case of complaints alleging actions or conduct that are unlawful under this chapter, make findings of fact, issue orders and make recommendations pursuant to section 12-4-21, and make public the findings, orders and recommendations.

(3) Conduct studies and hold public hearings on discrimination against persons with a physical or mental disability, in concert with the commission on persons with disabilities and the Alexandria Community Services Board, to explore local legislative proposals in the areas of employment, credit, education, health and social services, public accommodations and housing.

(4) Conduct studies and hold hearings on social conditions that may cause discrimination on the basis of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation or disability that is prohibited by this chapter. Gather and disseminate reliable information by issuing publications and reports of studies and research relating to such discrimination.

(5) Institute and conduct educational and informational programs with wide sectors of businesses, unions, professions, agencies and organizations to promote equal rights and opportunities for all persons and to promote understanding among persons and groups of different races, colors, sexes, religions, ancestries, national origins, marital statuses, familial statuses, ages, sexual orientations or disabilities.

(6) Assist in developing, negotiating and reviewing voluntary fair housing affirmative action agreements as mandated by the city council in resolution no. 355, adopted on November 26, 1974, and develop and review other voluntary affirmative action programs.

(7) Review the city's affirmative action employment program and the performance of the city government, its contractors and subcontractors in employment policies and practices as they may relate to discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age or disability. The commission shall report its findings to the city manager and city council.

(8) Establish, administer or review programs at the request of the city council or the city manager and make reports on these programs to the city council and city manager.

(9) Conduct studies and hold public hearings on policies and practices of public educational institutions with respect to discrimination on the basis of race, color, sex, religion, ancestry, national origin, sexual orientation or disability that is prohibited by this chapter, and of public health and social service agencies with respect to discrimination on the basis of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation or disability that is prohibited by this chapter, and bring to the attention of the appropriate policy-making body and chief director problems that require notice or action to resolve.

(10) Bring to the attention of the city manager items that require city manager or city council notice or action to resolve.

(11) Conduct studies and hold public hearings on policies or practices that cause or may be caused by a pattern or practice of discrimination.

(12) Render to city council and the city manager annual written reports of its activities under the provisions of this chapter along with such comments and recommendations as it may choose to make.

(13) Cooperate with and render technical assistance to federal, state, local and other public or private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate the unlawful discriminatory practices covered by the provisions of this chapter.

(14) With the approval of the city council, accept grants from federal, state, local and other public or private agencies, organizations and institutions, including but not limited to foundations, colleges and universities.

(15) Make use of uncompensated services of public agencies and private organizations as may from time to time be offered and needed to perform advisory and research duties.

(16) As far as it is practicable, the services, including advisory and consultative services of all city departments, agencies, boards and commissions shall be made available to the commission for the purpose of carrying out the functions, powers and duties herein set forth, and with the approval of the city manager, the heads of such departments or agencies shall furnish to the commission any information in the possession of the departments or agencies as is relevant to the duties of the commission and which the commission, by written communication, may require. This includes the use of counsel from the office of the city attorney to aid in the conduct of its investigations and hearings.

(17) Establish panels of up to three members to conduct confidential hearings on pending complaints that have been identified by the director. As to such complaints, a panel may advise the director on whether (i) probable cause exists to believe unlawful discrimination has occurred, (ii) the time for the investigation should be extended, (iii) a public hearing should be scheduled, (iv) subpoenas should be obtained, and (v) a plan of settlement should be proposed to the parties.

(b) *Subpoenas.* In the course of any investigation of a complaint under this chapter or in any hearing held by the commission in accordance with section 12-4-18 or section 12-4-21 of this chapter, the commission, by majority vote of those members present, may apply to the appropriate circuit court for a subpoena or subpoena duces tecum to compel the attendance and testimony of witnesses and the production of evidence; provided, that, at the time it votes to apply to the court, the commission shall have grounds to believe that unlawful discrimination has occurred, shall have made a good faith effort to obtain the data and other information necessary to determine whether such discrimination has occurred, and shall have been unable to obtain such data and information on a voluntary basis. At least five days prior to applying for a subpoena, the commission shall notify the city manager of its intention to apply for the subpoena and its reasons for doing so. The judge of the circuit court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena.

(c) *Funds.* In the exercise of its powers and the performance of its duties the commission shall not expend funds in excess of those appropriated to it by the city council and those received by it from approved grants. (Code 1963, Sec. 18A-15; Ord. No. 2517, 10/14/80, Sec. 12; Ord. No. 3231, 6/24/87, Sec. 2; Ord. No. 3498, 2/23/91, Sec. 11; Ord. No. 3729, 6/18/94, Sec. 3; Ord. No. 3850, 3/23/96, Sec. 8; Ord. No. 4549, 6/14/08, Sec. 11)

Sec. 12-4-16 Complaints generally.

(a) Complaints under this chapter may be filed only by (i) any person claiming to have been injured by actions or conduct that are unlawful under this chapter (a "complainant"), or (ii) the human rights director where the director has

probable cause to believe that one or more persons have been the subject of an unlawful discriminatory practice under this chapter. All complaints shall be made in writing, be under oath or affirmation and be accompanied by an affidavit. An additional copy shall be made for each respondent, if more than one. All complaints shall be on a form furnished by the human rights director, and shall state the name and address of each respondent, the address of the person filing the complaint (the complainant or the director), the date of the alleged offense and the alleged facts surrounding the acts complained of. The human rights director shall forthwith transmit a copy of the complaint to each respondent by certified mail, return receipt requested, with another copy by ordinary mail. Each complaint shall be held in confidence by the human rights director unless or until the complainant or the director, as the case may be, and the respondent consent to its being made public, or until the time a hearing procedure such as described in section 12-4-21 has begun. A complaint must be filed within 300 days after the date of the actions or conduct alleged to be in violation of this chapter, except that a complaint alleging housing discrimination may be filed within 365 days of the alleged violation.

(b) Where a complainant or respondent in a case filed with the human rights director is a person with a disability, the director shall provide reader services if blind, interpreter services if deaf, or other special services to persons with a disability as are appropriate.

(c) Nothing in this chapter shall prevent any member of the human rights commission from filing a complaint if he or she claims himself or herself to be the subject of a discriminatory practice or to be a person aggrieved under this section. Such person shall disqualify himself or herself as a member of the commission when his or her complaint is before the commission for a public hearing and for disposition.

(d) Nothing in this section shall be construed to prevent any person from filing a grievance with the commission which alleges actions or conduct that is discriminatory and which seeks the commission's good offices to conciliate, or to prevent the commission from seeking to conciliate such grievances, pursuant to section 12-4-15(a)(1). (Code 1963, Sec. 18A-16; Ord. No. 2517, 10/14/80, Sec. 13; Ord. No. 3128, 5/17/86, Sec. 5; Ord. No. 3446, 4/21/90, Sec. 2; Ord. No. 3498, 2/23/91, Sec. 12; Ord. No. 3729, 6/18/94, Sec. 4; Ord. No. 3850, 3/23/96, Sec. 9; Ord. No. 4549, 6/14/08, Sec. 12)

Sec. 12-4-17 Investigation and probable cause of complaint filed by a complainant.

(a) Upon the filing of a complaint by a complainant, the director shall undertake an investigation, which shall be completed within 180 days, unless additional time is allowed by the commission, from the date of the filing of a complaint, to determine whether there is probable cause for the complaint. At any time following the filing of a complaint, the director may convene a conference, over which the director or her designee shall preside, in order to mediate the issues in dispute between the parties. The director may also convene a confidential hearing, over which a panel of commission members shall preside, in order to obtain advice from the panel in one or more of the areas set forth in section 12-4-15(a)(17). Upon completion of the investigation, the director shall issue a written decision containing the director's determination as to whether there is probable cause for the complaint. The director shall send a copy of this written decision to the complainant person and the respondent by certified and ordinary mail.

(b) If the director determines that there is probable cause for a complaint filed by a complainant, the director shall immediately endeavor to eliminate the unlawful discriminatory practice complained of in accordance with section 12-4-18.

(c) If the director determines that there is no probable cause for a complaint filed by a complainant, that determination shall constitute the final decision of the commission which shall not be subject to judicial review. (Code 1963, Sec. 18A-17, as amended by Ord. No. 2419, 12/11/79, Sec. 1; Ord. No. 3128, 5/17/86, Sec. 6; Ord. No. 3729, 6/18/94, Sec. 5; Ord. No. 3850, 3/23/96, Sec. 10; Ord. No. 4549, 6/14/08, Sec. 13)

Sec. 12-4-18 Conciliation; breach of conciliation agreement; procedure; hearing; decision.

(a) Upon a determination by the director that there is probable cause for the complaint filed by a complainant, or upon the filing of a complaint by the director, the director shall immediately endeavor to eliminate the unlawful actions or conduct or the unlawful discriminatory practice complained of, upon terms that are agreeable to the parties. The director's effort initially shall consist of conciliation and persuasion. Conferences and other efforts at conciliation and persuasion shall be informal and may be conducted by

the Director or any member of his or her staff so designated. Nothing said or done during or as part of the conciliation efforts shall be made public or used as evidence in a subsequent proceeding instituted under this chapter unless each of the interested parties agrees thereto in writing.

(b) If conciliation succeeds, the terms of the conciliation shall be reduced to writing and signed by or on behalf of the parties and, where the complaint was filed by a complainant, also by the director. The director shall then notify the commission through its chairperson that a conciliation agreement has been entered into by the parties. Conciliation agreements may be made public but any public disclosure shall not reveal the identities of the parties involved, except with the consent of all parties.

(c) Any conciliation agreement established pursuant to this section shall provide that all complaints filed by the same complainant that are pending before the commission and that arise out of the same events or transactions giving rise to the complaint covered in the agreement shall terminate and shall not be revived by the complainant so long as the agreement is in force. The signing of an agreement shall not constitute an admission on the part of any signatory of a violation of any provision of this chapter or any other provision of law.

(d) Nothing in this chapter shall prohibit the director from continuing his or her efforts to reach conciliation at any time while a complaint is pending before the commission.

(e) In the event the director has reason to believe that a party to a conciliation agreement entered into pursuant to this section has breached any provision of the agreement, the director shall promptly notify the commission. The commission shall promptly schedule a public hearing to determine if the agreement has been breached. Notice of the time and place of hearing shall be mailed by certified mail, with a copy by ordinary mail, to each respondent and complainant no later than two weeks prior to the date of hearing. The commission shall schedule for hearing all respondents who signed the agreement, but may upon request or its own motion schedule separate hearings for each respondent. Any party alleging a breach of the agreement shall appear at the hearing in person and may be accompanied by an attorney. Any party who is alleged to have violated the agreement may appear at the hearing in person or by a duly authorized representative, including an attorney. Each party may present testimony and evidence. The right to cross-examine witnesses shall be preserved. The director shall cause a qualified reporter or stenographer to be present throughout the hearing, or shall provide a voice recording device, and shall record the proceedings. Upon direction of the commission, the proceedings shall be transcribed. Any transcription shall be public and open to inspection by any person. All testimony shall be given under oath administered by the chairperson or his or her representative.

(f) If upon all the evidence at the hearing the commission determines that the conciliation agreement has not been breached, the commission shall not later than 14 days following the conclusion of the hearing render and issue a written decision containing its determination and the facts upon which the determination is based, cause the decision to be mailed by certified and ordinary mail to each respondent and complainant, announce and make public its determination, and cause the determination to be recorded in the minutes of its proceedings. The case shall then be closed, and no further action shall be taken by the commission on the instant allegation of the breach of the conciliation agreement, and the agreement shall remain in effect.

(g) If upon all the evidence at the hearing the commission determines that the conciliation agreement has been breached, the commission may refer the matter back to the human rights director for further efforts toward conciliation or may, after consultation with the city attorney, refer the matter to the city attorney and recommend appropriate legal action to enforce the agreement.

(h) The city attorney, upon receipt of a recommendation from the commission, including a recommendation under subsection (g) of this section, may initiate appropriate legal action in a court of competent jurisdiction to enforce a conciliation agreement. (Code 1963, Sec. 18A-18; Ord. No. 3128, 5/17/86, Sec. 7; Ord. No. 3850, 3/23/96, Sec. 11; Ord. No. 4549, 6/14/08, Sec. 14)

Sec. 12-4-19 Amendments to complaints.

Complaints may be reasonably and fairly amended at any time prior to the fourteenth calendar day before the date of a hearing held pursuant to section 12-4-21. Amendments must also be under oath, in writing and accompanied by an affidavit and filed with the human rights director. The human rights director shall send a copy of any amendment to each respondent by

certified mail, with another copy by ordinary mail. (Code 1963, Sec. 18A-19; Ord. No. 4549, 6/14/08, Sec. 15)

Sec. 12-4-20 Answers to complaints.

Each respondent may file with the human rights director an answer at any time prior to the seventh calendar day before the date of a hearing held pursuant to section 12-4-21, provided it be under oath, in writing and accompanied by an affidavit. Answers may also be reasonably and fairly amended any time prior to the deadline for filing answers, if under oath, in writing, accompanied by an affidavit and filed with the human rights director. The human rights director shall send a copy of any amendment to the complainant by certified mail, with another copy by ordinary mail. (Code 1963, Sec. 18A-20; Ord. No. 4549, 6/14/08, Sec. 16)

Sec. 12-4-21 Hearings; decisions.

(a) Before the commission can hold a hearing or render a decision under this section relating to a violation of this chapter, it is necessary that:

(1) a complaint shall have been filed under section 12-4-16 alleging the violation;

(2) a determination shall have been made under this chapter that probable cause exists for the complaint; and

(3) the applicable conciliation provisions of this chapter relating to the complaint shall have been complied with.

(b) In the event that a signed conciliation agreement is not reached within 30 days from the determination of probable cause on a complaint filed by a complainant, or within 30 days of the filing of a complaint by the director, or within such additional time as the commission may allow, the director shall promptly notify the commission, and the commission shall thereupon schedule a public hearing as soon as possible to determine if a violation of this chapter has been committed. The commission shall prior to any hearing verify that each party to the proceeding has received a copy of the complaint and any amendments thereto. Notice of the time and place of hearing shall be mailed by certified mail, with a copy by ordinary mail, to each respondent and complainant no later than two weeks prior to the date of the hearing. In cases in which there is more than one respondent, the commission shall schedule a hearing for all respondents named in the complaint, but may upon request or on its own motion schedule separate hearings for each respondent. Complainants shall appear at the hearing in person and may be accompanied by an attorney. Each party respondent may appear at the hearing in person or by a duly authorized representative including an attorney. Each party may present testimony and evidence. Each party shall have the right to cross-examine. The human rights director shall cause a qualified reporter or stenographer to be present throughout the hearing or shall provide a voice recording device, and shall record the proceedings. Upon direction of the commission, part or all of the proceedings shall be transcribed. Any transcription shall be public and open to inspection by any person. All testimony shall be taken under oath administered by the chairperson or his or her representative.

(c) Within 30 days of the conclusion of the public hearing, the commission shall determine whether the respondent has violated any provision of this chapter, shall announce in public the determination it has reached, and shall cause the determination to be recorded in the minutes of its proceedings.

(d) If the commission determines, upon a preponderance of the evidence, that the respondent has violated any provision of this chapter, the commission shall:

(1) not later than 30 days after announcing its determination, issue a written decision containing:

(i) its determination;

(ii) the facts upon which the determination is based;

(iii) an order requiring the respondent to undertake specified actions designed to bring respondent into compliance with this chapter and stating the date or dates by which the respondent shall demonstrate to the commission that it has undertaken these actions;

(iv) recommendations, if any, regarding the relief, that the respondent should provide any complainant and/or other persons injured by respondent's violation of this chapter, and the date or dates by which the respondent shall demonstrate to the commission that it has implemented these recommendations; and

(v) recommendations, if any, to the city manager regarding the levying of civil penalties against the respondent under section 12-4-24.1.

(2) cause a copy of its decision to be served on each respondent and complainant, by certified mail, with a copy by ordinary mail.

(3) designate appropriate parts of the hearing to be transcribed for the public record at the cost of the city.

(4) permit the complainant or each respondent to obtain copies of any part or all of the transcript of the proceedings at his or her cost. For good cause, the commission may waive the requirement that the complainant or respondent must pay for the transcripts.

(e) If the commission determines, upon the preponderance of the evidence, that the respondent has not violated any provision of this chapter, the commission shall, not later than 30 days after announcing its determination, issue a written decision containing its determination and the facts upon which the determination is based, and shall cause its decision to be served on each respondent and complainant by certified mail, with a copy by ordinary mail. The case shall then be closed and no further action shall be taken by the commission in the matter. (Code 1963, Sec. 18A-21; Ord. No. 3128, 5/17/86, Sec. 8; Ord. No. 3850, 3/23/96, Sec. 12; Ord. No. 4549, 6/14/08, Sec. 17)

Sec. 12-4-22 Interlocutory relief.

If, at any time after a complaint has been filed, the commission believes that appropriate civil action to preserve the status quo or to prevent irreparable harm appears advisable, the commission may after consultation with the city attorney or his or her designee, certify the matter to the city attorney to petition a court of competent jurisdiction for injunctive relief. (Code 1963, Sec. 18A-22; Ord. No. 4549, 6/14/08, Sec. 18)

Sec. 12-4-23 Judicial review.

(a) Any person aggrieved by a decision of the commission entered pursuant to section 12-4-18(f) or 12-4-21 may have the decision reviewed by a court of competent jurisdiction. A review proceeding shall be instituted by filing with the court a petition for review naming the commission as respondent. A copy of the petition shall be served upon the city attorney, who shall represent the commission in the review proceeding. No petition for review may be filed more than 30 days after the date of service of the decision of which review is sought.

(b) The court, on motion of the petitioner, may issue a writ of certiorari requiring the agency to transmit the record of the proceeding before the commission on or before a certain date.

(c) The court, sitting without a jury, shall hear the appeal on the record transmitted by the commission and any additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require.

(d) The court may affirm the decision of the commission or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioner have been prejudiced because the determination, findings of fact or conclusions of law set out in the commission's decision are:

(1) in violation of constitutional provisions;

(2) in excess of legal authority or jurisdiction of the commission;

(3) made upon unlawful procedure;

(4) affected by other error of law;

(5) unsupported by the evidence on the record considered as a whole; or

(6) arbitrary, capricious, or an abuse of discretion.

(e) The filing of a petition shall not operate to stay an application to the court under section 12-4-24 for the enforcement of the order. If an application has been made to the court for enforcement of the order, the petitioner, at any time after the filing of his or her petition, may move the court for a stay of enforcement. The motion shall be made after notice to the commission, and a stay pending the review shall be granted unless it appears to the court that immediate enforcement of the order is essential to the public health or safety. In the order granting a stay, the court may make any provision required to serve the ends of justice. (Code 1963, Sec. 18A-23; Ord. No. 3128, 5/17/86, Sec. 9; Ord. No. 3850, 3/23/96, Sec. 13; Ord. No. 4549, 6/14/08, Sec. 19)

Sec. 12-4-24 Judicial action to enforce commission decision.

(a) If a person who is a respondent in a proceeding before the commission fails to comply with an order issued by the commission pursuant to section 12-4-21(d)(iii), the commission may, after consulting with and receiving the approval of the city attorney, bring an appropriate action, through the city attorney, in any court of competent jurisdiction to secure a judicial order requiring the person to comply with the commission's order or otherwise to come into compliance with the provisions of this chapter.

(b) If a person who is a respondent in a proceeding before the commission fails to comply with recommendations issued by the commission pursuant to section 12-4-21(d)(iv), the commission, after consulting with and receiving a recom-

mendation from the city attorney and thereafter receiving authorization from the city council, may bring an appropriate action, through the city attorney, in any court of competent jurisdiction to secure a judicial order or judgment requiring the person to provide appropriate relief to any complainant in said proceeding, and/or any other individual, who has been injured as a result of the person's violation of this chapter. (Code 1963, Sec. 18A-25; Ord. No. 3128, 5/17/86, Sec. 10; Ord. No. 3850, 3/23/96, Sec. 14; Ord. No. 4549, 6/14/08, Sec. 20)

Sec. 12-4-24.1 Civil penalty.

The violation of any provision of this chapter shall be a class one civil violation, and any person who commits, permits, assists in or attempts, whether by act or omission, such a violation shall be liable for a civil penalty. The rules applicable to, and the procedures for the levying of, such a civil penalty shall be those set out in section 1-1-11 of this code; provided, that notice of a civil violation of this chapter may be issued only by the city manager and only following a recommendation made by the commission under section 12-4-21(d)(v). (Ord. No. 3850, 3/23/96, Sec. 15; Ord. No. 4549, 6/14/08, Sec. 21)

Sec. 12-4-25 Records.

When a complaint of discrimination has been filed against a person under this chapter, the respondent shall preserve all records relevant to the charge or action until final disposition of the charge or action. (Code 1963, Sec. 18A-26; Ord. No. 3128, 5/17/86, Sec. 10)

Sec. 12-4-26 Construction with other laws.

(a) Nothing in this chapter shall be construed to prohibit or declare unlawful any practice, policy, program or benefit to any person or class of persons which is required or authorized by any law or regulation of the United States, the Commonwealth of Virginia, City of Alexandria, Virginia, or any agency or department thereof.

(b) Nothing in this chapter shall be deemed to modify, impair or otherwise affect any right or remedy conferred by the constitution or laws of the United States or the Commonwealth of Virginia, and the provision of this chapter shall be in addition to those provided by such other laws. (Code 1963, Sec. 18A-27; Ord. No. 3128, 5/17/86, Sec. 10)

Sec. 12-4-27 Advisory opinions.

To terminate a controversy or to remove uncertainty, upon the request of the director or any person, the commission, in its discretion may issue an advisory opinion declaring that, upon the facts presented, a particular practice, program or regulation does not violate this chapter. Such opinions shall be advisory only and shall not preclude the commission from making a different determination in processing a formal complaint. (Code 1963, Sec. 18A-28; Ord. No. 3128, 5/17/86, Sec. 10; Ord. No. 4549, 6/14/08, Sec. 22)

Sec. 12-4-28 Forms.

The city attorney, at the request of the commission or the director or on his or her own initiative, shall prepare the forms recognized for the enforcement of this chapter. (Code 1963, Sec. 18A-28; Ord. No. 3128, 5/17/86, Sec. 10; Ord. No. 4549, 6/14/08, Sec. 23)

Sec. 12-4-29 Conditions under which city attorney not to represent commission, director.

Notwithstanding any contrary provisions of this chapter, the city attorney shall not represent either the commission or the director in any matter or proceeding in which the city or any department, office or agency of the city is a respondent. In this event, the commission and the director may consult with and retain a private attorney to provide the services that the city attorney would ordinarily provide the commission and director. (Code 1963, Sec. 18A-30; Ord. No. 3128, 5/17/86, Sec. 10; Ord. No. 3850, 3/23/96, Sec. 16; Ord. No. 4549, 6/14/08, Sec. 24)

Sec. 12-4-30 Severability.

The provisions of this chapter are severable and, if any section, provision or part of the chapter is held, for any reason, invalid or inapplicable to any person or circumstance, such invalidity or inapplicability shall not affect or impair any of the remaining sections, provisions or parts of this chapter, or their application to any other person or circumstance. It is hereby declared to be the intent of the city council that this chapter would have been adopted even if the section, provision or part of the chapter declared invalid had not been included herein, or if the person or circumstance to which the section, provision or part is declared

inapplicable had been specifically exempted from the chapter. (Ord. No. 3850, 3/23/96, Sec. 17; Ord. No. 4549, 6/14/08, Sec. 25)

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CHAPTER 5

Landlord-Tenant Relations Board

§ 12-5-1 Established.
§ 12-5-2 Composition; appointment; term; chairperson; vacancy.
§ 12-5-3 Meetings—quorum; rules of procedure; duty of secretary; report; compensation of members.
§ 12-5-4 Designation of secretary, officer, additional staff.
§ 12-5-5 Consideration of grievances—filed with officer; investigation; conciliation efforts.
§ 12-5-6 Same—notification of board; hearing generally.
§ 12-5-7 Same—findings and decisions are advisory only.
§ 12-5-8 Same—continued effort for conciliation; termination.
§ 12-5-9 Same—when grievance is the subject of any criminal or civil action.
§ 12-5-10 Additional duties of board.
§ 12-5-11 Power to arbitrate.

Sec. 12-5-1 Established.

There is hereby created and established a board to be known as the "City of Alexandria, Virginia, Landlord-Tenant Relations Board," herein sometimes referred to as the board. (Code 1963, Sec. 2-142)

Sec. 12-5-2 Composition; appointment; term; chairperson; vacancy.

The board shall consist of nine (9) members appointed by the city council; three (3) of which members shall be tenants of dwellings or dwelling units within the city, at least one (1) of whom shall be a person having a low income; three (3) of which shall be landlords or representatives of landlords of dwellings or dwelling units within the city; and, three (3) of which shall be residents of the city who are neither landlords nor tenants, at least one (1) of whom shall belong to a minority group. It shall not be ncessary for more than one (1) of such landlords or representatives of landlords to be a resident of the city, providing they own or manage rental property located within the city. Four (4) of the members, as determined by lot among the appointees, shall serve an initial term of one (1) year. Otherwise, the term of service shall be two (2) years. Any vacancy shall be filled by the council for the unexpired portion of a term. The council shall designate one (1) of the members of the board as chairperson. Successor chairpersons shall be chosen by a majority vote of all the members of the board. (Code 1963, Sec. 2-143)

Sec. 12-5-3 Meetings—quorum; rules of procedure; duty of secretary; report; compensation of members.

All members of the board shall be entitled to

vote and the decisions of the board shall be determined by a majority vote of the members present. A quorum of five members present is required before the board may take official action. A member present but not voting shall be considered in counting a quorum. When voting on any question the determination may be made by secret ballot but no proxy shall be allowed at any time; provided that nothing herein shall prevent either party from having a poll of the board. All meetings of the board shall be open to the public and a full and impartial hearing shall be granted on all matters. Insofar as reasonably possible, all hearings shall be informal and free from technical rules of law and evidence. The secretary of the board shall cause minutes of its proceedings to be kept and all findings and decisions be reduced to writing and entered as a matter of public record in the office of the secretary. In matters concerning the procedure for meetings not covered by this chapter, the board may establish its own rules, provided these are not contrary to the mandate or spirit of this chapter. The board shall render each six months to the city council a written report of its activities under the provisions of this chapter along with any comments and recommendations as it may choose to make. The board shall meet at least once each month from September to June, and may meet in July and August. Members shall serve without compensation but may receive any reimbursement for expenses as the council may from time to time allow. The board shall not expend or authorize the expenditure of city funds except with the specific approval of city council. (Code 1963, Sec. 2-144; Ord. No. 4703, 1/22/11, Sec. 1)

Sec. 12-5-4 Designation of secretary, officer; additional staff.

The city manager shall designate a city employee to serve as secretary of the board and designate a citizen assistance officer, hereinafter called officer, to work pursuant to this chapter and furnish staff support. The secretary and the officer may be the same person. The city manager may designate additional staff as needed. (Code 1963, Sec. 2-145)

Sec. 12-5-5 Consideration of grievances—filed with officer; investigation; conciliation efforts.

Any landlord who has a current unresolved grievance against a tenant of a dwelling or dwelling unit or any tenant who has such a grievance against a landlord of a dwelling or dwelling unit who wishes to resolve the grievance under the provisions of this chapter, must first file the grievance in writing with the officer. Upon the filing of the grievance the officer shall notify the landlord or tenant, as the case may be, and make an investigation to determine whether or not there is probable cause to credit the allegations. If he determines after such an investigation that there is no probable cause to credit the allegations of the grievance the officer shall so notify the landlord and tenant. If the officer, after investigation, determines that there is probable cause to credit the allegations of the grievance, he shall promptly endeavor to eliminate the grievance by conciliation and persuasion. Things said by any landlord or tenant during conciliation efforts shall be kept in confidence. (Code 1963, Sec. 2-146)

Sec. 12-5-6 Same notification of board; hearing generally.

In the event the officer is unable to obtain conciliation within a reasonable time, he shall, but only with the consent of the aggrieved landlord or tenant, promptly notify the board of the grievance and the board shall within 10 days following the receipt of the notice, schedule a public hearing at which it shall receive evidence to determine if there is a legitimate grievance. Not later than 14 days after the conclusion of a hearing the board shall render and announce and make public a decision which shall include a written statement of its findings. Hearings may be ex parte if after reasonable notice the landlord or tenant complained against does not appear. (Code 1963, Sec. 2-147)

Sec. 12-5-7 Same—findings and decisions are advisory only.

Findings and decisions of the board shall be advisory only and of no legal force or effect. (Code 1963, Sec. 2-148)

Sec. 12-5-8 Same—continued effort for conciliation; termination.

Nothing in this chapter shall prohibit the officer from continuing his efforts to reach conciliation at any time. A conciliation shall, as soon as reached, put an end to proceedings under this chapter. (Code 1963, Sec. 2-149)

Sec. 12-5-9 Same—when grievance is the subject of any criminal or civil action.

No proceeding shall be commenced pursuant to this chapter when any criminal or civil action involving the same grievance has been filed with, is pending before or has been disposed of by a court. In the event any criminal or civil action concerning a grievance is commenced in any court during the pendency of any proceeding filed pursuant to this chapter for the same grievance, the proceeding shall be automatically ended. No proceeding shall be commenced or pursued under this chapter when the grievance is the subject of any civil or criminal action. Nothing in this chapter shall deprive any other board, commission or agency of the city of any jurisdiction or authority granted to the board, commission or agency by any other provision of law. (Code 1963, Sec. 2-150)

Sec. 12-5-10 Additional duties of board.

In addition to the duties and responsibilities heretofore outlined in this chapter, the board shall:

(1) formulate and recommend to the city council any specific legislative proposals as it may feel to be desirable to facilitate the resolution of or to resolve the various landlord-tenant problems which come to the attention of the board;

(2) develop, publish and distribute suggested maintenance and repair guidelines for various types of rental properties;

(3) develop, publish and distribute a pamphlet containing a short and accurate summary of the respective rights, remedies and responsibilities of landlords and tenants; and

(4) formulate and recommend to the city council suggested guidelines covering the posting, use and return of tenants' security deposits. (Code 1963, Sec. 2-151)

Sec. 12-5-11 Power to arbitrate.

The board shall have the power to arbitrate a landlord and tenant dispute when the landlord and tenant voluntarily agree to such arbitration, subject to the rules, regulations and procedures hereinafter provided for. Notwithstanding any other provision of this chapter, the board shall propose to city council rules, regulations and procedures governing any such arbitration. City council may consider such proposals and adopt or amend, by resolution, such rules, regulations and procedures it deems appropriate; or councilmay, after reviewing such proposals, refer them back to the board for adoption. (Code 1963, Sec. 2-151.1)

CHAPTER 6

Commission for Women

§ 12-6-1	Created.
§ 12-6-2	Composition; appointment, terms and compensation of members; filling vacancies; chairperson and vice chairperson.
§ 12-6-3	Meetings—quorum; rules of procedure; annual report to council.
§ 12-6-4	Functions and duties.
§ 12-6-5	Appointment and functions of executive director.

Sec. 12-6-1 Created.

There is hereby created a commission to be known as the "City of Alexandria, Virginia, Commission for Women," herein sometimes referred to as the commission. (Code 1963, Sec. 2-152; Ord. No. 3701, 2/12/94, Sec. 1)

Sec. 12-6-2 Composition; appointment, terms and compensation of members; filling vacancies; chairperson and vice chairperson.

The commission shall consist of 15 members appointed at large by the city council. Members shall be appointed for terms of three years each which shall expire as of May 31. Any vacancy shall be filled by the council for the unexpired portion of a term. A chairperson and a vice chairperson shall be chosen by a majority vote of all the members of the commission. Members shall serve without compensation but may receive such reimbursement for expenses as the council may from time to time allow. (Code 1963, Sec. 2-153; Ord. No. 4194, 4/10/01, Sec. 1)

Sec. 12-6-3 Meetings—quorum; rules of procedure; annual report to council.

The commission shall meet at least once each month from September to June, and may meet in July and August. All meetings shall be open to the public. All members of the commission shall be entitled to vote and the decisions of the commission shall be determined by a majority vote of the members present. A quorum of eight members present is required before the commission can take official action. A member present but not voting shall be considered in counting a quorum. In matters concerning the procedure for meetings not covered by this chapter, the commission may establish its own rules, provided these are not contrary to the mandate or spirit of this chapter. The commission shall render each year by June 30, to the city council a written report of its activities under the provisions of this chapter along with any comments and recommendations as it may choose to make. (Code 1963, Sec. 2-154; Ord. No. 4194, 4/10/01, Sec. 2)

Sec. 12-6-4 Functions and duties.

(a) The functions of the commission shall be to provide guidance and advice in the effort to eliminate discrimination on account of sex; and more particularly to encourage equal opportunity for women in employment, recreational opportunities and facilities, health services, housing, education, government and community services and credit.

(b) The commission is hereby authorized to and shall perform the following duties:

(1) investigate and hold public hearings on discrimination on the basis of sex in employment, education, health, housing, consumer affairs, recreation, credit and other areas where suspected discrimination against women may exist;

(2) recommend legislation, policy changes, and other actions to the city council, city manager, school board, other public agencies and private organizations;

(3) receive complaints of sex discrimination and offer assistance and advice to individual complainants;

(4) conduct educational programs in the city to increase public awareness and sensitivity to sex discrimination, and to the needs and capabilities of women; and

(5) develop and implement an information and referral system for all services and opportunities in the city related to the needs and capabilities of women.

(c) In carrying out its duties, the commission may authorize expenditures, subject to the availability of funds. (Code 1963, Sec. 2-155)

Sec. 12-6-5 Appointment and functions of executive director.

The director of the department of human services shall appoint an executive director to the commission upon consideration of the recommendations of the commission with respect to such appointment. The executive director shall report directly to the director of the department of human services and may be removed for cause by the director of the department of human services. The executive director shall provide such staff assistance to the commission as it may determine

to be necessary and proper in furtherance of the functions and duties of the commission, subject to the availability of funds. (Code 1963, Sec. 2-156, as amended by Ord. No. 2579, 6/13/81, Sec. 2)

CHAPTER 7

Consumer Affairs

ARTICLE A

Office of Consumer Affairs

§ 12-7-1 Established; coordinator.
§ 12-7-2 Powers and duties.
§ 12-7-3 Expenditures.
§§ 12-7-4 through 12-7-10 reserved.

ARTICLE B

Consumer Affairs Commission

§ 12-7-11 Established.
§ 12-7-12 Composition; officers; appointment, term and compensation.
§ 12-7-13 Powers and duties.
§ 12-7-14 Meetings; reports to council.
§ 12-7-15 Complaint procedure.
§ 12-7-16 Voluntary arbitration.
§ 12-7-17 Effect on other commissions, agencies, etc.

(2) to attempt to resolve complaints received pursuant to subsection (1) hereof by means of voluntary mediation or arbitration, or by proceedings before the city's consumer affairs commission hereinafter established, subject to the procedure set forth in section 12-7-15 of this chapter.

(3) to develop programs of community consumer education and information in consultation with the city's consumer affairs commission.

(4) to maintain records of consumer complaints and their eventual disposition, provided that records disclosing business interests of any person, trade secrets or the names of customers shall be held confidential except to the extent that disclosures of such matters may be necessary for the enforcement of laws. A copy of all periodic reports shall be filed with the state office of consumer affairs.

(5) to provide staff assistance and information to the city's consumer affairs commission. (Code 1963, Sec. 2-158)

Sec. 12-7-3 Expenditures.

The office of consumer affairs may make expenditures to carry out the duties assigned in section 12-7-2 of this article, subject to the availability of funds. (Code 1963, Sec. 2-159)

Secs. 12-7-4 through 12-7-10 reserved.

ARTICLE B

Consumer Affairs Commission

Sec. 12-7-11 Established.

There is hereby established a commission to be known as the "City of Alexandria, Virginia, Consumer Affairs Commission," herein sometimes referred to as the commission. (Code 1963, Sec. 2-160)

Sec. 12-7-12 Composition; officers; appointment, term and compensation.

The commission shall consist of 11 members appointed by the city council; two of whom shall be members of the business community, one of whom shall be a member of a local consumer action organization and eight of whom shall be citizens at large; provided, however, that the position designated for a member of a local consumer action organization may be filled by a representative of a local non-profit organization which deals with consumer issues, or by an employee of a state or federal agency which deals with consumer issues, and provided, further that the vacancy for the consumer action organization member has been advertised and has remained unfilled for a period of three months or longer; and provided also that either or both of the positions designated for a member of the business community may be filled by a citizen at large, provided further that the vacancy for the business community member has been advertised and has remained unfilled for a period of three months or longer, and such position shall revert to a position for a member of the business community upon the expiration of the term of such appointee . All members shall be residents of the city; except that one member of the business community and the member of a consumer action organization may be a nonresident of the city but a resident of the state. All members shall be appointed by city council for three-year terms. Any vacancy shall be filled by the council for the unexpired portion of a term. The commission shall select a chairperson, vice chairperson and secretary by a majority vote of all members of the commission. The chairperson shall serve a two-year term and may not succeed himself. In the event that the chair is vacated for any reason, the vice chairperson shall succeed and serve as chairperson for the remainder of the term. A vice chairperson shall be selected by majority vote of all members of the commission to serve as vice chairperson for the

unexpired term. Members shall serve without compensation but may receive reimbursement for expenses, subject to the availability of funds. (Code 1963, Sec. 2-161; Ord. No. 4449, 5/20/06, Sec. 1; Ord. No. 4542, 5/20/08, Sec. 1)

Sec. 12-7-13 Powers and duties.

(a) The commission is hereby authorized to:

(1) provide guidance to the city's office of consumer affairs in the establishment and implementation of consumer affairs policies;

(2) hold hearings and render advisory opinions in mediation proceedings in accordance with the procedures established in section 12-7-15 of this article;

(3) following a hearing on a complaint and after consultation with the consumer affairs coordinator and the city attorney, refer the matter to appropriate law enforcement officers;

(4) conduct investigations, research, studies and analyses of consumer problems and hold public hearings on such problems;

(5) review and analyze consumer protection policies and regulations and make recommendations to appropriate agencies for improved consumer relations;

(6) recommend specific legislative proposals to the city council and administrative practices to the city manager designed to facilitate the resolution of consumer problems which have come to the attention of the commission;

(7) conduct consumer education programs in the city; and develop, publish and distribute consumer information through pamphlets and other means for the general public and business community;

(8) serve as a conduit for communications when grievances exist between the business community and consumers;

(9) cooperate with other agencies, public and private, in the development of legislative proposals in the field of consumer affairs and minimum standards for consumer goods and services;

(10) serve as an arbitrating body if called upon by all parties to a consumer dispute in accordance with state law;

(11) upon specific authorization of city council, make statements before state or federal legislative bodies and regulatory agencies; and

(12) conduct hearings, hear testimony, receive evidence and render decisions on appeals filed in accordance with sections 5-7-80, 5-7-98 and 8-4-10 of this code.

(b) In carrying out its duties, the commission may authorize expenditures subject to the availability of funds. (Code 1963, Sec. 2-162; Ord. No. 3696, 1/22/94, Secs. 6, 7)

Sec. 12-7-14 Meetings; reports to council.

The commission shall meet at least once each month from September through June, and may meet in July and August. Additional meetings may be held when deemed necessary and called by the chairperson with 48 hours notice to the members of the commission. Additional meetings may also be held when deemed necessary and called by at least five members of the commission with 48 hours notice to the other members of the commission. All meetings shall be open to the public in accordance with state law. All members of the commission shall be entitled to vote and the decisions of the commission shall be determined by a majority vote of the members present unless specified otherwise in this chapter. A quorum of six members present is required before the commission may take official action. A member present but not voting shall be considered in counting a quorum. The secretary of the commission shall cause minutes of its proceedings to be kept, and all findings and decisions shall be reduced to writing and entered as a matter of public record in the city's office of consumer affairs. In matters concerning the procedure for meetings not covered by this article, the commission may establish its own rules, provided these are not contrary to the mandate or spirit of this article. The commission shall render each six months to the city council a written report of its activities along with any comments and recommendations as it may choose to make. (Code 1963, Sec. 2-163)

Sec. 12-7-15 Complaint procedure.

(a) Any person who has a consumer complaint and wishes to resolve the complaint under the provisions of this chapter must first file his or her complaint with the consumer affairs coordinator in the office of consumer affairs. Upon the filing of the complaint the consumer affairs coordinator may notify the person complained against (known as respondent) and make an investigation to determine whether or not there is probable cause to believe that an illegal, fraudulent, deceptive, inequitable, dangerous or unfair practice relating to consumer products, goods or services exists. If the coordinator determines after such investigation that there is no probable cause for the complaint, the coordinator shall so notify the com-

plainant by ordinary mail. The notice shall state that the complaint will be dismissed unless, within 10 days after receipt of the notice, the complainant files with the coordinator a written request for a review of the coordinator's decision

by the commission. Upon request for a review the coordinator shall notify the commission by ordinary mail and the respondent by certified mail of the request and the commission shall afford the complainant and respondent an opportunity to appear before the commission for review. If, after the review, the commission determines that no probable cause exists for the complaint, the complaint will be dismissed. If, however, the commission determines that probable cause exists for the complaint, the commission shall refer the complaint to the coordinator for further consideration under subsections (b) through (f) of this section.

(b) If the coordinator or the commission finds probable cause for the complaint, the coordinator may then refer the complaint to the appropriate department, agency or law enforcement officer charged with enforcement of consumer laws in accordance with section 12-7-2 of this chapter, or he or she may promptly endeavor to resolve the complaint by mediation.

(c) In the case of mediation, if the coordinator is unable to obtain agreement between the complainant and respondent with a reasonable time he or she may at this time refer the complaint to the appropriate department, agency or law enforcement officer charged with enforcement of consumer laws. Or, upon the request of the complainant or the respondent, the coordinator shall request the commission to convene a mediation proceeding.

(d) When requested to convene a mediation proceeding, the commission shall, following receipt of such notice, promptly schedule a public hearing at which it shall receive evidence on the complaint. The coordinator, on behalf of the commission, shall notify by certified mail the complainant and the respondent that there will be a meeting of the commission at a specified time, date and place to hold a hearing on the complaint. Insofar as reasonably possible, all hearings shall be informal and free from technical rules of evidence. However, in any such hearing, the right to notice, to assistance of counsel, to present testimony and other evidence, and to cross-examine witnesses shall be observed. The coordinator shall cause a qualified reporter or stenographer to be present throughout the hearing, or shall provide a voice recording device, and shall record the proceedings. Upon direction of the commission, the proceedings shall be transcribed. Not later than 14 days after the conclusion of the hearing, the commission shall render and announce and make public a decision which shall include a written statement of its findings. Hearings may be ex parte if after reasonable notice the respondent does not appear. No hearings shall be commenced pursuant to this section when any criminal or civil action involving the same complaint has been filed with or is pending before a court or when a voluntary arbitration proceeding is pending or has commenced. In the event any criminal or civil action concerning a complaint is commenced in any court, or any voluntary arbitration proceeding is commenced, during the pendency of any proceeding pursuant to this section for the same complaint, such proceeding shall be automatically suspended so long as the court or voluntary arbitration proceeding shall continue.

(e) Nothing in this section shall prohibit the coordinator from continuing efforts to resolve the complaint to the satisfaction of all persons involved at any time. A resolution of the complaint, evidenced by a written agreement signed by the complainant, respondent and the coordinator, shall, as soon as reached, put an end to a mediation proceeding before the comission.

(f) Findings and decisions of the commission in a mediation proceeding shall be advisory only and of no legal force or effect. However, the commission may publish its findings and decisions.

(g) Any consumer complaint may be submitted to voluntary arbitration at any time in accordance with section 12-7-16 of this chapter. (Code 1963, Sec. 2-164)

Sec. 12-7-16 Voluntary arbitration.

Any consumer complaint may be submitted to voluntary arbitration pursuant to section 8.01-577, Code of Virginia (1950), as amended, if the complainant and party complained against agree to such proceeding. The city's consumer affairs commission or the city's local office of consumer affairs established by this chapter may, if called upon by both parties, serve as arbitrator. (Code 1963, Sec. 2-165)

Sec. 12-7-17 Effect on other commissions, agencies, etc.

Nothing in this chapter shall deprive any other commission, board or agency of the city or of any jurisdiction or authority granted to the board, commission or agency by any other provision of law. (Code 1963, Sec. 2-166)

CHAPTER 8

Social Services Advisory Board

§ 12-8-1 Established.
§ 12-8-2 Composition: appointment: term: vacancy: chairperson: compensation of members.
§ 12-8-3 Meetings: rules of procedure: annual report to council.
§ 12-8-4 Function and duties.

Sec. 12-8-1 Established.

There is hereby created a board to be known as the "Social Services Advisory Board," herein sometimes referred to as the board. (Code 1963, Sec. 2-167)

Sec. 12-8-2 Composition; appointment; term; vacancy; chairperson; compensation of members.

The board shall consist of 13 members who shall be appointed by the city council; five (5) of whom shall be parents, three (3) of whom shall be clients of the department of social services and five (5) of whom shall be citizens-at-large. In the event that an insufficient number of parents or clients apply for the vacancy to be filled from those groups, the vacancy may be filled by a citizen-at-large. Members shall be appointed for terms of three (3) years each except that any vacancies shall be filled by the council for the unexpired portion of a term. The city manager shall be an ex officio member, without a vote on the board. A chairperson and a vice chairperson shall be chosen by a majority vote of all the members of the board. Members shall serve without compensation but may receive such reimbursement for expenses, subject to appropriation by council. (Code 1963, Sec. 2-168; Ord. No. 2615, 9/22/81, Sec. 1)

Sec. 12-8-3 Meetings; rules of procedure; annual report to council.

The board shall meet at least bimonthly. In addition to regularly scheduled meetings, it may meet at the call of the chairperson or on the petition of at least one-half (½) of the members. In matters concerning the procedure for meetings not covered by this chapter, the board may establish its own rules, provided they are not contrary to the mandate or spirit of this chapter. The board shall render each year to the city council a written report of its activities under the provisions of this chapter along with such comments and recommendations as it may choose to make. (Code 1963, Sec. 2-169)

Sec. 12-8-4 Function and duties.

The function and duties of the board shall be to:

(1) interest itself in all matters pertaining to the social welfare of the people of the City of Alexandria;

(2) serve as the public welfare advisory board of the city;

(3) monitor the formulation and implementation of social welfare programs in the city;

(4) meet with the city manager or her designated representative at least four times a year for the purpose of making recommendations on policy matters concerning the department of social services of the city; and

(5) submit to city council, in addition to its annual report, other reports that the board believes to be of interest and concern to the city. (Code 1963, Sec. 2-170; Ord. No. 3398, 9/16/89, Sec. 1)

CHAPTER 9

Aging

Editorial Note: The provisions of this chapter are derived from Ord. No. 2554, 3/14/81, which added a new chapter 20 to title 2 of the 1963 code.

ARTICLE A

Area Agency on Aging

§ 12-9-1 Designation; board of directors; executive agent.
§§ 12-9-2 through 12-9-10 reserved.

ARTICLE B

Alexandria Commission on Aging

§ 12-9-11 Established.
§ 12-9-12 Composition; appointment; terms and compensation of members; filling vacancies; officers.
§ 12-9-13 Meetings.
§ 12-9-14 Functions and duties.
§§ 12-9-15 through 12-9-20 reserved.

ARTICLE C

Alexandria Office on Aging

§ 12-9-21 Established; executive director; organization.
§ 12-9-22 Functions and duties.

ARTICLE A

Area Agency on Aging

Sec. 12-9-1 Designation; board of directors; executive agent.

The city council hereby recognizes the designation of the City of Alexandria and its Alexandria Agency on Aging as an area agency on aging by the Virginia Department for the Aging, an agency of the government of the Commonwealth of Virginia. The city council shall serve as the board of directors of the area agency on aging. (Ord. No. 3342, 11/19/88, Sec. 1)

Secs. 12-9-2 through 12-9-10 reserved.

ARTICLE B

Alexandria Commission on Aging

Sec. 12-9-11 Established.

There is hereby established a commission to be known as the Alexandria Commission on Aging, herein sometimes referred to as the commission.

Sec. 12-9-12 Composition; appointment; terms and compensation of members; filling vacancies; officers.

The commission shall consist of 21 members appointed at large by the city council to terms of three years each. Any vacancy may be filled by the council for the unexpired portion of a term. Eleven members of the commission shall be 60 years of age or older, including minority individuals. Of the remaining 10 members, four shall be citizens at large, one shall be a representative of older persons, one shall be a representative of a health care provider organization, one shall be a representative of a supportive service provider, one shall be an individual with leadership experience in a volunteer organization, one shall be a member of the Alexandria Commission for Women and one shall be a local elected official, or his or her designee. A chairperson, vice chairperson and secretary shall be chosen annually by a two-thirds vote of the commission members present. Members shall serve without compensation but may receive such reimbursement for expenses as the council may from time to time allow. (Ord. No. 3342, 11/19/88, Sec. 2; Ord. No. 3594, 9/12/92; Sec. 1; Ord. No. 4614, 9/12/09, Sec. 1)

Sec. 12-9-13 Meetings.

The commission shall hold regular meetings as required by law. In matters concerning the procedure for meetings not covered by this article, the commission shall adopt and revise bylaws. The chairperson shall be responsible for determining that the bylaws are in conformance with the provisions of this chapter. All meetings of the commission and its standing committees shall be open to the public as required by the Virginia Freedom of Information Act.

Sec. 12-9-14 Functions and duties.

(a) The functions of the commission shall be to recommend to city council programs to assist the elderly, and shall review and advise city council regarding proposed projects which impact on the elderly. The commission shall serve as the advisory council to the area agency on aging.

(b) In order to carry out its duties, the commission shall:

(1) serve as an advocate for the elderly.

(2) submit to city council plans for increasing, coordinating, improving or retargeting resources that affect the elderly.

(3) participate in and contribute to the development of plans for aging services.

(4) submit to city council an annual report at the close of each calendar year. Any report may contain a minority, as well as the majority opinion of the members.

(5) review, evaluate and recommend proposals and plans for the use of resources for the delivery of services to senior citizens by city departments and agencies, private social services agencies, civic and other groups serving the needs of the aging.

(6) form such standing committees as are appropriate to carry out its functions and duties. Members of the commission, except the chairperson and the secretary, shall serve on at least one committee. The chairperson shall serve on all committees ex officio. The commission may, by majority vote, appoint to its various standing committees representative consumers of elderly services, agency staff members, members of business and professional groups serving the elderly, community leaders, vendors of services to the elderly and interested citizens, without regard to the age of such persons.

Secs. 12-9-15 through 12-9-20 reserved.

ARTICLE C

Alexandria Office on Aging

Sec. 12-9-21 Established; executive director; organization.

There is hereby established under the city manager an office of the government of the city to be known as the Alexandria Agency on Aging. The head of the Alexandria Agency on Aging shall be the executive director, who shall be appointed and removed by the director of the department of human services. The director of the department of human services shall organize the agency on aging with the advice and recommendation of the commission on aging. (Ord. No. 2554, 3/14/81, Sec. 1; Ord. No. 2579, 6/13/81, Sec. 3; Ord. No. 3342, 11/19/88, Sec. 3)

Sec. 12-9-22 Functions and duties.

The Alexandria Agency on Aging shall have the power to perform the following duties:

(1) perform the functions and duties of the area agency on aging for the city;

(2) give staff support to the commission on aging;

(3) serve as the focal point for the advocacy needs of Alexandrians aged 60 and above;

(4) make periodic assessments of the needs of the aging in the city;

(5) seek funds for programs which are of benefit to the elderly;

(6) encourage cooperation and coordination between public and private agencies in order to improve delivery of services to the elderly;

(7) contract with other agencies to provide services to the elderly using funds from the Older Americans Act;

(8) disseminate information about programs and benefits to the elderly in particular and to the public in general;

(9) provide technical assistance to neighborhood and community organizations whose goals and objectives include services to the elderly; and

(10) monitor and evaluate contractors to assure that contract services are being provided. (Ord. No. 3342, 11/19/88, Sec. 4)

CHAPTER 10

Children, Youth and Families Collaborative Commission*

§ 12-10-1	Creation of commission.
§ 12-10-2	Composition; appointment; terms; chairperson and officers; committees.
§ 12-10-3	Meetings; quorum; rules of procedure; annual report.
§ 12-10-4	Functions and duties.
§ 12-10-5	Staff assistance.
§ 12-10-6	Relationship to other youth related boards, commissions, task forces and community groups.

Sec. 12-10-1 Creation of commission.

There is hereby established a commission to be known as The Children, Youth and Families Collaborative Commission (hereinafter referred to in this chapter as the commission). (Ord. No. 4727, 6/25/11, Sec. 2)

Sec. 12-10-2 Composition; appointment; terms; chairperson and officers; committees.

(a) The commission shall consist of 29 members, 25 of whom shall be voting members and four non-voting members. Seventeen of the voting members shall be citizens, four shall be city staff members, and four shall be staff members from the Alexandria City Public Schools. Two of the non-voting members shall be liaisons from the city council, and two shall be liaisons from the Alexandria School Board.

(1) Citizen members.

a. Eight of the seventeen members shall be approved by city council and shall be city residents. They shall consist of: six community members with expertise in children, youth and family issues, public safety, medical/health related profession or non-profit experience and two young adults, age 18—21.

b. Six of the seventeen members shall be approved by the Alexandria School Board and shall be city residents. They shall consist of community members with experiences as parents, guardians, teachers and/or expertise in early childhood, youth or general education policy.

c. Three of the seventeen members shall be approved by the youth council and shall be high school students.

d. The terms of the citizen members shall be three years and shall be staggered, except the terms of the citizen members who are high school students shall be one year.

(2) City staff. Four of the 29 members shall be city staff identified by the city manager. The terms of the City staff shall be three years and shall be staggered.

(3) Alexandria City Public School members. Four of the 29 members shall be identified by the superintendent. The terms of the ACPS members shall be three years and shall be staggered.

(4) Ex-officio members. Two of the four non-voting members shall be liaisons from the city council. Two of the four non-voting members shall be liaisons from the school board. The terms of the ex-officio members shall be three years and shall be staggered.

(b) The commission shall elect from among its voting members a chairman and chairman-elect, alternating between city and school representatives each term and such other officers as it deems necessary. The chairman-elect is intended to succeed the chairman for the following term, supported by the past year's chairman, and a new chairman-elect. These three officers shall determine the commission committees' membership and leadership. The terms of the chairman and chairman-elect shall be for one year.

(c) The commission shall have seven committees comprised of commission members who serve as leaders and officers of each group and members of the community at large with a demonstrated interest in issues involving children, youth and families.

(1) Executive committee. The executive committee shall consist of the elected commission officers, and the leaders of each commission committee. The executive committee shall be led by the commission chairman and chairman-elect. The functions and duties of the executive committee shall be as follows:

a. oversee and coordinate organizational activities;

b. set the commission meeting agenda;

c. make decisions consistent with those adopted by the commission;

d. oversee implementation of the city council's work plan as developed by the commission;

***Editorial Note:** Ord. No. 4727, §§ 1 and 2, adopted June 25, 2011, repealed Ch. 10 and enacted a new chapter as set out herein. The former Ch. 10, §§ 12-10-1—12-10-5, pertained to the Alexandria Early Childhood Commission and derived from Ord. No. 3399, § 1, adopted Sept. 16, 1989; Ord. No. 3533, § 1, adopted Sept. 14, 1991; and Ord. No. 3725, §§ 1 and 2, adopted May 14, 1994.

e. conduct periodic reviews of the purpose and membership of the other commission committees and make recommendations to the commission for any changes; and

f. address any issues requiring immediate attention of the commission.

(2) Advocacy and policy committee. The functions and duties of the advocacy and policy committee shall be as follows:

a. review legislative issues, recommend policy and operational or procedural changes as appropriate;

b. responsible for preparing briefing materials and position statements for distribution throughout the community; and

c. prepare the annual report to city council and the school board based on commission activities and meeting minutes.

(3) Finance and grants committee. The functions and duties of the finance and grants committee shall be as follows:

a. review city and school budgets and provide recommendations during the budget cycle as appropriate;

b. develop grant guidelines, identify potential efficiencies in funding practices between the schools and the city regarding youth issues, and determine financial impact of suggested youth program changes; and

c. audit grant reports to determine cost benefit and measure effectiveness, recommending metric adjustments as appropriate.

(4) Outreach and membership committee. The functions and duties of the outreach and membership committee shall be as follows:

a. train commission members annually;

b. recruit new members;

c. identify potential new community partners for children, youth and family programs and assist with developing a memorandum of understanding as appropriate;

d. provide periodic briefings and presentations throughout the community on commission activities;

e. review applications for committee memberships; and

f. make recommendations to city council and the school board on appointments to the commission.

(5) Research and data committee. The functions and duties of the research and data committee shall be as follows:

a. collect and distribute outcome data on initiatives in a youth master plan;

b. review research literature on successful youth studies and monitor efforts by youth commissions, partnerships and collaborations throughout the nation and youth programs in the City of Alexandria;

c. participate in regional, state and national forums and meetings as appropriate; and

d. recommend procedures and processes for the sharing of data across the city and between programs.

(6) Implementation and monitoring committee. The functions and duties of the implementation and monitoring committee shall be as follows:

a. review, evaluate and discuss the quality and effectiveness of key programs as identified in a youth master plan.

(7) Youth council. The youth council shall consist of up to 25 members, who shall be citizens. Four of the members must receive city services and/or participate in city programs and represent private and public high schools and city recreation centers. The term of these members shall be two years.

a. The council shall elect three members of the council as their officers and voting members of the commission. The term of the officers and voting members shall be for one year. Three adult members of the commission shall be assigned to the youth council, serving as advisors to youth and co-facilitators with the officers for conducting and convening the meetings.

b. The functions and duties of the youth council shall be as follows:

i. build the foundation that supports youth engagement in the activities of the commission;

ii. provide a forum for youth input regarding the effectiveness of programs;

iii. represent youth across the city through regular communication with various youth groups; and

iv. create opportunities for youth to make a difference in Alexandria policy and decision making processes. (Ord. No. 4727, 6/25/11, Sec. 2)

Sec. 12-10-3 Meetings; quorum; rules of procedure; annual report.

(a) The commission shall meet nine to ten times annually. Working committees shall meet no fewer than six times per year. Appointed voting commission members must attend 75 percent of all meetings, including their assigned

committees. The terms of the commission's members shall not exceed a total of ten consecutive years of membership on the commission.

(b) All voting members of the commission present at a meeting shall be entitled to vote, and the decisions of the commission shall be determined by a majority vote of such members present and voting. A quorum, which shall consist of at least 50 percent of the non-vacant seats on the commission, shall be required in order for the commission to transact business. A member eligible to vote who is present but does not vote shall be considered in counting a quorum. In matters concerning the procedure for meetings not covered by this chapter, the commission may establish its own rules, provided such rules are not contrary to law or the mandate or spirit of this chapter. Otherwise, the rules of procedure set out in Robert's Rules of Order shall apply.

(c) The commission shall submit to the city council each year a written report of its activities. The report shall also address the matters described in section 12-13-4(b), and may address other matters relating to the city's youth that the commission may choose to make. (Ord. No. 4727, 6/25/11, Sec. 2)

Sec. 12-10-4 Functions and duties.

The functions and duties of the commission shall be as follows:

(a) to submit to city council a vision for the well-being of children, youth and families in the city;

(b) to submit to city council an annual report which shall include, but not be limited, to

(1) a plan of action to carry out the commission's vision for children, youth and families, which shall include priorities;

(2) an analysis of the outcome of children, youth and family programs and services; and

(3) recommendations regarding city funding for children, youth and family programs and services.

(c) to review progress toward meeting the commission's vision and plan of action by:

(1) monitoring the programs and services that are available to the city's children, youth and families to determine their effectiveness in meeting the established priorities;

(2) holding public hearings, when deemed necessary, to obtain input regarding children, youth and family issues from the general public; and

(3) to coordinate responses from and among appropriate city and non-city organizations to emerging and existing issues affecting the city's children, youth and families. (Ord. No. 4727, 6/25/11, Sec. 2)

Sec. 12-10-5 Staff assistance.

The director of community and human services shall be responsible for providing staff support to the commission to assist it in carrying out its functions and duties. (Ord. No. 4727, 6/25/11, Sec. 2)

Sec. 12-10-6 Relationship to other youth related boards, commissions, task forces and community groups.

It is the intent of the city council and school board that any entity that receives city funding or uses other city resources, including staff support or in-kind city space, will collaborate and coordinate with the commission in developing and implementing a comprehensive, citywide youth development agenda. (Ord. No. 4727, 6/25/11, Sec. 2)

CHAPTER 11

Alexandria Commission on Disabled Persons

§ 12-11-1	Creation of commission.
§ 12-11-2	Composition; appointment; chairperson and officers.
§ 12-11-3	Meetings—quorum; rules of procedure; annual report to council.
§ 12-11-4	Functions.
§ 12-11-5	Staff assistance.

Sec. 12-11-1 Creation of commission.

There is hereby established a commission to be known as the Alexandria Commission on Persons with Disabilities, hereafter referred to in this chapter as the commission. This commission is hereby designated the local disabilities services board of the city, in accordance with section 51.5-47 of the Code of Virginia (1950), as amended. (Ord. No. 3534, 9/14/91, Sec. 1; Ord. No. 3607, 12/12/92, Sec. 1)

Sec. 12-11-2 Composition; appointment; chairperson and officers.

(a) The commission shall consist of 25 members. Of the 25 members, eight shall serve ex officio and 17 shall be appointed by city council. Only the members appointed by council shall serve as voting members of the commission. The term of each member appointed by council shall be two years.

(1) *Ex officio members.* Ex officio members of the commission shall be the incumbent of the following positions, or the incumbent's representative, serving as their schedules permit or as needed by the commission: the mayor, the city manager, the superintendent of schools, the director of code enforcement, the director of general services, the director of the health department, the director of the department of mental health, mental retardation and substance abuse, and the director of personnel services.

(2) *Members appointed by city council.* The voting members of the commission appointed by city council shall be: one representative of the Alexandria Commission on Aging; two representatives of the business community, one from the Alexandria chamber of commerce and one at large; and 14 citizen members. A majority of the citizen members shall be persons with physical, visual or hearing disabilities.

(b) The commission shall elect from among its voting members a chairperson and such other officers as it deems necessary.

(c) The commission may establish such committees as it deems necessary to execute its duties and responsibilities. (Ord. No. 3534, 9/14/91, Sec. 1; Ord. No. 3607, 12/12/92, Sec. 2)

Sec. 12-11-3 Meetings—quorum; rules of procedure; annual report to council.

The commission shall meet at least once each month from September through June, and may meet in July and August. All meetings of the commission and its committees shall be open to the public to the full extent required by the Virginia Freedom of Information Act. All members of the commission appointed by council shall be entitled to vote, and the decisions of the commission shall be determined by a majority vote of such members present and voting. A quorum, which shall be at least 50 percent of the non-vacant voting seats of the commission, shall be required for the commission to transact business. A voting member present but not voting shall be considered in counting a quorum. In matters concerning the procedure for meetings not covered by this chapter, the commission may establish its own rules, provided these are not contrary to the mandate or spirit of this chapter. Otherwise, the rules of procedure set out in Robert's Rules of Order shall apply. The commission shall render to the city council each year, by September 30, a written report describing its activities and accomplishments, along with any comments and recommendations it may choose to make. (Ord. No. 3534, 9/14/91, Sec. 1)

Sec. 12-11-4 Functions.

The functions of the commission shall be the following:

(a) to assist the mayor, city council and city manager in responding to the needs of persons with disabilities by providing policy recommendations regarding city and state laws in order to remove physical and other barriers which confront persons with disabilities.

(b) to assist the mayor, city council and city manager in conducting special events and awareness campaigns focusing on persons with disabilities;

(c) to review and make recommendations regarding the city's affirmative action plan for persons with disabilities, women and minorities;

(d) to provide a forum in which persons with disabilities and their advocates may make known the problems and frustrations which face them in their daily lives and make recommendations for corrective actions;

(e) to provide a liaison for effective communication with the city and with other jurisdictions or agencies regarding the conduct of surveys, studies and hearings related to programs and policies for persons with disabilities;

(f) to assist the city in identifying and obtaining outside funds for carrying out programs and projects developed or approved by the commission;

(g) to review and make recommendations to the mayor, city council and city manager on programs, policies and services that might remove barriers faced by persons with disabilities in housing, transportation, building access, public accommodations, employment, health, social services, credit and education; and

(h) to perform as the local disability services board, the duties set out in section 51.5-48 of the Code of Virginia (1950), as amended. (Ord. No. 3534, 9/14/91, Sec. 1; Ord. No. 3607, 12/12/92, Sec. 3)

Sec. 12-11-5 Staff assistance.

Under section 51.5-47 of the Code of Virginia (1950), as amended, the Virginia department of rehabilitative services is to provide staff support to the commission. The director of human services shall be responsible for providing supplemental staff support to the commission to keep the commission's minutes, files and reports and to assist the commission in the exercise of its functions, and shall coordinate such support with that provided by the state under section 51.5-47 of the Code of Virginia (1950), as amended. (Ord. No. 3534, 9/14/91, Sec. 1; Ord. No. 3607, 12/12/92, Sec. 4)

CHAPTER 12

Alexandria Community Policy and Management Team

§ 12-12-1	Creation.
§ 12-12-2	Composition; appointment; terms and compensation of members; filling vacancies.
§ 12-12-3	Chairperson; meetings; confidentiality; rules of procedure.
§ 12-12-4	Function and duties.
§ 12-12-5	Legal services.

Sec. 12-12-1 Creation.

There is hereby established the Alexandria Community Policy and Management Team which shall have the functions and duties set out in this chapter. (Ord. No. 3601, 11/14/92, Sec. 1)

Sec. 12-12-2 Composition; appointment; terms and compensation of members; filling vacancies.

The community policy and management team created by section 12-12-1 shall consist of nine members. Six of the nine members shall be the following public officials or the designees of such officials: a member of city council, the city manager, the executive director of the Alexandria community services board, the director of the Alexandria juvenile court services unit, the director of the city's department of health, the director of social services within the city's department of human services, and the superintendent of schools. The remaining three members of the team shall be a representative of a private organization or association of providers of children's or family services which provides such services within the city on a continuing and consistent basis, and two parent representatives; provided, that a person who is employed by a public or private program which receives funds pursuant to the Comprehensive Services Act, Virginia Code § 2.1-745 et seq., or by an agency represented on the team may serve as a parent representative only if the person does not, as a part of such employment, interact directly on a regular and daily basis with children or supervise employees who interact directly on a daily basis with children; provided further, that the foregoing restriction regarding a parent representative shall not apply to foster parents. All members of the team shall be appointed by city council and shall serve for a term of two years; provided, that the private provider representative and the parent representative members shall be appointed by council, upon the recommendation

of the public official members of the team. All members of the team shall file the financial disclosure form required by section 2-5-11 of this code, and their filing shall be in accordance with the provisions of said section. Any vacancy occurring in the provider representative or parent representative positions on the team shall be filled for the balance of the unexpired term in the same manner as original appointments to such positions are to be made. Members of the team shall serve without compensation, but may receive such reimbursement for expenses as city council may allow. (Ord. No. 3601, 11/14/92, Sec. 1; Ord. No. 3997, 5/16/98, Sec. 1; Ord. No. 4060, 6/12/99, Sec. 1; Ord. No. 4219, 9/25/01, Sec. 1; Ord. No. 4219, 9/25/01, Sec. 1)

Sec. 12-12-3 Chairperson; meetings; confidentiality; rules of procedure.

(a) The community policy and management team shall elect a chairperson from among its members who shall serve for a period of one year. All members of the team shall be entitled to vote on all matters, and the decisions of the team shall be determined by a majority vote of the members present and voting. A quorum of five members present shall be required before the team may take official action. A member present but not voting shall be considered in counting a quorum.

(b) Proceedings held to consider the appropriate provision of services and funding for a particular child or family, or both, who have been referred to a family assessment and planning team and whose case is being assessed by this team or reviewed by the community policy and management team shall be confidential and not open to the public, unless the individuals who are the subjects of the proceeding request in writing that it be open. All information about specific children and families obtained by the community policy and management team or a family assessment and planning team in the discharge of its responsibilities pursuant to this chapter shall be confidential.

(c) The community policy and management team may establish its own operating and procedural rules, provided they are not contrary to the mandate or spirit of this chapter or sections 2.1-746 through 2.1-759 of the Code of Virginia (1950), as amended, or other laws. (Ord. No. 3601, 11/14/92, Sec. 1)

Sec. 12-12-4 Function and duties.

(a) The functions of the community policy and management team shall be to manage the cooperative effort in the city to serve the needs of troubled and at-risk youths and their families, and to maximize the use of state and city resources that are designated for this purpose.

(b) In order to carry out these functions, the team shall:

(1) Develop interagency policies, which shall be subject to city council review, and procedures to govern the provision of services to troubled and at-risk children and families in the city;

(2) Develop interagency fiscal policies governing the team's access to the state pool of funds that are available to provide services to troubled and at-risk youths and families, including immediate access to funds for emergency services and shelter care;

(3) Coordinate long-range, city-wide planning which ensures the development of resources and services needed by troubled and at-risk children and families in the city;

(4) Establish one or more family assessment and planning teams which shall perform the functions required by law;

(5) Establish policies governing referrals to and reviews of children and families by family assessment and planning teams, including a process for reviewing any such team's recommendations and requests for funding;

(6) Establish quality assurance and accountability procedures for program utilization and funds management;

(7) Establish procedures for obtaining bids on the development of new services;

(8) Manage funds allocated to the team from the state pool of funds and the state trust fund, both of which are provided for by state law, and from any other source;

(9) Authorize and monitor the expenditure of funds by the family assessment and planning teams;

(10) Submit to the state trust fund grant proposals approved by city council;

(11) Enter into contracts for the provision or operation of services upon approval of the city manager;

(12) Serve as the city's liaison to the state management team; and

(13) Perform any other duties as required by law or imposed by city council. (Ord. No. 3601, 11/14/92, Sec. 1)

Sec. 12-12-5 Legal services.

The city attorney shall provide legal services to the community policy and management team, except where there exists a dispute between the

team and a department or agency represented by a member of the team or another department or agency of the city, in which case the team may, with the approval of the city manager, retain the services of a private attorney. (Ord. No. 3601, 11/14/92, Sec. 1)

CHAPTER 13

Reserved*

*__Editorial Note:__ Ord. No. 4727, § 1, adopted June 25, 2011, repealed Ch. 13, §§ 12-13-1—12-13-7, which pertained to the Youth Policy Commission and derived from Ord. No. 3952, § 1, adopted Sept 23, 1997; Ord. No. 3962, § 1, adopted Oct. 25, 1997; Ord. No. 3996, §§ 1, 2, adopted May 16, 1998; Ord. No. 4033, § 1, adopted Feb. 20, 1999; Ord. No. 4103, §§ 1—3, adopted Feb. 12, 2000; and Ord. No. 4384, § 1, adopted March 12, 2005.

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TITLE 13

Miscellaneous Offenses

Chapter 1 **General Offenses**
Chapter 2 **Weapons**
Chapter 3 **Offenses Against the Administration of City Government**

CHAPTER 1

General Offenses

§ 13-1-1 Abusive language.
§ 13-1-2 Assault; assault and battery.
§ 13-1-3 Commercial properties and residential properties—night illumination.
§ 13-1-4 Cursing and swearing—over telephone.
§ 13-1-5 Public intoxication.
§ 13-1-5.1 Possession of open or opened receptacles containing an alcoholic beverage.
§ 13-1-6 False fire alarms.
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§ 13-1-32 Slot machines, punchboards, etc.-generally.
§ 13-1-33 Trespass after having been forbidden to do so.
§ 13-1-34 Wrestling, boxing or sparring exhibitions—permit required.
§ 13-1-35 reserved.
§ 13-1-36 Mooring, tying up, etc., vessels to city property without city council's permission; anchoring between pierhead line and city land without city council's permission; penalties for violations.
§ 13-1-37 Public transit passenger vehicles, school buses, rail transit cars and rail transit stations—prohibited conduct.
§ 13-1-38 Soliciting for immoral purposes prohibited.
§ 13-1-39 Hours of operation for amusements and entertainments.
§ 13-1-40 Metal detecting and digging on city property.
§ 13-1-41 Panhandling.

Sec. 13-1-1 Abusive language.

If any person shall, within the city, in the presence or hearing of another, curse or abuse such person, or use any violent, abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace, he shall be guilty of a class 3 misdemeanor. (Code 1963, Sec. 23-1; Ord. No. 2826, 6/28/83, Sec. 1)

State Law Reference: Similar provisions, Code of Va., Sec. 18.2-416.

Sec. 13-1-2 Assault; assault and battery.

Any person who shall commit a simple assault or assault and battery shall be guilty of a class 1 misdemeanor. (Code 1963, Sec. 23-2; Ord. No. 2826, 6/28/83, Sec. 2)

Sec. 13-1-3 Commercial properties and residential properties—night illumination.

(a) It shall be unlawful for the owner or operator of any commercial property or the owner or occupant of any residential property when located adjacent to property used for residential purposes, to use for the outdoor lighting of the commercial property or residential property lights which are so arranged that the illumination and glare therefrom is thrown upon the side yard or rear yard of the adjacent property occupied for residential purposes in an amount of illumination which measures more than point twenty-five hundredths footcandles measured at any point seven feet beyond the property line of the adjacent property used for residential purposes.

(b) All lights used by an owner or operator of a commercial property or an owner or occupant of residential property shall be shielded or directed

so as to confine the area of diffusion to the property which it is intended to illuminate. (Code 1963, Sec. 23-6)

Sec. 13-1-4 Cursing and swearing—over telephone.

If any person shall curse or abuse anyone or use obscene, vulgar, profane, lewd, lascivious or indecent language, or make any suggestion or proposal of an obscene nature, or threaten any illegal or immoral act with the intent to coerce, intimidate or harass any person, over any telephone in the city, he shall be guilty of a class 1 misdemeanor. (Code 1963, Sec. 23-8; Ord. No. 2826, 6/28/83, Sec. 3)

State Law Reference: Similar provisions, Code of Va., Sec. 28.2-427.

Cross Reference: Abusive language, Sec. 13-1-1.

Sec. 13-1-5 Public intoxication.

If any person is intoxicated in public, whether such intoxication results from alcohol, narcotic drug or other intoxicant or drug of whatever nature, he shall be deemed guilty of a class 4 misdemeanor. If there is a court-approved detoxification center in the city or a neighboring jurisdiction, a law enforcement officer may authorize the transportation, by police or otherwise, of a person who is in violation of this section to such detoxification center in lieu of arrest; provided, however, that no person shall be involuntarily detained in such center. (Code 1963, Sec. 23-11; Ord. No. 2826, 6/28/83, Sec. 4; Ord. No. 3599, 10/17/92, Sec. 1)

Charter Reference: Authority, Sec. 2.04(a).

State Law Reference: For similar state law, see Code of Va., Sec. 18.2-388.

Sec. 13-1-5.1 Possession of open or opened receptacles containing an alcoholic beverage.

(a) It shall be unlawful for any person, while in the city, to possess an open or opened receptacle containing an alcoholic beverage (i) in or on any publicly or privately owned park, playground, street, alley, sidewalk or other pedestrian walkway or parking lot to which the public has, or is permitted to have, access, or (ii) in a motor vehicle located on any such street, alley or parking lot, whether or not such vehicle is moving. Any person violating this section shall be guilty of a class 4 misdemeanor.

(b) Nothing in subsection (a) shall prevent a person from possessing an open or opened receptacle containing an alcoholic beverage (i) in a place licensed by the Virginia Alcoholic Beverage Control Board ("board") to sell alcoholic beverages at retail for on-premises consumption, (ii) in an area approved by the board and during an event for which the board has granted a banquet license or mixed beverage special events license, or (iii) in a public street which has been tempo-

rarily closed for a special event pursuant to a permit issued by the director of transportation and environmental services. (Ord. No. 3551, 12/14/91, Sec. 1; Ord. No. 3798, 5/13/95, Sec. 1)

Sec. 13-1-6 False fire alarms.

Any person who without just cause therefor calls or summons, by telephone or otherwise, any ambulance or firefighting apparatus, or any person who maliciously activates a manual or automatic fire alarm in any building used for public assembly or for other public use, including but not limited to schools, theaters, stores, office buildings, shopping centers and malls, coliseums and arenas, regardless of whether fire apparatus responds or not, shall be deemed guilty of a class 1 misdemeanor. (Code 1963, Sec. 23-12; Ord. No. 2826, 6/28/83, Sec. 5)

State Law Reference: For state law as to summoning fire apparatus without just cause, see Code of Va., Sec. 18.2-212.

Sec. 13-1-7 Gambling—generally.

(a) Any person who illegally gambles shall be guilty of a class 3 misdemeanor. If an association or pool of persons illegally gamble, each person therein shall be guilty of illegal gambling.

(b) The making, placing or receipt of any bet or wager in this city of money or other thing of value made in exchange for a chance to win a prize, stake or other consideration or thing of value, dependent upon the result of any game, contest or any other event the outcome of which is uncertain or a matter of chance, whether such game, contest or event occurs or is to occur inside or outside the limits of this city, shall constitute illegal gambling. (Code 1963, Sec. 23-13; Ord. No. 2826, 6/28/83, Sec. 6

Charter Reference: Power of city as to gambling places and gambling devices, Sec. 2.04(a).

Sec. 13-1-8 Same—exceptions; certain sporting events.

(a) Nothing in this chapter shall be construed to prevent any contest of speed or skill between persons, animals, fowl or vehicles, where participants, may receive prizes or different percentages of a purse, stake or premium dependent upon whether they win or lose or dependent upon their position or score at the end of the contest; except that no person shall engage in the fighting of cocks, dogs or other animals, for money, prizes or anything of value, or upon the result of which any money or other thing of value is bet or wagered, or to which an admission fee is charged, directly or indirectly.

(b) Any participant in a contest of speed or skill who, for the purpose of competing for any purse, stake or premium offered in any such contest, knowingly and fraudulently enters any contestant other than the contestant purported to be entered or knowingly and fraudulently enters a contestant in a class in which it does not belong, and any person who engages in the fighting of cocks, dogs or other animals, as described above, shall be guilty of a class 3 misdemeanor. (Code 1963, Chapter 23; Ord. No. 2427, 1/8/80, Sec. 1; Ord. No. 2826, 6/28/83, Sec. 7)

Sec. 13-1-9 Same—private residences.

Nothing in this chapter shall be construed to make it illegal to participate in a game of chance conducted in a private residence, provided such private residence is not commonly used for such games of chance and there is no operator. An operator includes any person, firm or association of persons who conducts finances, manages, supervises, directs or owns all or part of an illegal gambling enterprise, activity of operation. (Code 1963, Chapter 23, as amended by Ord. No. 2427, 1/8/80, Sec. 1)

Editorial Note: Ordinance No. 2427, adopted January 8, 1980, added two new sections to the 1963 Code, numbered 23-13.1 and 23-13.2, codified above as 13-1-9 and 13-1-10 respectively.

Sec. 13-1-10 Same—keeping gaming bank, gaming tables, etc.

(a) A person is guilty of illegal possession of a gambling device when he manufactures, sells, transports, rents, gives away, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of any gambling device, believing or having reason to believe that the same is to be used in the advancement of unlawful gambling activity. Violation of any provision of this section shall constitute a class 1 misdemeanor.

(b) All money, gambling devices, office equipment and other personal property used in connection with an illegal gambling enterprise or activity, and all money, stakes and things of value received or proposed to be received by a winner in any illegal gambling transaction, which are lawfully seized by any law enforcement officer or which shall lawfully come into his custody, shall

be forfeited to the city by order of the court in which a conviction under this section is obtained. Such court shall order all money so forfeited to be paid over to the city, and by order shall make such disposition of other property so forfeited as the court deems proper, including award of such property to any governmental agency or charitable organization for lawful purposes, or in case of the sale thereof, the proceeds therefrom to be paid over to the city; provided, however, that such forfeiture shall not extinguish the rights of any person without knowledge of the illegal use of such property who is the lawful owner or who has a lien on the same which has been perfected in the manner provided by law.

(c) A gambling device includes:

(1) any device, machine, paraphernalia, equipment or other thing, including books, records and other papers, which are actually used in an illegal gambling operation or activity; and

(2) any machine, apparatus, implement, instrument, contrivance, board or other thing, including, but not limited to, those dependent upon the insertion of a coin or other object for their operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that, depending upon elements of chance, it may eject something of value or determine the prize or other thing of value to which the player is entitled; provided, however, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed something of value within the meaning of this subsection; and provided further, that machines that only sell, or entitle the user to, items of merchandise of equivalent value that may differ from each other in composition, size, shape or color, shall not be deemed gambling devices within the meaning of this subsection.

Such devices are no less gambling devices if they indicate beforehand the definite result of one or more operations but not all the operations. Nor are they any less a gambling device because, apart from their use or adaptability as such, they may also sell or deliver something of value on a basis other than chance. (Code 1963, Sec. 23-14; Ord. No. 2826, 6/28/83, Sec. 8)

State Law Reference: For similar state law, see Code of Va., Sec. 18.2-331.

Sec. 13-1-11 Same—occupant of premises permitting gaming banks, gaming tables, etc.

If the owner, lessee, tenant, occupant or other person in control of any place or conveyance, knows, or reasonably should know, that it is being used for illegal gambling, and permits such gambling to continue without having notified a law enforcement officer of the presence of such illegal gambling activity, he shall be guilty of a class 1 misdemeanor. (Code 1963, Sec. 23-15; Ord. No. 2826, 6/28/83, Sec. 9)

State Law Reference: For similar state law, see Code of Va., Sec. 18.2-329.

Sec. 13-1-12 Same—lottery, etc.

If any person shall:

(1) set up, promote or be concerned in managing or drawing a lottery or raffle for money or other thing of value;

(2) knowingly permit a lottery in any house under his control;

(3) knowingly permit money or other property to be raffled for in such house or to be won therein, by throwing or using dice, or by any other game of chance;

(4) knowingly permit the same in such house of any chance or ticket in, or share of a ticket in, a lottery, or any writing, certificate, bill, token or other device purporting or intended to guarantee or assure to any person, or entitle him to a prize or share of, or interest in a prize to be drawn in a lottery; or

(5) for himself or another person, buy, sell or transfer or have in his possession for the purpose of sale or with intent to exchange, negotiate or transfer, or aid in selling, exchanging, negotiating or transferring, a chance or ticket in or share of a ticket in a lottery, or any such writing, certificate, bill, token or device, he shall be guilty of a class 2 misdemeanor, except as provided in section 18.2-325 et seq. of the Code of Virginia (1950), as amended. (Code 1963, Sec. 23-16; Ord. No. 2826, 6/28/83, Sec. 10; Ord. No. 3892, 11/16/96, Sec. 2)

Sec. 13-1-13 reserved.

Editorial Note: Ord. No. 3892, § 3, adopted Nov. 16, 1996, repealed § 13-1-13, which pertained to bingo games and raffles allowed certain organizations with permit—regulations and procedures; revocation or permits; appeals and penalties. See the Code Comparative Table.

Sec. 13-1-14 Same—forfeiture of money, etc. drawn and property used in lottery; innocent owners or lienors.

All money and things of value drawn or proposed to be drawn by an inhabitant of this city and all money or things of value received by such

person by reason of his being the owner or holder of a ticket or share of a ticket in any lottery or pretended lottery, contrary to this chapter, and all money, gambling paraphernalia, office equipment and all other personal property of any kind or character used in connection with the promotion, operation or conduct of any lottery or attempted lottery shall be forfeited to the city and may be seized by an officer and held to await proceedings for condemnation; provided that such forfeiture shall not extinguish the rights of any person without knowledge of the illegal use of such property who is the lawful owner or who has a lien on the same which has been perfected in the manner provided by law. The money or other personal property so forfeited shall be disposed of as provided by law. (Code 1963, Sec. 23-18)

Sec. 13-1-15 Playing of "instant bingo" prohibited.

It shall be unlawful for any person to play "instant bingo." (Ord. No. 2395, 9/26/79, Sec. 2)

Sec. 13-1-16 Iceboxes, refrigerators, etc.—leaving abandoned, unattended or discarded.

It shall be unlawful for any person, firm or corporation to discard, abandon, leave or allow to remain in any place any icebox, refrigerator or other container, device or equipment of any kind with an interior storage area of more than two cubic feet of clear space which is airtight, without first removing the door or doors or hinges from such icebox, refrigerator, container, device or equipment.

This section shall not apply to any icebox, refrigerator, container, device or equipment which is being used for the purpose for which it was originally designed, or is being used for display purposes by any retail or wholesale merchant, or is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof.

Any violation of the provisions of this section shall be punishable as a class 3 misdemeanor. (Code 1963, Sec. 23-20; Ord. No. 2826, 6/28/83, Sec. 12)

State Law Reference: Discarding or abandoning iceboxes, etc., V. Code of 1950, Sec. 18.2-319.

Sec. 13-1-17 Indecent exposure.

It shall be unlawful for any person to knowingly, voluntarily and intentionally appear in public or in a public place or in a place open to the public, or open to public view in a state of nudity, or to employ, encourage or procure another person to so appear. Any person violating the provisions of this section shall be guilty of a class 1 misdemeanor. As used herein, "state of nudity" means a state of undress so as to expose the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple.

Nothing contained herein shall be construed to apply to the breastfeeding of a child in a public place, the exhibition, presentation, showing or performance of any play, ballet, drama, tableau, production or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher learning or other similar establishment which is primarily devoted to such exhibitions, presentations, shows or performances as a form of expression of opinion, communication, speech, ideas, information, act or drama as differentiated from commercial or business advertising, promotion or exploitation of nudity for the purpose of advertising, promotion, selling or serving products or services or otherwise advancing the economic welfare of a commercial or business enterprise such as a hotel, motel, bar, nightclub, restaurant, tavern or dance hall. (Code 1963, Sec. 23-21; Ord. No. 2722, 10/16/82, Sec. 1; Ord. No. 2826, 6/28/83, Sec. 13; Ord. No. 4706, 2/12/11, Sec. 1)

Sec. 13-1-18 Indecent prints, pictures, figures or descriptions.

It shall be unlawful for any person to post, put up or exhibit on the streets or any public place in the city, any indecent or immoral print, pictures, figure or description, manifestly tending to corrupt the morals of youth, or to introduce into any family or place of education or buy or have in possession any such thing for the purpose of sale, exhibition or circulation. Any person violating the provisions of this section shall be guilty of a class 1 misdemeanor. (Code 1963, Sec. 23-22; Ord. No. 2826, 6/28/83, Sec. 14)

State Law Reference: For state law as to obscenity, see Code of Va., Secs. 18.2-372 to 18.2-389.

Sec. 13-1-19 Removing property—generally.

It shall be unlawful for any person willfully or maliciously to remove without authority any property of the city wherever situated or the private property of any person. Any person violating this

section shall be guilty of a class 1 misdemeanor. Any person removing city property in violation of this section shall be responsible for the cost of replacing the property. (Code 1963, Sec. 23-23; Ord. No. 2826, 6/28/83, Sec. 15; Ord. No. 3935, 6/14/97, Sec. 4)

Cross Reference: Injuring parking meters, see Secs. 10-4-27 and 10-4-36.

Sec. 13-1-19.1 Vandalism and graffiti.

(a) It shall be unlawful for any person willfully or maliciously to destroy, damage, injure or deface, in whole or in part, any public building, public facility, or publicly-owned personal property.

(b) It shall be unlawful for any person willfully or maliciously to destroy, damage, injure or deface, in whole or in part, any private building, private facility or privately-owned personal property; provided, that the provisions of this subsection shall not be applicable in the event the damage to such private property is $1,000 or greater. The amount of damage caused by the destruction, damage, injury or defacing of such private property may be established by proof of the fair market cost of repair or fair market replacement value of the property.

(c) Any person violating the provisions of this section shall be guilty of a class l misdemeanor.

(d) Upon a finding of guilt of a violation of this section in any case tried before the court without a jury, in the event the violation constitutes a first offense under this section which results in property damage or loss, the court, without entering a judgment of guilt, upon motion of the defendant, may defer further proceedings and place the defendant on probation pending completion of a plan of community service work. If the defendant fails or refuses to complete the community service work as ordered by the court, the court may make final disposition of the case and proceed as otherwise provided. If the community service work is completed as the court prescribes, the court may discharge the defendant and dismiss the proceedings against him. Such discharge and dismissal shall be without adjudication of guilt, and shall be a conviction only for the purpose of applying this section in subsequent proceedings.

(e) Community service work, to the extent feasible, shall include the repair, restoration or replacement of damage or defacement to property within the city, and may include clean-up, beautification, landscaping or other similar community service work within the city. The sheriff of the city shall supervise the performance of any community service work required and report thereon to the court imposing such requirement. At or before the time of sentencing a defendant convicted for violating this section, the court shall receive and consider any plan for making restitution or performing community service work submitted by the defendant. The court shall also receive and consider the recommendations of the city manager concerning the plan.

(f) Notwithstanding any other provision of law, no person convicted for a violation of this section shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or has been compelled to perform community service work, or both, as is more particularly set forth in section 19.2-305.1 of the Code of the Virginia, 1950, as amended.

(g) Nothing in this section shall be deemed to affect the intake and other procedures, including disposition, of the juvenile and domestic relations court where the perpetrator of a violation is subject to the jurisdiction of said court. (Ord. No. 3935, 6/14/97, Sec. 5)

Sec. 13-1-20 Same—gardens and orchards.

It shall be unlawful for any person to enter any enclosed or unenclosed vegetable garden or any orchard located within the city, without the consent of the owner, tenant or agent of the owner or tenant, and there cut down, injure, damage, destroy, eat or carry away any portion of the garden or orchard, including any growing thing, crop, tree, timber, seed, grass, soil, fertilizer, water supply, tool, implement, fence or any other protective device, or any other thing useful for the development, cultivation, maintenance and use of the garden or orchard. Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor. (Code 1963, Sec. 23-24; Ord. No. 2826, 6/28/83, Sec. 16)

Sec. 13-1-21 reserved.

Editor's note—Ord. No. 4569, § 1, adopted Dec. 13, 2008, repealed § 13-1-21 which pertained to throwing, leaving, etc., garbage, mixed refuse, dead animals, etc. on private premises and derived from § 23-24.1 of the 1963 Code; Ord. No. 2826, § 17, adopted June 28, 1983; and Ord. No. 4154, § 1, adopted Sept. 16, 2000.

Sec. 13-1-21.1 Prohibition against littering and other improper discard or disposal.

(a) *Definitions.* The following words and terms, when used in this section, shall for the purpose of this section have the following meanings ascribed to them in this section:

(1) *Abatement cost* means the city's cost for labor, equipment, and supplies for, or the contract price of, and any charges to, the city, with respect to the removal and disposal of litter, garbage, rubbish, or refuse from a property.

(2) *Construction site* means any residential, commercial, industrial or other area, lot or site at which construction or demolition of any type is conducted, including roads, at buildings, and at all other places actively being constructed, demolished, renovated, or repaired.

(3) *Construction waste* means solid waste that is produced or generated during construction, demolition, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes include, but are not limited to lumber, sawdust, shavings, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes and are subject to other sections of this Code, including, without limitation city code section 11-13-2.

(4) *Discard* means to abandon, dispose of, burn, incinerate, accumulate, store or treat before or instead of being abandoned, disposed of, burned or incinerated.

(5) *Discarded material* means a material that is abandoned, disposed of, burned, incinerated, accumulated, stored or treated before or instead of being abandoned, disposed of, burned or incinerated.

(6) *Dispose* means to discharge, deposit, inject, dump, spill, leak or placement of any solid waste into or on any land or water so that such solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters.

(7) *Garbage* means readily putrescible discarded materials composed of animal, vegetable, or other organic matter, including, without limitation, food waste, offal or dead animals.

(8) *Litter* means any man-made material that, if thrown, discarded, or disposed as prohibited by this section, may create a danger to public health, safety, or welfare or degrades the environment of the city. "Litter" shall include, but is not limited to, any garbage, trash, refuse, rubbish, newspaper, magazine, glass, metal, plastic or paper container, construction waste, or any discarded object likely to injure any person, create a traffic hazard, or degrade the environment.

(9) *Person* means any individual, corporation, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, representative, or group of individuals or entities of any kind.

(10) *Receptacle* means a container that is specifically designed, constructed, and placed for use as a depository for litter or solid waste.

(11) *Refuse* means all solid waste products having the character of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, ashes, coal, dirt, mud, gravel, sand, residues from clean up of spills or contamination, or other discarded materials.

(12) *Rubbish* means combustible or slowly putrescible discarded materials, which include but are not limited to trees, wood, leaves, straw, hay, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags, and other combustible or slowly putrescible materials not included under the term "garbage."

(13) *Solid waste* or *waste* means any garbage, refuse, rubbish, trash, or other discarded material, but does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials.

(14) *Trash* means combustible and noncombustible discarded materials and is used interchangeably with the term "rubbish".

(b) *Administration and enforcement.* The director of transportation and environmental services, or his designee, shall be responsible for the administration of this section and shall have the authority to enforce compliance through the use of civil remedies as authorized by this section. Further, any law enforcement officer or sworn special police officer is authorized to enforce the provisions of subsections (c)(2) and (d) hereof through the issuance of traffic citations.

(c) *Unlawful disposal of litter.*

(1) No person shall drop, cast, sweep, deposit, discard, or otherwise dispose of any litter in or upon any exterior public or exterior private prop-

erty within the city including but not restricted to any street, sidewalk, park, body of water, or vacant or occupied lot, except by placement in a proper receptacle or in an area designated and approved by the city as a permitted disposal site. This subsection shall not apply to leaves deposited in the streets from October 1 to December 31 of any calendar year for collection by the city.

(2) When a violation of the provisions of this subsection has been observed by any person, and the litter has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such litter, provided however, that such presumption shall be rebuttable by competent evidence. Violation of this subsection (c)(2) shall constitute a traffic infraction punishable by a fine not to exceed $250. In lieu of imposition of a fine, the court may order the defendant to perform community service in litter abatement activities.

(d) *Securing and covering loads.*

(1) All motor vehicles used to transport any material along streets, roads, or highways of the city, shall be constructed, maintained, and loaded in such a manner as to prevent such vehicle's contents from dropping, sifting, leaking, or otherwise escaping. This subsection shall not apply to any:

a. Motor vehicle that is used exclusively for agricultural purposes as provided in § 46.2-698 of the Code of Virginia and is not licensed in any other state;

b. Agricultural vehicle, tractor, or other vehicle exempted from registration and licensing requirements under state law;

c. Motor vehicle transporting forest products, poultry, or livestock; or

d. Public service company vehicle, pickup truck, or emergency snow removal equipment while engaged in snow removal operations.

e. Public service vehicle engaged in the removal of solid waste, leaves, recycling or other materials within the city.

(2) No person shall transport any litter, rubbish or solid waste in an open or uncovered vehicle along the streets, roads, or highways of the city, unless the load is covered by a tarpaulin or other suitable cover in such manner as to contain the entire load. If any of the contents of the load shall be blown, spilled, fall, or become scattered in or upon any public way or place, such person shall immediately cause such contents to be gathered up and removed.

(3) When a violation of the provisions of this subsection has been observed by any person, the owner or operator of the motor vehicle shall be presumed to be the person responsible for the contents dropping, sifting, leaking, or otherwise escaping from the motor vehicle, provided however, that such presumption shall be rebuttable by competent evidence.

(4) Violation of this subsection shall constitute a traffic infraction punishable by a fine not to exceed $250. In lieu of imposition of a fine, the court may order the defendant to perform community service in litter abatement activities.

(e) *Duty of owners and occupants.*

(1) It shall be the responsibility of each owner, agent, occupant, or lessee of real property to keep his or her property free of litter. The owner, agent, occupant, or lessee of any property shall be responsible for removing litter accumulating on said property.

(2) No owner, agent, occupant, or lessee of any property shall allow the storage or accumulation of litter on the exterior of said property outside of a receptacle that is covered, secured, and maintained so as to prevent blowing, spilling, scattering, or leaking of the litter and waste contained therein, except that this requirement shall not apply to an area designated and approved by the city as a permitted disposal site.

(3) It shall be the responsibility of each proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding areas free of litter. These areas include, but are not limited to public and private sidewalks, roads, and alleys; grounds; parking lots; loading and unloading areas; and all vacant lots that are owned or leased by such establishment or institution. Removal of any litter shall be performed in accordance with this subsection.

(4) Each owner, agent, occupant, or lessee whose property faces on the sidewalks in the city or the strips between the streets and sidewalks shall be responsible for keeping such sidewalks and strips free of litter. Removal of any litter shall be performed in accordance with this subsection.

(f) *Construction sites.*

(1) It shall be unlawful for any owner or agent of a construction site, or any contractor on a construction site, to cause, permit, or allow the presence of litter on such site outside of a proper receptacle or to cause, permit, or allow litter or waste to be spilled, discharged, or blown by wind or water, except for the wind and water from hurricanes, tornadoes, and floods. It shall be the

responsibility of the owner or agent of the property and each contractor performing work on the site to keep the property free of litter.

(2) The owner, agent, or contractor in charge of a construction site shall furnish on such site receptacles sufficient to contain worker's litter and receptacles sufficient to contain all construction waste. All receptacles shall be conveniently available and maintained and secured or covered so as to prevent litter and waste from being spilled, discharged, or blown by wind or water, except for the wind and water from hurricanes, tornadoes, and floods. The number and capacity of receptacles should be determined by the primary contractor, but no less than one receptacle for worker's litter and no less than one receptacle for construction waste shall be placed at each construction site. Receptacles required under this subsection shall be not less than 10 gallons capacity. All receptacles shall be emptied as necessary, but not less frequently than weekly, except that receptacles used exclusively to contain construction waste shall be serviced with sufficient frequency to prevent spillage from overflow and to prevent offensive odors. All receptacles required under this subsection shall remain conveniently available on the site from the time construction activity commences until the construction activity ceases.

(3) The requirement for receptacles in this subsection shall not apply to any construction site on which only repair or minor renovation of a building is taking place, provided that no litter or construction waste is placed, stored, or otherwise accumulated on the exterior of the property outside of a proper receptacle and any such receptacle is maintained in accordance with this section.

(g) *Litter receptacles at places frequented by the public.*

(1) Every owner, occupant, tenant, or lessee in control of any property that is held out to the public as a place for assemblage, for the transaction of business or recreation, or as a public way shall provide adequate receptacles of sufficient number and size to contain all litter generated by those persons frequenting that public place. The number and size of the receptacles shall be determined by the owner, occupant, tenant, or lessee in control of any property, except that no less than one receptacle shall be placed at each site. Receptacles shall be no less than 10 gallons in capacity and clearly marked and designed to prevent the escape of litter and waste. Any person owning or in control of any property at which receptacles are required by this chapter shall at his or her own expense be responsible for the procurement, placement, and maintenance of such receptacles as required by this section.

(2) All litter and solid waste shall be removed from receptacles as necessary, but not less frequently than weekly, and all receptacles shall be maintained in a sanitary and serviceable condition.

(3) No person shall cause the unauthorized removal, upsetting, mutilation or defacing of, or tamper with any receptacle, or cause the contents thereof to be spilled or to be strewn in or upon any public or private property.

(4) Any person who fails to place and maintain receptacles in the number and manner required under this subsection shall be subject to a civil fine of $25 for each day of violation, not to exceed a total of $2,500 for any calendar year.

(h) *Enforcement.*

(1) The City may commence enforcement of subsections (c)(1), (e), (f) or (g) of this section by notifying in writing the owner, lessee, occupant, or person in responsible charge or in possession of a property or premises, of the existence of an unlawful condition on such property or premises. Such written notice shall be sent to the owner, lessee, occupant, or person in responsible charge or in possession of a property by registered or certified mail, or may be served by the sheriff, to the last known address of the owner as indicated in the City's current real estate tax assessment records. Such notice shall contain a description of the nature of the violation; any corrective action needed to be taken by such person to come into compliance with this section; and the time frame within which such corrective action shall be completed. The amount of time allowed to abate, correct, or eliminate the unlawful condition shall not exceed 10 days.

(2) Every owner, lessee, occupant, or person in responsible charge or in possession of a property or premises shall, upon written notice of an unlawful condition, abate, correct, and eliminate such condition within the timeframe required by such notice. After receipt of a written notice of violation pursuant to subsection (a) hereof, it shall be unlawful for the owner, lessee, occupant, or person in responsible charge or in possession of a property or premises on which the unlawful condition exists to fail to abate, correct, or eliminate such condition within the timeframe as such written notice requires. Ten days after due notice is given to any owner, agent, occupant, operator, contractor in charge, or lessee of any property, business, industry, institution, or construction

site to remove litter from the premises, the city is authorized to clean up such property, by use of city employees or by employing an agent of the city, and bill such owner or agent for the abatement costs thereof. If the bill has not been paid within 30 days, execution may be issued by the city against the property for the abatement cost, and such execution shall constitute a lien on the property, on a parity with liens for unpaid taxes, until the claim has been satisfied. Execution of the notice to remove litter shall be in writing and shall be in the form of a registered or certified letter. Nothing in this section shall be deemed to prevent the city from imposing the other remedies set forth herein for violation of this section.

(3) In addition to the penalty provided in subsection (4) below, the director may initiate injunctive, abatement, or any other appropriate action to prevent, enjoin, abate, or remove a violation of any of the provisions of this section.

(4) Except where otherwise noted, a violation of any provision of this section shall constitute a civil violation that shall be enforced through the levying of a civil penalty, pursuant to section 1-1-11 of this code of $250.00 for a first violation and $400.00 for each subsequent violation of the same section or provision. (Ord. No. 4569, 12/13/08, Sec. 2)

Sec. 13-1-22 reserved.

Editor's note—Ord. No. 4569, § 1, adopted Dec. 13, 2008, repealed § 13-1-22 which pertained to throwing, leaving, etc., garbage, mixed refuse, dead animals, etc., on streets, etc., permit for deposit of building material and derived from § 23-24.2 of the 1963 Code, Ord. No. 2826, § 18, adopted June 28, 1983; and Ord. No. 4154, § 2, adopted Sept. 16, 2000.

Sec. 13-1-23 reserved.

Editor's note—Ord. No. 4856, § 2, adopted Jan. 25, 2014, repealed § 13-1-23 which pertained to lewd and lascivious cohabitation and derived from § 23-25 of the 1963 Code; and Ord. No. 2826, § 19, adopted June 28, 1983.

Sec. 13-1-24 Loitering or prowling.

(a) It shall be unlawful for any person or persons to stand, assemble or loiter upon any sidewalk, street, public ground or public way in the city so as to obstruct, hinder or impede free passage upon or along same or obstruct, hinder or impede free ingress or egress to and from any place of business, institution or public building or property. No person or persons so assembled shall refuse or neglect to move or depart or give free passage after being requested to do so by the owner, lessee, tenant, manager or occupant of the premises obstructed as aforesaid or upon the order of any police officer of the city.

(b) It shall be unlawful for any person to hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.

(c) It shall be unlawful for any person to loiter in or about any toilet open to the public, for the purpose of engaging in or soliciting any lewd and lascivious or any unlawful act.

(d) It shall be unlawful for any person to lodge in any building, structure or place whether public or private without the permission of the owner or person in possession or in control thereof.

(e) It shall be unlawful for any person to loiter in or about any restaurant, tavern or other public building. As used in this subsection, "loiter" means to, without just cause, remain in a restaurant, tavern or public building, or to remain upon the property immediately adjacent thereto, after being asked to leave by the owner, or person entitled to possession or in control thereof, or by any police officer.

(f) It shall be unlawful for any person to sleep in any public park, public square or public sidewalk area between the hours of 8:00 p.m. and 8:00 a.m.

(g) Any person convicted of violating any of the provisions of this section shall be guilty of a class 3 misdemeanor. (Code 1963, Sec. 23-26; Ord. No. 2481, 6/14/80, Sec. 1; Ord. No. 2743, 11/23/82, Sec. 1; Ord. No. 2826, 6/28/83, Sec. 20; Ord. No. 3017, 2/23/85, Sec. 1)

Sec. 13-1-24.1 Loitering in a public place with intent to engage in an unlawful drug transaction.

(a) It shall be unlawful for any person to loiter in a public place with the intent to sell, give, distribute, possess or purchase a controlled substance, as defined in section 54.1-3401 of the Code of Virginia, (1950), as amended, or any successor

provision of the Virginia Code. For purposes of this section, the term "controlled substance" shall also include marijuana.

(b) No person shall be arrested for a violation of this section unless a law enforcement officer or officers shall have observed, and no person shall be convicted of a violation of this section except upon testimony of a law enforcement officer or officers of, the following:

(1) the person remains in one or more public places in the same general location for a period of at least 15 minutes;

(2) during this period and while in a public place in the same general location, the person has two or more face-to-face contacts with other individuals;

(3) each of such contacts (i) is with one or more different individuals, (ii) lasts no more than two minutes, (iii) involves actions or movements by the person consistent with an exchange of money or other small objects, (iv) involves actions or movements by the person consistent with an effort to conceal an object appearing to be or to have been exchanged, and (v) terminates shortly after the completion of the apparent exchange; and

(4) the person engages in some additional overt act, or there is additional circumstantial evidence, that manifests an intent on the person's part to sell, give, distribute, possess or purchase a controlled substance, as defined in subsection (a). For purposes of this subsection (b), "same general location" shall mean an area defined as a circle with a radius of 750 feet and a center being the place where a person is first observed by a law enforcement officer.

(c) For purposes of this section, the term "public place" means any street, sidewalk, alley, park, bridge, driveway, parking lot or other public property within the city that is open to the general public.

(d) Any person convicted of violating this section shall be guilty of a class 1 misdemeanor. (Ord. No. 3500, 2/23/91, Sec. 2)

Editorial Note: Ord. No. 3500, § 1, adopted Feb. 23, 1991, repealed § 13-1-24.1, which pertained to loitering for purposes of engaging in an unlawful drug transaction and derived from Ord. No. 3450, § 1, adopted April 24, 1990; and Ord. No. 3471, § 1, adopted June 26, 1990. Section 2 of said Ord. No. 3500 added new provisions as § 13-1-24.1 to read as herein set out.

Sec. 13-1-25 Minors prohibited in public poolrooms.

(a) It shall be unlawful for any person under the age of 18 years to frequent, play in or loiter in any public poolroom or billiard room in the city or be permitted by the proprietor thereof or his agent to frequent, play in or loiter in any public poolroom or billiard room in the city.

(b) Any person under the age of 18 years and any proprietor or his agent violating the provisions of this section shall, upon conviction, thereof, be guilty of a class 3 misdemeanor.

(c) Nothing in this section shall apply, however, to military or naval personnel in uniform in any poolroom or billiard room. (Code 1963, Sec. 23-27; Ord. No. 2826, 6/28/83, Sec. 21)

Sec. 13-1-26 Noise—mechanical loudspeakers.

The use of mechanical loudspeakers or amplifiers on trucks or other moving vehicles or in mercantile establishments for advertising or other purposes shall be unlawful; provided however, that the use of mechanical loudspeakers or amplifiers shall not be unlawful if a permit for such use is first obtained as provided in this section. All permits shall be subject to the following provisions:

(1) The only sounds permitted are music or human speech.

(2) Operations are permitted for four hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.

(3) Sound-amplifying equipment shall not be operated unless the sound truck upon which the equipment is mounted is operated at a speed of at least 10 miles per hour, except when the truck is stopped or impeded by traffic. Where stopped by traffic the sound-amplifying equipment shall not be operated for longer than one minute at each stop.

(4) Sound shall not be issued within 100 yards of hospitals, schools, churches or courthouses.

(5) The human speech and music amplified shall not be profane, lewd, indecent or slanderous.

(6) The volume of sound shall be controlled so that it will not be audible for a distance in excess of 50 feet from the sound truck and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

(7) No sound-amplifying equipment shall be operated in excess of 15 watts of power in the last stage of amplification.

(8) Sound-amplifying equipment in operation on a sound truck shall be subject to inspection by a member of the police department at reasonable times. (Code 1963, Sec. 23-30)

Cross Reference: Permit for operating loudspeakers from aircraft flying over city, Sec. 9-2-12.

Sec. 13-1-27 Nuisances.

It shall be unlawful for any person, whether owner or tenant, to keep or permit upon improved or unimproved real estate within the city any thing or things, whether animate or inanimate, which are dangerous, unhealthy or offensive so as to cause or be likely to cause injury or annoyance to any resident or citizen of the city. Any person violating this section shall be guilty of a class 4 misdemeanor. Each day's continuance of any nuisance prohibited in this section, after notice from a city official to abate and correct the same, shall constitute a separate offense. (Code 1963, Sec. 23-33; Ord. No. 2826, 6/28/83, Sec. 22)

Charter Reference: Power of city to abate or remove nuisances, Sec. 2.04(m).

Sec. 13-1-28 Placards, posters, etc.

No placards, posters or signs unsightly, detrimental to the neighborhood or dangerous to traffic shall be erected in or on the streets, sidewalks or private property in the city. Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor. (Code 1963, Sec. 23-24; Ord. No. 2826, 6/28/83, Sec. 23)

Sec. 13-1-29 Obstructing justice by threats or force.

(a) It shall be unlawful for any person, without just cause, knowingly to obstruct a judge, magistrate, juror, witness or any law enforcement officer in the performance of his duties, or to fail or refuse without just cause to cease such obstruction when requested to do so by such judge, magistrate, juror, witness or any law enforcement officer. Any person violating this subsection shall be guilty of a class 4 misdemeanor.

(b) It shall be unlawful for any person, by threats or by force, knowingly to attempt to intimidate or impede a judge, magistrate, juror, witness or any law enforcement officer, lawfully engaged in his duties as such, or to obstruct or impede the administration of justice in any court. Any person violating this subsection shall be guilty of a class 1 misdemeanor. (Code 1963, Sec. 23-38; Ord. No. 3404, 9/16/89, Sec. 1)

Sec. 13-1-30 Disorderly conduct.

(a) A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

(1) in any street, highway, public building, or while in or on a public conveyance, or public place, engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words,

(2) willfully, or being intoxicated, whether willfully or not, disrupts any meeting of the city council or any department, agency, board or commission of this city, or of any school, literary society or place of religious worship, if this, disruption prevents or interferes with the orderly conduct of the meeting or has a direct tendency to cause acts of violence by the person or persons at whom, individually, this disruption is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this chapter.

(3) urinates or defecates in any public place or in any place open to the public or exposed to public view or upon the surface of the ground or upon any premises, lot or in any building, basement or in any public street, or into any standing water, stream or excavation or public place other than a proper toilet or portable toilet:

(4) causes, provokes, engages in or congregates with another or others for the purpose of engaging in any fight, brawl or riot so as to endanger the life, limb, health or property of another or public property wherever located;

(5) utters any lewd or obscene words or epithets in an unreasonably loud manner, or disturbs the public peace or quiet by loud and boisterous conduct. For purposes of this subsection, the term "loud and boisterous conduct" means an activity and noise of sufficient volume, intensity and duration so as to annoy or disturb unreasonably the comfort, health, welfare and environment, place or safety of persons in any office, dwelling, hotel or other type of residence, or of any person in the city.

(b) The person in charge of any such building, place, conveyance or meeting may eject therefrom any person who violates any provisions of this section, with the aid, if necessary, of any persons who may be called upon for such purpose.

(c) Anyone convicted of a violation of this section shall be guilty of a class 3 misdemeanor. (Code 1981, Sec. 13-1-30, as amended by Ord. No. 2534, 12/13/80; Ord. No. 2826, 6/28/83, Sec. 24; Ord. No. 3017, 2/23/85, Sec. 2)

Sec. 13-1-31 School attendance—adoption of state law.

The provisions of article 1, chapter 14, title 22, of the Code of Virginia, as amended, relative to compulsory school attendance, are hereby adopted and placed in force in the city. (Code 1963, Sec. 23-40)

State Law Reference: See Code of Va., Secs. 22.1-254 to 22.1-269.

Sec. 13-1-32 Slot machines, punchboards, etc.-generally.

(a) No person shall:

(1) keep or exhibit for sale or use, or be concerned in interest in keeping or exhibiting for sale or use, any

a. punchboard or similar device of any kind or description;

b. slot machine or similar device of any kind, or character; or

c. other device that operates on the nickle-in-the-slot principle, in the operation of which any element of chance whatever may enter, or through and from which it may be possible for one person to get any article of more value than that which any other person could or would get, or through and from which the article or thing vended is not the fair equivalent in value to the coin required to operate the machine or device; or

(2) permit any punchboard, slot machine or similar device to be kept or exhibited for sale or use in his place of business or in any other place in the city.

(b) Any such punchboard, slot machine or other device shall be deemed a gaming apparatus and shall be embraced within the provisions of sections 19.1-84, 19.1-86 and 19.1-87 of the Code of Virginia (1950), as amended, insofar as these sections relate to gaming apparatus. The possession of any such punchboard, slot machine or other device shall be prima facie evidence of the exhibition for sale or use thereof.

(c) Any slot machine or device that operates on the nickle-in-the-slot principle and which does not uniformly return to the customer in each transaction the equivalent in value and kind of merchandise unaccompanied by coins, trade checks or other items of monetary value that it returned in each preceding transaction shall be deemed to embody the element of chance within the meaning of this section, even though the machine or device be so constructed as to indicate in advance of each transaction that it will dispense upon the deposit of the next coin or slug. (Code 1963, Sec. 23-41)

Sec. 13-1-33 Trespass after having been forbidden to do so.

(a) If any person shall, without authority of law, go upon or remain upon the lands or premises of another, or any part, portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian, property manager or other person lawfully in charge of the property (hereinafter in this section referred to as the "owner" or "property owner"), or after having been forbidden to do so by a sign or signs posted by such owner or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or part, portion or area thereof at a place or places where it or they may be reasonably seen, he shall be guilty of a class 1 misdemeanor.

(b) The owner of real property may designate the Alexandria police department as a "person lawfully in charge of" the owner's property, under subsection (a). With such a designation, the department, acting through its sworn officers, may forbid persons to go or remain upon all or any portion of the owner's real property, including any building, structure or other premises located upon the property. Such designation must be in writing on a form provided by the chief of police. The designation shall include the following information:

(1) the name and signature of the property owner making the designation;

(2) the property owner's residence address or, if the property owner is an entity, the owner's principal place of business;

(3) the address of the property to which the designation applies;

(4) if the designation does not apply to all of the property, a description of the particular buildings, structures or other areas of the property to which the designation applies; and

(5) the inclusive dates during which the designation shall be in effect; provided, that a designation made pursuant to this section shall not be for a period greater than six months.

The written designation shall be kept on file in the police department for the duration of the designation. The designation may be rescinded at any time upon the written notice of the property owner.

(c) The written designation shall be a public record of the City of Alexandria, Virginia, and a copy of such written designation, when authenticated by the custodian thereof, shall be admissible in any trial for a violation of this section as prima facie evidence of the authority of the Alexandria police department to act under the provisions of this section as to the property for which the designation was made. (Code 1963, Sec. 23-43, as amended by Ord. No. 2427, 1/8/80, Sec. 4; Ord. No. 2826, 6/28/83, Sec. 25; Ord. No. 4057, 6/12/99, Sec. 1; Ord. No. 4210, 6/16/01, Sec. 1)

State Law Reference: For similar state law, see Code of Va.. Sec. 18.1-173.

Sec. 13-1-34 Wrestling, boxing or sparring exhibitions—permit required.

Any club, corporation or association may conduct wrestling, boxing or sparring exhibitions in the city, provided, that a permit to conduct such exhibition shall be first obtained from the city manager. No permits shall be issued to any applicant unless evidence is produced that the applicant has complied with the requirements of the Virginia Athletic Commission, as set out in sections 9-16 to 9-48, Code of Virginia. (Code 1963, Sec. 2344)

State Law Reference: For state law relative to boxing and wrestling, see Code of Va., Secs. 9-16 to 9-48.

Sec. 13-1-35 reserved.

Editorial Note: Ord. No. 4837, § 2, adopted Oct. 19, 2013, repealed § 13-1-35 which pertained to massage parlors and derived from § 23-47 of the 1963 Code.

Sec. 13-1-36 Mooring, tying up, etc., vessels to city property without city council's permission; anchoring between pierhead line and city land without city council's permission; penalties for violations.

(a) Except as hereinafter provided for breakdown, distress or emergency, it shall be unlawful for any person to moor, tie up, beach or land any boat, ship, yacht or other vessel in, on or along the Potomac River, in the City of Alexandria, Virginia, at, to or upon any dock, wharf, pier, bulkhead, dolphin, buoy, piling, quay, shoreline, street extension or landing that is owned, used, operated, occupied or claimed by the City of Alexandria, Virginia, without first obtaining the permission of the City Council of the City of Alexandria, Virginia, or, where authorization to grant the above has been delegated to the city manager or his designee, the permission of the city manager or his designee.

(b) Except as hereinafter provided for breakdown, distress or emergency, it shall be unlawful for any person to anchor any boat, ship, yacht or other vessel in any portion of the Potomac River in the City of Alexandria, Virginia, between the pierhead line and land to the west thereof that is owned, used, operated, occupied or claimed by the City of Alexandria, Virginia, without first obtaining the permission of the City Council of the City of Alexandria, Virginia, or, where authorization to grant the above has been delegated to the city manager or his designee, the permission of the city manager or his designee.

(c) In the event of breakdown, distress or emergency, persons may moor, tie up, beach, land or anchor vessels with respect to the above-mentioned city property for a period of time not to exceed 72 hours. No person shall allow any vessel to remain moored, tied up, beached, landed or anchored in excess of 24 hours without first obtaining the permission of the city manager or his duly authorized representative. In no event shall the city manager or his representative grant permission to remain in excess of 30 days.

(d) The city manager or his designee is hereby authorized to grant the permission required under subsections (a) or (b), above, the commercial vessels when the use of the city dock, wharf, pier, bulkhead, dolphin, buoy, piling, quay, shoreline, street extension or landing by any commercial vessel shall not exceed four times per month. The city manager is further authorized to make such reasonable rules and regulations as may be necessary to administer the provisions of this chapter. Commercial vessels that dock more than four times per month must continue to seek city council authority as specified in this section.

(e) Any person violating any provision of this section shall, upon conviction thereof, be guilty of a class 3 misdemeanor. Each day that such violation continues shall constitute a separate offense. (Code 1963, Sec. 23-48; Ord. No. 2826, 6/28/83, Sec. 26; Ord. No. 2994, 12/15/84, Sec. 1; Ord. No. 3123, 4/12/86, Sec. 1)

§ 13-1-37 Public transit passenger vehicles, school buses, rail transit cars and rail transit stations—prohibited conduct.

(a) *Definitions.* The following words and phrases, when used in this section, shall have the following meanings:

(1) "Public transit passenger vehicle" means a passenger bus or other motor vehicle owned or operated by WMATA, the Alexandria Transit Company or the Fairfax Connector while the vehicle is transporting passengers in the city in regular route service or pursuant to a contract or charter agreement.

(2) "School bus" means a passenger bus or other motor vehicle owned or operated by the Alexandria city public schools while the vehicle is (i) transporting students to or from a school or school-related activities, or (ii) transporting passengers pursuant to a contract or charter agreement.

(3) "Rail car" means a passenger railroad car owned or operated by WMATA, Virginia Railway Express, AMTRAK or any other public or private corporation or organization that provides regularly scheduled rail passenger service to rail transit stations in the city.

(4) "Rail transit station" means a rail passenger terminal in the city at which rail cars stop periodically to pick up or discharge passengers.

(5) "AMTRAK" means the National Railroad Passenger Corporation, its successors in interest and all legal entities that provide rail passenger service to the general public under the corporate name "AMTRAK."

(6) "DOT" means the paratransit passenger service operated by the city's department of transportation and environmental services.

(7) "Fairfax Connector" means Ryder ATE, Inc., its successors in interest and all legal entities that provide public transit passenger vehicle service to the general public under the corporate name "Fairfax Connector."

(8) "Virginia Railway Express" means the regularly scheduled rail passenger service operated jointly by the Potomac and Rappahannock Transportation Commission and the Northern Virginia Transportation Commission, their successors in interest and all legal entities that provide rail passenger service to the general public under the name "Virginia Railway Express."

(9) "WMATA" means the Washington Metropolitan Area Transit Authority.

(b) It shall be unlawful for any passenger or occupant aboard a public transit passenger vehicle, school bus, rail car or DOT vehicle or for any person within any rail transit station or at any bus stop to:

(1) smoke or carry a lighted or smoldering pipe, cigar or cigarette, unless expressly permitted to do so by the operator or owner;

(2) consume food or drink, unless expressly permitted to do so by the operator or owner;

(3) expectorate;

(4) discard litter;

(5) play any radio, cassette recorder, compact disc player or other sound-generating device unless the device is connected to an earphone that limits the sound to the individual user;

(6) board any public transit passenger vehicle through the rear exit door unless directed to do so by an employee or agent of the carrier, with the exception of services utilizing off-board fare collection.

Any person convicted of violating this subsection (b) shall be guilty of a class 4 misdemeanor.

(c) It shall be unlawful for any passenger or occupant aboard a public transit passenger vehicle, school bus, rail car or DOT vehicle or for any person within any rail transit station or at any bus stop to:

(1) knowingly board a public transit passenger vehicle, rail car, or DOT vehicle without either paying the established fare or presenting a valid transfer or pass for such transportation;

(2) board a rail car or enter the paid area of the WMATA rail system without the farecard required for such entry;

(3) leave the paid area of the WMATA rail system after having traveled upon a rail car without having presented a valid farecard or otherwise paying the established fare; or

(4) refuse to pay the established fare on any public transit passenger vehicle, rail car or DOT vehicle, or at any rail transit station.

Any person who violates this subsection (c) shall be liable for a civil penalty in the amount of $100.

(d) It shall be unlawful for any passenger or occupant aboard a public transit passenger vehicle, school bus, rail car or DOT vehicle or for any person within any rail transit station to:

(1) carry any flammable liquids, live animals, birds, reptiles, explosives, acids or other hazardous materials, hazardous substances or hazardous waste, as those terms are defined in section 10.1-1400 of the Code of Virginia (1950), as

amended, except for guide dogs properly harnessed and accompanied by passengers with disabilities, and small animals properly packaged;

(2) stand in front of the white line marked on the forward end of the floor of any public transit passenger vehicle or school bus, or otherwise engage in conduct which obstructs the vision of the operator of the vehicle or bus;

(3) climb through a window or extend an arm, leg or head out of a window of any public transit passenger vehicle or school bus, except when necessary to preserve the safety of any person under emergency conditions;

(4) without a reasonable belief that an emergency requires the immediate evacuation of a public transit passenger vehicle, school bus or rail car, impede the opening of, interfere or tamper with or otherwise obstruct the operation or use of any window, door or other emergency exit of any public transit passenger vehicle, school bus or rail car; or

(5) stop, impede, interfere with or tamper with an escalator or elevator within or adjacent to a rail transit station or any part of the apparatus of such an escalator or elevator, or use an escalator or elevator emergency stop button, unless such action is taken with the knowledge or the reasonable good faith belief that an emergency makes such action necessary to preserve and protect human life or valuable property; provided, that this subsubsection shall not apply when such action is taken by an employee, contractor or contract employee of a rail transit system pursuant to that person's authorized duties or by a government employee or public safety official pursuant to that person's official duties. Any person convicted of violating this subsection (d) shall, for a first conviction thereof, be guilty of a class 3 misdemeanor. Any person convicted of a second or subsequent violation of this subsection within 12 months of the first conviction shall be guilty of a class 2 misdemeanor.

(e) It shall be unlawful for any passenger or occupant aboard a public transit passenger vehicle, school bus or rail car, or for any person within any rail transit station in the city, to refuse to leave the bus, rail car or rail transit station after having been ordered to do so by the operator of the bus or rail car or by any other employee or agent of the operator or owner of the bus, rail car or rail transit station. Any person convicted of violating this subsection (e) shall be guilty of a class 1 misdemeanor. (Code 1963, Sec. 23-49; Ord. No. 2903, 2/25/84, Sec. 1; Ord. No. 3036, 5/18/85, Sec. 1; Ord. No. 3055, 6/15/85, Secs. 1, 2; Ord. No. 3448, 4/21/90, Sec. 1; Ord. No. 3478, 11/17/90, Sec. 1; Ord. No. 3908, 1/25/97, Secs. 1, 2; Ord. No. 4887, 6/14/14, Sec. 1)

Editorial Note: Ord. No. 3908, § 1, adopted January 25, 1997, repealed § 13-1-37, which pertained to Washington Metropolitan Area Transit Authority buses, rail transit cars and rail transit stations, school buses and Alexandria Transit buses—prohibited conduct. Section 2 of said ordinance enacted provisions designated as a new § 13-1-37, to read as herein set out.

Cross Reference: Smoking prohibitions, Title 11, Ch. 10.

Sec. 13-1-38 Soliciting for immoral purposes prohibited.

It shall be unlawful for any person to solicit, invite, entice, persuade or address for the purposes of soliciting, inviting, enticing or persuading any person for the purpose of prostitution or any other immoral purpose. Soliciting, inviting, enticing or persuading for the purpose of prostitution includes, but is not limited to, remaining at or wandering about a public place; and one (1) repeatedly beckoning, repeatedly stopping, repeatedly attempting to stop, or repeatedly attempting to engage passersby in conversation; (2) stopping or attempting to stop motor vehicles; or (3) repeatedly interfering with the free passage of other persons for the purpose of prostitution. For the purposes of this section, "prostitution" means the engaging, agreeing to engage or offering to engage in sexual acts or contacts with another person in return for a fee or other thing of value, and "public place" means any street, sidewalk, bridge, alley, plaza, park, driveway, parking lot, transportation facility or the doorways and entranceways to any building which fronts on any of these locations, or a motor vehicle in or on any such place. In addition to any penalty provided by law, any person convicted of violating this section may be required by the court to submit to a physical examination by the department of health of the city, or any physician designated by the court, within 10 days and to report the results of such examination to the court within 20 days following such examination. (Ord. No. 2734, 11/13/82, Sec. 1)

Sec. 13-1-39 Hours of operation for amusements and entertainments.

It shall be unlawful for any person to operate any amusement or entertainment specified in sections 9-1-53 and 9-1-82 of this code within 200 feet of the building line of any residence between the hours of 2:00 a.m. and 7:00 a.m. (Ord. No. 2811, 5/24/83, Sec. 1)

Sec. 13-1-40 Metal detecting and digging on city property.

(a) Except as provided in subsections (b), (c) and (d), it shall be unlawful for any person, while located on city property, to:

(1) possess or use a mineral or metal detector or any other device or probe to search for objects in, on or below the surface of the soil;

(2) dig, excavate or in any other way disturb the surface of the soil;

(3) remove any object found in, on or below the surface of the soil.

(b) Notwithstanding the prohibitions in subsections (a)(1) and (a)(3), permission may be obtained from the director of the department of recreation, parks and cultural activities, or his designee, to use a metal detector on city property to locate and recover a specific item of personal property which has been lost by the person requesting such permission.

(c) Notwithstanding the prohibitions in subsection (a)(2), permission to dig on or excavate specific city property may be granted by the city manager, after review of and favorable recommendation on the request by the city archaeologist. Any objects found as a result of such permitted digging or excavation shall remain the property of the city. Any person receiving permission under this subsection shall, at the completion of the work, restore the city property to its previous condition.

(d) This section shall not apply to activities conducted by city employees during the course of their duties.

(e) Any person violating this section shall, upon conviction, be guilty of a class three misdemeanor. Each day that a violation continues or occurs shall constitute a separate offense. (Ord. No. 3355, 1/14/89, Sec. 1)

Sec. 13-1-41 Panhandling.

(a) *Definitions.* The following words and phrases, when used in this section, shall have the following meanings:

(1) *Aggressive manner* means:

(i) approaching, speaking to or following a person in a manner that would cause a reasonable person to fear imminent physical injury, or the imminent commission of a criminal act upon the person or upon property in the person's immediate possession;

(ii) touching another person without that person's consent;

(iii) intentionally blocking or interfering by any means with the free passage of a person; or

(iv) engaging in any conduct with the intention of intimidating another person into giving money or goods to any person.

(2) *Panhandle* or *panhandling* means doing any of the following acts:

(i) begging, soliciting or asking for any item of value, monetary or otherwise;

(ii) attempting to sell or obtain compensation for an item or service for or in an amount that is at least twice its value, or an item or service that is already offered or available at no charge to the general public; or

(iii) attempting to sell or obtain compensation for an item or service under circumstances that would lead a reasonable person to conclude that the payment is in substance a donation.

(3) *Public place* means any street, sidewalk, alley, park, bridge, parking lot or other public property within the city, excluding any building or other structure, that is open to the general public;

(4) *Travel lane* means the portion of a public street over which motor vehicles travel.

(b) *Prohibited acts.* It shall be unlawful for any person while in the city:

(1) to panhandle in an aggressive manner in or on any public place;

(2) to panhandle in an aggressive manner in any public transportation vehicle, including busses and trains;

(3) to panhandle in an aggressive manner within any train, Metro or other mass transit station or in or on any sidewalk, roadway or parking lot serving any such station and under the control of the owner or operator of such station;

(4) to panhandle within 15 feet of any automatic teller machine; and

(5) to panhandle or, as a result of panhandling, to receive money or any other item of value, while standing or otherwise present in a travel lane, from any operator or occupant of a motor vehicle located in a travel lane.

(c) Any person convicted of violating this section shall be guilty of a class 3 misdemeanor. (Ord. No. 3716, 4/16/94, Sec. 1)

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CHAPTER 2

Weapons

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ARTICLE A

General Provisions

State Law References: Carrying dangerous weapons to place of religious worship or on Sunday, Code of Va., Sec. 18.2-283; Carrying concealed weapons, Code of Va., Sec. 18.2-308; furnishing pistols, dirks or bowie knives to a minor under eighteen years of age, Code of Va., Sec. 18.2-309; sale, etc., of toy firearms, Code of Va., Sec. 18.2-284.

Sec. 13-2-1 Concealed weapons.

(a) Except as provided in subsections (a) through (d), any person who carries about his person, hidden from common observation, any handgun or other weapon designed or intended to propel a missile of any kind, dirk, bowie knife, switchblade knife, ballistic knife, razor, slingshot, spring stick, metal knucks, blackjack, any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nunchuck, nunchaku, shuriken or fighting chain, disc of whatever configuration having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, shall be guilty of a class 1 misdemeanor, and such weapon shall, by order of the court, be forfeited to the city and may be seized by an officer as forfeited, and any forfeited weapons that may be needed for police officers and conservators of the peace shall be devoted to that purpose, and the remainder shall be destroyed by the officer having them in charge.

(b) This section shall not apply to the following persons and, where noted, only when engaged in certain activities:

(1) any person while in his own place of abode or the curtilage thereof; and

(2) any police officers, sheriffs, deputy sheriffs or regular game wardens appointed pursuant to section 29.1-200, et seq., of the Code of Virginia (1950), as amended;

(3) any regularly enrolled member of a target shooting organization who is at, or going to or from, an established shooting range provided that the weapons being carried are unloaded and securely wrapped while being transported;

(4) any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition provided that the weapons are unloaded and securely wrapped while being transported;

(5) any person carrying such weapons between his place of abode and a place of purchase or repair provided the weapons are unloaded and securely wrapped while being transported;

(6) any person actually engaged in lawful hunting, as authorized by the state board of game and inland fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions; and

(7) any state police officer who has retired from the department of state police and any local law enforcement officer who has retired from a police department or sheriff's office within the commonwealth, who retired with a service disability or following at least 15 years of service, excluding any person terminated for cause; provided that such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law enforcement officer of the agency from which the officer retired.

(c) This section shall not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

(1) carriers of the United States mail;

(2) officers or guards of any state correctional institution;

(3) campus police officers appointed pursuant to section 23-232, et seq., of the Code of Virginia (1950), as amended;

(4) conservators of the peace, except that the following conservators of the peace shall not be permitted to carry a concealed weapon without obtaining a permit therefor:

a. notaries public;

b. registrars;

c. drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire;

d. commissioners in chancery; and

e. noncustodial employees of the department of corrections designated to carry weapons by the secretary of public safety or the director of the department of corrections pursuant to section 53.1-29 of the Code of Virginia (1950), as amended;

(5) law enforcement agents of the armed forces of the United States and federal agents who are otherwise authorized to carry weapons by federal law while engaged in the performance of their duties; and

(6) law enforcement agents of the United States naval criminal investigative service.

(d) This section's prohibition against the carrying of any handgun shall not apply to any person possessing a valid concealed handgun per-

mit issued pursuant to and in accordance with section 18.2-308 of the Code of Virginia (1950), as amended. For purposes of this section, "handgun" means any pistol or revolver or other firearm, except a machine gun, originally designed, made and intended to fire a projectile by means of an explosion from one or more barrels when held in one hand.

(e) Any person who applies to the clerk of the Alexandria Circuit Court for a permit to carry a concealed handgun, under section 18.2-308 of the Code of Virginia (1950), as amended, shall, as part of the application process, submit to fingerprinting by the chief of police and provide personal descriptive information as required by the chief of police. The applicant's fingerprint cards and personal descriptive information shall be forwarded by the chief of police to the Virginia state police for a state criminal history records check. The state police shall forward a fingerprint card and the descriptive information to the Federal Bureau of Investigation for a national criminal history records check. Upon completion of the state and national criminal history records checks, the state police are to return the fingerprint cards to the chief of police. Following the completion of the records checks, the chief of police shall notify the applicant in writing that he has 21 days from the date of the notice to request the return of the fingerprint cards prepared pursuant to this section that are in the possession of the police department. Any cards not claimed by an applicant within this 21-day period shall be destroyed. Fingerprints taken for the purposes described in this section shall not be copied, held or used for any other purpose. (Code 1963, Sec. 41-1; Ord. No. 2826, 6/28/83, Sec. 27; Ord. No. 3936, 6/14/97, Sec. 1)

Sec. 13-2-2 Sale, etc., of blackjacks, brass knucks, etc.

If any person sell or barter, or exhibit for sale or for barter, or give or furnish, or cause to be sold, bartered, given or furnished, or have in his possession, or under his control, with the intent of selling, bartering, giving or furnishing any blackjack, brass or metal knucks, switchblade knife or like weapons, the person shall be guilty of a class 4 misdemeanor. The having in one's possession of any such weapon shall be prima facie evidence, except in the case of a conservator of the peace, of his intent to sell, barter, give or furnish the same. (Code 1963, Sec. 41-2; Ord. No. 2826, 6/28/83, Sec. 28)

State Law Reference: For similar state law, see Code of Va., Sec. 18.2-311.

Sec. 13-2-3 Discharge of firearms.

Any person who willfully discharges or causes to be discharged any firearm in the city shall be guilty of a class 1 misdemeanor; provided that this section shall not apply to any law enforcement officer in the performance of his official duties, or to any other person whose said willful act is otherwise justifiable or excusable at law in the protection of his life or property or is otherwise specifically authorized by law. (Code 1963, Sec. 41-3; Ord. No. 2826, 6/28/83, Sec. 29; Ord. No. 3333, 10/15/88, Sec. 1)

Charter Reference: Power of city as to discharge of firearms, Sec. 2.04(o).

State Law Reference: Shooting in street or place of public resort, Code of Va., Secs. 18.2-280, 33-287.

Sec. 13-2-4 reserved.

Editorial Note: Ord. No. 4616, § 2, adopted Sept. 12, 2009, repealed § 113-2-4 which pertained to carrying loaded firearms and derived from § 41-4 of the 1963 Code.

Sec. 13-2-5 Sale of switch-blade knives to minors prohibited.

If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor. (Code 1963, Sec. 41-5; Ord. No. 2826, 6/28/83, Sec. 30)

Sec. 13-2-6 Transporting loaded weapons.

It shall be unlawful for any person to transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road or highway in the city. The provisions of this section shall not apply to duly authorized law enforcement officers or military personnel in the performance of their lawful duties, or to any person who reasonably believes that a loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business. Any person violating this section shall be punished by a fine not to exceed $100. (Ord. No. 3432, 1/20/90, Sec. 1)

Sec. 13-2-7 Prohibiting shooting of compound bows, crossbows, longbows and recurve bows.

It shall be unlawful for any person to shoot an arrow from a bow in a manner that can be reasonably expected to result in the impact of the arrow upon the property of another without per-

mission from the owner or tenant of such property. Any person violating this section shall be guilty of a class 4 misdemeanor. (Ord. No. 4613, 9/12/09, Sec. 2)

Secs. 13-2-8 through 13-2-20 reserved.

ARTICLE B

Transfer or Sale of Pistols or Revolvers

DIVISION 1

Generally

Sec. 13-2-21 Display of pistols or revolvers.

No pistol, revolver or imitation thereof or placard advertising the sale thereof shall be displayed so it can readily be seen from the outside of the premises of any pistol or revolver dealer. (Code 1963, Sec. 41-6)

Sec. 13-2-22 Condition of pistol or revolver when delivered to purchaser.

Every pistol or revolver sold or otherwise disposed of by a pistol or revolver dealer shall be securely wrapped and unloaded when delivered. (Code 1963, Sec. 41-7)

Sec. 13-2-23 Procedure for sale of pistols or revolvers; sale to certain persons prohibited.

(a) Every person desiring to purchase or otherwise acquire in the city a pistol or revolver shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol or revolver, containing his full name, address, occupation, color, place and date of birth, height and weight, some descriptive mark of identification, the date and hour of the application, the caliber, make, model and manufacturer's number of the weapon to be acquired and a statement that he has never been convicted of a crime of violence. The seller or person disposing of the weapon shall within six (6) hours after the application, sign and attach his address and deliver one (1) copy of the application to the chief of police, and he shall retain the other copy for five (5) years. Forms for such application shall be furnished by the police chief at the expense of the city. It shall be unlawful for any person to give false information or offer false evidence of his identity in making an application or in acquiring a pistol or revolver. No person shall within the city deliver or otherwise dispose of a pistol or revolver until 72 hours shall have elapsed from the time of the application.

(b) No person shall within the city sell or otherwise dispose of a pistol or revolver to a person

whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under the age of 18 years, is a drug addict or is a person who has been convicted of a crime of violence.

(c) If, within the 72 hour waiting period required by this section, the police chief or anyone designated by him shall inform the proposed seller or person proposing to dispose of a pistol or revolver that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under the age of 18 years, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is so unqualified to acquire such weapon.

(d) A crime of violence, as used in this section, shall be taken to mean murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnapping, burglary, house-breaking, robbery, larceny, assalt with intent to kill, commit rape or robbery, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment in the penitentiary or an attempt to commit any of such crimes. (Code 1963, Sec. 41-8)

Sec. 13-2-24 Record of pistols or revolvers sold or disposed of.

Every person delivering or disposing of a pistol or revolver shall make in duplicate a true record of every such weapon sold or otherwise disposed of, which record shall be personally signed by the purchaser or person receiving the weapon and also by the person making the sale or disposition in the presence of each other. This record shall be in such form and shall contain such information as the chief of police may precribe, the forms to be furnished at the expense of the city and one (1) copy thereof shall be forwarded, within seven (7) days after sale or disposition, to the chief of police. (Code 1963, Sec. 41-9)

Sec. 13-2-25 Dealers' record of purchases.

A true record of purchases of pistols or revolvers made by dealers in pistols or revolvers shall be kept in ink, in a book kept for the purpose by every dealer in pistols or revolvers, which record shall contain the date of purchase, the caliber, make, model and manufacturer's number of the weapon. (Code 1963, Sec. 41-10)

Sec. 13-2-26 Exception as to toy pistols or revolvers.

This article shall not be construed to apply to toy pistols or toy revolvers. (Code 1963, Sec. 41-11)

State Law Reference: Sale, etc., of toy firearms, Code of Va., Sec. 18.2-284.

Sec. 13-2-27 Compliance with article.

It shall be unlawful for any person to fail, refuse or neglect to comply with the provisions of this article. (Code 1963, Sec. 41-12)

Secs. 13-2-28 through 13-2-40 reserved.

DIVISION 2

Permits for Engaging in Business as Dealers

State Law Reference: Payment of license tax by pistol dealers, see Code of Va., Sec. 58-394.

Sec. 13-2-41 Required.

Any person desiring to engage in the business of selling or dealing in pistols or revolvers in the city at retail shall obtain from the chief of police a permit to deal in such weapons. This permit shall be in addition to the revenue license required by section 58-394, of the Code of Virginia, and of any city revenue license. (Code 1963, Sec. 41-13)

Sec. 13-2-42 Application.

The application for a pistol and revolver dealer's permit shall give the real name of the applicant, or applicants, if a firm, and of the officers and manager if a corporation, and also the trade name, if any and the place of business. (Code 1963, Sec. 41-14)

Sec. 13-2-43 Issuance or refusal after investigation.

The chief of police shall issue a pistol and revolver dealer's permit to the applicant upon being satisfied, after investigation, that the applicant is a fit and proper person, or in a case of a corporation, the officers and manager are fit and proper persons, to engage in such business; otherwise he shall refuse the permit. (Code 1963, Sec. 41-15)

Sec. 13-2-44 Term; fee.

Pistol and revolver dealers' permits shall be issued for a period not to exceed one (1) year, and a fee of six dollars ($6.00) shall be charged therefor. (Code 1963, Sec. 41-16)

Sec. 13-2-45 Location of business.

Each pistol and revolver dealer's permit shall indicate the location at which the holder of the permit may engage in business thereunder. Every pistol and revolver dealer obtaining a permit under the provisions of this division shall carry on the business covered by the permit only in the location designated in the permit. (Code 1963, Sec. 41-17)

Sec. 13-2-46 Display.

Every pistol and revolver dealer's permit issued under authority of this division shall be displayed, at the location indicated in the permit, where it can be easily read. (Code 1963, Sec. 41-18)

Sec. 13-2-47 Revocation.

The pistol or revolver dealer's permit of any person shall be revoked by a committee to be composed of the city manager, the mayor, a member of council to be named by the mayor, and the chief of police, after notice and opportunity to be heard, for violation of any provision of this article or because of after discovered or new facts deemed sufficient to the committee to make the holder of the permit an unfit and improper person to engage in such business. (Code 1963, Sec. 41-19)

Secs. 13-2-48 through 13-2-60 reserved.

ARTICLE C

Suspension of Article B During Emergencies

Sec. 13-2-61 Temporary suspension.

Whenever the city council enacts an emergency ordinance which declares a state of emergency and temporarily prohibits the transfer of firearms, pocketknives, daggers or dirks with blades longer than two inches, within the city, the provisions of title 13, chapter 2, article B shall be suspended and of no force or effect until the state of emergency set forth in the emergency ordinance has been ended by the joint order of both the chief of police and the city manager or by the vote of four members of the city council of the city. (Code 1963, Sec. 41-19.1)

Secs. 13-2-62 through 13-2-70 reserved.

ARTICLE D

Air Guns

Sec. 13-2-71 Definition.

For the purpose of this article, the word "air gun" shall mean any air rifle, BB gun, spring gun or similar gun or device for the propulsion of shot or other metal pellet by means of compressed air, mechanical spring action or other mechanical method, but shall not mean a firearm. (Code 1963, Sec. 41-20)

Sec. 13-2-72 Sale, etc., to person under 18 years of age—prohibited.

It shall be unlawful for any person to sell, lend, rent or otherwise transfer an air gun or projectiles therefor to any person whom he knows or has reasonable cause to believe is under 18 years of age. (Code 1963, Sec. 41-21)

Sec. 13-2-73 Same—false statement of age.

It shall be unlawful for any person falsely to represent himself to be 18 years of age or over in order to obtain an air gun. (Code 1963, Sec. 41-22)

Sec. 13-2-74 Discharge in city—prohibited.

It shall be unlawful for any person to discharge an air gun within the city. This section shall not be construed to prohibit the council from granting permission for the maintenance of shooting galleries or target ranges under suitable regulations. (Code 1963, Sec. 41-23)

Sec. 13-2-75 Same—transferee to be informed.

Any person who sells, rents or lends an air gun shall inform the person to whom it is transferred that it is unlawful to fire or discharge the air gun within the city. (Code 1963, Sec. 41-24)

ARTICLE E

Ammunition

Sec. 13-2-76 Definition.

For the purpose of this article, the term "restricted handgun ammunition" shall mean any cartridge designed primarily for use in a handgun containing a bullet that is coated with or contains in whole or in part teflon such as the KTW type, or is known commercially as "French Arcane." Nothing contained in this article shall pertain to ammunition from which the propellant has been removed or the primer has been permanently deactivated. (Ord. No. 2716, 9/28/82, Sec. 1)

Sec. 13-2-77 Unlawful conduct.

It shall be unlawful for any person within the city to possess, manufacture or sell restricted handgun ammunition; provided, however, that nothing contained in this article shall prohibit the sale to, purchase by or possession of any ammunition by the military or naval forces of the commonwealth or of the United States for use in the discharge of their official duties. (Ord. No. 2716, 9/28/82, Sec. 1)

Sec. 13-2-78 Regulations.

The city manager shall establish regulations for the testing and evaluation of suspected, restricted handgun ammunition, and fees therefor; shall maintain a public record of the ammunition so evaluated; and shall provide a mechanism by which all restricted handgun ammunition may be turned in to city authorities. (Ord. No. 2716, 9/28/82, Sec. 1)

Sec. 13-2-79 Penalties.

Any person violating any provision of this article shall, upon conviction thereof, be punished by a fine of not more than $500 or by imprisonment not exceeding six months. In addition to any penalty, the court may require any person convicted of violating the provisions of this article to give bond for one year to assure compliance with the provisions of this article. In addition to any other remedy provided herein or in place thereof, failure to comply with any provisions of this article may be enjoined by an appropriate proceeding instituted in a court of competent jurisdiction by the city attorney. (Ord. No. 2716, 9/28/82, Sec. 1)

CHAPTER 3

Offenses Against the Administration of City Government

Cross Reference: General government, Tit. 2.

§ 13-3-1 Obstructing administration of city government.
§ 13-3-2 False statements or entries in city proceeding.

Sec. 13-3-1 Obstructing administration of city government.

(a) Whoever without just cause knowingly obstructs any officer or employee of the City of Alexandria in the performance of his duties as such, or any person giving testimony at any proceeding held before such officer or employee, or fails or refuses to cease such obstruction when requested to do so by such officer, employee or person giving testimony, shall be guilty of a class 4 misdemeanor.

(b) Whoever, by threats or force, knowingly intimidates or impedes any officer or employee of the City of Alexandria lawfully engaged in the performance of his duties as such or any person giving testimony at any proceeding held before such officer or employee shall be guilty of a class 1 misdemeanor.

(c) Whoever knowingly attempts, or knowingly aids or abets another, to violate the provisions of this section shall be guilty of a class 4 misdemeanor if the violation arises under subsection (a) and of a class 1 misdemeanor if the violation arises under subsection (b). (Ord. No. 3465, 6/16/90, Sec. 1)

Sec. 13-3-2 False statements or entries in city proceeding.

(a) Whoever, in any matter within the jurisdiction of any officer, department or agency of the City of Alexandria, knowingly falsifies, conceals or covers up by trick, scheme or device, a material fact, or knowingly makes any false, fictitious or fraudulent statements or representations, or makes or uses any writing or document knowing the same to contain a false, fictitious or fraudulent statement or entry, shall be guilty of a class 1 misdemeanor.

(b) Whoever knowingly attempts, or knowingly aids or abets another, to violate the provisions of this section shall be guilty of a class 1 misdemeanor.

(c) Notwithstanding any other penalty or provision of law, violation of this section shall be

grounds for the city to revoke any city permit, approval or other benefit issued or provided in reliance upon such violation.

(d) This section shall not apply to any commercial dealing subject to the Virginia Governmental Frauds Act, Virginia Code section 18.2-498.1 et seq. (Ord. No. 3465, 6/16/90, Sec. 1)

APPENDIX A

ORDINANCES VACATING OR CLOSING STREETS AND OTHER PUBLIC WAYS

Ordinance Number	Date	Type of Property	Description/Owner
2665	3-13-82	Alley	Project Block 8 of the DIP
2669	3-13-82	Sewer easement	Norman V. Cockrell, et ux
2679	5-15-82	22-foot emergency vehicle easement	W. V. Ford, et ux
2687	5-25-82	Public right-of-way and alley (Union Street)	Bounded by Cameron, Queen and Lee Streets and the Potomac River
2688	5-25-82	Public right-of-way (Cameron Street)	Bounded by North Union, Queen and King Streets and the Potomac River
2689	5-25-82	Public right-of-way (North Union Street)	Bounded by Cameron and Lee Streets, Fayette Alley and the Potomac River
2701	6-12-82	22-foot emergency vehicle easement	L & Z Associates, 501 Bashford Lane
2703	6-12-82	22-foot emergency vehicle easement	Jefferson Memorial Hospital, 4600 King Street
2704	6-12-82	Two portions of existing 22-foot emergency vehicle easement	South Picket Associates, southeast corner of South Picket Street and Burnside Place
2705	6-22-82	Public right-of-way (Franklin Street)	Bounded by South Washington and South Saint Asaph Streets
2717	9-28-82	Public right-of-way (Wheeler Avenue)	East of South Floyd Street
2726	10-16-82	Portion of emergency vehicle easement	G. T. Halpin, Trustee, north of Second Street and est of East Abingdon Drive
2738	11-13-82	Emergency vehicle easements	Cloud's Mill Subdivision, 5249 Duke Street
2751	12-14-82	Public right-of-way (Franklin Street)	Cummings Investment Associates, Inc., south side of Franklin Street between east side of Potomac Street and west side of South Union Street
2755	12-14-82	20-foot sanitary sewer easement	1401 North Pegram Street
2764	1-26-83	10-foot sanitary sewer easement	Alexandria Medical and Professional Plaza, Duke Street and Longview Drive
2797	5-14-83	Alley	1800 block of Duke Street
2798	5-14-83	Public right-of-way (South Columbus Street)	Between Church Street and Interstate Route 495
2812	5-24-83	Alley	Between King Street and North Henry Street
2822	6-28-83	Variable width emergency vehicle ease-easement	Giammittorio and Berdheim, trustees for Circumferential Terminals (Partnership) on South Van Dorn Street
2823	6-28-83	30-foot outlet road and 10-foot street dedication	South Bragg Street
2831	6-28-83	Emergency vehicle easements	BuildAmerica Six property on south side of 4800 block of Eisenhower Avenue
2839	6-29-83	Alley	East side of South Columbus Street north of Wolfe Street
2846	9-17-83	22-foot emergency vehicle easement	Parcel 3272-01-01, Battery Hill Development, on North Howard Street
2847	9-17-83	20-foot emergency vehicle easement	Foxchase Shopping Center, on Duke Street

Ordinance Number	Date	Type of Property	Description/Owner
2866	10-25-83	Public right-of-way (Eisenhower Avenue)	5301 Eisenhower Avenue
2886	12-19-83	10-foot sanitary sewer easement	Virginia Village, between Portner Road and West Abingdon Drive
2887	12-19-83	Portions of emergency vehicle easements	Parcel 77.00-02-01, on Eisenhower Avenue, Tavern Square Corporation and R.L. Travers Partnership
2892	12-19-83	Public right-of-way (south side of Franklin Street)	Between Washington Street and South St. Asaph Street, Yates Gardens Associates Limited Partnership
2893	12-19-83	15- and 20-foot storm drainage easements and 10-foot sanitary sewer easement	3101 Park Center Drive, Stone Tract Associates
2929	6-18-84	Portions of Duke Street and Strand Street	Duke Street to the Potomac River, east of Strand Street; Strand Street south of the south line of Duke Street
2973	9-25-84	Service road adjacent to South Van Dorn Street and a portion of Courtney Avenue.	East side of South Van Dorn Street and north of the Southern Railway tracks
2979	10-23-84	Portion of Madison Street	Easternmost 150 feet of right-of-way, east of Lee Street, up to Potomac River water line
2984	11-17-84	Portion of Cameron Street	Eastermost 145.09 feet of right-of-way, east of Union Street, up to Potomac River pierhead line
2991	12-11-84	Portion of Daingerfield Road and portion of South Peyton Street	Duke Associates Joint Venture; just north of Duke Street to intersection with Duke Street
3010	2-23-85	Portion of the westernmost emergency vehicle easement at Brighton Square Townhouses	North side of West Glebe Road
3032	4-13-85	Portion of Reinekers Lane south of Prince Street	Charles R. Hooff
3052	6-15-85	Emergency vehicle easements	Crestview Gardens on South Whiting Street
3072	9-14-85	Portion of southeast corner of West Glebe Road and Old Dominion Boulevard, 194 feet east along Glebe	Beverly Hills Manor
3075	9-14-85	Amends Ord. No. 3032	
3090	11-16-85	Emergency vehicle easement	Old Colony Motor Lodge, 621 First Street
3091	11-16-85	Emergency vehicle easements	Abingdon Apartments, Abingdon Drive and Slaters Lane
3098	12-14-85	Emergency vehicle easements	Repeals Ord. No. 3010; Brighton Square Townhouses, north side of West Globe Road
3103	1-18-86	10-foot Sanitary sewer and 8-foot water line easements	Bradlee Shopping Center, between Braddock Road and King Street
3103	1-18-86	10-foot sanitary sewer and 8-foot water line easements	Bradlee Shopping Center, between Braddock Road and King Street

Ordinance Number	Date	Property	Description/Owner
3115	3-22-86	Elizabeth Street, 16-foot alley and portions of Ballenger Street on south side of 1900 block of Duke Street	1900 Duke Street Associates and Development Resources, Inc.
3116	3-22-86	Portion of South Dove Street	Mark Louis D'Arezzo
3119	4-12-86	Utility easement	1800 Diagonal Road
3126	5-17-86	Unnamed street right-of-way, near intersection of Rosecrest Avenue and West Custis Avenue	Rachel Pluhar, 10 Rosecrest Avenue
3139	6-14-86	16-foot sanitary storm sewer easement	Alexandria Roller Rink, block bounded by North Saint Asaph, North Pitt, Madison and Montgomery Streets
3140	6-14-86	22-foot emergency vehicle easement and 7½-foot sanitary sewer easement	50 South Pickett Street and 5101 Duke Street
3161	11-24-86	Emergency vehicle easement	3500 King Street
3162	11-24-86	Portions of alley	306 Duke Street
3165	11-24-86	Portions of 10-foot and 18-foot alleys	In block bounded by North Henry, North Fayette, Wythe and Madison Streets
3177	1-24-87	Dedicated, but unopened right-of-way	Between Janney's Lane and Vassar Road
3179	1-24-87	Portion of Ellsworth Street	Alexandria Redevelopment and Housing Authority
3187	3-21-87	Courtland Avenue	Between Old Dominion Boulevard and Elbert Avenue
		Charles Avenue	Between Courtland Avenue and West Glebe Road
		Easterly portion of unnamed street	Between Charles Avenue and Old Dominion Boulevard
3193	3-24-87	Dedicated, but unimproved right-of-way	West side of Kenwood Avenue at intersection with King Street
3206	5-18-87	Outlet Road, 25 feet wide	3414 Mt. Vernon Avenue
3207	5-18-87	Variable width emergency vehicle and refuse collection easement; 10-foot sanitary sewer easement	Colonial Heights cluster townhouses, Duke Street
3230	6-24-87	Portion of North Breckinridge Place	Combined Properties, Inc.
3240	10-19-87	Belvoir and Williams Streets, Unnamed Street #1, #2, and #3, a portion of Ellsworth Place, Maiden Lane, Rutgers Place	North side of the 3100 and 3200 blocks of Duke Street
3243	10-19-87	Public right-of-way; Mill Road and Cameron Mill Race	2411 through 2425 Mill Road
		And dedication of land abutting Mill Road near Telegraph Road overpass for street right-of-way	Telegraph-Mill Road Associates Partnership, Inc.
3257	12-12-87	280 Yoakum Parkway	Four easements; Plats A through D
3276	2-27-88	Two portions of an unnamed outlet road	Between North Latham Street and Raleigh Avenue
3281	3-12-88	22-foot emergency vehicle easement	Perpendicular to Braddock Road, extending into Blessed Sacrament site (1415 West Braddock)
3284	4-16-88	Portion of Powhatan Street	East of intersection of Powhatan and Bernard Streets

Ordinance Number	Date	Property	Description/Owner
3290	4-26-88	Portion of 30th Street and Ford Avenue	30th Street south of King Street and portion of Ford Avenue west of 30th Street
3294	5-14-88	Portion of Laura Lane	619 square feet at the intersection of Laura Lane and Old Dominion Boulevard
3295	5-14-88	Emergency vehicle easements	700 South Pickett Street
3303	6-18-88	Storm sewer easement	Northeast corner of the 1.07-acre parcel of land at the 800 block of North Fayette Street and Braddock Place
3304	6-18-88	Portion of West Windsor Avenue	Portion of West Windsor Avenue which abuts the northern boundary of property at 2000 Russell Road
3305	6-18-88	15-foot storm sewer easement	Southwest corner of North West Street and Braddock Road
3306	6-18-88	10-foot sanitary sewer easement	1711 Duke Street
3307	6-18-88	Emergency vehicle easement	Property which surrounds the existing store buildings at Landmark Shopping Center, 5839 Duke Street
3308	6-18-88	Sanitary sewer easement	5839 Duke Street
3347	12-17-88	Three alleys	Within the block bounded by Wythe, North Fayette, Madison and North Henry Streets
3348	12-17-88	Portion of public right-of-way	Adjacent to 112 and 114 Franklin Street
3349	12-17-88	Storm and sanitary sewer easement	1703 Dogwood Drive
3357	2-25-89	Triangular-shaped 763-square-foot portion of public right-of-way	West side of the 4600 block of West Braddock Road
3358	2-25-89	Quayle Street	Public right-of-way located on the south side of Duke Street, lying between South Pickett Street and Reynolds Street
3360	2-25-89	Portion of 10-foot sanitary sewer easement	Park Center property 4350, 4400 King Street
		15-foot drainage easement	Park Center property 4350, 4400 King Street
		Portion of 25-foot storm and sanitary sewer easement	Park Center property 4350, 4400 King Street
		25-foot temporary storm drainage easement	Park Center property 4350, 4400 King Street
		Portions of public street easement	Park Center property 4350, 4400 King Street
3361	3-18-89	Portion of public right-of-way	Adjacent to 630 South Royal Street
3369	4-15-89	Portion of right-of-way	Portion of Old Mount Vernon Avenue, near the intersection of Old Dominion Boulevard
3378	5-13-89	Five emergency vehicle easements and a storm drainage easement	1801—1901 North Beauregard Street
3389	6-17-89	25-foot-wide, 304-foot-long sanitary and storm drainage easement	116 South Quaker Lane

Ordinance Number	Date	Type of Property	Description/Owner
3424	12-16-89	Eight-foot wide bicycle trail easement	4600 Duke Street
3425	12-16-89	Sanitary and storm water sewer easements	Lot 605 with the Quaker Hill Condominiums
3426	12-16-89	Portion of public right-of-way	632 South Fairfax Street
3427	12-16-89	Portion of public alley	Rear of 2 East Glendale Avenue
3428	12-16-89	Portion of public right-of-way of Franklin Street	639 South Saint Asaph Street
3429	12-16-89	Portion of public alley	1 East Luray Avenue
3438	2-24-90	Triangular parcel of unimproved land	Adjacent to 2655 Duke Street
3444	3-24-90	Portion of Roberts Lane	South of Mill Road
3454	5-12-90	Elizabeth Street, Ballenger Street and two alleys adjacent to Elizabeth Street	CNS Partnership
3478	10-13-90	Portion of public alley	Between properties at 2 and 6 East Glendale Avenue and property at 3 East Luray Avenue
3497	2-23-91	Portion of public right-of-way of Franklin Street	Adjacent to 513 Franklin Street
3510	4-13-91	Utility and sanitary and storm sewer easements	3127 Duke Street
3563	4-25-92	Portion of sidewalk and utility easement	701 South Pitt Street
3593	9-12-92	Storm sewer easement	1775 Duke Street
3605	12-12-92	Public alleys	Abutting the Foxchase Shopping Center at 4501—4601 Duke Street
3645	6-12-93	Portion of Mill Road	2901 Eisenhower Avenue and 233 Telegraph Road
3662	9-18-93	Public alley	Adjacent to the eastern boundary of the property located at 228 East Monroe Avenue
3676	10-16-93	Portion of public right-of-way	Monroe Avenue (abandoned) and North Henry Street (abandoned) between Slaters Lane and Powhatan Street
3683	11-13-93	Portion of public right-of-way	Running in a north-south direction along a portion of the eastside of the 100 block of North Alfred Street
3687	12-11-93	Portion of public right-of-way	600 and 700 blocks of North Armistead Street
3695	1-22-94	Portion of public alley	Mark Horowitz, immediately behind 103 West Monroe Street
3703	2-12-94	16 square foot portion of South Union Street	Cook Inlet Region of Virginia, Inc., 759 Battery Place
3704	2-12-94	Portion of a 10-foot alley right-of-way	Alexandria Redevelopment and Housing Authority, 811—813 Montgomery Street and St. John's Baptist Church, 900 North Alfred Street
3736	6-18-94	Portion of public right-of-way	Gibbon Lane, from a point 171 feet west of the monument line of West Street to Hamilton Avenue
3737	6-18-94	Portion of a public alley	North side of the property located at 3315 Carolina Place
3738	6-18-94	Portion of public right-of-way	Fern Street, between Kenwood Avenue and Osage Street

Ordinance Number	Date	Type of Property	Description/Owner
3751	9-17-94	Portion of public right-of-way	426 Timberbranch Parkway
3759	11-12-94	Portion of public right-of-way	Adjacent to Duke Street, just south of intersection of Duke Street and Diagonal Road
3760	11-12-94	Portion of public right-of-way	2345, 2347 and 2365 Mill Road and Jamieson Avenue
3762	12-17-94	Portion of public right-of-way	4001 and 4007 Mount Vernon Avenue
3763	12-17-94	Portion of public right-of-way	Cul-de-sac located at end of Valley Forge Drive
3778	2-25-95	Portion of public right-of-way	3681 Wheeler Avenue
3786	3-18-95	Portion of public alley right-of-way	Adjacent to 4001 and 4007 Mount Vernon Avenue
3858	4-13-96	Portion of public right-of-way	931 Powhatan Street
3881	6-25-96	Portion of public right-of-way	Portions of South Payne Street, Wolfe Street, South West Street, all lying south of Duke Street
3886	9-21-96	Portion of public right-of-way	East side of the 3800 block of Old Dominion Boulevard
3896	12-14-96	12-foot-wide, 83-foot-long ingress-egress easement	310 Princess Street
3903	12-14-96	Portions of public rights-of-way	Portions of South Payne Street, Wolfe Street, and South West Street lying south of Duke Street and west of Henry Street
3944	6-24-97	Two portions of the public right-of-way	Corner of Queen and North Union Streets, Queen Street, L.L.C., a Virginia limited liability company
3958	10-25-97	Portion of public service road right-of-way	5101 Duke Street, CVS Corporation
3972	12-13-97	Portion of the public street right-of-way	Jamieson Avenue extended, east of the intersection of Jamieson Avenue extended and Holland Lane, Shurgard Storage Centers, Inc.
3975	1-24-98	Portion of public right-of-way	Jamieson Avenue extended, east of the intersection of Jamieson Avenue extended and Holland Lane
3984	3-14-98	Portion of public right-of-way	2310—2318 Mill Road
3985	3-14-98	Portion of public right-of-way	5000 block of Duke Street, east of North Pickett Street
4028	11-14-98	Interior courtyard	900 Second Street, between First, Second and Powhatan Streets and Colonial Avenue
4065	6-12-99	Portion of public right-of-way	2345, 2347 and 2365 Mill Road and Jamieson Avenue
4072	9-18-99	Public street rights-of-way	Public street rights-of-way of East Campus Drive and West Campus Drive, located on the Northern Virginia Community College Campus
4084	11-13-99	Portion of the public right-of-way	1460 Duke Street
4085	11-13-99	Portion of the public right-of-way	1456 Duke Street
4092	11-13-99	Portion of the public right-of-way	Between Slaters Lane and West Abingdon Drive

Ordinance Number	Date	Type of Property	Description/Owner
4113	3-18-00	Portion of the public right-of-way	111 Franklin Street
4130	4-15-00	Portions of public surface and subsurface easements in Carlyle	Parcels A, D, E and F in Carlyle
4158	9-16-00	Portion of the public right-of-way	108 Franklin Street
4174	11-18-00	Portion of public street right-of-way	101 Uhler Terrace
4182	1-13-01	Portions of public street rights-of-way and public street easements	Access roads in Sections 1, 2 and 3, KMS townhouses
4184	1-13-01	Portion of the public street and alley right-of-way	Adjacent to 930 South Saint Asaph Street
4218	6-26-01	Portion of the public street right-of-way	In front of 1601 Chapel Hill Drive
4227	11-17-01	Portion of the public right-of-way	109 Franklin Street
4278	11-16-02	Portion of the public right-of-way	1700 Duke Street
4279	11-16-02	Portion of the public right-of-way easement	1200—1204 South Washington Street
4285	12-14-02	Portion of the public right-of-way	Mill Road and Roberts Lane
4289	12-14-02	Portion of the public right-of-way	Radford Street between King Street and Braddock Road
4340	3-13-04	Portion of the public street right-of-way	Public street right-of-way adjacent to 700 South Royal Street
4341	3-13-04	Public alley right-of-way	Public alley right-of-way adjacent to 801—833 South Washington Street
4378	1-25-05	Portion of public street right-of-way	700 South Lee Street
4425	10-15-05	Portion of street right-of-way	1514—1524, 1600 and 1602 King Street (VAC No. 2004-0002)
4466	10-14-06	Portion of the public right-of-way	418 West Braddock Road (VAC No. 2005-0003)
4523	3-15-08	Portion of the public right-of-way	Terminus of Uhler Terrace (VAC No. 2006-0001)
4543	5-20-08	Portion of the public right-of-way	Adjacent to and below 206 Reineker's Lane (VAC No. 2007-0001)
4660	5-15-10	Portion of the public right-of-way	Terminus of Uhler Terrace (VAC No. 2006-0001)
4700	12-18-10	Portion of the public right-of-way	3110 Mount Vernon Avenue (VAC No. 2009-0001)
4822	6-25-13	Portion of the public right-of-way	1000 and 1002 Pendleton Street (VAC No. 2013-0002)
4846	12-14-13	Portion of the public access and emergency vehicle easement	3001 North Beauregard Street and 3003 East Campus Drive (VAC No. 2013-0004)
4937	4-18-15	Portion of the public right-of-way	West Uhler Avenue (VAC No. 2014-0005)
4997	4-16-16	Portion of the public right-of-way	Adjacent to 418 West Braddock Road (VAC No. 2015-0003)
5000	4-16-16	Portion of the public right-of-way	Adjacent to 5000 and 5001 Echols Avenue (VAC No. 2014-0003)
5028	6-18-16	Portions of the public right-of-way	Swann Avenue, Calvert Avenue, Oakville Street (VAC No. 2015-0002)

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APPENDIX B

ORDINANCES AUTHORIZING CONSTRUCTION OF PIPELINES OR SPUR TRACKS

(Reserved for future use)

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APPENDIX C

ORDINANCES AUTHORIZING ENCROACHMENTS UPON STREETS AND SIDEWALKS

Ordinance Number	Date	Type of Encroachment	Description/Owner
2668	3-13-82	Third-story addition	Charles H. Smith, Jr., 120 North Saint Asaph Street
2702	6-12-82	Entry stairway	Bogle Industries, Inc., 346 and 348 Commerce Street
2732	11-13-82	Basement level	Old Town Metro Center; property bounded by Reinekero Lane, Prince Street and Dangerfield Road
2733	11-13-82	Brick facade and light fixtures	Amends Ord. No. 2642, restoration of Torpedo Factory Building 3
2754	12-14-82	Entrance wall	Hunting Creek Associates, Porto Vecchio Condominium
2756	1-12-83	—	Amends Ord. No. 2645, encroachments on 300 block of South Alfred Street, 800 block of Wolfe Street and 300 block of South Columbus Street
2770	1-26-83	Freestanding sign	Clo Allas, 601 Prince Street
2778	2-22-83	Two freestanding signs	Olde Colony Motor Lodge, 625 First Street
2819	6-28-83	Chimney	Vernon Cooke "Keye" Bono, #2 Brockett's Alley
2840	6-29-83	Two chimneys and brick facing	Alexandria Waterfront Restoration Group, torpedo factory building No. 1 at North Union Street and North Lee Street
2845	9-17-83	Outdoor sidewalk-cafe (9 feet by 27 feet)	Marcus Kiriakow, Marco's Restaurant, 811 South Washington Street
2941	6-18-84	Outdoor sidewalk cafe (9 feet by 27 feet)	Ellen C. Lesta, 811 South Washington Street
2942	6-18-84	Two temporary signs	Mark Winkler Management, Inc., Rodisson Mark Plaza Hotel et al., Seminary Road and North Beauregard Street
2949	6-27-84	Freestanding sign	Oliver T. Carr Company, south side of Duke Street west of George's Lane
3007	1-12-85	Balcony, steps and front 2 feet of house	Wania M. Reynolds, 209 North Royal Street
3008	1-12-85	Split rail fence	Steven J. Sacher and Colleen Gibbons, 900 Chalfonte Drive
3011	2-23-85	10 foot by 107.6 feet extension of parking garage	Dechantel Garage Inc., 1600 block of Dechantel Street
3014	2-23-85	12 foot by 77.6 foot position of an underground parking garage	Dominion Company, 1700 block of Prince Street at the northeast corner of Prince Street and Reineker's Lane
3054	6-15-85	Brick facing, bay windows, building corner, cornice	Alexandria Waterfront Restoration Group, torpedo factory building No. 1 at Cameron Street and North Union Street
3068	6-25-85	—	Repeals section 2, 3, 4 of Ord. No. 2423 (Gibbson and Columbus Streets)

Ordinance Number	Date	Type of Encroachment	Description/Owner
3076	9-14-85	Stairway and landing area	Sheet Metal Workers National Pension Fund, 601 North Fairfax, to extend into Wythe Street right-of-way
3087	10-19-85	Signs	Warwick Village Citizens' Association; Kennedy Street near Mount Vernon Avenue and Aspen Street near Mosby Street
3112	3-22-86	Two metal posts and a wrought iron gate	Harrowhill Corporation, 715½ South Lee Street
3125	5-17-86	Picket fence	Trig and Carol Johnson, 1301 Princess Street
3127	5-17-86	Underground parking garage	King Street Court Associates, 1527—1531 King Street
3147	6-25-86	Sidewalk cafe	Marco's Cafe, Inc., 815 South Washington Street
3151	9-18-86	Two signs	Mark Winkler Management, Inc., Mark Center Plaza 1A Assoc., Nottingham Drive at Seminary Road and Beauregard Street
3160	10-18-86	Outdoor sidewalk care (8 feet by 15 feet)	Trattoria Da Franco, 305 South Washington Street
3178	1-24-87	Building facade	Thomas E. Crocker, 304 Duke Street
3192	3-24-87	Sign (8 feet 6½ inches by 4 feet 6½ inches by 1 foot 6 inches)	Vulcan Materials Company, 701 South Van Dorn Street
3210	5-18-87	Staircase (4 feet by 24 feet)	John and Margaret Yaglenski, 116—120 South Peyton Street
3228	6-24-87	Covered window well	Benjamin or Linda Molayem, 210 King Street
3253	11-14-87	Building facia	Torpedo Factory Building Number 10; North Union Street, King Street and the public alley
3255	11-14-87	Retaining wall	Joel Kaplan and David R. Cullen, 516 East Bellefonte Avenue
3256	12-12-87	Display window extension	Coverdale Partnership, 1217 and 1225 King Street
3259	12-12-87	Sidewalk and brick wall with 36 inch railing	Chelsea Walk Homeowners Association, between 904 and 918 Franklin Street
3265	1-23-88	42-inch chain link fence	Mrs. Thomas Hendricks, 2401 Hancock Avenue
3266	1-23-88	42-inch chain link fence	Mrs. Michael Boesen, east side of 1300 block of Hancock Avenue
3267	1-23-88	42-inch chain link fence	Mrs. Erma Hill, east side at 1200 block of Hancock Avenue
3268	1-23-88	42-inch chain link fence	James Battey and Mary Gorra, west side of 1400 block of Hancock Avenue
3286	4-16-88	Retaining wall and fence	Peter M. De Arcangelis, northwest corner of Jefferson Street and South Alfred Street
3301	6-18-88	Brick wall	Station Center Associates, 1709 Prince Street
3302	6-18-88	Six parking spaces	Mehdi Falsafi, 1180 Pendleton Street
3317	6-28-88	Portion of two-story building	Bogle Development, Inc., Wolfe Street

Ordinance Number	Date	Type of Encroachment	Description/Owner
3341	11-19-88	Portions of existing house and fence	Charles and Sandra Lyons, 206 North Royal Street
3364	4-15-89	Cigar store Indian	The Pipe Dream of Alexandria, Inc., d/b/a John Crouch Tobacconist, 128 King Street
3366	4-15-89	Bay window with a cornice	Wellington Coddin, 915 King Street
3370	4-15-89	Brick sidewalk and landscaping	Oliver T. Carr Company, King Street Station Phase IV
3371	4-15-89	Underground electrical transformer vault	Oliver T. Carr, Jr. et al., Trustees, the Oliver Carr Company and King Street III Associates, 1840–1922 Diagonal Road
3375	5-13-89	Steel and glass canopy	Oliver Carr Company, 1821–1917 Duke Street
3386	6-17-89	Mansard roof	Giant Food, Inc., 500 First Street
3388	6-17-89	Gutters, downspouts and sidewalk flumes	Retired Officers Association, 201 North Washington Street
3405	9-16-89	Brick wall	Edurado E. Valdez, 4116 Uline Avenue
3406	9-16-89	Ramp for the handicapped	Non-Commissioned Officers Association of the USA, 225 North Washington Street
3412	11-18-89	Two-story rear addition	Joseph M. Cahill, 601 South Fairfax Street
3415	11-18-89	Sidewalk cafe	Marco's Cafe Inc., 817 South Washington Street
3437	2-24-90	One and a half story garage with greenhouse	John Ferguson and Janine Harris, 323 South Saint Asaph Street
3440	2-24-90	Window well and planter box	Maurice R. and Mary Lou Palmer, 129 Prince Street
3441	2-24-90	Existing building addition	Gladys Champ Smith, 2206 Mount Vernon Avenue
3455	5-12-90	Second-floor iron balcony	Ronald and Joanne Goldfarb, 319 Prince Street
3476	10-13-90	Two entrances and steps	Third Baptist Church, 917 Princess Street
3477	10-13-90	Wrought iron fence of top a low brick wall	David C. and Mary F. Bernabucci, 600 Oronoco Street
3491	12-15-90	Pair of front doors	Friendship Firehouse, 107 South Alfred Street
3492	12-15-90	Driveway, lawn and garden	Joan T. Gilmour, 433 Argyle Drive
3496	1-30-91	Two brick entry staircases and menu board	Michael J. and Linda M. Armellino, 208–210 Queen Street
3511	4-13-91	Three-foot tall wrought iron fence and low shrubbery	Trudye H. and Henry H. Fowler, 209 South Fairfax Street
3512	4-13-91	Cigar store Indian	Sasan Leather, Inc., Daniel D. Geller, d/b/a John Crouch Tobacconist, 215 King Street
3516	5-18-91	Three freestanding signs	Sutton Place Gourmet, 600 Franklin Street
3524	6-15-91	Sidewalk cafe	Alexandria Seafood House, Inc., trading as Que Sara, 811–815 South Washington Street

Ordinance Number	Date	Type of Encroachment	Description/Owner
3525	6-15-91	Sidewalk cafe	Nile's Ice Cream, Inc., 817 South Washington Street
3526	6-15-91	Wrought iron fence and eight brick fence pillars	Herbert Street Partnership, 1, 3, 5, 7, 9 and 11 Herbert Street
3536	9-14-91	Awning	Ralph Capobianco, 112 North St. Asaph Street
3537	9-14-91	Awning	Quyhn-Dao Nguyen, 1019 King Street
3538	10-12-91	Planter box	Susan L. Rogers, 417 South Lee Street
3541	10-12-91	Awning	Edward Alfriend IV, 112 South Washington Street
3585	6-13-92	Entrance canopy	Gadsby Associates Limited Partnership II, 480 King Street
3586	6-13-92	Brick and pre-cast concrete sign	King Street IV Associates, L.P., 1799 Duke Street
3596	10-17-92	Freestanding directional sign and a freestanding monument style sign	U.S. Prime Property Inc., 5801 Duke Street
3597	10-17-92	Brick wall	James W. and Margo T. Heegeman, 612 Malcolm Place and West Braddock Road
3598	10-17-92	Six-foot high wood fence	Thomas H. Douglas and Sarah H. Douglas, an alley located at the rear of the property at 304 West Glendale Avenue
3618	3-20-93	Bay window	Benjamin and Linda M. Molayem, 1121 King Street
3644	6-12-93	Brick and precast concrete wall and sign	Society for Human Resource Management, 606 North Washington Street
3649	6-22-93	Canopy	W. Howard Rooks, 110 South Pitt Street
3671	10-16-93	Restaurant seating and two entrance lamp posts	Washington Street Food Company, Inc., 811–815 South Washington Street
3682	11-13-93	Handicap ramp, steps and landscaping	Lawrence N. Brandt, Inc., 100 block of North Alfred Street, the 800 block of Cameron Street and the 100 block of North Columbus Street
3702	2-12-94	Two store front bay windows	Ben Molayen, 1123 King Street
3710	3-19-94	Access ramp for disabled	Edward S.J. Fader, 617 Henry Street
3714	3-19-94	Awning	Banking of Alexandria, 606 King Street
3722	5-14-94	Exposed metal chimney stack	Michael Elmendorf, 102 South Patrick Street
3750	9-17-94	Storefront bay window	The Lamplighter, 1209–1211 King Street
3755	10-15-94	41 off-street parking spaces	G and E Oakville Corporation, 400–420 Calvert Avenue and 403–420 Swann Avenue
3779	2-25-95	Two stone retaining walls	Paul and Diane Mahefky, 305 Charles Alexander Court
3788	4-22-95	Awning	Virginia Commerce Bank, 1414 Prince Street
3797	5-13-95	Metal frame bay window	J. & H. Aitcheson, Inc., 118 King Street
3812	6-27-95	Awning	B. & L. Partnership, 609 King Street
3813	6-27-95	Brick wall	Kenneth L. Wainstein, 735 South Fairfax Street

Ordinance Number	Date	Type of Encroachment	Description/Owner
3827	10-14-95	Two wooden planter boxes	John and Joyce Hartnett, 311 North Saint Asaph Street
3828	10-14-95	Two brick planters	Robert Staples and Barbara Charles, 225 North Fairfax Street
3829	10-14-95	Entry stairs	Lawrence N. Brandt, Inc., 123 North Alfred Street
3830	10-14-95	Wooden planter box	Charlotte J. Miller, 312 Queen Street
3831	10-14-95	Brick and flagstone steps	Gregory M. Nau, 819 Church Street
3835	11-18-95	Three brick planter boxes	Linda M. Fuselier, 601 Queen Street
3839	1-20-96	Space for outdoor seating and a canopy	Scott Mitchell, 2300 Mount Vernon Avenue and 100 block of East Del Ray Avenue
3842	2-24-96	Metal sign	Newton Asphalt Company, Inc., 5601 Courtney Avenue and South Van Dorn Street
3852	3-23-96	Underground parking garage	James J. Driscoll and Peter C. Labovitz, Trustees, the intersection of Prince Street and Reineler's Lane
3855	4-13-96	Awning	Virginia Tech Foundation, 101 North Columbus Street and 725-727 King Street
3856	4-13-96	Five inches of existing building	American Academy of Physicians Assistants, 950 North Washington Street
3857	4-13-96	Outdoor seating area	Faccia Luna Pizzeria, L.L.C., 823 South Washington Street
3863	5-18-96	Awning	Charles M. and John E. Elliott, 604 King Street
3867	5-18-96	Bay windows, awnings and a cornice	Virginia Tech Foundation, 725—727 King Street
3894	11-16-96	An entrance and handicap ramp	Burke and Herbert Bank and Trust Company, intersection of Georges Lane and Jamieson Avenue
3902	12-14-96	Outdoor restaurant seating and awning	Mancini's Inc., 1508 Mount Vernon Avenue
3913	1-25-97	A series of 10 projecting glass and steel canopies An entry canopy Balcony/bay windows	Madison Homes, Inc. 615 North St. Asaph Street
3921	4-12-97	Existing brick retaining wall and new wooden fence	Thor and Jane Lassen, 808 Russell Road
3927	5-17-97	Brick entrance gate	International Association of Chiefs of Police (IACP), 515 North Washington Street
3938	6-14-97	Awning	National Association of Chain Drug Stores, 324 North Fairfax Street
3945	6-24-97	Steps, two bay windows, planters	Queen Street, L.L.C., a Virginia limited liability company
3959	10-25-97	Outdoor seating	Flaut, Inc., corner of Cameron Street and Commonwealth Avenue
3960	10-25-97	Bay window	Ms. Gorman, 501 Franklin Street

Ordinance Number	Date	Type of Encroachment	Description/Owner
3966	11-15-97	Four steps	Cameron Associates, L.L.C, 5010 Duke Street
3986	3-14-98	Sales trailer	Gadsby's Court, L.L.C., 302—304 Princess Street
3992	4-18-98	Outdoor restaurant seating	Sung Jin Kim, 1623 Fern Street
4002	5-16-98	Directional sign	Beverly Hills United Methodist Church, 3512 Old Dominion Boulevard
4003	5-16-98	Pedestrian overpass	Hoffman Family, L.L.C., 2200—2400 Eisenhower Avenue and 301—315 Stovall Street
4013	6-13-98	Two bay windows and an entrance cover	George Thomas Pick, 101 North West Street
4014	6-13-98	Two bay windows	David Elkins, 1303 King Street
4021	10-17-98	A sign located in the public right-of-way	Potowmack Crossing Condominium, 1600 West Abingdon Drive
4029	11-14-98	A single well window	Robert Kaufman, 113 South Columbus Street
4063	6-12-99	Existing brick wall and planters	David Andross, 820, 822 and 824 Queen Street
4064	6-12-99	Directional sign	Westminster Presbyterian Church, 2800 block of Russell Road
4079	10-16-99	Four-foot high wodden picket and board fence	Oscar and Toby Fitzgerald, 206 West Monroe Avenue and 1509 Stonewall Road
4090	11-13-99	A wheelchair lift and areaway	Shiloh Baptist Church, 346 Commerce Strret and 1447 Duke Street
4091	11-13-99	10 parking spaces, six-foot tall wooden fence and a garbage dumpster	Commonwealth Terrace, L.L.C., 3100—3102 Commonwealth Avenue
4105	2-12-00	Townhouse stoops and steps; temporary sales trailer	Lawrence N. Brandt, 108 Franklin Street
4112	3-18-00	Two identical bricks piers	1 and 2 Kennedy Street, Warwick Village Civic Association
4114	3-18-00	A two-step entrance stair and landing	Michele J. Boggs, 111 Franklin Street
4159	9-16-00	Bay windows in three locations	Franklin Street, L.L.C., 108 Franklin Street
4160	9-21-00	Outdoor restaurant seating	Chicken Out, Inc., 701 South Washington Street
4161	9-16-00	Freestanding signs, public telephones and monitoring wells	Crown Stations, Inc., 4109 Duke Street
4168	10-14-00	Existing front wall and foundation, lowered stoop, driveway parking area, planted area and window well	Scott B. Sinclair and N.M. Persechino, 321 Duke Street
4173	11-18-00	Bay window	Nabi Nasseri, 1203 King Street
4187	2-24-01	Outdoor restaurant seating	Uptown Cafe, 1609 King Street
4214	6-16-01	Four seats at two tables and one bench for outside seating	Ms. Perky, LLC, 822 North Fairfax Street
4215	6-16-01	Brick stoop and stairs	Russell and Sally Murray, 210 Wilkes Street

Ordinance Number	Date	Type of Encroachment	Description/Owner
4216	6-26-01	Brick retaining wall	Mark J. and/or Ann A. Kington, 601 Oronoco Street
4217	6-26-01	Brick retaining wall and parking spaces	Naval Reserve Association, 1611—1617 King Street
4222	10-13-01	Restaurant seating into the public sidewalk right-of-way	Thomas Lally, 829 South Washington Street
4223	10-13-01	Window wells into the public sidewalk right-of-way	Elizabeth and/or Robert Blue, 307 Wolfe Street
4240	2-23-02	Shop window	Michele L. Richardson, 1102 King Street
4268	10-19-02	Two shop windows	Rob Kaufman, 815 King Street
4269	10-19-02	Iron fence	Charles and/or Mildred Curtis, 220—228 North Payne Street
4270	10-19-02	Two window wells and a front stoop	Brian and/or Elizabeth Gibney, 300 South Lee Street
4300	5-17-03	Outdoor restaurant seating	Starbucks Coffee Company, 6 King Street
4312	9-13-03	Landscaping and decorative fixtures	Potomac Greens Associates, LLC, Development Special Use Permit No. 2002-0026
4317	10-18-03	Bay windows	Stabler Leadbeater Apothecary Museum, 105 South Fairfax Street
4318	10-18-03	Bay windows	MEL & OUC, LC, 1104 King Street
4320	12-16-03	Building wall and bay windows, 122/124 North Fayette Street	
4330	1-24-04	Two entrance canopies	JBG/Rockwood Duke Street, L.L.C., 1700 Duke Street
4335	2-21-04	Three light poles within the landscape buffer	Crown Stations, Inc., 3216 Jefferson Davis Highway
4343	4-17-04	Underground utility vault	Riverport Land Company and/or Meushaw Development Company, 124 South West Street
4344	4-17-04	Outdoor restaurant seating	Thaiphoon of Old Town, Inc., 6 King Street
4345	4-17-04	Outdoor restaurant seating	Serendipitous, Inc., T/A Bittersweet, 103 North Alfred Street
4376	1-25-05	Fence	David and/or Sarah Goldstein, 335 North Patrick Street
4377	1-25-05	Fence	Tushar Suthar, 833 South Fairfax Street
4380	2-12-05	Outdoor dining	King Streets corridor, from the Potomac River to the King Street Metro Station
4416	6-21-05	Hotel entrance canopy	Alexandria Towers, LLC, 400 Courthouse Square
4463	9-16-06	ADA compliant ramp, stairs and landing	Trustees of St. Paul's Episcopal Church, 228 South Pitt Street
4465	10-14-06	Entrance canopy	Eisnhower CFRI Venture, LLC, 2203 Mill Road
4503	11-19-07	Marquee	Crispin Enterprises, LLC, 1101 Queen Street
4507	11-27-07	Four gas meters	711, 713, 715 and 717 Gibbon Street

Ordinance Number	Date	Type of Encroachment	Description/Owner
4515	1-12-08	Entrance marquee	CLPF - Old Town, L.P, and Kimpton Hotels and Restaurants, 480 King Street
4518	2-23-08	Brick garden wall	James Warbasse, 700 South Royal Street
4519	2-23-08	Brick veneer wall	Conklyn's Florist and S/R Flowers, Inc., 923 King Street
4543	5-20-08	Stairs and planters	1701 Duke Street
4544	5-20-08	Outdoor restaurant seating	220 North Lee Street
4561	10-18-08	Entrance canopies	Carlyle Centre, L.P. 310 Hoofs Run Drive
4562	10-18-08	Bay window	Cloverdale, L.L.C. 1309 King Street
4619	9-12-09	Outdoor restaurant seating	Mehran Nayeri 315 Madison Street
4620	9-12-09	Stairway and landscape planter wall	North Parkway, L.L.C. 532 Washington Street
4621	9-12-09	Stone retaining wall (portion)	Duke Crossing, Inc. 3500 Goddard Way
4694	12-18-10	Outdoor restaurant seating	Philip McCombie 320 Montgomery Street
4695	12-18-10	Outdoor restaurant seating	Cathal and Meshelle Armstrong 277 South Washington Street
4696	12-18-10	Outdoor restaurant seating	Maria Quilla 818 North St. Asaph Street
4708	3-12-11	Outdoor restaurant seating	Nicole Burlimann 1125 Queen Street
4740	10-15-11	Outdoor restaurant seating	TJ Stone's, Inc. 608 Montgomery Street
4751	2-25-12	Bay windows and front door entry Bay windows and building wall	923 King Street Patrick Street
4775	10-13-12	Ornamental wall, raised planters, planting beds	401 East Braddock Road
4776	10-13-12	Perimeter security line	General Services Administration Albert V. Bryan United States Federal Courthouse
4790	2-23-13	Roof overhangs and a canopy	LBG Parcel H, LLC 2900 Main Line Boulevard
4812	6-15-13	Stoops, stairways and a ramp	Potomac Yard Development, LLC 1800 Main Line Boulevard
4845	12-14-13	Underground transformer vault	Paradigm 2250 Mill LLC 2250 Mill Road
4882	5-17-14	Awning on front building wall	Lotto Virginia 1, LLC and 117 King Street, LLC 115 and 117 King Street
4883	5-17-14	Two porches	James Bland Housing V Limited Partnership 941 and 945 North Alfred Street
4909	11-15-14	Entrance door canopy	Car 220 South Union, LLC 220 South Union Street
4916	12-13-14	Porch overhang	James Bland Housing V Limited Partnership 906 First Street

Ordinance Number	Date	Type of Encroachment	Description/Owner
4935	4-18-15	Window wells, stoops, bay windows and roofline	OHD Partners, LLC 511, 513 and 515 Oronoco Street
4949	5-16-15	Outdoor dining	Yates Holdings, LLC 515 Mount Vernon Avenue
4961	6-13-15	Pervious pavers, fencing and pillars	V.K. or Jane K. Murrell 4825 Maury Lane
4967	10-17-15	Outdoor dining	Hog Thaid, LLC 2318 Mount Vernon Avenue and 111 Oxford Avenue
4968	10-17-15	Stoop, stairs, canopy and building overhang	Old Dominion Boat Club 200 Strand Street
4977	12-12-15	Bow window	Mahmood Investment Corp 700—710 North Washington Street
4989	3-12-16	Enclosed stairways	Mason Social, LLC 728 North Patrick Street
4990	3-12-16	Handicapped accessible ramp	Little Theatre of Alexandria 600 Wolfe Street
5017	5-14-16	Fence	Thomas Campbell 700 South Pitt Street
5018	5-14-16	Raised deck and outdoor dining	Cucotan, LLC 535 East Braddock Road
5026	6-18-16	Outdoor dining	Le Coq, LLC 606 North Fayette Street

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APPENDIX D

ORDINANCES MAKING APPROPRIATIONS AND IMPOSING TAXES

Ordinance Number	Date	Purpose	Amount
2659	3-13-82	Appropriation for cash capital from sale of Torpedo Plant Buildings 1 and 3	$269,959.00
2694	6-12-82	July, 1982—June, 1983 General and school funds	$141,353,161.00
2725	10-16-82	Appropriation for cash capital from sale of John Tyler School	$797,200.00
2739	11-13-82	Acquisition and improvement of land for parks, playgrounds and schools	$19,280,000.00
2828	6-28-83	Appropriation for cash capital from sale of surplus city real property (224 North Fayette Street; 1.2 acres in vicinity of Eisenhower Avenue, Mill Road and Capital Beltway; right-of-way along Washington Street and Franklin Street)	
2833	6-28-83	July, 1983—June, 1984 General and school funds	$152,149,737.00
2853	10-25-83	Appropriation for cash capital from sale of John Tyler School, capital program reserve funds	$797,200.00
2854	10-25-83	Appropriation for public safety pension account from general fund unappropriated fund balance funds	$235,914.00
2889	12-19-83	Appropriation for cash capital from sale of surplus city real property (Torpedo Plant) and from capital program reserve funds (Parker Gray)	$5,251,897.00
2922	5-12-84	Appropriation for school construction and remodeling, street construction and improvements, and city building construction and improvements	$18,500,000.00
2945	6-18-84	July, 1984—June, 1985 General and school funds	$138,576,016.00
3009	1-12-85	Appropriation from general fund to:	
		Payment of interest on temporary loans	$133,448.00
		Payment of principal on temporary loans	$1,750,000.00
		Cash capital	$431,552.00
3069	6-25-85	July, 1985—June, 1986 General and school funds	$145,751,139.00
3099	12-14-85	Appropriation for cash capital from sale of surplus city real property (Lee Street parking lot site and John Roberts Homesite) from capital program reserve funds	$2,874,072.84
3102	1-18-86	Appropriation of proceeds of sale of public improvement bonds for construction, addition to and remodeling of school buildings; improving streets and bridges; acquiring and improving land for parks and playgrounds	$22,000,000.00
3131	6-10-86	Appropriation from sale of surplus real property (Metro site in Cameron Run Valley and Torpedo Factory site) from capital program reserve funds	$1,000,000.00
3145	6-14-86	July, 1986—June, 1987 General, school and other funds	$205,345,289.00
3172	12-13-86	Appropriation from sale of surplus city real property (John Roberts site and Torpedo Factory site) from capital program reserve account	$1,000,000.00

Ordinance Number	Date	Purpose	Amount
3180	1-24-87	(a) Appropriations to:	
		General fund	$1,022,810.00
		Special revenue fund	$304,780.00
		Enterprise fund	$5,178.00
		Capital projects fund	$9,018,817.00
		(b) Appropriation to:	
		Special revenue fund	$3,911,711.00
		(c) Appropriation to:	
		General fund	$1,420,668.00
		(d) Appropriation from general fund balance to:	
		General fund	$263,400.00
3199	4-11-87	Appropriation of unencumbered, unappropriated monies from sale of John Roberts and Parker Gray sites, from general fund	$832,543.00
		Appropriation of unencumbered, unappropriated monies from general fund to capital projects fund	$1,500,000.00
3224	6-13-87	July 1987—June 1988	
		General, special revenue, equipment replacement	$220,394.237.00
3234	9-22-87	Appropriation to special revenue fund for fiscal year 1988	$51,719.00
3244	10-19-87	(a) Appropriations to:	
		General fund	$989,864.00
		Special revenue fund	$24,537.00
		(b) Appropriations to special revenue fund	$3,045,434.00
		(c) Appropriations to:	
		General fund	$3,381,220.00
		Special revenue fund	$3,205,622.00
3245	10-19-87	Appropriation of unencumbered, unappropriated monies from the sale of John Roberts and Old Police/Jail sites and the Torpedo Factory from general fund to capital projects fund	$2,227,000.00
3279	3-12-88	Appropriation of unencumbered, unappropriated monies to capital projects fund	
		(a) Substance abuse services center/homeless shelter	$2,700,000.00
		(b) Fruit growers express site acquisition	$1,300,000.00
3313	6-18-88	Appropriations for support of city government, payment of interest and principal of the city debt and for other municipal expenditures, expenses and purposes for fiscal year 1988-1989	$232,085,283.00
3316	6-18-88	Supplemental appropriations for support of city government	$4,684,737.00
3343	11-19-88	(a) Appropriations to:	
		General fund	$1,733,031.00
		Equipment replacement fund	$270,874.00
		(b) Appropiation to:	
		Special revenue fund	$3,658,887.00
		(c) Appropriation to:	
		General fund	$698,427.00
		(d) Appropriation to:	
		Special revenue fund	$478,000.00
		(e) Appropriation of unencumbered monies from general fund to capital projects fund	$5,000,000.00
		(f) Appropriations to:	
		General fund	$1,670,000.00

Ordinance Number	Date	Purpose	Amount
		(g) Transfer of amounts from one department to another within general fund (total)	[$294,714.00]
		(h) Transfer of amounts from one department to another within general fund (total)	[$4,090,167.00]
3362	3-18-89	Supplemental appropriations for support of city government	
		(a) Special revenue fund	$331,149.00
		(b) Special revenue fund	$30,989.00
3374		Supplemental appropriations for support of city government	
		(a) Special revenue fund	$2,439,430.00
		(b) Special revenue fund	$113,116.00
		(c) Equipment replacement fund	$1,426,796.00
3385	6-17-89	Appropriations for support of city government	$256,284,629.00
3387	6-17-89	Appropriations for support of city government	
		(a) Special revenue fund	$669,849.00
		(b) Special revenue fund	$4,313.00
		(c) General fund	$803,497.00
3419	12-16-89	(1) Appropriations for support of city government	
		(a) General fund	$1,166,922.00
		(b) Enterprise fund	$6,815.00
		(c) Equipment replacement reserve fund	$674,174.00
		(2) Special revenue fund	$3,689,385.00
		(3) Special revenue fund	$1,425,885.00
		(4) Special revenue fund	$385,465.00
		(5) Special revenue fund	$15,800.00
		(6) Appropriations for support of city government	
		[a] General fund	$203,457.00
		[b] Special revenue fund	$3,600.00
		(7) Appropriations for support of city government	
		[a] General fund	$2,539,092.00
		[b] Special revenue fund	$531,232.00
		(8) Appropriations for support of city government	
		[a] General fund	[$57,265.00]
		(9) General fund	[$550,000.00]
3442	3-24-90	1. General fund	$124,520.00
		2. Special revenue fund	$1,226,131.00
		3. Special revenue fund	$22,500.00
		4. Special revenue fund	$13,842.00
		5. Capital projects fund	$738,308.00
		6. Enterprise fund	$29,000.00
3466	6-16-90	Supplemental appropriations for support of city government	
		1. Special revenue fund	$77,579.00
		2. Special revenue fund	$3,500.00
3467	6-16-90	Supplemental appropriations for support of city government	
		1.–4. Support of city government	$271,434,222.00
		5., 6. Capital improvement project	$20,565,680.00
		7., 8. Support of city government	$280,078,878.00
		9. Transfer of funds	$84,742,249.00
3488	12-15-90	Supplemental appropriations for support of city government	
		1. General fund	$1,150,115.00
		Enterprise fund	$44,313.00
		Equipment replacement reserve fund	$435,754.00
		2. Special revenue fund	$5,555,891.00

Ordinance Number	Date	Purpose	Amount
		3. Special revenue fund	$987,352.00
		4. Special revenue fund	$593,412.00
		5. Special revenue fund	$33,600.00
		6. Special revenue fund	$38,000.00
		7. General fund	$20,080.00
		8. General fund	$256,554.00
		Special revenue fund	$138,017.00
		9. Capital projects fund	$78,000.00
3503	3-16-91	Supplemental appropriations for support of city government	
		1. Special revenue fund	$1,435,940.00
		2. Special revenue fund	$8,800.00
		3. Pilot recycling enterprise fund	$386,975.00
3527	6-15-91	Supplemental appropriations for support of city government	
		1. Special revenue fund	$985,122.00
		2. Special revenue fund	$74,165.00
		3. Special revenue fund	$93,200.00
		4. Pilot recycling enterprise fund	$83,425.00
		5. General fund	$55,316.00
3528	6-15-91	Appropriations for support of city government for fiscal year July 1991—June 1992	
		1.—4. Support of city government	$276,594,508.00
		5., 6. Capital improvement fund	$11,763,192.00
		7., 8. Support of city government	$280,012,983.00
		9. Transfer of funds	$87,275,965.00
3546	12-14-91	Supplemental appropriations for support of city government	
		1. General fund	$1,682,214.00
		Enterprise fund	$39,546.00
		Equipment replacement reserve fund	$322,257.00
		2. Special revenue fund	$4,590,518.00
		3. Special revenue fund	$708,315.00
		4. Special revenue fund	$960,418.00
		5. Special revenue fund	$325,000.00
		6. General fund	$90,264.00
		7. General fund	$123,178.00
		Special revenue fund	$84,193.00
3564	4-25-92	Supplemental appropriations for support of city government	
		1. General fund	$23,562,940.00
		2. Special revenue fund	$2,007,427.00
		3. Special revenue fund	$4,000.00
		4. General fund	$206,671.00
		5. General fund	$2,200,000.00
		Capital projects fund	$2,200,000.00
3577	6-13-92	Supplemental appropriations for support of city government	
		1. Special revenue fund	$789,243.00
		2. Special revenue fund	$24,623.00
3578	6-13-92	Appropriations for support of city government for fiscal year July 1992—June 1993	
		1.—4. Support of city government	$279,199,670.00
		5., 6. Capital improvement fund	$11,590,264.00
		7., 8. Support of city government	$279,199,670.00
		9. Transfer of funds	$88,294,001.00

Ordinance Number	Date	Purpose	Amount
3608	12-12-92	Appropriations for support of city government for fiscal year July 1992—June 1993	
		1. General fund	$2,178,476.00
		2. Special revenue fund	$4,653,096.00
		3. Special revenue fund	$2,314,721.00
		4. Special revenue fund	$811,240.00
		5. Special revenue fund	$1,875.00
		6. General fund	$350,630.00
		7. General fund	$933,869.00
3631	5-15-93	Supplemental Appropriations for fiscal year 1993	
		1. Special revenue fund	$394,169.00
		2. Special revenue fund	$1,699,453.00
		3. Special revenue fund	$23,641.00
3634	6-12-93	Supplemental appropriations for fiscal year 1993	
		1. Special revenue fund	$67,064.00
		2. Special revenue fund	$3,388,648.00
		3. Special revenue fund	$3,000.00
3635	6-12-93	Appropriations for support of city government for fiscal year July 1993—June 1994	
		1.—4. Support of city government	$286,425,287.00
		5., 6. Capital improvement project	$11,019,390.00
		7., 8. Support of city government	$286,425,287.00
		9. Transfer of funds	$94,811,740.00
3668	9-18-93	Special revenue fund	$987,376.00
3694	1-22-94	Appropriations for support of city government for fiscal year 1994	
		1. General fund	$3,904,034.00
		2. Special revenue fund	$7,889.906.00
		3. Special revenue fund	$572,058.00
		4. Special revenue fund	$923,523.00
		5. Special revenue fund	$17,488.00
		6. General fund	$250,000.00
		7. General fund	$8,384,771.00
		8. General fund	$237,500.00
		9. Special revenue fund	$335,076.00
		10. Special revenue fund	$53,179.00
3724	5-14-94	Supplemental appropriations for fiscal year 1994	
		1. General fund	$10,797,350.00
		Capital projects fund	$11,913,627.00
		2. Special revenue fund	$11,913,627.00
		3. Special revenue fund	$934,140.00
		4. Special revenue fund	$30,201.00
		5. Equipment replacement fund	$33,500.00
		6. Capital projects fund	$433,511.00
3742	6-18-94	Supplemental appropriations for fiscal year 1994	
		1. Special revenue fund	$249,626.00
		2. Special revenue fund	$388,226.00
		3. Special revenue fund	$99,338.00
3743	6-18-94	Appropriations for the support of city government	
		1.—4. Support of city government	$302,152,942.00
		5., 6. Capital improvement project	$17,069,470.00
		7., 8. Support of city government	$302,152,942.00

Ordinance Number	Date	Purpose	Amount
		9. Transfer of funds	$86,269,809.00
3756	10-15-94	Supplemental appropriations for fiscal year 1995	
		1. General fund	$3,456,814.00
		2. Special revenue fund	$8,854,742.00
		3. Special revenue fund	$738,011.00
		4. Special revenue fund	$1,155,399.00
		5. Special revenue fund	$3,000.00
		6. Capital projects fund	$30,597.00
		7. General fund	$105,509.00
		8. General fund	$190,859.00
3783	2-25-95	Appropriations for support of city government for fiscal year July 1994—June 1995	
		1. Special revenue fund	$4,071,249.00
		2. Special revenue fund	$33,163.00
		3. Capital projects fund	$3,437,255.00
		4. Special revenue fund	$49,925.00
		5. Special revenue fund	$314,985.00
		6. Equipment replacement fund	$333,104.00
		7. Equipment replacement fund	$272,600.00
3808	6-17-95	Supplemental appropriations for fiscal year July 1994—June 1995	
		1. Special revenue fund	$1,867,308.00
		2. Special revenue fund	$690,936.00
		3. Special revenue fund	$300,312.00
		4. Capital projects fund	$14,200.00
		5. Capital projects fund	$13,450,733.00
		6. Equipment replacement fund	$1,016,000.00
		7. General fund	$500,000.00
3809	6-17-95	Appropriations for support of city government for fiscal year July 1995—June 1996	
		1.—4. Support of city government	$319,275,424.00
		5., 6. Capital improvement project	$16,248,528.00
		7. Transfer of funds	$93,204,434.00
		8., 9. Support of city government	$319,275,424.00
3826	10-14-95	Supplemental appropriations for fiscal year July 1995—June 1996	
		1. Equipment replacement reserve fund and component unit	$5,811,265.00
		2. Special revenue fund	$11,883,714.00
		3. Special revenue fund	$2,631,520.00
		4. Special revenue fund	$1,552,057.00
		5. General fund	$196,712.00
		6. Component unit fund	$43,615.00
		7. Capital projects fund	$133,425.00
3846	2-24-96	Supplemental appropriations for fiscal year July 1995—June 1996	
		1. Special revenue fund	$428,802.00
		2. Special revenue fund	$18,000.00
		3. Special revenue fund	$7,000.00
		4. Capital projects fund	$725,354.00
		5. General fund	$175,000.00
		6. Component unit fund	$560,133.00

Ordinance Number	Date	Purpose	Amount
		7. Equipment replacement fund	$148,516.00
3874	6-15-96	Supplemental appropriations for fiscal year July 1995—June 1996	
		1. Special revenue fund	$3,660,788.00
		2. Special revenue fund	$568,355.00
		3. Special revenue fund	$90,470.00
		4. Special revenue fund	$20,000.00
		5. Capital projects fund	$4,438,792.00
		6. General fund	$18,191,908.00
		7. General fund	$19,445.00
		8. General fund	$1,214,056.00
		9. Component unit	$–218,942.00
		10. Equipment replacement fund	$26,646.00
3875	6-15-96	Appropriations for support of city government for fiscal year July 1996—June 1997	
		1.—4. Support of city government	$341,236,732.00
		5., 6. Capital improvement project	$25,139,169.00
		7. Transfer of funds	$106,514,137.00
		8., 9. Support of city government	$341,236,732.00
3895	11-16-96	Supplemental appropriations for fiscal year July 1996—June 1997	
		1. General fund	$4,016,735.00
		2. Equipment replacement fund	$894,912.00
		3. Component unit	$44,242.00
		4. Special revenue fund	$14,999,261.00
		5. Special revenue fund	$975,233.00
		6. Special revenue fund	$1,710,521.00
		7. Special revenue fund	$25,728.00
		8. General fund	$92,586.00
		9. Component unit	$54,260.00
		10. Capital projects fund	$1,006,975.00
		11. General fund	$1,214,056.00
3919	3-15-97	Supplemental appropriations for fiscal year July 1996—June 1997	
		1. Special revenue fund	$1,665,182.00
		2. Special revenue fund	$13,144.00
		3. Capital projects fund	$630,416.00
		4. General fund	$240,000.00
		5. Component unit	$770,564.00
		6. Component unit	$86,442.00
3941	6-14-97	Supplemental appropriations for fiscal year July 1996—June 1997	
		1. Special revenue fund	$2,766,808.00
		2. Special revenue fund	$6,159.00
		3. Capital project fund	$5,785,992.00
		4. Capital project fund	$2,690,935.00
		5. General fund	$521,152.00
3942	6-14-97	Support of government for the fiscal year beginning on the first day of July 1997 and ending on the thirtieth day of June 1998	
		1.—4. Support of city government	$368,570,076.00

Ordinance Number	Date	Purpose	Amount
		5., 6. Capital improvement project	$34,415,815.00
		7. Transfer of funds	$108,765,526.00
		8. Support of city government	$368,570,076.00
3963	10-25-97	Supplemental appropriations for fiscal year July 1997—June 1998	
		1. General fund	$3,379,936.00
		Equipment replacement reserve fund	$954,524.00
		Enterprise fund	$218,672.00
		2. Special revenue fund	$15,785,962.00
		3. Special revenue fund	$1,336,919.00
		4. Special revenue fund	$1,354,577.00
		5. Special revenue fund	$14,901.00
		6. General fund	$39,157.00
		7. Capital projects fund	$690,000.00
		8. General fund	$1,104,100.00
3976	1-24-98	Supplemental appropriations for fiscal year July 1998—June 1999	
		1. Capital projects fund	$1,328,324.00
		2. Component unit	$509,336.00
		3. Special revenue fund	$686,806.00
		4. General fund	$20,257.00
		5. General fund	$73,770.00
		6. Equipment replacement fund	$307,698.00
4015	6-13-98	Supplemental appropriations for fiscal year July 1998—June 1999	
		1. Special revenue fund	$4,217,519.00
		2. Special revenue fund	$363,080.00
		3. Capital project fund	$5,615,893.00
		4. General fund	$26,395.00
		5. Equipment replacement fund	$168,411.00
		6. General fund	$2,088,870.00
		7. Capital projects fund	$6,385,000.00
4016	6-13-98	Supplemental appropriations for fiscal year July 1998—June 1999	
		1.—4. Support of local government	$399,762,053.00
		5., 6. Capital improvements project	$53,104,882.00
		7. Transfer of funds	$115,285,289.00
		8., 9. Support of local government	$399,762,053.00
4023	10-17-98	Supplemental appropriations for fiscal year July 1998—June 1999	
		1. General fund	$3,623,265.00
		2. Special revenue fund	$16,302,225.00
		3. Special revenue fund	$85,763.00
		4. Special revenue fund	$1,347,010.00
		5. Special revenue fund	$1,500.00
		6. General fund balance	$159,644.00
		7. General fund	$967,088.00
		8. Capital projects fund	$776,025.00
		9. General fund	$275,000.00
4066	6-12-99	Supplemental appropriations for fiscal year July 1998—June 1999	

Ordinance Number	Date	Purpose	Amount
		1. Special revenue fund	$7,729,472.00
		2. Special revenue fund	$61,814.00
		3. General fund	$8,682,202.00
		4. General fund	$2,457,788.00
		5. Equipment replacement fund	$175,000.00
		6. General fund	$1,974,189.00
		7. Capital projects fund	$200,000.00
		8. Component unit	$2,317,960.00
		9. Component unit	$317,000.00
		10. Component units	$448,284.00
4067	6-12-99	Support of government for the fiscal year beginning on the first day of July 1998 and ending on the thirtieth day of June 1999	
		1.—4. Support of city government	$387,782,968.00
		5., 6. Capital improvement project	$31,810,244.00
		7. Transfer of funds	$125,334,796.00
		8., 9. Support of city government	$387,782,968.00
4080	10-16-99	Supplemental appropriations for fiscal year July 1999—June 2000	
		1. General fund	$4,865,300.00
		Equipment replacement fund	$921,192.00
		Component unit	$64,403.00
		2. Special revenue fund	$18,663,260.00
		3. Special revenue fund	$2,196,351.00
		4. Special revenue fund	$1,834,478.00
		5. General fund	$82,079.00
		6. General fund	$39,338.00
4106	2-12-00	Supplemental appropriations for fiscal year July 1999—June 2000	
		1. Special revenue fund	$1,295.551.00
		2. Special revenue fund	$175,130.00
		3. Capital project fund	$14,512,259.00
		4. Equipment replacement fund	$423,000.00
		5. General fund	$256,070.00
		6. General fund	$200,000.00
4146	6-17-00	Supplemental appropriations for fiscal year July 1999—June 2000	
		1. Special revenue fund	$4,921,571.00
		2. Special revenue fund	$54,000.00
		3. Equipment replacement fund	$1,557,054.00
		4. Component unit	$20,000.00
		5. Component unit	$1,152,159.00
		6. General fund	$761,822.00
		7. Component unit	$494,235.00
		8. Component unit	$844,882.00
4147	6-17-00	Supplemental appropriations for fiscal year July 1999—June 2000	
		1.—4. Support of city government	$426,579,958.00
		5. Capital improvement project	$39,109,605.00
		6. Capital improvement project	$39,109,605.00
4169	10-14-00	Supplemental appropriations for fiscal year July 2000—June 2001	
		1. General fund	$3,207,099.00
		Equipment replacement fund	$1,161,163.00

Ordinance Number	Date	Purpose	Amount
		Component unit	$377.00
		2. Special revenue fund	$11,610,429.00
		3. Special revenue fund	$540,949.00
		4. Special revenue fund	$1,918,454.00
		5. General fund	$89,075.00
		6. Component unit	$41,427
		7. Equipment replacement fund	$304,000.00
		8. General fund	$425,587.00
		9. General fund	$754,950.00
4191	3-17-01	Support of government for the fiscal year beginning on the first day of July 2000 and ending on the thirtieth day of June 2001	
		1. Special revenue fund	$2,967,093.00
		2. Special revenue fund	$295,593.00
		3. Equipment replacement fund	$510,000.00
		4. General fund	$16,900.00
		5. General fund	$400,000.00
		6. Capital projects fund	$1,396,530.00
		7. General fund	$179,221.00
4212	6-16-01	Support of government for the fiscal year beginning on the first day of July 2000 and ending on the thirtieth day of June 2001	
		1. Special revenue fund	$2,092,549.00
		2. Component unit	$511,657.00
		3. General fund	$17,451,193.00
		4. Equipment replacement fund	$76,905.00
		5. Component unit	$1,052,787.00
		6. Capital projects fund	$1,141,814.00
4213	6-16-01	Support of government for the fiscal year beginning on the first day of July 2001 and ending on the thirtieth day of June 2002	
		1.—4. Support of city government	$472,207,624.00
		5., 6. Capital improvement project	$53,527,463.00
		7. Transfer of funds	$150,125,198.00
		8., 9. Support of city government	$472,207,624.00
4221	10-13-01	Support of government for the fiscal year beginning on the first day of July 2001 and ending on the thirtieth day of June 2002	
		1. General fund	$3,729,754.00
		Equipment replacement reserve fund	$1,409,622.00
		Component unit	$140,954.00
		2. Special revenue fund	$13,608,257.00
		3. Special revenue fund	$1,029,419.00
		4. Special revenue fund	$1,712,226.00
		5. General fund	$16,431.00
		6. Component unit	$18,634.00
		7. Equipment replacement fund	$600,000.00
		8. General fund	$890,895.00
		9. General fund	$813,730.00
		10. Capital projects fund	$409,000.00
4238	2-23-02	Support of government for the fiscal year beginning on the first day of July 2001 and ending on the thirtieth day of June 2002	
		1. Special revenue fund	$1,153,481.00

Ordinance Number	Date	Purpose	Amount
		2. Component unit	$1,601.00
		3. Capital projects fund	$1,193.835.00
4259	6-15-02	Support of government for the fiscal year beginning on the first day of July 2001 and ending on the thirtieth day of June 2002	
		1. Special revenue fund	$5,884,176.00
		2. Component unit	$1,632,842.00
		3. General fund	$7,500,000.00
		4. Equipment replacement fund	$213,000.00
		5. Component unit	$1,535,595.00
		6. Special revenue fund	$317,017.00
4260	6-15-02	Support of government for the fiscal year beginning on the first day of July 2002 and ending on the thirtieth day of June 2003	
		1.—4. Support of city government	$496,654,479.00
		5., 6. Capital improvement project	$54,678,360.00
		7. Transfer of funds	$161,018,962.00
		8., 9. Support of city government	$496,654,479.00
4275	11-16-02	Support of government for the fiscal year beginning on the first day of July 2002 and ending on the thirtieth day of June 2003	
		1. General fund	$3,117,566.00
		2. Special revenue fund	$12,050,263.00
		3. Special revenue fund	$12,573,437.00
		4. Special revenue fund	$1,734,624.00
		5. General fund	$38,537.00
		6. General fund	$750,980.00
		7. General fund	$1,375,987.00
		8. General fund	$0.00
		9. Capital projects fund	$2,000,000.00
4304	6-14-02	Support of government for the fiscal year beginning on the first day of July 2002 and ending on the thirtieth day of June 2003	
		1. Special revenue fund	$3,101,478.00
		2. Component unit	$2,207,544.00
		3. General fund	$12,300,000.00
		4. Equipment replacement fund	$200,000.00
		5. Component unit	$1,754,174.00
		6. Special revenue fund	$438,657.00
		7. General fund	$541,785.00
		8. General fund	$[400,000.00]
4305	6-14-03	Support of government for the fiscal year beginning on the first day of July 2003 and ending on the thirtieth day of June 2004	
		1.—4. Support of city government	$553,078,684.00
		5. Capital improvement project	$88,949,838.00
		6. Transfer of funds	$171,705,385.00
		8., 9. Support of city government	$553,078,684.00

Ordinance Number	Date	Purpose	Amount
4319	11-15-03		Support of government for the fiscal year beginning on the first day of July 2003 and ending on the thirtieth day of June 2004
		1. General fund	$2,386,468.00
		2. Special revenue fund	$18,954,654.00
		3. Special revenue fund	$1,043,900.00
		4. Special revenue fund	$718,920.00
		5. General fund	$58,139.00
		6. General fund	$1,184,951.00
4351	6-12-04	Supplemental appropriations for fiscal year 2004	
		1. Special revenue fund	$7,334,700.00
		2. Component unit	$2,834,857.00
		3. General fund	$4,200,000.00
		4. Equipment replacement fund	$199,277.00
		5. Component unit	$929,055.00
		6. General fund	$1,677,254.00
		7. Capital projects fund	$179,435.00
		8. Component unit	$400,000.00
4352	6-12-04	Supplemental appropriations for fiscal year 2005	$579,458,294.00
4363	10-16-04	Support of government for the fiscal year beginning on the first day of July 2004 and ending on the thirtieth day of June 2005	
		1. General fund	$1,525,942.00
		Equipment replacement fund	$803,462.00
		Component unit	$864.00
		2. Special revenue fund	$17,525,221.00
		3. Special revenue fund	$1,046,517.00
		4. Special revenue fund	$795,943.00
		5. General fund	$68,107.00
		6. General fund	$1,922,038.00
		7. Component unit	($4,642.00)
4381	3-12-05	Supplemental appropriations for fiscal year 2005	$4,596,596.00
4417	6-21-05	Support of government for the fiscal year 2005	
		1., 2. Special revenue fund	$1,748,476.00
		3. General fund	$7,536,116.00
		4. Equipment replacement fund	$720,000.00
		5. Component unit	$809,016.00
		6. General fund	$70,000.00
		7. Component unit	$1,228,000.00
		8. General fund	$387,000.00
		9. General fund	$33,687,931.00
		10. Special revenue fund	$516,603.00
4418	6-21-05	Support of government for the fiscal year 2005	
		1.—4. Support of city government	$613,377,271.00
		5., 6. Capital improvement project	$67,811,626.00
		7. Tranfers	$202,979,195.00
		8., 9. Support of city government	$613,377,271.00
		10. General fund	$6,420,000.00

Ordinance Number	Date	Purpose	Amount
		11. General fund/Affordable housing special revenue	$889,815.00
		12. Special revenue fund	$1,000,000.00
4429	11-12-05	Support of government for the fiscal year 2005	
		1. Equipment replacement fund	$1,023,507.00
		2. Special revenue fund	$17,015,946.00
		3. Special revenue fund	$1,269,154.00
		4. Special revenue fund	$676,785.00
		5. General fund	$71,263.00
		6. General fund	$2,824,000.00
		7. Component unit	$3,552.00
		8. Special revenue fund - affordable housing	$22,100,000.00
		9. Capital projects fund	$205,247.00
		10. Special revenue fund	$1,875,000.00
		11. General fund	$143,569.00
		12. General fund	$0
		13. General fund	$4,277,000.00
4440	4-22-06	Special revenue fund	$3,617,723.00
4453	6-17-06	Support of government for the fiscal year 2006	
		1. Special revenue fund	$1,707,292.00
		2. Compenent unit	$519,765.00
		3. General fund	$4,732,890
		4. Equipment replacement fund	$440,315.00
		5. Component unit	$976,614.00
		6. General revenue fund	$44,938.00
		7. Special revenue fund	$1,233,413.00
		8. Special revenue fund	$1,687,029.00
		9. General fund	$36,331.00
4454	6-17-06	Support of government for the fiscal year 2007	
		1.—4 Support of city governent	$657,249,339.00
		5., 6. Capital improvement project expenditures	$60,023,662.00
		7. Transfers	$213,974,439.00
		8., 9. Support of city government	$657,249,339.00
		10. General fund	$7,913,000.00
		11. Special revenue	$1,000,000.00
4467	11-18-06	Support of government for the fiscal year 2007	
		1. Equipment replacement reserve fund	$916,599.00
		2. Special revenue fund	$10,669,047.00
		3. Special revenue fund	$889,867.00
		4. Special revenue fund	$1,194,796.00
		5. General fund	$28,187.00
		6. General fund	$2,649,421.00
		7. Special revenue fund—affordable/workforce housing	$-0-
		8. General fund	$-0-
		9. General fund	$4,971,406.00
4485	11-18-06	Support of government for the fiscal year 2007	
		1. Special revenue	$5,799,935.00
		2. Capital projects	$1,524,084.00
		3. General fund	$7,353,288.00
		4. Equipment replacement fund	$770,000.00
		5. Component unit	$1,487,560.00
		6. Special revenue fund	$126,000.00
		7. Special revenue fund	$105,100.00
		8. General fund	$333,467.00

Ordinance Number	Date	Purpose	Amount
		9. General fund	$24,263,072.00
		10. General fund	$1,100,000.00
4486	6-16-07	Support of government for the fiscal year 2007	
		1.—4. Support of city government	$680,221,408.00
		5., 6. Public schools	$66,125,370.00
		7. Transfers	$227,577,949.00
		8.—10. General fund	$680,221,408.00
4486	11-27-07	Support of government for the fiscal year 2008	
		1. Equipment replacement fund	$433,959.00
		2. Special revenue fund	$11,610,438.00
		3. Special revenue fund	$3,184,448.00
		4. Special revenue fund	$13,605,811.00
		5. General revenue fund	$69,072.00
		6. Capital projects	$116,135.00
		7. General fund	$2,345,870.00
		8. General fund	$3,368,000.00
		9. General fund	$0.00
		10. General fund	$700,000.00
		11. General fund	$577,000.00
4529	4-12-08	Support of government for the fiscal year 2008	
		1. Special revenue fund	$1,891.846.00
		2. Capital projects	$94,031.00
		3. General revenue fund	$0.00
		4. General revenue fund	$0.00
		5. General revenue fund	$36,554.00
		6. General revenue fund	$23,211.00
		7. Special revenue fund	$126,000.00
4553	6-14-08	Support of government for fiscal year 2008	$3,085,718.00
4554	6-14-08	1.—4. Support of city government	$745,713,583.00
		5., 6. Public schools	$98,261,469.00
		7. Transfers	$231,932,429.00
		8., 9. Support of city government	$745,713,583.00
		10. General fund	$4,200,000.00
		11. General fund	$9,501,000.00
4563	11-15-08	Support of government for the fiscal year 2009	
		1. Equipment replacement reserve fund	$799,180.00
		2. Special revenue fund	$9,807,935.00
		3. Special revenue fund	$2,578,518.00
		4. Special revenue fund	$8,576,865.00
		5. General revenue fund	$56,173.00
		6. Capital projects	$937,356.00
		7. General revenue fund	$2,902,820.00
		8. General revenue fund	$0.00
		9. General revenue fund	$780,000.00
4585	4-18-09	Support of government for the fiscal year 2009	
		1. Special revenue fund	$3,375,439.00
		2. Capital projects	$151,008.00
		3. General revenue fund	$0.00
		4. General revenue fund	$(9,330.059.00)
		5. Special revenue fund	$(1,350.347.00)
		6. Special revenue fund	$108,042.00
		7. General revenue fund	$196,000.00
		8. Special revenue fund	$225,000.00
		9. Special revenue fund	$180,000.00
4600	6-13-09	Support of government for the fiscal year 2009	

Ordinance Number	Date	Purpose	Amount
		1. Special revenue fund	$2,523,504.00
		2. Capital projects	$417,062.00
		3. General revenue fund	$8,950,000.00
		Capital project fund	$8,950,000.00
		4. Equipment replacement fund	$795,000.00
		5. Component unit	$801,559.00
		6. Special revenue fund	$432,060.00
		7. Special revenue fund	$3,243.00
		8. Special revenue fund	$(66,835.00)
4601	6-13-09	Support of government for the fiscal year 2010	
		1.—10. Support of city government	$703,504,135.00
		11. General fund	$7,705,000.00
4635	11-21-09	Support of government for the fiscal year 2010	
		1. Equipment replacement fund	$1,953,475.00
		2. Special revenue fund	$7,023,040.00
		3. Special revenue fund	$4,550,645.00
		4. Stimulus fund	$2,161,876.00
		5. Special revenue fund	$11,161,685.00
		6. General fund	$11,421.00
		7. Capital projects fund	$278,653.00
		8. General fund	$1,694,734.00
		9. General fund	$0.00
		10. Special revenue fund	$401,826.00
		11. General fund	$418,858.00
4651	4-17-10	Support of government for the fiscal year 2010	
		1. Special revenue fund	$5,338,910.00
		2. Capital projects fund	$2,352,860.00
		3. Capital projects fund	$11,238.00
		4. Stimulus fund	$4,522,800.00
		5. General fund	$125,000.00
		6. Special revenue fund	$208,789.00
		7. Special revenue fund	$200,000.00
4665	6-12-10	Support of government for the fiscal year 2010	
		1. Special revenue fund	$8,288,052.00
		2. Capital projects	$9,572.00
		3. General fund	$226,958.00
		Capital project fund	$226,958.00
		4. Equipment replacement fund	$196,000.00
		5. Component unit	$990,588.00
		6. General fund	$0.00
4666	6-12-10	Support of government for the fiscal year 2011	
		1.—10. Support of city government	$753,895,111.00
		11. General fund	$9,066,000.00
4701	12-18-10	Support of government for the fiscal year 2011	
		1. Equipment replacement reserve fund	$548,223.00
		2. Special revenue fund	$11,160.837.00
		3. Stimulus fund	$5,393,398.00
		4. Special revenue fund	$6,469,457.00
		5. Stimulus fund	$1,317,279.00
		6. Special revenue fund	$7,332,639.00
		7. General fund	$13,192.00
		8. Capital project fund	$1,625,157.00
		9. General fund	$3,839,183.00
		10. General fund	$0.00
		11. Special revenue fund	$100,208.00

Ordinance Number	Date	Purpose	Amount
		12. Special revenue fund	$205,501.00
		13. General fund	$490,701.00
4714	4-16-11	Support of government for the fiscal year 2011	
		1. Special revenue fund	$3,155,864.00
		2. Stimulus fund	$9,170,000.00
		3. General fund	$0.00
		4. Special revenue fund/housing fund	$962,782.00
4728	6-25-11	Support of government for the fiscal year 2012	
		1—4. Support of city government	$768,038,908.00
		5, 6. Capital project fund	$92,170,569.00
		7. Transfer	$248,950,435.00
		10. General fund	$1,800,000.00
		11. General fund	$8,791,000.00
4729	6-25-11	Support of government for the fiscal year 2011	
		1. Special revenue fund	$1,566,934.00
		2. Equipment replacement fund	$629,013.00
		3. Component unit	$1,860,898.00
4744	11-12-11	Support of government for the fiscal year 2012	
		1. Equipment replacement reserve fund	$1,657,200.00
		2. Special revenue fund	$12,675,040.00
		3. Stimulus fund	$4,503,204.00
		4. Special revenue fund	$3,016,408.00
		5. Special revenue fund	$10,020,363.00
		6. General fund	$12,992.00
		7. Capital project fund	$839,461.00
		8. General fund	$8,358,936.00
		9. Special revenue fund	$0.00
		10. Special revenue fund/component unit	$777,600.00
4760	4-14-12	Support of government for the fiscal year 2012	
		1. Special revenue fund	$4,163.309.00
		2. Capital project fund	$14,596,675.00
		3. General fund	$0.00
		4. General fund	$317,102.00
		5. Affordable housing fund	$587,102.00
		6. General fund	$73,454,827.00
		7. General fund	$995,391.00
4766	6-16-12	Support of government for the fiscal year 2013	
		1—4. Support of city government	$829,974,947.00
		5, 6. Capital project fund	$134,504,335.00
		7. Various funds	$256,757,381.00
		10. General fund	$2,675,762.00
		11. General fund	$10,457,000.00
4767	6-16-12	Support of government for the fiscal year 2012	
		1. Special revenue fund	$4,175.448.00
		2. Equipment replacement fund	$2,901,569.00
		3. Component unit	$1,473,824.00
		4. General fund	$5,322,592.00
		5. General fund	$314,644.00
		6. Component unit	$210,000.00
		7. Component unit	$549,000.00
		8. Capital projects	$935,845.00
4780	12-15-12	Support of government for the fiscal year 2013	
		1. Equipment replacement fund	$5,078,420.00
		2. Special revenue fund	$12,558,437.00
		3. Stimulus fund	$583,088.00

Ordinance Number	Date	Purpose	Amount
		4. Special revenue fund	$3,471,630.00
		5. Special revenue fund	$18,355,363.00
		6. General fund	$1,770.00
		7. Capital projects	$1,531,899.00
		8. General fund	$10,340,918.00
		9. General fund	$0.00
		10. Special revenue fund/component unit	$777,379.00
		11. General fund	$46,991.00
		12. Capital projects	$250,000.00
		13. General fund	$19,256,545.00
4799	4-13-13	Support of government for the fiscal year 2013	
		1. Special revenue fund	$226,167.00
		2. General fund	$0.00
		3. General fund	$180,000.00
		4. General fund	$9,776.00
		5. Affordable housing fund	$135,000.00
		6. Special revenue fund	$13,245.00
4818	6-15-13	Support of government for the fiscal year 2013	
		1. Special revenue fund	$324,796.00
		2. General fund	$15,300,503.00
		3. Capital project fund	$1,729,436.00
		4. Special revenue fund	$200,000.00
		5. Special revenue fund	$13,980,117.00
		6. General fund	$0.00
		6. Capital projects fund	$66,262.00
4819	6-15-13	Support of government for the fiscal year 2014	
		1.—5. Support of city government	$804,538,724.00
		6. Public schools	$76,735,227.00
		7. Transfers	$272,693,861.00
		8.—10. General fund	$200,000.00
		11. General fund	$10,193,000.00
4847	12-14-13	Support of government for the fiscal year 2014	
		1. Equipment replacement reserve fund	$5,237,857.00
		2. Special revenue fund	$5,504,697.00
		3. General fund	$516,620.00
		4. Special revenue fund	$7,380,685.00
		5. Special revenue fund	$405,432.00
		6. Special revenue fund	$2,027,892.00
		7. General fund	$4,073.00
		8. Capital projects	$979,339.00
		9. General fund	$2,842,339.00
		10. General fund	$0.00
		11. Special revenue fund	$92,979.00
4867	4-12-14	Support of government for the fiscal year 2014	
		1. Special revenue fund	$1,664,158.00
		2. General fund	$0.00
		3. General fund	$252,500.00
		4. General fund	$55,000.00
		5. Affordable housing fund	$165,000.00
		6. Northern Virginia Transportation Authority fund	$11,585,632.00
		7. Special revenue fund	$774.165.00
		8. Special revenue fund	$871,089.00
		9. Special revenue fund	$83,826.00
		10. DASH fund	$43,013.00

Ordinance Number	Date	Purpose	Amount
		11. General fund	$18,635,000.00
4890	6-14-14	Support of government for the fiscal year 2014	
		1. Special revenue fund	$1,909,287.00
		2. General fund	$5,588,948.00
		3. Other special revenue	$97,264.00
		4. Internal services fund	$863,333.00
		5. Capital projects	$138,260.00
		6. Special revenue fund	$56,454.00
		7. Special revenue fund	$18,263,136.00
		8. General fund	$0.00
		9. Special revenue fund	$166,113.00
		10. Library fund	$14,916.00
		11. Affordable housing fund	$5,074.00
4891	6-14-14	Support of government for the fiscal year 2015	
		1.—4. Support of city government	$867,047,306.00
		5., 6. Capital improvement projects	$92,464,283.00
		7. Transfers	$293,203,120.00
		8., 9. Support of city government	$867,047,306.00
		10. General fund	$8,722,000.00
4906	10-18-14	Support of government for the fiscal year 2015	
		1. Equipment replacement reserve fund	$5,112,438.00
		2. Special revenue fund	$6,230,399.00
		3. General fund	$363,460.00
		4. Special revenue fund	$1,752,789.00
		5. Special revenue fund	$247,129.00
		6. Capital projects	$1,996,827.00
		7. General fund	$311,443.00
		8. General fund	$0.00
4921	1-24-15	Support of government for the fiscal year 2015	
		1. Equipment replacement reserve fund	$1,064,788.00
		2. General fund	$5,319,500.00
		3. Special revenue fund	$1,457,169.00
		4. Special revenue fund	$440,822.00
		5. Capital projects	$5,435,048.00
		6. General fund	$175,500.00
		7. DASH fund	$222,000.00
4934	4-18-15	Support of government for the fiscal year 2015	
		1. Special revenue fund	$1,679,490.00
		2. General fund	$0.00
		3. General fund	$1,015,000.00
		4. Special revenue fund	$77,900.00
		5. Special revenue fund	$50,183.00
		6. Special revenue fund	$26,500.00
4954	6-13-15	Support of government for the fiscal year 2016	$912,707,783.00
4955	6-13-15	Support of government for the fiscal year 2016	
		1. Special revenue fund	$1,830,739.00
		2. Capital project fund	$63,500.00
		3. Special revenue fund	$109,521.00
		4. Special revenue fund	$1,095,000.00
		5. Special revenue fund	$87,600.00
		6. General fund	$33,995,000.00
		7. General fund	$97,000.00
4969	10-17-15	Support of government for the fiscal year 2016	
		1. Equipment replacement reserve fund	$2,579,864.00
		2. Special revenue fund	$4,160,166.00

Ordinance Number	Date	Purpose	Amount
		3. Special revenue fund	$1,998,179.00
		4. Other special revenue fund	$54,208.00
		5. Other special revenue fund—Seized assets	$86,100.00
		6. General fund	$770,555.00
		7. General fund	$10,645,678.00
4984	1-30-16	Support of government for the fiscal year 2016	
		1. Equipment replacement reserve fund	$7,340.00
		2. Special revenue fund	$1,882,852.00
		3. Special revenue fund	$445,075.00
		4. Capital projects	$550,000.00
		5. General fund	$0.00
		6. General fund	$197,126.00
4992	4-16-16	Support of government for the fiscal year 2016	
		1. Special revenue fund	$2,214,696.00
		2. Special revenue fund	$115,000.00
		3. Component unit	$1,354,073.00
		4. General fund	$16,985.00
		5. General fund	$3,358.00
5023	6-18-16	Support of government for the fiscal year 2016	
		1. Special revenue fund	$1,175,537.00
		2. Potomac Yard fund	$337,000.00
		3. General fund	$77,500.00
		4. General fund	$0.00
		5. Special revenue fund	$150,000.00
5024	6-18-16	Support of government for the fiscal year 2017	
		1.—4. Support of city government	$1,203,096,354.00
		5., 6. Capital improvement project	$394,604,052.00
		7. Transfers	$321,269,888.00
		10. General fund	$10,776,000.00

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APPENDIX E

ORDINANCES RELATIVE TO BORROWING MONEY (BONDS)

Ordinance Number	Date	Purpose	Amount	Interest	Date of Issue	Date of Maturity
2759	1-25-83	Acquisition of real property (John Roberts homes)	$ 5,700,000.00	—	—	—
2760	1-26-83	Acquisition and rehabilitation of real property for low- or moderate-income persons	$ 2,188,000.00	—	—	—
2868	11-12-83	Construction of school buildings, additions to existing buildings, remodeling, etc.	$ 1,500,000.00	—	—	—
2869	11-12-83	Constructing and improving city buildings	$23,500,000.00	—	—	—
2870	11-12-83	Constructing, paving, widening, improving streets, bridges, etc	$ 5,000,000.00	—	—	—
2871	11-12-83	Purchase of transit coaches and ancillary equipment	$ 2,250,000.00	—	—	—
2923	5-12-84	Constructing and improving public parking facilities	$ 2,500,000.00	—	—	—
3057	6-15-85	Constructing and improving streets, bridges, etc	$ 5,000,000.00	—	—	—
3058	6-15-85	Acquisition and improvement of land for parks, playgrounds, etc.	$ 2,000,000.00	—	—	—
3059	6-15-85	Capital improvements for schools	$2,000,000.00	—	—	—
3060	6-15-85	Capital improvements for city buildings	$ 5,000,000.00	—	—	—
3061	6-15-85	Construction and acquisition of transit facilities	$ 3,000,000.00	—	—	—
3247	12-12-87	Capital improvements of public and school buildings, streets, bridges, parks, etc.	$15,000,000.00	—	—	—

Ordinance Number	Date	Purpose	Amount	Interest	Date of Issue	Date of Maturity
3545	1-25-92	Refunding bonds for purpose of refunding some or all of the maturities of certain public improvement and school bonds 1972—1988	$50,000,000.00	—	—	—
3685	12-11-93	Capital improvements of public buildings, school buildings, traffic signal equipment, bus and rail capital improvement costs	$26,700,000.00	—	—	—
3943	6-24-97	Capital improvements projects, including construction, renovation and equipping of public buildings and school buildings; acquisition, installation, replacement and upgrade of traffic signal equipment; etc.	$45,000,000.00	—	—	—
4017	6-24-98	Capital improvements projects including public buildings and school buildings, traffic signal equipment, bus and rail improvements	$45,000,000.00	—	—	—
4034	2-23-99	General obligation capital improvement bonds for various public improvements	$60,000,000.00	—	—	—
4139	6-17-00	General obligation capital improvement bonds for various public improvements	$15,000,000.00	—	—	—
4198	5-12-01	General obligation capital improvement bonds for various public improvements	$54,500,000.00	—	—	—
4303	6-14-03	Public improvements	$64,700,000.00	—	—	—
4364	10-16-04	Public improvements	$54,825,000.00	—	—	—
4423	10-15-05	Capital improvements	$78,100,000.00	—	—	—

Ordinance Number	Date	Purpose	Amount	Interest	Date of Issue	Date of Maturity
4541	5-20-08	Capital improvement projects, including construction, renovation and equipping of public buildings and school buildings, maintenance of traffic controls, etc.	$70,000,000.00	—	—	—
4584	3-24-09	Capital improvement projects, including construction and remodeling of school buildings, existing and new city buildings and park facilities, etc.	$106,700,000.00	—	—	—
4605	6-13-09	Affordable housing projects	$106,700,000.00	—	—	
4707	3-12-11	Capital improvement projects, including construction, remodeling, and repairing of school buildings, existing and new city buildings and park facilities, etc.	$69,950,000.00	—	—	—
4755	3-17-12	Capital improvement projects, including construction, remodeling, and repairing of school buildings, city parks and public buildings, etc.	$76,820,000.00	—	—	—
4796	4-13-13	Capital improvement projects, including construction, remodeling, and repairing of school buildings, city parks and public buildings, etc.	$63,800,000.00	—	—	—
4868	4-12-14	Capital improvement projects, including construction, remodeling, and repairing of school buildings, city parks and public buildings, etc.	$35,997,000.00	—	—	—

Ordinance Number	Date	Purpose	Amount	Interest	Date of Issue	Date of Maturity
4932	3-14-15	Capital improvement projects, including construction, remodeling, and repairing of school buildings, city parks and public buildings, etc.	$29,000,000.00	—	—	—
4973	11-14-15	Construction of the Potomac Yard Metrorail Station	$58,000,000.00	—	—	—
5009	5-14-16	Capital improvement projects, including construction, remodeling, and repairing of school buildings, city parks and public buildings, etc.	$80,535,000.00	—	—	—

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APPENDIX F

MISCELLANEOUS ORDINANCES NOT CODIFIED OR OTHERWISE LISTED

Ordinance Number	Date	Subject
2707	6-22-82	Intent to fund city obligation to Washington Metropolitan Area Transit Authority
2711	7-20-82	Adopts Supplement No. 24 to the 1963 City Code
2728	11-13-82	Amends land use and transportation elements of Consolidated Master Plan
2910	3-21-84	Amends Ord. No. 810 (2-23-54), as amended, to add new section to community unit plan for Brookville
2921	5-12-84	Filing with the assessor a biennial application for retention of tax-exempt status by certain real property owners
2928	6-18-84	Repeals Res. No. 832 and reestablishes the Alexandria Commission on Employment; repealed by Ord. No. 3263 (1-23-88)
2960	6-27-84	Adds Article M1 to Chapter 6 of Title 7, re Parker-Gray District effective November 1, 1984, unless standards are not adopted by that date. (See Article M-1 as derived from Ord. No. 2986)
2969	9-15-84	Amends land use and transportation elements of Consolidated Master Plan
2977	10-23-84	Amends effective date of Ord. No. 2960 to January 1, 1985, unless standards are not adopted by that date
2980	11-17-84	Amends Ord. No. 2180, list of structures protected by Old and Historic Alexandria District, by deleting several structures
2995	12-15-84	Sets form of lease; repealed by Ord. No. 3249 (11-14-87)
3117	3-22-86	Adopts federal regulations concerning transportation and storage of hazardous materials
3175	1-24-87	Amends Consolidated Master Plan by incorporating portions of the Landmark/Van Dorn Area Plan, as amended
3209	5-18-87	Amends major thoroughfare plan element of Consolidated Master Plan
3249	11-14-87	Granting a deed of lease of the Alexandria Academy to the successful bidder
3320	9-24-88	Sets form of lease
3352	1-14-89	Changes street name; portion of First Street changed to Canal Center Plaza
3379	5-20-89	Amends Consolidated Master Plan
3380	5-20-89	Amends the Consolidated Master Plan by incorporating the Fairlington/Bradlee Small Area Plan, the Northeast Small Area Plan and the Potomac West Small Area Plan
3381	5-31-89	Amends the Consolidated Master Plan by incorporating the Old Town Small Area Plan and Addendum
3391	6-17-89	Authorizes the city attorney's office to provide legal services to the Alexandria School Board
3392	6-27-89	Amends the Consolidated Master Plan by incorporating the Alexandria West (West of I-395) Small Area Plan, the Seminary Hill/Strawberry Hill Small Area Plan and the Taylor Run/Duke Street Small Area Plan
3408	10-10-89	Amends the Consolidated Master Plan by incorporating the Braddock Road Metro Station Area Small Area Plan, the Landmark/Van Dorn Small Area Plan, and the North Ridge/Rosemont Small Area Plan
3410	11-14-89	Provides for advertising for and receipt of bids relative to the leasing of property known as the Alexandria Academy
3431	1-20-90	Amends Consolidated Master Plan by incorporating the Southwest Quadrant Small Area Plan and Addendum
3461	6-16-90	Authorizes city to assess an additional fee, not to exceed $2, as part of the court costs charged in each criminal and traffic case processed by the Alexandria Circuit Court and the Alexandria General District Court; repealed by Ord. No. 3519 (6-15-91)
3473	10-13-90	Amends Consolidated Master Plan by incorporating the King Street/Eisenhower Avenue Metro Station Small Area Plan

Ordinance Number	Date	Subject
3552	1-25-92	Amends § 7-6-110 of Tit. 7, Ch. 6, Zoning (currently under revision by city)
3553	1-25-92	Amends Consolidated Master Plan by incorporating the Old Town North Small Area Plan
3554	1-25-92	Amends Fairlington/Bradlee, Northeast, Old Town, Taylor Run/Duke Street, Seminary Hill/Strawberry Hill, Alexandria West, Braddock Road Metro Station, Landmark/Van Dorn and Southwest Quadrant Small Area Plans of the Consolidated Master Plan
3555	1-25-92	Amends § 7-6-229(c)(1) of Tit. 7, Ch. 6, Zoning (currently under revision by city)
3558	1-28-92	Amends Tit. 7, Ch. 6, zoning (currently under revision by city) by adding Art. S, §§ 7-6-400—7-6-423
3559	2-22-92	Amends Tit. 7, Ch. 6, Zoning (currently under revision by city) by adding § 7-6-194A
3560	2-22-92	Amends § 7-6-17(a)(3) of Tit. 7, Ch. 6, Zoning (currently under revision by city)
3561	3-21-92	Amends Tit. 7, Ch. 6, Zoning (currently under revision by city) by repealing § 7-6-1(61), adding § 7-6-1(57.02), amending § 7-6-23(a)(11), repealing § 7-6-23(a)(12), and amending § 7-6-25(a)(14)
3565	4-25-92	Amends Potomac West Small Area Plan of the Consolidated Master Plan
3571	5-16-92	Amends Tit. 7, Ch. 6, Zoning (currently under revision by city) by adding § 7-6-192(8)
3576	6-13-92	Adopts the 1992 Master Plan for the city
3591A	6-23-92	Adopts a new comprehensive zoning plan for the city
3603	11-24-92	Amends and reordains the Potomac Yards/Potomac Greens Small Area Plan chapter of the 1992 Master Plan of the city
3624	4-17-93	Authorizes an amendment to the charter of the Northern Virginia Criminal Justice Academy and the acquisition, financing and relocation of the Academy's facilities to the University Center in Loudoun County, Virginia
3625	4-17-93	Approves the finance lease between the Industrial Development Authority of Loudoun County and the City of Alexandria
3626	4-17-93	Approves the officer training agreement by and among the Northern Virginia Criminal Justice Academy, the City of Alexandria, the County of Arlington and the County of Loudoun
3630	5-15-93	Amends and reordains the Old Town Small Area Plan chapter of the 1992 Master Plan
3705	2-12-94	Amends and reordains the King Street/Eisenhower Avenue Metro Station Small Area Plan Chapter of the 1992 Master Plan
3739	6-18-94	Amends and reordains the Braddock Road Metro Station and King Street/Eisenhower Avenue Small Area Plan Chapters of the 1992 Master Plan
3744	6-28-94	Amends and reordains the Strawberry Hill/Seminary Hill Small Area Plan Chapter of the 1992 Master Plan
3754	10-15-94	Authorizes the Mark Winkler Company to increase the size of the free-standing sign within the public median right-of-way located in Nottingham Drive at its terminus with Seminary Road
3767	12-17-94	Amends and reordains the Potomac West Small Area Plan Chapter of the 1992 Master Plan
3775	1-21-95	Amends and reordains the Braddock Road Metro Station Small Area Plan Chapter of the 1992 Master Plan
3777	2-25-95	Changes the name of a portion of Clermont Avenue
3789	4-22-95	Amends and reordains the Braddock Road Metro Station, Seminary Hill/Strawberry Hill, and Alexandria West Small Area Plan Chapters of the 1992 Master Plan of the city
3805	6-17-95	Amends and reordains the Old Town North and Potomac West Small Area Plan Chapters of the 1992 Master Plan

Ordinance Number	Date	Subject
3836	11-18-95	Amends and reordains the Potomac Yard/Potomac Greens Small Area Plan Chapter of the 1992 Master Plan
4012	6-13-98	Amends and reordains the transportation chapter of the 1992 Master Plan of the City of Alexandria, Virginia
4030	12-12-98	Amends and reordains the Master Plan of the City of Alexandria
4032	1-23-99	Extends the due date for the payment of business license taxes for license year 1999, from January 31, 1999 to February 16, 1999
4038	4-17-99	Provides for the grant of a deed of lease by the city of the public property known as Lot 500
4050	6-12-99	Grants to Ogden Martin Systems of ALexandria/Arlington, Inc. a deed of lease to a parcel of public property known as Lot 500
4070	9-18-99	Amends and reordains the 1992 Master Plan (1998 ed.) fo the city
4076	10-16-99	Amends and reordains the Potomac Yard/Potamac Greens Small Area Plan of the 1992 Master Plan of the city
4086	11-13-99	Amends and reordains the 1992 Master Plan (1998 ed.) of the city by adopting and incorporating therein amendments heretofore approved by city council
4089	11-13-99	Amends and reordains the 1992 Master Plan (1998 ed.) of the city by adopting and incorporating therein amendments heretofore approved by city council
4098	12-18-99	Amends and reordains the 1992 Master Plan (1998 ed.) of the city by adopting and incorporating therein amendments heretofore approved by city council
4115	3-18-00	Authorizes and approves the construction of a family mausoleum on private property in the vicinity of Eisenhower Avenue and Taylor Drive
4148	6-27-00	Amends and reordains the 1992 Master Plan (1998 ed.) of the city by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 00-0004 and no other amendments, and repeals all provisions of the said master plan as may be inconsistent with such amendment
4179	12-16-00	Authorizes the city to become a member of and participate in the "Virginia Governmental Electricity Purchasing Association"
4192	3-17-01	Amends and reordains the 1992 Master Plan (1998 ed.) of the City by adopting and incorporating therein the Water Quality Management Supplement heretofore approved by the city council as Master Plan Amendment No. 2000-0007 and no other amendments
4234	1-26-02	Amends and reordains the 1992 Master Plan (1998 ed.) by adopting and incorporating therein the amendments heretofore approved by city council to such master plan as Master Plan Amendment Nos. 2001-0002 and 2001-0003 and no other amendments
4239	2-23-02	Authorizes the City of Alexandria to become a member of and participate in the Virginia Energy Purchasing Governmental Association
4253	5-18-02	Amends and reordains the 1992 Master Plan (1998 ed.) by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2002-0001 and no other amendments
4261	6-25-02	Amends and reordains the 1992 Master Plan (1998 ed.) by adopting and incorporating the amendment heretofore approved by the city council to such master plan as Master Plan Amendment No. 2002-0002 and no other amendments
4277	11-16-02	Amends and reordains the Master Plan of the City of Alexandria

Ordinance Number	Date	Subject
4309	6-14-03	An ordinance to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendments heretofore approved by city council to such master plan as Master Plan Amendment Nos. 2003-0005, 2003-0006 and 2003-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendments
4338	3-13-04	Amends and reordains the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2003-0010 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment
4360	9-28-04	Establishes a pilot program for the administrative approval of outdoor dining or sidewalk cafe dining along the King Street corridor, from the Potomac River to the King Street Metro Station.
4374	1-25-05	Amends and reordains the 1992 Master Plan (1998 ed.) of the City of Alexandria
4427	10-15-05	Amends and reordains the Official Zoning Map, Alexandria Virginia and text amendments
4430	11-12-05	Amends the 1992 Master Plan (1998 ed.) of the City of Alexandria
4431	11-12-05	Amends and reordains the Official Zoning Map, Alexandria Virginia and text amendments
4450	5-20-06	Amends and reordains the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2005-0006 and no other amendments
4451	5-20-06	Amends and reordains the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2005-0003 and no other amendments
4462	9-16-06	Amends and reordains the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2006-0002 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment
4464	10-14-06	Amends and reordains the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2005-0005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment
4524	4-12-08	Amends and reordains the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the new Braddock Metro Neighborhood Plan as a Small Area Plan Chapter of the said master plan, and to repeal all provisions of the said master plan as may be inconsistent with such new chapter (Master Plan Amendment No. 2006-0005), and to designate the current edition as the 2008 edition of the 1992 Master Plan

Ordinance Number	Date	Subject
4525	4-12-08	Amends and reordains the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the new Comprehensive Transportation Master Plan Chapter heretofore approved by city council as Master Plan Amendment No. 2008-0001, and to repeal all provisions of the said master plan as may be inconsistent with such new chapter
4528	4-12-08	Amends and reordains the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2007-0004 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment
4552	6-14-08	Amends and reordains the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 20008-0002 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment
4571	12-13-08	Amends and reordains the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 20008-0003 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment
4574	12-13-08	Amends and reordains the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 20008-00035 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment
4578	2-21-09	Amends and reordains the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 20008-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment
4598	6-13-09	Amends and reordains the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2008-0008 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment
4617	9-12-09	Amends and reordains the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2008-0006 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment

Ordinance Number	Date	Subject
4618	9-12-09	Amends and reordains the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2009-0001, and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment
4625	9-12-09	Rolls back the hourly wage rate that contractors are required to pay their employees under public contracts for the provision of services to the rate that was effective on July 1, 2008 (FY 2009), pursuant to Code Section 3-3-31.1 (Service Contract Wages) of Division 1 (Competitive Sealed Bidding) of Article D (Contract Formation and Source Selection) of Chapter 3 (Purchases and Contractual Services) of Title 3 (Finance, Taxation and Procurement) of the Code of the City of Alexandria, Virginia, 1981, as amended
4630	10-27-09	Further extends the pilot program established by City Council by Ordinance No. 4566 to authorize portable signs in the public right-of-way for businesses in the Central Business District, with administrative approval.
4640	12-12-09	Temporarily suspends the provisions of Code Section 9-12-31, Annual Review of the Taxi Industry, related to the dates for conducting the annual review of the city's taxicab industry and related actions related thereto by the traffic and parking board and the city manager pursuant to § 9-12-31.
4643	1-23-10	Amends and reordains the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, to move a portion of Carlyle Block P to the Eisenhower East Small Area Plan in accordance with the text amendment heretofore approved by City Council as Master Plan Amendment No. 2009-0003.
4663	6-12-10	Authorizes the further postponement of certain matters required by Section 9-12-31 of The Code of the City of Alexandria, Virginia, 1981, as amended.
4664	6-12-10	Authorizes the city manager to execute the five-year license agreement to authorize 106 Union Dublin, LLC to utilize a portion of Wales Alley right-of-way pursuant thereto and to take any other actions necessary to implement the agreement.
4673	6-12-10	Amends and reordains the 1992 Master Plan (2008 ed.) of the City of Alexandria, Virginia, to include the North Potomac Yard East Small Area Plan in accordance with the text amendment heretofore approved by City Council as Master Plan Amendment No. 2010-0002.
4674	6-12-10	Amends and reordains the 1992 Master Plan (1998 ed.) and Zoning Map of the City of Alexandria, Virginia, to change the land use designation from commercial to parks and open space in the Southwest Quadrant Small Area Plan Chapter of the Master Plan for the area that is the Contrabands and Freedmen's Cemetery Memorial in accordance with the master plan amendment previously approved by City Council as Master Plan Amendment No. 2010-0001.
4687	11-13-10	Amends and reordains the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2009-0005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4693	12-18-10	Authorizes creation of Tier I Potomac Yard Metrorail Station Special Services District, pursuant to Va. Code Section 15.2-2400 et seq.

Ordinance Number	Date	Subject
4710	3-12-11	Amends and reordains the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Potomac Yard/Potomac Greens Small Area Plan Chapter of such master plan as Master Plan Amendment No. 2010-0004 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4719	5-14-11	Adjusts the precinct boundaries for the Cora Kelly, Mount Vernon, George Washington, Lee Center and Lyles Crouch Precincts, and to make conforming amendments to "The Official Map of the City of Alexandria, Virginia, Designating Election Districts and Voting Places," adopted by Section 2-2-13 (map of election districts and voting places), all of Chapter 2 (Elections), Title 2 (General Government) of The Code of the City of Alexandria, Virginia, 1981, as amended.
4726	6-25-11	Declares the property located at 325 Duke Street a blighted property and a nuisance to the community, and authorizing the abatement of such nuisance.
4733	6-28-11	Amends and reordains the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Old Town North Small Area Plan chapter of such master plan as Master Plan Amendment No. 2011-0002 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4736	9-17-11	Amends and reordains the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Eisenhower East Small Area Plan Chapter of such master plan as Master Plan Amendment No. 2011-0003 and 2011-0004 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4749	2-25-12	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by City Council as Master Plan Amendment No. 2011-0001 to incorporate the Waterfront Small Area Plan Chapter into the Master Plan and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4752	2-25-12	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to Braddock Metro Station Small Area Plan and the Northeast Small Area Plan Chapters as Master Plan Amendment No. 2011-0008 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4753	2-25-12	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Fairlington/Bradlee Small Area Plan Chapter as Master Plan Amendment No. 2011-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

Ordinance Number	Date	Subject
4758	4-14-12	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendments heretofore approved by City Council to the Eisenhower East Small Area Plan Chapter of such master plan as Master Plan Amendment No. 2009-0002 and Master Plan Amendment No. 2011-0005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4765	6-16-12	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council as Master Plan Amendment No. 2012-0003 to incorporate the Beauregard Small Area Plan Chapter into the Master Plan and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4770	6-26-12	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Landmark/Van Dorn chapter of such master plan as Master Plan Amendment No. 2012-0002 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4771	6-26-12	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Eisenhower East chapter of such master plan as Master Plan Amendment No. 2012-0001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4786	2-23-13	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment to the Potomac Yard/Potomac Greens Small Area Plan heretofore approved by city council to such master plan as Master Plan Amendment No. 2012-0004 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4788	2-23-13	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment to the Braddock Road Metro Small Area Plan Chapter of such Master Plan heretofore approved by city council as Master Plan Amendment No. 2012-0008 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4792	2-23-13	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Potomac West Small Area Plan Chapter of such master plan as Master Plan Amendment No. 2012-0006 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4805	5-18-13	Authorizes the city manager to execute a three-year license agreement to authorize The Waterfront Market, LLC to utilize a portion of the City Marina Plaza right-of-way pursuant thereto and to take any other actions necessary to implement the agreement.

Ordinance Number	Date	Subject
4816	6-15-13	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment to the Landmark/ Van Dorn Chapter of the Master Plan heretofore approved by city council as Master Plan Amendment No. 2013-0001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4833	10-19-13	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2012-0005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4850	1-25-14	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Northeast Small Area Plan chapter of such master plan as Master Plan Amendment No. 2013-0003 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4853	1-25-14	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Eisenhower East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2013-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4854	1-25-14	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2013-0005 to incorporate the Housing Master Plan Chapter into the Master Plan and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4855	1-25-14	Adopts the VACo/VML Virginia Investment Pool Trust Fund for the purpose of investing moneys belonging to or within the city's control, other than sinking funds, in certain authorized investments in accordance with Section 2.2-4501 of the Virginia Code.
4862	3-15-14	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Old Town North chapter of such master plan as Master Plan Amendment No. 2014-0001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4863	3-15-14	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Eisenhower East Small Area Plan Chapter of such master plan as Master Plan Amendment No. 2013-0006 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4893	6-14-14	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Landmark Van Dorn Corridor Plan in the Landmark Van Dorn Small Area Plan chapter of such master plan as Master Plan Amendment No. 2013-0008 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

Ordinance Number	Date	Subject
4896	6-24-14	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Old Town Small Area Plan chapter of such master plan as Master Plan Amendment No. 2014-0003 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4912	11-15-14	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Old Town Small Area Plan chapter of such master plan as Master Plan Amendment No. 2014-0007 to amend Map 25 of such chapter to change the land use designation for the property located at 329 North Washington Street from RM-Residential Medium to CD-Commercial Downtown with proffer and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4917	12-13-14	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Eisenhower East Small Area Plan chapter of the 1992 Master Plan as Master Plan Amendment No. MPA 2014-0009 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4928	2-21-15	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council on January 24, 2015 to the Land Use Map and the Height Map in the Alexandria West Small Area Plan chapter of such master plan as Master Plan Amendment No. 2014-0008 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment (The Fillmore).
4938	4-18-15	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment to Map #11 of the Old Town North chapter of such master plan heretofore approved by city council on February 21, 2015 as Master Plan Amendment No. 2014-0010 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment (513 North Washington Street, The Mill).
4975	11-14-15	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by City Council on October 17, 2015 to the land use map in the Braddock Road Metro Small Area Plan chapter of such master plan as Master Plan Amendment No. 2015-0002 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Park Residences)
4976	11-14-15	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by City Council on October 17, 2015 to the Potomac West Small Area Plan chapter of such master plan as Master Plan Amendment No. 2015-0004 to incorporate the Oakville Triangle/Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines into such Small Area Plan and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

Ordinance Number	Date	Subject
4978	12-12-15	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on November 14, 2015 to the Alexandria West chapter of such master plan as Master Plan Amendment No. 2015-0001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment (The Gateway at King and Beauregard).
4980	12-12-15	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on November 14, 2015 to the Landmark/Van Dorn chapter of such master plan and to add a new chapter of the Master plan known as the Eisenhower West Small Area plan Chapter as Master Plan Amendment No. 2015-0006 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
4998	4-16-16	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on January 30, 2016 to the Potomac West Small Area Plan chapter of such master plan as Master Plan Amendment No. 2015-0007 to amend the Oakville Triangle/Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
5011	5-14-16	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on March 12, 2016 to the Braddock East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2015-0003 to amend the land use and development framework tables pertaining to the Ramsey Homes property and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
5013	5-14-16	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on March 12, 2016 to the Old Town North Small Area Plan chapter of such master plan as Master Plan Amendment No. 2015-0009 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
5016	5-14-16	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on April 16, 2016 to the Pedestrian and Bicycle Section of the Transportation Master Plan chapter of such master plan as Master Plan Amendment No. 2015-0005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.
5025	6-18-16	Sets the hourly wage rate that contractors are required to pay their employees under public contracts for the provision of services to $14.13 per hour beginning in FY 2017, pursuant to Code Section 3-3-31.1 (Service Contract Wages) of Division 1 (Competitive Sealed Bidding) of Article D (Contract Formation and Source Selection) of Chapter 3 (Purchases and Contractual Services) of Title 3 (Finance, Taxation and Procurement) of the Code of the City of Alexandria, Virginia, 1981, as amended.

Ordinance Number	Date	Subject
5031	6-28-16	Amends and reordains the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on June 16, 2016 to the Potomac Yard/Potomac Greens Small Area Plan chapter of such master plan as Master Plan Amendment No. 2016-0001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

APPENDIX G

AUTHORITIES CREATED BY CITY COUNCIL

Ordinance Number	Date	Subject
2750	12-14-82	Amends Ord. No. 2099, concerning industrial development authority
2815	6-28-83	Repeals Ord. Nos. 2099, 2208 and 2750, and amends 1671, concerning industrial development authority

APPENDIX H

ORDINANCES AUTHORIZING FRANCHISES

Ordinance Number	Date	Subject/Grantee
3070	7- 2-85	Advertises franchise bid for communication lines
3079	9-14-85	MCI Telecommunications Corp.; communication lines
3089	11-12-85	Advertises franchise bid for cable television
3100	12-14-85	Media General Cable of Fairfax, Inc., cable television
3320	9-24-88	Sets form of lease for Alexandria Academy
3567	4-28-92	Advertises franchise bid for electricity
3580	6-13-92	Virginia Electric and Power Company; electricity
3728	6-18-94	Jones Intercable of Alexandria, Inc., cable television
3961	10-25-97	Grants a two-year extension to Bell Atlantic-Virginia, Incorporated
4039	4-17-99	Grants a one-year extension to Bell Altantic-Virginia, Incorporated formerly known as the Chesapeake and Potomac Telephone Compnay of Virginia
4126	4-15-00	Amends and reordains Ordinance No. 2165, as amended, to grant a one-year extension of franchise rights to Bell Atlantic-Virginia, Incorporated, formerly known as the Chesapeake and Potomac Telephone Company of Virginia
4202	5-12-01	Grants a one-year extension of franchise rights to Verizon Virginia, Inc. formerly known as Bell Atlantic-Virginia, Incorporated, formerly known as the Chesapeake and Potomac Telephone Company of Virginia
4249	5-18-02	Amends and reordains Ordinance No. 2165, as amended, to grant a one-year extension of franchise rights to Verizon Virginia, Inc., formerly known as Bell Atlantic-Virginia, Incorporated, formerly known as the Chesapeake and Potomac Telephone Company of Virginia
4308	6-14-03	Amends and reordains Ordinance No. 2165, as amended, to grant a one-year extension of franchise rights to Verizon Virginia, Inc., formerly known as Bell Atlantic-Virginia, Incorporated, formerly known as the Chesapeake and Potomac Telephone Company of Virginia
4447	5-20-06	Initiated and establishes the process for granting a franchise by the City of Alexandria, Virginia, to use the public right-of-way and other public places to provide a citywide wireless network for internet access and other purposes
4586	4-18-09	Initiates and establishes the process for granting a franchise by the City of Alexandria, Virginia, to use the public rights-of-way to provide telecommunications services, excluding cable services in the city
4599	6-13-09	Verizon Virginia Inc., telecommunications system

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APPENDIX I

ORDINANCES RELATIVE TO SALES AND EXCHANGES OF CITY PROPERTY

Ordinance Number	Date	Transaction (Amount)	Description/Owner
2660	3-13-82	Exchange	Hubert N. Hoffman; property near Eisenhower Avenue, Mill Road and Capital Beltway
2671	3-13-82	Sale ($250,000.00)	Gateway South Associates; property near Eisenhower Avenue, Mill Road and Capital Beltway
2713	9-14-82	Sale ($40,000.00)	Evan M. Dade, 107½ East Reed Avenue
2724	10-16-82	Sale ($60,000.00)	Jonathan M. and Nancy M. Roberts, 130 Wesmond Drive
2744	11-23-82	Sale ($76,860.00)	American Legion Post No. 129, 224 North Fayette Street
2779	2-22-83	Exchange	Thomas H. Andrews, Inc.; property near Montgomery Street and the Potomac River
2793	4-26-83	Sale ($34,191.59)	Thomas H. Andrews Partnership, property near Mill Road
2794	5-10-83	Sale of building (not land)	Alexandria Art Center Associates, torpedo plant building No. 2, 105 North Union Street
2837	6-29-83	Sale ($115,100.00)	Arnon Perry and Joav Steinbach, 1419, 1421, 1423 and 1425 Duke Street
2838	6-29-83	Sale ($45,100.00)	Peter B. Crouch and Gladys Mesmer, 519 North Alfred Street
2848	9-17-83	Sale ($79,900.00)	Geneva V. Veney, 322B East Clifford Avenue
2849	9-17-83	Sale ($79,900.00)	Yvonne G. Moore, 322A East Clifford Avenue
2855	10-25-83	Sale ($345.00)	Lazarus N. and Joyce B. Johnson, 69 square feet along the front of 200 East Clifford Avenue
2856	10-25-83		Amends Ord. No. 2849, changing name of buyer to Harold G. and Tatania Cook
2857	10-25-83	Sale ($30,000.00)	Rev. Charles E. Gee, 523 North Alfred Street
2858	**10-25-83**	**Sale of 10 parcels:**	**For homeownership assistance program:**
		($73,000.00)	**47 Dade Street**
		($73,000.00)	**48 Dade Street**
		($71,000.00)	**130 Dade Street**
		($73,000.00)	**132 Dade Street**
		($73,000.00)	**138 Dade Street**
		($73,000.00)	**157 Dade Street**
		($73,000.00)	**3732 Edison Street**
		($73,000.00)	**3710 Mark Drive**
		($71,000.00)	**3719 Mark Drive**
		($75,000.00)	**3721 Mark Drive**
2876	**11-12-83**	**Sale**	**Braddock Metro Joint Venture; Parker Gray School**
2880	**11-12-83**	**Sale ($70,290.00)**	**Church Street Associates; portion of South Columbus Street between Church Street and I-495, vacated by Ord. No. 2798**
2884	11-22-83	Sale ($38,500.00)	Chester Garvin, 19 East Del Ray Avenue
2895	1-21-84	Sale ($10,100.00)	Lester Schafer and Jack Spahr, 120—122½ North Patrick Street
2897	1-21-84	Conveyance by quitclaim	Lehigh Concrete Company, property in Cameron Run channel
2898	1-21-84	Conveyance by quitclaim	Washington Metropolitan Area Transit Authority, property in Cameron Run channel

Ordinance Number	Date	Transaction (Amount)	Description/Owner
2912	3-21-84	Sale ($20,250.00)	Cummings Investment Associates, Inc., south side of Franklin Street between east side of Potomac Street and west side of South Union Street, vacated pursuant to Ord. No. 2751
2924	5-12-84	Exchange	Lehigh Portland Cement Company; Parcel C in Cameron Run Channel subdivision
2938	6-18-84	Sale ($2,890.00)	Robert D. Bartlett III; 289 square feet in the 100 block of North Patrick Street
2944	6-18-84		Amends Ord. No. 2924, correcting plat book page number
2966	9-15-84	Exchange	725 North Henry Street; Duke Realty parcel on west side of Holland Lane and north side of Richmond, Fredericksburg and Potomae Railroad Company
2970	9-15-84	Sale (15 parcels at $76,000.00 each; 4 at $78,000.00 each)	Nineteen parcels on Dale, Edison, Reed and Mark for low and moderate income housing
2971	9-15-84	Sale ($907,500.00)	Arlington County; half interest in 5401 Eisenhower Avenue waste-to-energy site
2987	11-17-84	Sale ($75,000.00)	Gregory K. Peterson; 230 North Payne Street
2989	11-17-84		Amends Ord. No. 2971, § 6, concerning sale of bonds
2996	12-15-84	Sale ($1,700,000.00 cash; $200,000.00 note)	Samual M. Ellsworth and John W. Howell; 219 North Lee Street
2999	12-15-84	Conveyance	Wania M. Reynolds, property between 207 and 209 North Royal Street
3000	12-15-84		Amends Ord. No. 2912, to correct property description
3013	2-23-85	Exchange	Itbar J. Merali and Nasim Merali parcels at 1810 King Street; city parcels at 1022, 1020, 1018, 1016, 1014 and 1012 Cameron Street (and adjacent alley)
3018	2-23-85	Exchange	Two parcels at 1522 King Street owned by 1522 King Street Associates; 3 city parcels at 1522 King Street
3031	4-13-85	Sale ($79,415.00)	Virginia Department of Highway and Transportation; three parcels on Duke Street between Longview Drive and Wheeler Avenue
3040	5-18-85	Transfer	Ruth I. Baer; Holland Lane between Duke Street and the R, F&P tracks
3043	5-18-85	Sale ($265,000.00)	E.L.C. Corporation; 1419—1429 Duke Street and a contiguous parcel having no frontage on Duke Street
3049	6-15-85	Sale ($54,000.00)	Alexandria Olympic Boys' and Girls' Club; 409—413 North Payne Street
3063	6-25-85	Transfer	Nick and Marianna Nicholas; 1800 and 1806 King Street
3071	9-14-85	Sale ($6,000,000.00)	A&A Partnership; John Roberts Homes site
3077	9-14-85	Sale ($861,485.00)	Washington Metropolitan Area Transit Authority; parcel between Eisenhower Avenue and the Southern Railroad tracks at the Cameron Run channel
3081	10-19-85	Sale of one-half interest ($20,180.00)	County of Arlington; newly created tax parcel adjacent to 5261 Eisenhower Avenue

Ordinance Number	*Date*	*Transaction (Amount)*	*Description / Owner*
3082	10-19-85	Sale ($60,935.00)	Virginia Department of Highways and Transportation; 1505 Powhatan Street
3085	10-19-85	Sale ($55,111.00)	Steven and Teresa Moff; 517 North Alfred Street
3101	1-18-86	—	Amends Ord. No. 3040
3114	3-22-86	Sale ($29,110.00)	Alternative Design, Inc.; 1015 Princess Street
3167	11-24-86	Sale ($23,650.00)	Washington Metropolitan Area Transit Authority
3198	4-11-87	Sale ($11,775.00)	471.2 square feet at rear of Lots 120, 122 and 122½ North Patrick Street
3217	6-13-87	Exchange	3449 Duke Street; south side of Braddock Road across from Blessed Sacrament Church
3218	6-13-87	Exchange	Property near the northeast corner of the intersection of North Beauregard Street and North Almislead Street; South side of Braddock Road across from Blessed Sacrament Church
3226	6-23-87	Conveyance	Police/jail site, 400 North Pitt Street
3250	11-14-87	Sale ($14,300.00)	Portion of right-of-way dedicated for Edsall Road located on the west side of South Reynolds Street
3251	11-14-87	Sale ($80,000.00)	Mary Holmes and Jeanette C. Holmes; 123 Wesmond Drive
3252	11-14-87	Sale ($80,000.00)	Arlene V. Rucker; 218 Wesmond Drive
3254	11-14-87	Sale ($351,000.00)	C.S. Taylor Burke, Jr.; 319 Prince Street
3258	12-12-87	Sale ($3,996.00)	Philip and Ann Bermingham; portion of public right-of-way of Franklin Street
3293	5-14-88	Sale ($7,500.00)	5,204 square feet located at the northwest corner of the intersection of Duke Street and West Taylor Run Parkway.
3300	6-18-88	Sale ($60,200.00)	314 North Henry Street
3315	6-18-88	Sale ($351,000.00)	319 Prince Street
3447	4-21-90	Sale ($53,501.00)	Edward S.J. Fader and Mustaq. A. Shah, M.D.; 617 North Henry Street
3472	9-15-90	Sale ($48,500.00)	1120 Princess Street
3506	4-13-91	Conveyance	United States Courthouse site, Lot 506 within the Carlyle project
3531	6-25-91	Sale ($295,000.00)	Sidney Kowalczyk and Marshall Mays, 1522—1600 King Street
3543	11-16-91	Sale ($53,501.00)	Rescinds Ord. No. 3447; authorizes sale of property at 617 North Henry Street to Edward S.J. and Roberta V.Z. Fader
3611	1-12-93	Sale ($150,000.00)	Sheltered Homes of Alexandria, 633 North Columbus Street
3632	5-15-93	Sale ($88,550.00)	Patricia J. Howe and Kevin B. Howe, 254 Burgess Avenue
3667	9-18-93	Conveyance	410 South Washington Street/Historic Alexandria Foundation, Inc.
3669	9-18-93	Conveyance	District Nursing Home/Jacquelyn T. Murri
3684	11-13-93	Conveyance	Lawrence N. Brandt, Inc.; property at the intersection of Cameron and North Columbus Streets
3718	4-16-94	Sale ($62,000.00)	Beverly Drive Corporation, 325 North Henry Street
3801	5-23-94	Sale ($30,000.00)	Habitat for Humanity, 1114 Princess Street
3814	6-27-94	Conveyance	District Nursing Home/A.A. Gaunoux
3832	10-14-95	Sale ($88,000.00)	3807 Edison Street

Ordinance Number	*Date*	*Transaction (Amount)*	*Description / Owner*
3853	3-23-96	Sale ($42,547.00)	327 North West Street
3877	6-25-96	Sale ($19,000.00)	Washington Metropolitan Area Transit Authority, 3701, 3965 and 4001 Eisenhower Avenue
3878	6-25-96	Conveyance	721 Queen Street and 307 North Columbus Street
3914	1-25-97	Sale ($85,000.00)	138 Dale Street
3939	6-14-97	Sale ($1,005,000.00)	City of Alexandria, property near the Eisenhower Avenue Connector Interchange with the Capital Beltway
3940	6-14-97	Sale ($317,075.00)	City of Alexandria, property located near the intersection of Braddock Road and Mount Vernon Avenue
4107	2-12-00	Sale ($875,000.00)	The Alexandria Marketplace, LLC, 1505 Powhatan Street
4125	4-15-00	Sale ($165,000.00)	EQR-Lincoln Alexandria, L.L.C., 3600 Jefferson Davis Highway
4136	5-13-00	Sale ($36,101.00)	Michael C. Landi, 3292 North Henry Street
4180	12-16-00	Conveyance	Virginia Electric and Power Company, Sheet Nos. 7A and B and 16
4292	3-15-03	Conveyance	Alexandria Redevelopment and Housing Authority; 423 South Reynolds Street
4313	9-13-03	Conveyance	City of Alexandria, certain real property and permanent easements (description on file)
4372	1-25-05	Conveyance	City of Alexandria, certain real property and permanent easements (description on file)
4602	6-13-09	Sale ($279,000.00)	322 Wesmond Drive
4721	6-24-11	Sale ($280,500.00)	City of Alexandria, 401 East Braddock Road
4746	1-21-12	Sale ($662,000.00)	City of Alexandria, 716 and 718 North Columbus Street
4826	9-21-13	Sale ($1,250,000.00)	City of Alexandria, 200 North Royal Street
4870	4-12-14	Sale ($5,230,000.00)	City of Alexandria, 509 North Saint Asaph Street and 511, 513 and 515 Oronoco Street
4900	9-13-14	Exchange/acquisition	Anita Mann; 204 Strand Street Jane Caster Sweeney; 208 Strand Street Multiple property owners; Strand Street 200 block 0 Prince Street, 200 Strand Street, 204 Strand Street Old Dominion Boat Club; 1 King Street, 2 King Street

[The next page is 2075]

APPENDIX J

ORDINANCES RELATED TO SECTION 7-6-3, FIFTH REVISED ZONING MAP AND ZONE BOUNDARIES

Ordinance Number	Date	Property	From	To
2684	5-15-82	Lot 6, Block 1, Map 83.01	R-A	RC
		Lot 12, Block 4, Map 32.00	R-8	RB
		Lot 1, Block 1, Map 78.00	C-2, I-1	M-3
2685	5-15-82	Lots 10, 11, Block 1, Map 11.00	RC	C-2-B
2697	6-12-82	Lot 1, Block 8, Map 65.03	I-2	RM
2740	11-13-82	Lots 12, 13, Block 10, Map 64.02	C-2	RM
		Lots 14—20, 25—38, Block 7; Lots 8—35, Block 8, Map 80.01	RC	RM
		Lots 36—38, parts of 34 and 35 and alley, Block 4, Map 80.01	I-1	RB
		Lots 1, 2, Block 7, Maps 54.03, 64.01	CO	M-2
2747	12-14-82	Lots 5, 6, Block 2, Map 32.00	R-8	CO
2775	**2-22-83**	**Lots 21—29, 29.01—29.05, Block 8, Map 74.01; Lots 12, 14, 14.01—14.05, 15—20, Block 9, Map 74.01**	**I-1**	**C-3**
2792	**4-16-83**	**Amends description in Ord. No. 2775**	**—**	**—**
2807	**5-14-83**	**Lot 3.14(7.01), Block 3, Map 72.00**	**I-2**	**M-3**
		Lot 13.04, Block 3, Map 72.00	**I-1**	**M-3**
		Lots 1—3, Block 1, Map 78.00	**I-1**	**M-3**
		Lots 4 and 5, Block 4, Map 72.00	**C-2**	**M-3**
		Lots 2, 3, and 7, Block 4, Map 72.00	**I-1, I-2**	**M-3**
		Lot 1, Block 4, Map 72.00	**I-1, I-2**	**M-3**
		Lots 1, 13.01, 13.03, 14, Block 3, Map 72.00	**I-1, I-2**	**M-3**
		Lot 3, Block 2, Map 54.01	**I-1**	**M-2**
		Rear 25 feet of Lot 22, Block 2, Map 74.04	**RB**	**C-2-B**
		Lot 26, Block 11, Map 74.04	**RB**	**C-2-B**
2808	**5-14-83**	**Lot 6, Block 1, Map 64.04**	**RB**	**C-3**
2809	**5-14-83**	**Lots 1—5, Block 2, Map 24.04; Lots 1—3, Block 1, Map 34.02; Lots 1—5, 11—14, 16, 17, Block 3, Map 34.02; Lots 1—3, 6, part of 7, 10, all of 11—14, Block 8, Map 34.02; Lots 1—10, 13—18, Block 11, Map 34.02; Lots 5, 6, part of 7, Block 16, Map 34.02; Lot 1, 7—9, part of 15, all of 16—23, Block 6, Map 34.04; Lot 1, 3—6, part of 15, all of 16—21, Block 9, Map 34.04**	**R-B**	**R-2-5**
		Lots 2—6, Block 4, Lots 1—3, 34—42, Block 9, Map 43.03	**RA**	**R-5**
2841	6-29-83	Block 1, half of continuation of South Columbus Street south of Church Street, Map 83.01	RC	C-2-B
2843	7-13-83	Lots 2 and 3, Block 4, Map 55.01; Lot 1, Block 2, Map 55.03	I-2	W-1
		Lot 3, Parcels A, B, B-1, B-2, Block 2, Map 55.03	I-2	W-1
		Lot 3.01, Block 2, Map 65.01	I-2	W-1
		Lot 3, Block 2, Map 65.01	I-2	W-1
		Lot 1, Block 7, Map 65.03	I-2	W-1
		Lot 9, Block 3, Map 75.03	I-2	W-1
		Lots 1—3, Block 4, Map 75.03	I-2	W-1
		Lot 1, Parcels A, B, Block 9, Map 75.03	I-2	W-1
		Lot 5-02, Block 2, Map 55.03	I-2	WPR
		Lots 1—4, Block 6, Map 65.03	I-2	WPR

Ordinance Number	Date	Property	From	To
		Lots 8, 9, Block 5, Map 75.01	I-2	WPR
		Lots 37—39, Block 1, Map 81.01	I-2	WPR
		Lot 66, Block 1, Map 81.01	I-2	WPR
		Lot 12, Block 3, Map 75.03	I-2	W-1
		Lot 11, Block 3, Map 75.03	I-2	W-1
		Lot 10, Block 3, Map 75.03	I-2	W-1
		Lot 4, Block 2, Map 55.03	I-2	WPR
		Lots 1.1, 1.2, 4, Block 7, Map 65.03	I-2	WPR
		Lot 5, Block 4, Lot 4, part of Lot 9, Block 5, Map 75.01	I-2	WPR
2874	11-12-83	Lot 1, Block 9, Map 73.02	I-1, I-2	M-1
2882	11-12-83	Lot 15, Block 4, Map 22.02	R-8	RB
2883	11-12-83	Lot 66, Block 22, Map 81.01	I-2	WPR
		Lot 1, Block 2, Map 84.01	RM	WPR
		Lots 3, 6, 7, 13, part of Lots 11, 12, Block 2, Map 54.01	CO	M-2
2896	1-21-84	Lots 1, 2, Block 5, Map 60.02	R-8	RB*
2899	1-21-84	Lot 7 and part of 8, Block 16, Map 34.02	RB	R-2-5
		Lot 1 and part of 2, Block 2, Map 34.04	RB	R-2-5
		Lots 5, 6 and part of 9, Block 6, Map 34.04	RB	R-2-5
		Lots 7, 8 and part of 10, Block 9, Map 34.04	RB	R-2-5
		Lots 8, 8.01, 8.02, Block 6, Map 34.04	R-2-5	RB
		Part of Lot 9, Block 6, Map 34.04	R-2-5	C-2
2900	1-21-84	Lot 1, Block 2, Map 36.00	RA	WPR
		Lots 20, 21, Block 2, Map 29.00	RA	RB
		Lot 9 and part of 8, Block 2; Lots 9.03, 10.01, 10.02, Block 3, Map 72.00	I-2	M-3
2909	3-21-84	Amends Ord. No. 2883, Lot 66, Block 2, Map 81.01	I-2	WPR
2919	4-14-84	Lot 28, Block 11, Map 74.04	RB	C-2-B
		12.2 acres (approx.) on East Bellefonte, East Duncan, Dewitt, East Nelson, Mount Vernon, East Alexandria, Fourth Street, East Lurrau	RB	R-2-5
		Lot 15, Block 2, Map 75.01	I-1	C-3
		Lot 10, Block 2, Map 15.04	RA	RB
		Lot 7, Block 1, Map 11.00; Lots 3 and 28, Block 1, Map 12.00	RC, C-2	CO
		Lots 15—17, Block 3, Lots 15, 16, Block 4, Map 43.02; Lots 1—11, Block 1, Map 44.01	RB	R-2-5
2920	4-14-84	Part of Lot 1, Block 4, Map 57.00	RC	C-1-B*
2952	6-27-84	Lots 12—17, Block 3, Map 15.04	RA	RB
2953	6-27-84	Lots 1.01, 1.02, 2—4, 11—14, Block 2, Map 15.04	RA	RB
2954	8-27-84	Lot 24, Block 4, Map 64.01	I-1	RB
2955	6-27-84	Lot 10, Block 6, Map 74.02	C-3	C-3*
2956	6-27-84	Lot 5.01, Block 1, Map 45.03	RM	CO*
2981	11-17-84	Part of Lot 9.01, Block 3, Map 73.02	RDC-3	
2982	11-17-84	Amends Ord. No. 2525, property at 3601 Duke Street, zoned RT, amending proffers		
2997	12-15-84	Amends Ord. No. 2697, Lee Street Parking Lot, zoned RM, to delete proffer		
3001	1- 8-85	Part of Lot 6, Block 8, Map 15.01	RA	C-2-B
3002	1- 8-85	Lots 4, 5, 6, 7, 8 and 9, Block 3, Map 15.04	RA	C-2-B*
3003	1- 8-85	Lots 23, 25 and 26, Block 4, Map 64.01	I-1	RB
3026	3-16-85	Part of Lot 2.02, Block 3, Map 73.02	RD	C-3

*With proffer

Ordinance Number	Date	Property	From	To
3084	10-19-85	Part of Lot 5, Block 3, part of Lot 10, Block 8, part of Lot 10, Block 11, Map 34.02	R-2-5	C-2
		Part of Lot 7, Block 3, part of Lot 8, Block 3, part of Lot 9, Block 9, part of Lot 10, Block 3, part of Lot 12, Block 11, Map 34.02; part of Lot 14, Block 6, Map 34.04	C-2	R-2-5
		Part of Lot 15, Block 9, Map 34.04	RB	C-2
		Lot 7, part of Lot 8, Block 8, part of Lot 8 and part of Lot 9, Block 16, part of Lot 10, Block 16, Map 34.02; part of Lot 2, Block 2, part of Lot 9, Block 6, part of Lot 15, Block 6, part of Lot 15, Block 9, Map 34.04	RB	R-2-5
3094	11-16-85	Lot 1, part of Lot 3, Block 8, Map 63.04	RB	C-3
3106	2-11-86	Lot 4, Block 1, Map 45.03	RA	RC
3107	2-11-86	Lots 10–22, Block 2, Map 73.01	I-1, I-2	M-1
3132	6-14-86	Part of Lot 19, Block 2, Map 61.00	R-8, RA	RB
		Part of Lot 01-02, Block 02, Map 57.00	C-2	RC
3133	6-14-86	Lot 03, Block 05, Map 43.04	C-1	R-2-5
3134	6-14-86	Lot 04, Block 05, Map 43.04	C-1	R-2-5
3135	6-14-86	Lot 05, Block 05, Map 43.04	C-1	R-2-5
3146	6-25-86	Amends Ord. No. 2747		
3168	12-13-86	Lots 1, 2, 28–32, 36–39, Block 9, Map 64.03; Lots 34–37, Block 3, Map 64.03; Lots 10–13, 26–29, 34–36, Block 5, Map 64.03	C-3	RB
		Lots 30–33, Block 5, Map 64.03	C-3	RC
		Lots 1–4, 20–23, Block 12, Map 64.01; Lot 1, Block 3, Map 64.03	C-2	RB
		Lots 4–8, Block 6, Map 54.03	RC	RB
3169	12-13-86	Lot 4 and part of Lots 4.01, 4.02, 18.01, Block 1, Map 60.04	R-8	I-1
3170	12-13-86	Lot 2, Block 1, Map 58.01; Lots 11-13, Block 4, Map 57.00	R-8	RC
3186	3-21-87	Lot 6, Block 2, Map 20.00	R-8	RB
		Lot 1, Lots 38–48, Block 5, Lots 11-35, Block 6, Map 7.00	RA	RB
		Lots 5–11, Block 4, Lots 2–37, 49–51, Block 5, Map 7.00	RA	RB
3194	4-11-87	Part of Parcel 501 subdivision of portion of Lot 8, Block 8, Map 15.01	RA, C-2	C-2-B
3216	6-13-87	0.40 acre parcel of land belonging to the city bordering on property of Abdus Samee, property of David K. Wiecking, Duke Street and North Quaker Lane, and 1.05556 acre parcel of land belonging to David K. Wiecking bordering on property of Robert K. Werner, North Quaker Lane, property of Abdus Samee and property of Alfred Minnich	RB	R-8
3219	6-13-87	Lot 1, Map 06.04	RA, R-8	RB
3220	6-13-87	Lot 18, Block 13, Map 64.01	I-1	RB
		Lots 3–11, Block 10, Map 64.03	C-3	RB
3227	6-23-87	Lot 28, Block 1; Map 61.00	R-20	RB
		Lot 28, Block 1, Map 61.00	R-20	R-12
3229	6-24-87	Lot 23, Block 2, Map 64.04	RC	RM
3235	10-13-87	Repealed by Ord. No. 3246 (10-27-87)		
3246	10-27-87	Lots 18 and 19, Block 2, Map 61.00		
		Parcel B, 4.44 acres	R-8	RT
		Parcel C, 5.22 acres	R-8	RB
		Parcel D-1, 1.49 acres	R-8	RB
		Parcel E, 4.29 acres	R-8	RC

Ordinance Number	Date	Property	From	To
		Parcel F, 12.62 acres	R-8, RA, RC, C-2	C-2-B
3271	2- 9-88	Lots 12 and 13, Block 1, Map 61.00	R-8, R-20	RB
3272	2- 9-88	Lots 14 and 15, Block 1, Map 61.00	R-8	RB
3273	2- 9-88	Lots 16, 17, 18 and 19, Block 1, Map 61.00	R-8	RB
3274	2- 9-88	Lots 2–5, Block 3, Map 72.00	I-2	M-3
		Lots 1–3, Block 2, Map 72.00	I-2	M-3
3275	2-27-88	Lots 4, 5, 6, 7, 8 and 9, Block 3, Map 43.04	RB	R-2-5
3285	4-16-88	Lots 7–24, Block 1, Map 12.00	R-12	C-O
3337	11-19-88	Lot 45, Block 1, Map 81.03	RM, I-2	W-1
3338	11-19-88	Lot 3, Block 4, Map 64.03	RB	C-1-B
3353	1-14-89	Lots 9–12, Block 2, Map 58.01	RC, R-5, I-1	C-O
		Lots 1.3, 6.7, Block 1, Map 58.01	RC, R-5, I-1	C-O
		Part of Lot 1, Block 1, Map 58.02	RC, R-5, I-1	C-O
3384	6-17-89	Lots 7–9, 11–14, Block 2, Map 32.00	R-8	C-O
3393	6-27-89	Lot 27, Block 9, Map 50.00	R-5, R-8	C-2-B
3394	6-27-89	Property containing approximately 3.13 acres	C-2	C-O
3420	12-16-89	Lot 46, Block 1, Map 81.03	RM, I-2	W-1
3436	2-24-90	Lot 6, Block 6, Map 72.00	I-2	M-3
3453	5-12-90	Property containing approximately 76.5 acres	I-1, I-2, M-2	C-O
3470	6-26-90	Lots 11 and 12, Block 3, Map 72.00	I-1, I-2	M-3
3474	10-13-90	Lot 5, Block 1, Map 60.04	R-8	I-1
3589	6-24-92	Lot 10, Block 1, Map 11.00	R-C, C-2, C-2B	R-C

Editor's note—It should be noted that on Feb. 9, 1993, the city adopted a new zoning ordinance which is published separately. See appendix A to that volume for a current listing of zoning map amendments.

CODE COMPARATIVE TABLE

R — Repealed
S — Superseded
NC — Not Codified
V — Code of Virginia (1950), as amended
et seq. — And the sections which follow

Code '63	Code '81	Code '63	Code '81
1-1	S 1-1-1	2-21	2-1-20
1-2	1-1-2	2-22	2-1-21
1-3	1-1-3	2-23	2-1-22
1-4	1-1-4	2-24	2-1-23
1-5	1-1-5	2-24.1	2-1-24
1-5.1	NC	2-25	2-1-25
1-6	1-1-6	2-26	2-1-26
1-7	3-1-1	2-27	2-1-27
1-8	2-2-1	2-28	2-1-41
1-9	2-2-2	2-28.1	2-1-42
1-10	2-2-3	2-29	2-1-43
1-11	2-2-4	2-29.1	2-1-44
1-12	2-2-5	2-29.2	2-1-45
1-13	2-2-6	2-30	2-1-46
1-14	2-2-7	2-31	2-1-47
1-15	2-2-8	2-32	2-1-48
1-16	2-2-9	2-33	2-1-49
1-17	S 2-2-10	2-34	2-1-50
1-17.1	2-2-11	2-35	2-1-51
1-18	2-2-12	2-36	2-1-52
1-19	2-2-13	2-37	2-1-53
1-20	NC	2-38	2-1-54
1-21	R	2-39	2-1-55
1-22	R	2-40	2-1-56
1-23	R	2-41	2-1-57
		2-42	2-1-58
2-1	2-1-1	2-43	2-1-59
2-2	2-1-2	2-44	2-1-60
2-3	2-1-3	2-45	S 2-5-1
2-4	2-1-4	2-46	2-5-2
2-5	2-1-5	2-47	2-5-3
2-6	2-1-6	2-47.1	R
2-7	2-1-7	2-47.2	2-5-12
2-8	2-1-8	2-47.3	2-5-13
2-9	R	2-47.4	2-5-14
2-10	2-1-9	2-47.5	2-5-15
2-11	2-1-10	2-47.6	2-5-16
2-12	2-1-11	2-47.7	2-5-17
2-13	2-1-12	2-48	R
2-14	2-1-13	2-49	4-2-1
2-15	2-1-14	2-49.1	4-2-2
2-16	2-1-15	2-50	4-1-1
2-17	2-1-16	2-51	4-1-2
2-18	2-1-17	2-51.01	4-1-3
2-19	2-1-18	2-51.1	4-1-4
2-20	2-1-19	2-52	4-1-11

Code '63	Code '81	Code '63	Code '81
2-53	4-1-12	2-103	2-5-56
2-54	4-1-13	2-104	2-5-57
2-55	4-1-14	2-104.1	2-5-58
2-56	4-1-15	2-104.2	2-5-59
2-57	4-1-16	2-104.3	2-5-60
2-58	4-1-17	2-105	R
2-59	4-1-18	2-105.1	2-6-1
2-60	4-1-19	2-105.2	2-6-2
2-61	4-1-20	2-106	2-6-3
2-62	4-1-21	2-107	2-6-4
2-63	R	2-108	2-6-5
2-64	R	2-109	R
2-65	R	2-110	R
2-66	R	2-111	2-6-6
2-67	R	2-112	12-1-1
2-68	R	2-113	12-1-2
2-69	R	2-114	R
2-70	R	2-115	R
2-71	R	2-116	R
2-72	R	2-117	R
2-73	R	2-118	R
2-74	3-3-1	2-119	R
2-75	R	2-120	R
2-76	R	2-121	R
2-77	R	2-122	R
2-78	3-3-2	2-123	R
2-79	3-3-3	2-124	R
2-80	3-3-4	2-125	R
2-81	3-3-5	2-126	R
2-82	3-3-6	2-127	R
2-83	3-3-7	2-128	R
2-84	3-3-8	2-129	R
2-85	R	2-130	R
2-86	3-3-9	2-131	R
2-87	3-3-10	2-132	R
2-88	R	2-133	R
2-89	R	2-134	R
2-90	R	2-135	R
2-91	3-3-11	2-136	R
2-92	R	2-137	R
2-93	3-3-12	2-138	R
2-93.1	3-3-13	2-139	12-2-1
2-94	R	2-140	12-2-2
2-95	R	2-141	12-2-3
2-96	R	2-142	12-5-1
2-97	R	2-143	12-5-2
2-98	S 2-5-4	2-144	12-5-3
2-99	S 2-5-51	2-145	12-5-4
2-100	2-5-52	2-146	12-5-5
2-101	2-5-53	2-147	12-5-6
2-101.1	NC	2-148	12-5-7
2-101.2	2-5-54	2-149	12-5-8
2-102	S 2-5-55	2-150	12-5-9

Code '63	Code '81
2-151	12-5-10
2-151.1	12-5-11
2-152	12-6-1
2-153	12-6-2
2-154	12-6-3
2-155	12-6-4
2-156	12-6-5
2-157	12-7-1
2-158	12-7-2
2-159	12-7-3
2-160	12-7-11
2-161	12-7-12
2-162	12-7-13
2-163	12-7-14
2-164	12-7-15
2-165	12-7-16
2-166	12-7-17
2-167	12-8-1
2-168	12-8-2
2-169	12-8-3
2-170	12-8-4
3-1	9-2-1
3-2	9-2-2
3-3	9-2-3
3-4	9-2-4
3-5	9-2-5
3-6	9-2-6
3-7	9-2-7
3-8	9-2-8
3-9	9-2-9
3-10	9-2-10
3-11	9-2-11
3-12	9-2-12
3-13	9-2-13
3A-1	7-3-1
3B-1	R
3B-2	R
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3B-4	R
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3B-6	R
3B-7	R
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3B-11	R
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3B-22	R
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3B-25	R
4-1	5-7-1
4-2	5-7-2
4-2.1	5-7-3
4-3	5-7-11
4-4	5-7-12
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4-6	5-7-14
4-7	5-7-15
4-8	5-7-16
4-9	5-7-17
4-10	5-7-31
4-11	5-7-32
4-12	5-7-33
4-13	5-7-34
4-13.1	5-7-35
4-14	5-7-36
4-15	5-7-37
4-16	5-7-38
4-17	S 5-7-39
4-71.1	5-7-40
4-18	5-7-41
4-19	5-7-42
4-20	5-7-43
4-20.1	5-7-44
4-21	5-7-45
4-22	5-7-46
4-22.1	5-7-47
4-22.2	5-7-48
4-22.3	5-7-49
4-22.4	5-7-50
4-22.5	5-7-51
4-22.6	5-7-52
4-22.7	5-7-53
4-22.8	5-7-54
4-22.9	5-7-55
4-22.10	5-7-56
4-23	5-7-71
4-24	5-7-72
4-25	5-7-73
4-26	5-7-74
4-27	5-7-75

Code '63	Code '81
4-28	5-7-76
4-29	5-7-77
4-30	5-7-78
4-31	5-7-79
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7B-40	9-3-92	7B-93	9-3-207
7B-41	9-3-93	7B-94	9-3-208
7B-42	9-3-94	7B-95	9-3-209
7B-43	9-3-95	7B-95.1	9-3-210
7B-44	9-3-96	7B-96	9-3-221
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7B-53	9-2-121	8-7	12-3-14
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7B-75	9-3-182	8-29	12-3-46
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7B-78	9-3-185	8-32	12-3-61
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10A-14	5-4-15
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33-6	5-2-6	33-59	5-2-101
33-7	5-2-7	33-60	5-2-102
33-8	R	33-61	5-2-103
33-9	5-2-8	33-62	5-2-104
33-10	5-2-9	33-63	5-2-105
33-11	5-2-10	33-64	5-2-106
33-12	5-2-11	33-65	5-2-107
33-13	5-2-12	33-66	5-2-108
33-14	5-2-13	33-67	5-2-109
33-15	5-2-14	33-68	5-2-110
33-16	5-2-15	33-69	5-2-111
33-17	5-2-16	33-70	5-2-112
33-18	5-2-17	33-71	5-2-113
33-19	5-2-18	33-72	5-2-114
33-20	5-2-19	33-73	5-2-115
33-21	5-2-20	33-74	5-2-116
33-22	5-2-21	33-75	5-2-117
33-23	5-2-22	33-76	5-2-118
33-24	5-2-23	33-77	5-2-119
33-25	5-2-24	33-78	5-2-120
33-26	5-2-25	33-79	5-2-121
33-27	5-2-26	33-80	5-2-122
33-28	5-2-27	33-81	5-2-123
33-29	5-2-28	33-82	5-2-124
33-30	5-2-41	33-83	5-2-125
33-31	5-2-42	33-84	5-2-126
33-32	5-2-43	33-85	5-2-127
33-33	5-2-44	33-86	5-2-141
33-34	5-2-45	33-87	5-2-142
33-35	5-2-46	33-88	5-2-143
33-36	5-2-47	33-89	5-1-144
33-37	5-2-48	33-90	5-2-145
33-38	5-2-49	33-91	5-2-146
33-39	5-2-50	33-92	5-2-147
33-40	5-2-51	33-93	5-2-148
33-41	5-2-61	33-94	5-2-149
33-42	5-2-62	33-95	5-2-150
33-43	5-2-63	33-96	5-2-151
33-44	5-2-64	33-97	5-2-152
33-45	5-2-65	33-98	5-2-153
33-46	5-2-66	33-99	5-2-154
33-47	5-2-81	33-100	5-2-155
33-48	5-2-82		
33-49	5-2-83	34-1	7-5-1
33-50	5-2-84	34-2	7-5-2
33-51	5-2-85	34-3	7-5-3
33-52	5-2-86	34-4	7-5-4
33-53	5-2-87	34-5	7-5-5
33-54	5-2-88	34-6	7-5-6
33-55	5-2-89	34-7	7-5-7

Code '63	Code '81
34-8	7-5-8
34-9	7-5-9
34-10	7-5-10
34-10.1	7-5-11
34-11	7-5-21
34-12	7-5-22
34-13	7-5-23
34-14	7-5-24
34-15	7-5-25
34-15.1	7-5-26
34-16	7-5-27
34-17	7-5-28
34-18	7-5-29
34-19	7-5-30
34-20	R
34-21	7-5-31
34A-1	9-11-1
34A-2	9-11-2
34A-3	9-11-3
35-1	11-8-1
35-2	11-8-2
35-3	11-8-3
35-3.1	11-8-4
35-4	11-8-5
35-5	11-8-6
35-6	11-8-21
35-6.1	11-8-22
35-6.2	11-8-23
35-6.3	11-8-24
35-7	11-8-25
35-8	11-8-26
35-9	11-8-27
35-10	11-8-28
35-11	11-8-29
35-12	11-8-30
35-13	11-8-31
35-14	11-8-32
35-15	11-8-33
35-16	11-8-34
35-17	11-8-35
35-18	11-8-36
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35-21	11-8-52
36-1	R
36-2	R
36-3	R
36-4	S 3-2-4
36-5	S 3-2-5
36-6	R

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36-7	R
36-8	R
36-9	R
36-10	3-2-6
36-11	R
36-12	S 3-2-7
36-13	R
36-14	R
36-15	R
36-16	R
36-17	R
36-18	R
36-19	R
36-20	R
36-20.1 to 20.4	3-2-21 to 3-2-24
36-21	3-2-31
36-22	3-2-32
36-23	3-2-33
36-24	3-2-34
36-25	3-2-41
36-26	3-2-42
36-27	3-2-43
36-28	3-2-44
36-29	S 3-2-45
36-30	3-2-51
36-31	S 3-2-52
36-32	3-2-53
36-33	3-2-54
36-34	3-2-61
36-35	3-2-62
36-36	3-2-63
36-37	3-2-64
36-38	3-2-65
36-39	3-2-66
36-40	3-2-67
36-41	3-2-68
36-42	3-2-69
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36-44	R
36-45	3-2-81
36-46	R
36-47	3-2-82
36-48	S 3-2-84
36-49	3-2-91
36-50	3-2-101
36-51	3-2-102
36-52	3-2-103
36-52.1	S 3-2-104
36-53	3-2-105
36-54	3-2-106
36-54.1	3-2-107
36-55	3-2-108
36-55.1	3-2-109

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36-56	3-2-110
36-57	3-2-111
36-57.1	3-2-112
36-57.2	3-2-113
36-58	3-2-114
36-58.1	3-2-115
36-59	3-2-131
36-60	3-2-132
36-61	S 3-2-141
36-62	3-2-142
36-63	3-2-143
36-64	3-1-144
36-65	3-1-145
36-66	3-2-146
36-67	3-2-147
36-68	3-1-148
36-69	3-2-149
36-70	3-2-150
36-71	3-1-151
36-72	3-2-161
36-73	S 3-2-162
36-74	S 3-2-163
36-75	S 3-2-164
36-76	S 3-2-165
36-77	S 3-2-166
36-78	3-2-167
36-79	3-2-168
36-80	S 3-2-181
36-81	3-2-182
36-82	3-2-183
36-83	3-2-184
36-83.1	3-2-185
36-83.2	3-2-186
36-83.3	3-2-201
36-83.4	3-2-202
36-83.5	3-2-203
36-83.6	3-2-204
36-83.7	3-2-205
36-83.8	3-2-206
36-83.9	3-2-207
36-83.10	3-2-208
36-83.11	3-2-209
36-83.12	3-2-210
36-83.13	3-2-211
36-83.14	3-2-212
36-83.15	3-2-213
36-83.16	3-2-214
36-84	S 3-2-221
36-85	S 3-2-222
36-85.1	S 3-2-223
36-86	S 3-2-224
36-86.1	R
36-87	3-2-225
36-88	3-2-226
36-89	3-2-227
36-90	3-2-228
36-91	3-2-229
36-92	3-2-230
36-93	3-2-231
36-94	3-2-232
36-95	3-2-233
36-96	3-2-234
36-96.1	3-2-235
36-97	3-2-241
36-98	3-2-242
36-99	3-2-243
36-100	3-2-244
36-101	3-2-245
36-102	3-2-246
36-103	3-2-247
36-104	3-2-248
36-105	3-2-249
36-106	3-2-250
36-107	3-2-251
36-108	3-2-252
36-109	R
36-110	R
36-111	S 3-2-261
36-112	3-2-262
36-113	3-2-263
36-114	3-2-264
36-115	3-2-265
36-116	3-2-266
36-117	3-2-267
36-118	3-2-268
36-119	3-2-269
36-120	3-2-270
36-121	3-2-281
36-122	3-2-282
36-123	3-2-283
36-124	3-2-284
36-125	3-2-285
36-126	3-2-286
36-127	3-2-287
36-128	3-2-288
36-129	S 3-2-289
36-130	3-2-301
37-1	9-12-1
37-2	9-12-2
37-3	9-12-3
37-4	9-12-4
37-5	9-12-5
37-6	9-12-6
37-7	9-12-7
37-8	9-12-21

Code '63	Code '81
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37-10	9-12-24
37-11	9-12-25
37-12	9-12-26
37-13	9-12-27
37-14	9-12-28
37-15	9-12-29
37-16	9-12-30
37-17	9-12-31
37-18	9-12-32
37-19	9-12-33
37-20	9-12-34
37-21	9-12-41
37-22	9-12-42
37-23	9-12-43
37-24	9-12-44
37-25	9-12-45
37-26	9-12-46
37-27	9-12-47
37-28	9-12-48
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37-31	9-12-51
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37-50	9-12-80
37-51	9-12-81
37-52	9-12-82
37-53	9-12-83
37-54	9-12-84
37-55	9-12-85
37-56	9-12-86
37-57	9-12-87
37-58	R
37-59	9-12-88
37-60	9-12-89
37-61	9-12-90
37-62	9-12-91
37-63	9-12-92
37-64	9-12-93
37-65	9-12-95
37-66	9-12-96
37-67	9-12-97
37-68	9-12-98
37-69	9-12-99
37-70	9-12-100
37-71	9-12-111
37-72	9-12-112
37-73	9-12-113
37-74	R
37-75	9-12-114
37-76	9-12-115
37-77	9-12-131
37-78	9-12-132
37-78.1	9-12-133
37-79	9-12-134
37-80	9-12-135
37-81	9-12-136
37-82	9-12-137
37-83	9-12-138
37-84	9-12-151
37-85	9-12-152
37-86	9-12-153
37-87	9-12-154
37-88	9-12-155
38-1	R
38-2	R
38-3	R
38-4	R
38-5	R
38-6	R
38-7	R
38-8	R
38-9	R
38-10	R
38-11	R
38-12	R
38-13	R
38-14	R
38-15	R
38-16	R
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38-18	R
38-19	R
38-20	R
38-21	R
39-1	6-2-1

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39-2	6-2-2
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39-5	6-2-5
39-6	6-2-6
39-7	6-2-7
39-8	6-2-8
39-8.1	6-2-9
39-9	6-2-21
39-10	6-2-22
39-11	6-2-23
39-12	6-2-24
39-12.1	6-2-31
39-12.2	6-2-32
39-12.3	6-2-33
39-12.4	6-2-34
39-12.5	6-2-35
39-12.6	6-2-36
39-12.7	6-2-37
39-12.8	6-2-39
39-13	6-2-51
39-14	6-2-52
39A-1	5-3-1
39A-2	5-3-2
39A-3	5-3-3
39A-4	5-3-4
39A-5	5-3-5
39A-6	5-3-6
39A-7	5-3-21
39A-8	5-3-22
39A-9	5-2-23
39A-10	5-3-24
39A-11	5-3-25
39A-12	5-3-26
39A-13	5-3-27
39A-14	5-3-28
39A-15	5-3-29
39A-16	5-3-41
39A-17	5-3-42
39A-18	5-3-43
39A-19	5-3-51
39A-20	5-3-52
39A-21	5-3-53
39A-22	5-3-61
39A-23	5-3-62
39A-24	5-3-63
39A-25	5-3-71
39A-26	5-3-72
39A-27	5-3-73
40-1	5-6-1
40-2	5-6-2
40-3	5-6-3
40-4	5-6-4
40-5	R
40-6	R
40-7	R
40-8	R
41-1	13-2-1
41-2	13-2-2
41-3	13-2-3
41-4	13-2-4
41-5	13-2-5
41-6	13-2-21
41-7	13-2-22
41-8	13-2-23
41-9	13-2-24
41-10	13-2-25
41-11	13-2-26
41-12	13-2-27
41-13	13-2-41
41-14	13-2-42
41-15	13-2-43
41-16	13-2-44
41-17	13-2-45
41-18	13-2-46
41-19	13-2-47
41-19.1	13-2-61
41-20	13-2-71
41-21	13-2-72
41-22	13-2-73
41-23	13-2-74
41-24	13-2-15
41A-1	R
41A-2	R
41A-3	R
41A-4	R
41A-5	R
42-1	7-6-1
42-2	7-6-2
42-3	7-6-3
42-4	7-6-4
42-4.1	7-6-5
42-5	7-6-11
42-6	7-6-12
42-7	7-6-13
42-8	7-6-14
42-9	7-6-15
42-10	7-6-16
42-11	7-6-17
42-12	7-6-18
42-13	7-6-19

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42-14	7-6-20
42-15	7-6-21
42-15.1	7-6-22
42-16	7-6-23
42-16.1	7-6-24
42-17	7-6-25
42-17.1	7-6-26
42-18	7-6-27
42-19	7-6-28
42-20	7-6-29
42-21	7-6-30
42-22	7-6-31
42-22.1	7-6-32
42-22.2	7-6-33
42-22.3	7-6-34
42-23	7-6-41
42-24	7-6-42
42-24.1	7-6-43
42-25	7-6-44
42-25.1 to 42-25.7	R
42-25.8	7-6-51
42-25.9	7-6-52
42-25.10	7-6-53
42-25.11	7-6-54
42-25.12	7-6-55
42-25.13	7-6-56
42-25.14	7-6-57
42-25.15	7-6-58
42-25.16	7-6-59
42-25.17	7-6-60
42-25.18	7-6-61
42-25.19	7-6-62
42-25.20	7-6-63
42-26	7-6-71
42-27	7-6-72
42-28	7-6-73
42-29	7-6-74
42-29.1	7-6-75
42-30	7-6-81
42-31	7-6-82
42-31.1	7-6-91
42-31.2	7-6-92
42-32	7-6-101
42-33	7-6-102
42-34	7-6-103
42-35	7-6-104
42-36	7-6-105
42-37	7-6-106
42-38	7-6-107
42-39	7-6-108
42-40	7-6-109
42-41	7-6-110
42-42	7-6-111
42-43	7-6-112
42-44	7-6-121
42-45	7-6-122
42-46	7-6-123
42-47	R
42-48	7-6-124
42-48.1	7-6-131
42-48.2	7-6-132
42-48.3	7-6-133
42-48.4	7-6-134
42-48.5	7-6-135
42-48.6	R
42-48.7	7-6-136
42-48.8	7-6-137
42-48.9	7-6-138
42-48.10	7-6-139
42-48.11	7-6-140
42-48.12	7-6-141
42-49	7-6-151
42-50	7-6-152
42-51	7-6-153
42-52	7-6-154
42-53	7-6-155
42-54	7-6-156
42-55	7-6-157
42-56	R
42-57	7-6-158
42-58	7-6-159
42-59	7-6-160
42-60	R
42-61	7-6-161
42-62	7-6-171
42-63	7-6-172
42-64	7-6-173
42-65	7-6-174
42-66	7-6-175
42-67	7-6-176
42-67.1	7-6-177
42-68	7-6-191
42-69	7-6-192
42-69.1	7-6-193
42-70	7-6-194
42-71	7-6-195
42-72	7-6-201
42-73	7-6-202
42-74	7-6-203
42-75	7-6-204
42-76	7-6-205
42-77	7-6-206
42-78 to 42-80	R
42-81	7-6-211
42-82	7-6-212
42-83	7-6-213

Code '63	Code '81
42-84	7-6-214
42-85	7-6-221
42-86	7-6-222
42-87	7-6-223
42-88	7-6-224
42-89	7-6-225
42-90	7-6-226
42-91	7-6-227
42-92	7-6-228
42-93	7-6-229
42-94	7-6-230
42-95	7-6-231
42-95.1	7-6-232
42-96	7-6-233
42-96.1	7-6-234
42-96.2	7-6-235
42-96.3	7-6-236
42-97	7-6-237
42-98	7-6-238
42-98.1	7-6-251
42-98.2	7-6-252
42-98.3	7-6-253
42-98.4	7-6-254
42-98.5	7-6-255
42-98.6	7-6-256
42-98.7	7-6-257
42-98.8	7-6-258
42-98.9	7-6-259
42-98.10	7-6-260
42-98.11	7-6-261
42-98.12	7-6-262
42-98.13	7-6-263
42-98.14	7-6-264
42-98.15	7-6-265
42-98.16	7-6-266
42-98.17	7-6-267
42-98.18	7-6-268
42-99	7-6-281
42-100	7-6-282
42-100.1	7-6-283
42-101	7-6-284
42-102	7-6-285
42-102.1	R
42-102.2	7-6-286
42-103	7-6-287
42-104	7-6-288
42-105	7-6-289
42-106	7-6-290
42-107	7-6-291
42-108	7-6-292
42-109	7-6-311
42-110	7-6-312

INTERIM ORDINANCE DISPOSITION TABLE

R — Repealed
S — Supersedes
et seq. — and the sections which follow

The following table shows the placement in the Code of those general and permanent ordinances adopted from June 12, 1979, to February 20, 1982, which represents the period during which the 1963 Code was undergoing recodification. Ordinances prior to that time are absorbed in the 1963 Code section; ordinances subsequent are listed in the Supplement Ordinance Comparative Table.

Ord. No.	Date	Subject	Disposition
2378	6/12/79	Home improvements	8-4-1 et seq.
2380	6/26/79	Taxicabs	9-12-132
2381	6/26/79	Taxing of motor vehicles used as taxicabs	R
2382	6/26/79	Trees and shrubs	6-2-32
2384	6/26/79	Erosion and sediment control	5-4-12, 5-4-13
2388	6/26/79	Traffic	10-6-1, 10-6-3 et seq., 10-6-10 et seq.
2393	6/29/79	Cable television franchise	NC
2395	9/26/79	Offenses	13-1-13, 13-1-15
2396	10/13/79	Traffic	3-2-323 et seq., 3-2-332 et seq., S-10-1-1, 10-1-9, 10-3-22, 10-3-41, 10-4-12
2397	10/13/79	License taxes	3-2-325
2399	10/13/79	Food handling	11-2-444
2401	10/23/79	Zoning—King Street Station Area Zone	7-6-34
2402	10/23/79	Zoning	7-6-42
2403	10/23/79	Zoning	7-6-2
2404	10/26/79	Zoning; off-street parking	7-6-75
2405	11/13/79	Cable television	9-3-43, 9-3-143
2406	11/13/79	Traffic	5-8-41, 10-4-8
2409	11/17/79	Zoning	7-6-2
2410	11/17/79	Zoning	7-6-27
24-13	11/27/79	Taxation of real estate devoted to open space use	3-2-201 et seq.
2414	11/27/79	Traffic	5-8-74, 5-8-77
2415	11/27/79	Cable television	9-3-31
2416	12/11/79	Day nurseries	12-3-1
2418	12/11/79	License tax	Codified throughout title 9, chapter 1
2419	12/11/79	Human rights	12-4-17
2427	1/1/80	Offenses	13-1-8, 13-1-9, 13-1-33
2428	1/12/80	Rat control	11-6-8 et seq., 11-6-17, 11-6-18
2430	1/22/80	Solid waste control	5-1-86, 5-1-87
2432	1/22/80	Supplemental adopting ordinance	NC
2433	2/12/80	Cable television	9-3-72
2434	2/12/80	Zoning; off-street parking	7-6-75
2436	2/23/80	Economic opportunities commission	2-4-21 et seq.
2437	2/26/80	Real estate tax exemptions	3-2-162 et seq.
2439	2/26/80	Housing standards	11-3-22, 11-3-23
2440	2/26/80	Elections	2-2-10

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2443	3/15/80	Taxicab fares	9-12-132
2446	3/15/80	Snow emergency routes	5-8-132, 5-8-133
2452	4/ 8 /80	Citizen committees and boards	2-4-1 et seq.
2453	4/ 8 /80	Child care	12-3-1, 12-3-2, 12-3-81 et seq.
2456	4/12/80	Traffic	10-4-1, 10-4-2
2457	4/12/80	Fees for bad checks	3-2-301
2458	4/12/80	Zoning; child care facilities	7-6-1
2459	4/12/80	Zoning amendments	7-6-1, 7-6-17, 7-6-19, 7-6-44
2460	4/12/80	Site plans	5-5-12
2461	4/12/80	Street names	5-2-62
2462	4/22/80	Site plans	5-5-6
2463	4/22/80	Election districts	2-2-10
2470	5/21/80	Bank franchise tax	3-2-21 et seq.
2471	5/21/80	Taxicabs	9-12-6
2472	5/21/80	Motor vehicles	5-8-24, 5-8-135
2479	5/27/80	Licenses	9-1-79, 9-1-102
2480	6/14/80	Security alarm systems	4-4-1 et seq.
2481	6/14/80	Offenses	13-1-24
2483	6/14/80	Taxicabs	NC
2484	6/14/80	Taxicabs	9-12-1, 9-12-2, 9-12-21, 9-12-77
2485	6/14/80	Licenses	9-1-76
2489	6/14/80	Building code	8-1-1 et seq.
2494	6/14/80	Zoning	7-6-42
2495	6/14/80	Zoning	7-6-192
2496	6/14/80	Condominiums	7-4-1 et seq.
2498	6/14/80	Animals	5-7-39
2499	6/14/80	Motor vehicles	5-8-26
2500	6/14/80	Zoning	7-6-3
2501	6/25/80	Swimming pools; condominiums	11-8-38
2503	6/25/80	Filling stations	9-7-20
2504	6/35/80	Housing standards	11-3-52 et seq.
2505	7/15/80	Massage parlors	11-4-22
2506	7/15/80	Massage parlors	13-1-35
2509	9/13/80	Taxes	3-2-183
2510	9/13/80	Licenses; penalty	9-1-12
2512	9/13/80	Tangible personal property tax	3-2-230
2514	9/23/80	Business and professional licenses	9-1-71, 9-1-72, 9-1-78
2515	9/23/80	Contractor's licenses	9-1-80, 9-1-103
2516	9/23/80	Security dogs	5-7-91 et seq.
2517	10/14/80	Human rights	12-4-2 et seq., 12-4-12, 12-4-13, 12-4-15, 12-4-16
2518	10/29/80	Junk dealers; pawnbrokers; dealers in precious metals	9-8-1, 9-8-11 et seq., 9-8-23 et seq.
2521	10/29/80	Merchants placing vending machines	9-1-57
2527	11/25/80	Licenses; cable television	9-1-73
2528	11/25/80	Parking meters	S 10-4-22, 10-4-24, 10-4-25, 5-8-116
2529	11/25/80	Parking meter zones	5-8-92, 5-8-93

Ord. No.	Date	Subject	Disposition
2531	12/9/80	Parking trucks and commercial vehicles in residential areas	10-4-6
2532	12/13/80	Parking permits	5-8-74
2534	12/13/80	Offenses	13-1-30
2540	1/27/81	Parking permits	5-8-74
2542	2/10/81	Central business district; zoning	7-6-74
2543	2/10/81	Zoning	7-6-41
2544	2/10/81	Site plans	5-5-9
2545	2/10/81	Merchandise sold or displayed on sidewalks	5-2-16
2546	2/10/81	Zoning	7-6-44
2547	2/21/81	Taxicab fares	9-12-132
2552	3/14/81	Sister city	1-2-3
2554	3/14/81	Aging	12-9-1 et seq.
2556	4/14/81	Tax assessment appeals	3-2-185
2558	4/28/81	Alcoholic beverage sales	12-4-8
2563	5/7/81	Vehicle tax	NC, See 3-2-224
2564	5/16/81	Ambulance charges	3-2-131
2565	5/16/81	Zoning	7-6-1
2569	5/16/81	Business licenses	9-1-71 et seq., 9-1-78, 9-1-81, 9-1-82
2570	5/16/81	Delinquent taxes	3-2-146, 3-2-183, 3-2-230, 3-2-248, 3-2-267
2571	5/16/81	Taxicabs	9-12-34, 9-12-94, 9-12-101
2572	5/16/81	Subdivisions	7-5-4, 7-5-9, 7-5-23, 7-5-25
2574	5/16/81	Zoning; parking	7-6-72
2575	5/16/81	Zoning; central business district	7-6-74
2576	5/16/81	Site plans	5-5-9, 5-5-19
2577	5/16/81	Zoning; plans; hearings	7-6-156 et seq., 7-6-192, 7-6-203, 7-6-222, 7-6-228, 7-6-254, 7-6-257, 7-6-284, 7-6-285, 7-6-288, 7-6-289, 7-6-291, 7-6-301 et seq.
2578	5/16/81	Bingo	13-1-13
2579	6/13/81	Department of human services	S 2-3-1 et seq., 12-6-5, 12-9-21
2582	6/13/81	Smoke detectors	8-1-81 et seq.
2584	6/13/81	Fire prevention code	4-2-11 et seq.
2586	6/13/81	Air pollution	11-1-1 et seq.
2587	6/13/81	Precious metals and junk dealers	9-8-1, 9-8-11 et seq., 9-8-31 et seq.
2588	6/13/81	Financial disclosure	2-5-11 et seq.
2589	6/13/81	Ethics	2-5-31, 2-5-32, 2-5-34 et seq., 2-5-41 et seq.
2590	6/13/81	Erosion and sedimentation control	5-4-7 et seq., 5-4-20
2596	6/13/81	Traffic violations	3-2-354

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2598	6/13/81	Costs in civil cases	3-2-51
2599	6/13/81	Retirement plan	2-5-51
2606	6/24/81	Zoning	7-6-41
2607	6/24/81	Historic buildings	7-6-268
2608	6/24/81	Zoning	7-6-4
2609	7/8/81	Merchandise on sidewalks	5-2-16
2611	7/16/81	I-1 and I-2 districts	7-6-30, 7-6-31
2612	7/16/81	M-3 metro Eisenhower Avenue station area zone	7-6-36
2615	9/22/81	Social services advisory board	12-8-2
2616	9/22/81	Truck traffic prohibited	10-1-15.1
2619	10/19/81	Appointments to committees	2-4-7(c)
2620	10/28/81	RC residence zone	7-6-19(a)(3)b8
2621	10/28/81	One percent sales tax	3-2-91
2623	11/14/81	Off-street parking	7-6-72(4)a
2630	11/14/81	Cemeteries	5-10-1—5-10-4
2632	12/1/81	Election districts; polling places	2-2-1(d), 2-2-10(d)(4), 2-2-10(g), 2-2-10(g)(1), 2-2-10(h), 2-2-10(h)(1)
2633	12/12/81	Central business district	7-6-74(b)
2634	12/14/81	Cable television transfer; timetable	9-3-43 9-3-72 9-3-114(b)
2637	1/23/82	Multiple passenger taxicab fare	9-12-138
2641	1/26/82	Appointments to committees	2-4-7(e)
2653	2/20/82	Zoning definitions	7-6-1(9.1), (9.2), (66.1), (66.2)
2654	2/20/82	Off-street parking	7-6-72(3), (4)
2655	2/20/82	R-20 residence zone	7-6-12(a)(17), (18)

SUPPLEMENT ORDINANCE COMPARATIVE TABLE

The following table shows the placement in the Code of the substantive sections of ordinances amending the Code, beginning with the adoption of the 1981 Code. Ordinances included in the codification project can be found in the Ordinance Disposition Table, preceding. Omitted ordinances are listed in the appendices following title 13 and preceding these tables. Each section of an ordinance amending the Code can be traced to one or more sections of the Code. The abbreviation Rpld stands for repealed; Rnbd stands for renumbered or relettered.

Ordinance Number	Date	Section		Section this Code
2657	2-23-82	1—8		Adopting ordinance, p. vii
2658	3-13-82	1		10-1-15.1
2659	3-13-82			App. D
2660	3-13-82			App. I
2661	3-13-82	1		3-2-163(3), (4)
		2		3-2-166
2662	3-13-82	1	Rpld	9-10-1—9-10-15
		2		9-10-1—9-10-9
		3		9-10-21(3)
2663	3-13-82	1		9-1-12
		2		9-1-75(a.1)
		3		9-1-78(b)
2664	3-13-82	1		3-2-183(b)
		2		3-2-229(c)
2665	3-13-82			App. A
2666	3-13-82	1	Rpld	5-8-112(1)
			Rnbd	5-8-112(2), (3) as (1), (2)
2667	3-13-82	1		3-2-327(c)
		2		3-2-329(b)
2668	3-13-82			App. C
2669	3-13-82			App. A
2670	3-13-82	1		11-7-9(e)
2671	3-13-82			App. I
2672	3-13-82	1		10-4-30(a)
2673	4-17-82	1		11-3-52(d)
		2		11-3-53
2674	4-17-72	1		2-5-7
		2		2-5-61—2-5-65
2675	4-17-82	1		11-1-3
2676	4-17-82	1		7-6-51
2677	4-17-82	1		5-6-72
		2		5-6-75
		3		5-6-80—5-6-92
2678	5-10-82	1		3-2-81
		2—5		3-2-221—3-2-224
2679	5-15-82			App. A
2680	5-15-82	1		tit. 2, ch. 6 (title)
		2, 3		2-6-1, 2-6-2
		4		2-6-5
		5		2-6-7

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2681	5-15-82	1	9-2-14
2682	5-15-82	1	7-6-1(32)
2683	5-15-82	1	7-6-35
2684	5-15-82		App. J
2685	5-15-82		App. J
2686	5-15-82	1	7-6-1(77.1)
		2	7-6-72(12), (13)
2687	5-25-82		App. A
2688	5-25-82		App. A
2689	5-25-82		App. A
2690	6-12-82	1	2-4-21(b)(1)a
2691	6-12-82	1	5-6-25
2692	6-12-82	1	10-4-34
2693	6-12-82	1	5-8-92(a)(1)
2694	6-12-82		App. D
2695	6-12-82	1	tit. 7, ch. 7 (title)
		2	7-4-5
2696	6-12-82	1	7-6-75
2697	6-12-82		App. J
2698	6-12-82	2	5-9-1—5-9-5
2699	6-12-82	1—3	6-2-1—6-2-3
		4	6-2-5(a)(1), (c)
		5—7	6-2-6—6-2-8
		8, 9	6-2-23, 6-2-24
2700	6-12-82	1	5-8-61
2701	6-12-82		App. A
2702	6-12-82		App. C
2703	6-12-82		App. A
2704	6-12-82		App. A
2705	6-22-82		App. A
2706	6-22-82	1	5-8-92(a)(4)
2707	6-22-82		App. F
2708	6-22-82	1	2-4-31, 2-4-32
2709	6-22-82	1	7-6-139(a)
2710	6-22-82	1	7-6-31(b)(1)
2711	7-20-82		App. F
2712	9-14-82	1	3-2-354
2713	9-14-82		App. I
2714	9-18-82	1	5-8-152
2715	9-18-82	1—3	3-2-327—3-2-329
		4	3-2-331(a)
2716	9-28-82	1	13-2-76—13-2-79
2717	9-28-82		App. A
2718	10-12-82	1—5	Supp. No. 1 Adopting Ordinance, p. ix
2719	10-16-82		5-8-3(note)
2720	10-16-82	1	3-2-354(a)(23)
2721	10-16-82	1	9-1-57(a)
		2	9-1-75(a), (d)
		3	9-1-81
		4	9-1-85
		5	9-1-116

Ordinance Number	Date	Section		Section this Code
2722	10-16-82	1		13-1-17
2723	10-16-82	1		2-4-7(c)
2724	10-16-82			App. I
2725	10-16-82			App. D
2726	10-16-82			App. A
2727	11-13-82	3		7-6-268(5)
2728	11-13-82			App. F
2729	11-13-82	1, 2		7-6-32, 7-6-33
		3		7-6-42(a)
		4		7-6-42(a)(6)
		5		7-6-42(j)
2730	11-13-82	1		6-1-4
2731	11-13-82	1		5-8-92(a)(1)
2732	11-13-82			App. C
2733	11-13-82			App. C
2734	11-13-82	1		13-1-38
2735	11-13-82	1		3-2-327(b)
		2		3-2-329(b)
2736	11-13-82	1		tit. 1, ch. 2(title)
		2, 3		1-2-1, 1-2-2
		4, 5		1-2-5, 1-2-6
2737	11-13-82	1		11-3-13(1)
2738	11-13-82			App. A
2739	11-13-82			App. D
2740	11-13-82			App. J
2741	11-13-82	1		7-6-1(42.1)
2742	11-23-82	1		2-5-34
2743	11-23-82	1		13-1-24(f), (g)
2744	11-23-82			App. I
2745	11-23-82	1		10-1-15.1
2746	11-23-82	1—5		Supp. No. 2 Adopting Ordinance, p. xi
2747	12-14-82			App. J
2748	12-14-82	1		9-12-1
		2	Rpld	9-12-21—9-12-34
		3	Added	9-12-21—9-12-33
2749	12-14-82	1		5-7-37(b), (c)
2750	12-14-82			App. G
2751	12-14-82			App. A
2752	12-14-82	1		5-2-21
2753	12-14-82	1		5-8-72
		2		5-8-73(d)
2754	12-14-82			App. C
2755	12-14-82			App. A
2756	1-12-83			App. C
2757	1-22-83	1		3-3-1—3-3-6, 3-3-11—3-3-16, 3-3-21—3-3-23, 3-3-31—3-3-54, 3-3-61—3-3-69, 3-3-71—3-3-75, 3-3-81,

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			3-3-91—3-3-94, 3-3-101—3-3-108, 3-3-111, 3-3-121—3-3-129
2758	1-22-83	1	12-4-6(a)
2759	1-25-83		App. E
2760	1-26-83		App. E
2761	1-26-83	1	5-8-93(b)(2)b
2762	1-26-83	1	9-12-132(a)(11)
2763	1-26-83	1—3	7-4-1—7-4-3
		4	7-4-5(a)(1)
2764	1-26-83		App. A
2765	1-26-83	1	5-5-11(g)
2766	1-26-83	1	5-2-84
		2	5-2-87
2767	1-26-83	1	11-3-51(a)
		2	11-3-55(a)
2768	1-26-83	1	5-2-21
2769	1-26-83	1	8-1-13
2770	1-26-83		App. C
2771	2-22-83	1	9-3-51(b)
		2	9-3-57
		3	9-3-124
		4	9-3-127
2772	2-22-83	1	7-6-32(i.1)
		2	7-6-33(k.1)
2773	2-22-83	1	7-6-223
		2, 3	7-6-227, 7-6-228
		4—6	7-6-230—7-6-232
		7	7-6-233(a), (b)
		8, 9	7-6-234, 7-6-235
		10	7-6-237
		11	7-6-258
		12—14	7-6-259—7-6-261 (titles)
		15	7-6-263
		16	7-6-265
2774	2-22-83	1	Pt. 5, Ch. 3, Art. C (title)
		2—4	5-7-38.1—5-7-40
		5	5-7-45
2775	2-22-83		App. J
2776	2-22-83	1	5-2-123
2777	2-22-83	1	11-3-54(a)
2778	2-22-83		App. C
2779	2-22-83		App. I
2780	2-22-83	1	7-6-193
2781	2-22-83	3	7-6-268(6)
2782	2-23-83	1—5	Supp. No. 3 Adopting Ordinance, p. xii.i

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2783	3-19-83	1		5-8-92(a)(4)
2784	3-19-83	1	Rnbd	7-6-1(66.1) as (66)(a)
		2	Rnbd	7-6-1(49.7) as (66)(b)
2785	3-19-83	1		9-11-3
2786	3-22-83	1		7-6-44(k)
		2		7-6-72(11)a.1
2787	3-22-83	1		5-8-72
2788	4-12-83	1		2-2-10(e)
2789	4-12-83	1		5-7-3(c)
2790	4-16-83	1		9-3-162
		2		9-3-171
		3	Rpld	9-3-172
2791	4-16-83	1, 2		10-4-35, 10-4-36
2792	4-16-83			App. J
2793	4-26-83			App. I
2794	5-10-83			App. I
2795	5-14-83	1		7-6-223
		2, 3		7-6-227, 7-6-228
		4—6		7-6-230—7-6-232
		7		7-6-233(a), (b)
		8		7-6-235
		9		7-6-237
		10		7-6-258
		11—13		7-6-259—7-6-261(title)
		14		7-6-263
		15		7-6-265
2796	5-14-83	1		5-8-92(b)(4)
2797	5-14-83			App. A
2798	5-14-83			App. A
2799	5-14-83	1		5-8-24(a)(2)
2800	5-14-83	1		5-11-1—5-11-5
2801	5-14-83	1		7-6-5
2802	5-14-83	1		12-2-1
2803	5-14-83	1		5-8-92(b)(1)
2804	5-14-83	1		5-8-93
2805	5-14-83	1		5-8-116
2806	5-14-83	1		5-1-31
		2, 3		5-1-34, 5-1-35
2807	5-14-83			App. J
2808	5-14-83			App. J
2809	5-14-83			App. J
2810	5-16-83	1		3-2-181
		2, 3		3-2-221, 3-2-221.1
		4—6		3-2-222—3-2-224
2811	5-24-83	1		13-1-39
2812	5-24-83			App. A
2813	6-14-83	1—5		Supp. No. 4
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2814	6-28-83	1		7-6-74(b)
2815	6-28-83			App. G
2816	6-28-83	1		1-1-7

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2817	6-28-83	1		3-3-69(a)
2818	6-28-83	1		9-8-20
2819	6-28-83			App. C
2820	6-28-83	1		11-7-3(1), (2)
		2		11-7-8(b)
		3		11-7-9
		4		11-7-10(b)
		5		11-7-12
		6		11-7-13(b), (c)
		7		11-7-15(b)
2821	6-28-83	1		11-1-3
2822	6-28-83			App. A
2823	6-28-83			App. A
2824	6-28-83	1		1-1-8
2825	6-28-83	1	Rpld	10-1-2—10-1-8, 10-1-14
		2	Rpld	10-3-3, 10-3-8
		3	Rpld	10-3-21—10-3-26, 10-3-28
		4	Rpld	10-3-41—10-3-44
2826	6-28-83	1, 2		13-1-1, 13-1-2
		3—6		13-1-4—13-1-7
		7		13-1-8(b)
		8—10		13-1-10—13-1-12
		11		13-1-13(k)
		12—17		13-1-16—13-1-21
		18		13-1-22(a)
		19		13-1-23
		20		13-1-24(g)
		21		13-1-25(b)
		22, 23		13-1-27, 13-1-28
		24		13-1-30
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		26		13-1-36(d)
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